Human Rights Resource Centre (HRRC)
in collaboration with the
Asian International Justice Initiative (AIJI); and
WSD Handa Center for Human Rights and International Justice (Handa Center)

Judicial Training in ASEAN:
A Comparative Overview of Systems and Programs

April 2014
A. Training Organization and Institutionalisation

1. Relevant Recent Legal and Judicial Reforms

The last two decades have been a time of reform, including in regards judicial education. Prior to the creation of the Philippine Judicial Academy (PHILJA), authors note that judicial education/training was an occasional, scattered activity that was conducted by judges’ organizations and the Supreme Court on an *ad hoc* basis.\(^{243}\)

In 1992, a committee for the establishment of a judicial academy was created.\(^{244}\) PHILJA was established in 1996 and received its legislative mandate in 1998. In 1996, the pertinent training programs of PHILJA were incorporated in all conventions of judges.\(^{245}\) The immersion program for judges, which was instituted in 1988, was also extended from one (1) week to one (1) month.\(^{246}\) In 1998, newly appointed trial judges were required to undergo an immersion program for one month. Those promoted were to undergo the program for two weeks.\(^{247}\) In 2003, guidelines were issued to avoid duplication or overlapping training programs and activities by different offices of the Supreme Court. From then on, all seminars, workshops and other judicial and legal education programs for justices, judges, and court personnel were to be conducted and implemented by PHILJA.\(^{248}\)

Additionally, the Philippine Mediation Center Office (PMCO) was established in 2008. The function of the PMCO relates to ADR mechanisms. Philippine Mediation Center Units were also organized throughout the country.\(^{249}\)

2. Institutions Responsible for Judicial Training

<table>
<thead>
<tr>
<th>Institution</th>
<th>Philippine Judicial Academy (PHILJA), within the Supreme Court.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibility</td>
<td>On 12 March 1996, the Supreme Court created PHILJA through an administrative order and charged it with the “formulation and implementation of a continuing program of judicial education for justices, judges, court personnel and lawyers.”(^{250}) On 26 February 1998, a law was passed to formally institutionalize PHILJA as “a training school for justices, judges, court personnel, lawyers and aspirants to judicial posts.”(^{251})</td>
</tr>
</tbody>
</table>

---


\(^{244}\) Ibid., 189-190.


\(^{248}\) Philippine Judicial Academy. *Introduction to PHILJA* (Manila: Philippine Judicial Academy, 2012), 16.

\(^{249}\) Ibid., 11.

\(^{250}\) Administrative Order No. 35-96, Establishment of the Philippine Judicial Academy, 12 March 1996, § 1.

\(^{251}\) An Act Establishing the Philippine Judicial Academy, Defining its Powers and Functions, Appropriating Funds Therefor, and for Other Purposes, Republic Act No. 8557 (1998), § 3
**Training Oversight and Trainers of the Institution**

PHILJA operates under the administration, supervision, and control of the Supreme Court.\(^{252}\)

The Constitution ensures the Supreme Court's independence as regards administrative supervision over all courts and their personnel.\(^{253}\)

PHILJA has a governing board that is tasked to formulate and approve all policy proposals with regard to the general thrust of the Academy. This Board of Trustees is composed of the following: (1) Chief Justice of the Supreme Court (*ex-officio* chairman); (2) Senior Associate Justice of the Supreme Court (*ex-officio* vice chairman); (3) Chancellor of PHILJA, Presiding Justices of the Court of Appeals and the Sandiganbayan, Court Administrator, President of the Philippine Judges Association, and President of the Philippine Association of Law Schools (*ex-officio* members); and (4) judge of a first level court (appointive member).\(^{254}\)

It also has a set of Executive Officials: (1) Chancellor; (2) Vice-Chancellor; and (3) Executive Secretary.\(^{255}\) PHILJA has two (2) Academic Offices, namely, the Academic Affairs Office and the Research, Publications, and Linkages Office.\(^{256}\)

