



Supreme Court of the Philippines PUBLIC INFORMATION OFFICE

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The Philippine Judiciary Amidst the COVID-19 Pandemic

The Philippine Judiciary remains steadfast in ensuring that the wheels of justice continue to move despite the COVID-19 pandemic which has debilitated not a few businesses and government operations.

Since the start of the government-imposed lockdowns in March 2020, the Philippine Supreme Court (SC) was able to resolve a total of 825 cases. This is proof that the Judiciary never wavered in dispensing its constitutional duty to adjudicate cases despite the lockdown.

Among these resolved cases were the petitions questioning the constitutionality of R.A. 11469, or the *Bayanihan to Heal as One Act*, and the one filed by ABS-CBN Corporation against the National Telecommunications Commissions in connection with its legislative franchise. The Court dismissed the petition of the broadcast network on the ground of mootness considering the supervening denial of the pending House Bills for the renewal of ABS-CBN's legislative franchise on July 10, 2020. On the other hand, the petition questioning some provisions of *Bayanihan to Heal as One Act* was dismissed as petitioner failed to show grave abuse of discretion committed by the respondents.

In both cases and in all others decided by the SC, the Court based its ruling on existing laws and jurisprudence. The SC, whether it sits *en banc* or in divisions of five members each, is and will always be a court of law as mandated by the 1987 Philippine Constitution.

The SC being a "court of law" is further strengthened when it issued in 2010 A. M. No. 10-04-20-SC or the *Internal Rules of the Supreme Court*. Rule 3, Section 1 of the Internal Rules of the Supreme Court categorically states that the SC is "a court of law," which "primary task is to resolve and decide cases and issues presented by litigants according to law."

Section 1, Rule 12, which tackles voting requirements, provides that "all decisions and actions in Court *en banc* cases shall be made upon the concurrence of the majority of the Members of the Court

who actually took part in the deliberations on the issue or issues involved and voted on them.” In the Divisions, all decisions and actions “shall be made upon the concurrence of at least three Members of the Division who actually took part in the deliberations on the issue or issues involved and voted on them.”

Decisions are arrived at only after a learned discussion or deliberations by the en banc or the divisions. A case, at times, may even be scheduled for oral arguments. Rule 10, Section 3 of *The Internal Rules of the Supreme Court* states that “The Court may hear any case on oral argument upon defined issues. The petitioner shall argue first, followed by the respondent and the *amicus curiae*, if any. Rebuttal arguments may be allowed by the Chief Justice or the Chairperson. If necessary, the Court may invite *amicus curiae*.” An *amicus curiae*, literally “friend of the court”, is a person recognized by the Court as an expert on a particular point of law that the Court may choose to invite to provide additional perspectives to the Court.

Incidentally, the Court will be conducting oral arguments next month (September 2020) on the consolidated petitions on the Anti-Terrorism Act (RA 11479).

As mentioned earlier, since the start of the lockdowns in March 2020, the SC was able to resolve 825 cases. Based on the records provided by the Clerk of Court *En Banc*, there were 821 new cases filed before the SC for the period of March 16 - August 7, 2020. However despite the lockdowns, the SC was able to resolve 825 cases during the same period, thus achieving a clearance rate of little more than 100 percent.

“While the health crisis admittedly has adversely affected Court operations, this did not deter the Judiciary from administering its adjudicative functions. I and the other members of the High Court have imposed on ourselves to learn and adapt to technological advances so that we can continue working despite the lockdowns brought about by the pandemic,” said Chief Justice Diosdado M. Peralta.

Chief Justice Peralta said that through technology, the Court justices were able to deliberate on cases even while they were forced to work from home due to the lockdowns. During the Enhanced Community Quarantine (ECQ) the Chief Justice closely monitored the situation of the courts throughout the country while working from home.

The Court also managed to hold important Court events through online technology, including an orientation seminar-workshop for newly appointed judges.

The SC Public Information Office was also able to organize a first ever SC media event last June 11, 2020 wherein the Chief Justice met online the reporters covering the Supreme Court. The said event was aptly titled *2020 Chief Justice Meets the Press (CJMTP): Moving Justice Beyond the Pandemic* and which also coincided with the 119th anniversary celebrations of the SC. Likewise, the Chief Justice spearheaded the virtual Media Launch of the 2019 Amendments to the 1997 Rules of Civil Procedure and to the Revised Rules on Evidence last August 20, 2020.

“The SC held all these important Court activities in strict adherence to the health protocols imposed by the government with the help of various concerned offices whose tireless dedication and creative imagination made videoconferencing possible amidst the health risks brought by the pandemic,” said the Chief Justice.

In the lower courts, a total of 67,481 hearings through videoconferencing have been conducted by trial courts identified by the Office of the Court Administrator as of this month. Of the 67,481 criminal cases, there were 45,336 accused/persons deprived of liberty (“**PDL**”).

To be exact, 60,532 PDLs as of August 21 have been released either through videoconference or regular hearings. This is a most-welcome development considering that our jails are congested and that stricter measures are being implemented especially with the present health crisis.

At the start of the government lockdown, Chief Justice Peralta made several issuances as precautionary measures to help combat the spread of COVID-19. All these COVID-related circulars, orders, and issuances have been timely uploaded by the SC Public Information Office (SC PIO) to the SC website and may be accessed via this link <http://sc.judiciary.gov.ph/covid-19-issuances/>.

Among these issuances was Administrative Circular No. 37-2020 ordering the pilot testing of hearings of criminal cases involving persons deprived of liberty or PDLs through videoconferencing in court stations identified by OCA.

The Court, in June 2019, approved the *Guidelines on the Use of Videoconferencing Technology for the Remote Appearance and Testimony of Certain Persons Deprived of Liberty, or PDLs, in Jails and National Penitentiaries*. These *Guidelines* were implemented and pilot-tested in September 2019 in Davao City courts. The virtual hearings were initially limited to 22 courts.

Banking on the success of the pilot-testing in Davao and with the COVID health scare, the Supreme Court soon provided other trial courts in key cities nationwide with the official Philippine Judiciary 365 accounts each. The Philippine Judiciary 365 has enabled all court stations nationwide to receive pleadings electronically and select courts in key cities to conduct video conferencing hearings. As of present, there are 2,380 authorized courts nationwide.

Taking the lead from the Chief Justice, the SC PIO also featured a court lockdown calendar (<http://sc.judiciary.gov.ph/courts-status/>) in its website. A brainchild of the SC PIO, the court calendar is an innovation in the Court's website which has been most useful to court users especially the litigants and their lawyers who need to check and verify the lockdown status of a particular court in the country. Court users have attested to the court calendar's practicality since it has enabled them to make the necessary adjustments to their respective schedules especially during the health crisis.

COVID-19 Related Court Issuances, Orders, and Circulars	http://sc.judiciary.gov.ph/covid-19-issuances/
List of Judiciary Hotlines and Email Addresses	http://sc.judiciary.gov.ph/hotlines/
Lower Courts' Quarantine Status	http://sc.judiciary.gov.ph/courts-status/