Most of the members of the Board of Trustees are *ex-officio* officers. The appointive member of the Board, who must be an incumbent judge of a first level court who has served as such for at least five (5) years and taught in a reputable law school for the same number of years, is appointed by the Supreme Court and shall serve for a term of one (1) calendar year. He/she may be reappointed for another term.\(^{257}\) The executive officials of PHILJA are also appointed by the Supreme Court.\(^{258}\)

PHILJA is staffed by a Corps of Professorial Lecturers.\(^{259}\) Currently, the Academy has 105 Professorial Lecturers, three (3) of which are Professors with administrative duties. Aside from the 105 Professorial Lecturers, all the justices of the Supreme Court are considered Professorial Lecturers with the rank of Special Professor. Together, they all form PHILJA's Academic Council.\(^{260}\)

A lecturer in PHILJA must have been nominated by a member of the Board of Trustees. The nomination is submitted for approval to the Supreme Court after a majority vote of the Board. He/she is formally appointed to a term of two (2) years, without prejudice to subsequent reappointments.\(^{261}\)

---

\(^{252}\) Ibid., § 1.

\(^{253}\) Ibid., Art. VIII, § 6.

\(^{254}\) Ibid., § 7.

\(^{255}\) Ibid, § 6.

\(^{256}\) Philippine Judicial Academy, *Introduction to PHILJA*, 10.

\(^{257}\) R.A. 8557, § 5.

\(^{258}\) Ibid., § 6. Unless otherwise provided by the Court, they must have “meritorious service as member of a collegiate appellate court for at least five (5) years, or as Regional Trial Court Judge for at least ten (10) years and, in all these instances, meritorious service as teacher of law in a reputable law school for at least five (5) years.” Their term of office is for two (2) years, without prejudice to subsequent reappointments.

\(^{259}\) Ibid., § 6.


\(^{261}\) R.A. 8557, § 6.
3. Participants of Judicial Training

| Requisites for Participants | Under the PHILJA Statutory Charter, the criteria for the selection and admission of participants are determined by the Chancellor in consultation with the Corps of Professorial Lecturers and approved by the Board of Trustees.262

Because of the principle of continuing judicial education, incumbent justices/judges are provided with the latest developments in substantive and procedural law, as well as technology and possible application in courts, and other related topics.

Meanwhile, the Pre-Judicature Program of PHILJA is for aspirants to judicial posts.263 The qualifications for appointment as judge of courts of the first level are the following:264
- Citizen of the Philippines;
- Of proven competence, integrity, probity and independence, and a member of the Philippine Bar;
- At least thirty years of age;
- For at least five (5) years, has been engaged in the practice of law in the Philippines, or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.265

| Recruitment Process | The process of recruiting participants depends on the program and its target audience. Programs may either be compulsory or voluntary. The Supreme Court has the power to require all or some members of the judiciary to take and complete specific programs.

Some programs for newly appointed members of the judiciary, including programs for those who have been newly promoted, may be mandatory. They cannot enter into the performance of their duties, unless they have completed the said programs. Thus, PHILJA indispensably requires all of them to take such programs.

Others, such as the Judicial Career Enhancement Program (JCEP), could be availed of voluntarily by those who have been in the service for some time.

Programs are invariably announced publicly using, for instance, the website of PHILJA and newspapers of general circulation.266

---

263 Ibid., 18.
264 First level courts are: Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts.
266 R.A. 8557, 18-21.
<table>
<thead>
<tr>
<th>Annual Average Number of Graduates</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no data on how many judges graduate annually on average. Likewise, there is no indication that limits on the intake of judges by the judiciary are imposed.</td>
</tr>
</tbody>
</table>

PHILJA's annual report for 2011 says that PHILJA held 24 regular training programs; implemented 106 special focus programs with various program partners; and provided training to 1,404 judges, 415 clerks of court, and 168 legal researchers. It administered three (3) pre-judicature programs to 111 aspirants. Nine convention-seminars for various court personnel were conducted. With regard to ADR, 29 trainings, programs and activities were held. Basic training to 35 prospective mediators was provided, and the accreditation of 33 others facilitated. 267

PHILJA has conducted 475 seminars, with a grand total of 70,518 participants, from 1996 to 2004. 268

4. **Necessity of Undergoing Pre-Judicature Training**

In the past, it was possible to become a judge without having undergone judicial training. Under the 1987 Philippine Constitution, judicial training is not a requirement for one to become a judge. 269 Under the PHILJA Statutory Charter, signed into law in 1998, only participants who have completed the programs prescribed by PHILJA and have satisfactorily complied with all the requirements related to it may be appointed or promoted to any position or vacancy in the Judiciary. 270

B. **Structure and Content of Training Programme for Judges**

1. **Structure of Training Curriculum**

---


269 Phil. Const. art. VIII, § 7. Article VIII, Sec. 7 of the Constitution states that:

No person shall be appointed Member of the Supreme Court or any lower collegiate court unless he is a natural-born citizen of the Philippines. A Member of the Supreme Court must be at least forty years of age, and must have been for fifteen years or more, a judge of a lower court or engaged in the practice of law in the Philippines.

The Congress shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar.

A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.

270 R.A. 8557, § 10.
Table 1: **Organization of Trainings in Terms of Length and Accessibility**

<table>
<thead>
<tr>
<th>Program</th>
<th>Length</th>
<th>Judicial Professions Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Core Programs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Judicature Program</td>
<td>10 days</td>
<td>None. For lawyers aspiring judicial posts.</td>
</tr>
<tr>
<td>Judicial Career Enhancement Program</td>
<td>3 days</td>
<td>Incumbent judges/judicial personnel who have been in the service for some time.</td>
</tr>
<tr>
<td>Orientation Seminar-Workshop for Executive Judges and Vice Executive Judges</td>
<td>At least 2 days</td>
<td>Upon the appointment of Executive Judges and Vice Executive Judges.</td>
</tr>
<tr>
<td>Orientation Seminar-Workshop for Newly Appointed Judges</td>
<td>Immersion</td>
<td>Newly Appointed Judges</td>
</tr>
<tr>
<td>Orientation Seminar-Workshop for Newly Appointed Clerks of Court</td>
<td>2-week orientation program</td>
<td>Newly Appointed Clerks of Court</td>
</tr>
<tr>
<td>Continuing Legal Education for Court Attorneys</td>
<td>At least 2 days</td>
<td>Court Attorneys</td>
</tr>
<tr>
<td><strong>Development Program for Court Personnel</strong></td>
<td>Varied: Responsive to the need to enhance and update judicial personnel on skills, values, etc.</td>
<td>Court Personnel</td>
</tr>
<tr>
<td><strong>Special Focus Programs</strong></td>
<td>Varied: Thematic in nature.</td>
<td>Judges, court personnel and other stakeholders.</td>
</tr>
<tr>
<td><strong>Alternative Dispute Resolution Programs</strong></td>
<td>Varied: Depends on the type of program.</td>
<td>Trial judges, clerks of court, officers/members of the Integrated Bar of the Philippines, Philippine Mediation Center (PMC) Unit Staff, court personnel, trainee mediators. In addition, other stakeholders, i.e., non-governmental organizations, religious groups, local government units, and media.</td>
</tr>
<tr>
<td><strong>Convention-Seminars</strong></td>
<td>Varied: All national conventions of judges and court employees have an academic component, and they are usually conducted for 1 and ½ days.</td>
<td>Various.</td>
</tr>
<tr>
<td><strong>Program for Quasi-Judicial Agencies</strong></td>
<td>Varied.</td>
<td>Officers and lawyers of quasi-judicial agencies.</td>
</tr>
</tbody>
</table>

---


### Table 2: Program Descriptions and Assessment of the Curriculum for Judges

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Core Programs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Judicature Program</td>
<td>This program provides initial training to aspirants for judicial positions, as mandated by the Academy’s statutory and administrative charters. It orients and guides aspirants towards a career in the judiciary as it offers them a judicial perspective on the law and introduces them to skills, attitudes, values and appropriate conduct called for by their appointment to the Bench.</td>
<td>Since the sessions are not intended to repeat law school instruction or serve as Bar review, they are more in-depth and focused on the training needed to become a judge. This approach from a judicial perspective is crucial in training prospective judges. Given the time limitations of the program, it is the challenge for a trainer to equally pay attention to both the practical and philosophical aspects of the program.</td>
</tr>
<tr>
<td>Judicial Career Enhancement Program</td>
<td>This three-day program is intended for judges and judicial personnel who have been in the service of the judiciary for some time. It aims to optimize the impact of the Academy’s programs while cutting down on expenses by holding simultaneous sessions that address the concerns of each sector.</td>
<td>Aside from providing updates on recent developments and jurisprudence on substantive and procedural law, the program emphasizes judicial ethics. A judge is also an administrator of his court, and this must be highlighted in the program.</td>
</tr>
<tr>
<td>Orientation Seminar-Workshop for Executive Judges and Vice Executive Judges</td>
<td>Upon appointment, Executive Judges and Vice Executive Judges undergo this program which runs for at least two days. The program is intended to update the judges on laws, legal developments and issuances that would enhance their capability to discharge their administrative functions.</td>
<td>An executive judge bears more administrative workload and reportorial requirements than an ordinary judge. The functions of an executive judge and his/her deputy are well explained. However, time-pressed, the orientation must be skilfully handled to produce optimal results.</td>
</tr>
<tr>
<td>Orientation Seminar-Workshop for Newly Appointed Judges</td>
<td>Upon appointment to the judiciary, judges undergo this program to prepare them for assumption of office and the discharge of their duties. Immersion programs in the judges’ respective work stations accompany these induction activities. Actual observation of court trials is done by sitting in with an Executive Judge or a senior Judge in the conduct of judicial proceedings in order to familiarize a newly appointed judge with the skills of adjudication and administration. Both programs are prerequisites to the performance of judicial functions.</td>
<td>The program has commendable practical and theoretical emphases. This is very important since a judge, unlike a trial lawyer/advocate, is involved in the resolution of disputes and must possess skills that are not necessarily needed by trial lawyers/advocates. The stress on the core areas of ethics, skills, and knowledge is conducive to the formation of principled members of the judiciary.</td>
</tr>
<tr>
<td><strong>Special Focus Programs</strong></td>
<td>These programs cater to judges, court personnel and other stakeholders. They are thematic in nature, focusing on new rules and current trends and developments, as well as emerging issues in particular areas of law.</td>
<td>The programs provide flexibility and leeway for the Academy to include specialized branches/areas of law in its curricula, such as Law and Economics and Environmental Law, and related concerns.</td>
</tr>
</tbody>
</table>

**Alternative Dispute Resolution Programs**

This covers programs on: (1) Court-Annexed Mediation, Mobile Court-Annexed Mediation and Appellate Court Mediation; (2) Judicial Dispute Resolution (JDR) Training Programs; (3) Specialized Mediation Programs; (4) Development Programs for PMC Unit Staff; and (5) National ADR Conference.

ADR plays a big role in the speedy disposition of cases. Aside from de-clogging court dockets, they are instruments of social justice and peace. It is commendable for the PHILJA to promote such innovations through education/training.

**Convention-Seminars**

The program serves as a vehicle for learning experiences and opportunities geared towards the improvement of the quality of judicial service, through the enhancement of judicial and managerial skills and knowledge, as well as the strengthening of work values.

PHILJA sees these as opportunities to make judicial education accessible to a wider group of persons. Convention-seminars, apart from having the potential to capture huge audiences, provide avenues for experiential exchanges between and among justices/judges, PHILJA, and the public at large.

### 2. Content of Training Curriculum: Selected Specific Topics

#### a.) Judicial Ethics

PHILJA addresses three (3) principal concerns:

1. *Judicial Person* or particularly the values of a judge and his fidelity to the code of ethics;
2. *Judicial Knowledge*, without which the delivery of justice cannot be competent; and
3. *Judicial Skills*, as a judge must not only resolve questions of law but must also manage his/her court and direct his/her personnel.  

Thus, judicial ethics is deeply ingrained in the curricula. PHILJA devotes an academic department to Ethics and Judicial Conduct. Among others, the Pre-Judicature Program and the Judicial Orientation and Immersion Program both contain considerable discussions on judicial ethics. Judges are subject to codes of ethics, *i.e.*, the New Code of Judicial Conduct for the Philippine Judiciary (Bangalore Draft), the Code of Judicial Conduct, and the Canons of Judicial Ethics.

---

b.) Human Rights and/or Fair Trial Rights

PHILJA has endeavoured to include human rights and related issues in its trainings, programs, and activities.275 The flagship programs of PHILJA invariably discuss human rights topics.276 Special focus programs, which are thematic in nature, cover new rules and current trends and developments, as well as emerging issues in particular areas of law, including human rights and international humanitarian law.277 Fair trial rights, as part of constitutional law, criminal law, remedial law, and human rights law, are necessarily covered in PHILJA’s programs. PHILJA also dedicates a department to International and Human Rights Law.278

c.) ASEAN Instruments

There have been some efforts to incorporate ASEAN-wide concerns in lectures and special focus group programs. In 2010, PHILJA conducted the Chief Justice Reynato S. Puno Third Distinguished Lecture: The ASEAN Charter with a total of 383 participants.279 In 2011, seminar workshops on the ASEAN Awareness Program for Trafficking in Persons for Judges and Prosecutors were held.280 The program enabled participants “to identify and trace issues and problems on trafficking encountered from the ground level to the investigation, prosecutorial, and judicial levels; to the filing, prosecution and adjudication of the case in court; and finally to formulating strategies in the successful prosecution of a trafficking case.”281 PHILJA continued to hold the program for judges in 2012.282

d.) International/Comparative Law and Conflict of Laws

International Law is an integral part of the judicial training curriculum of PHILJA. The International and Human Rights Law Department handles components of programs dealing with International Law.283 This is in spite of the fact that the Philippines is a dualist State, with only customary law as automatically incorporated in domestic law. In the Pre-Judicature Program, for example, Developments in International Law, International Human Rights Law and Domestic Enforcement and Implementation as a subject is discussed.284


277 Ibid.

278 “Academic Council.”


281 Ibid., 11.


283 “Academic Council.”

284 “15th Pre-Judicature Program.”
Conflict of laws, or private international law, is treated as a judicial education topic that is occasionally tackled under “Special Areas of Concern.” In 2004, for example, conflict of laws was discussed in two separate occasions within the calendar year.\textsuperscript{285} ASEAN Conflict of Law is one of the major publications of PHILJA Chancellor Azcuna.\textsuperscript{286}

3. Continuing Judicial Education

As early as 1988, the Supreme Court has institutionalized continuing judicial education in the Philippines. In an administrative circular, the Court required the judicial career enhancement and judicial executive programs to be held once a year. The programs include the following substantial features:

1. A review of recent Supreme Court decisions and legislation;
2. Monitoring and assessment of the performance of participating judges;
3. Judicial clinic to discuss court problems;
4. Dialogue with members of the bar and government officials involved in the administration of justice; and
5. Other relevant aspects of judicial training as may be prescribed by the Chief Justice.\textsuperscript{287}


\textsuperscript{287} Administrative Order No. 6, Continuing Judicial Education Program.