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Impacts of judicial reforms to address court congestion and delays in justice in the Philippines

According to the World Development Report 2017, well-functioning legal institutions are critical for closing the gap between law on paper and justice in practice. To this end, reforms that would help strengthen citizen access to and engagement with the judicial system, and sensitize judges to the centrality of their role in protecting rights and promoting shared prosperity, are critical.

To address court congestion and improve citizens' access to swift and fair justice, the Supreme Court of the Philippines initiated several reforms, such as Revised Guidelines for Continuous Trial of Criminal Cases (CT), electronic case management system (eCourt) and Rules of Procedure for Small Claims Cases (SCP).

This brief summarizes findings from three impact evaluations that assess whether these Supreme Court-initiated reforms in technology and case management practices improve court efficiency and reduce congestion and delays. These outcomes are priority areas for both the Supreme Court and the current Philippine administration, as highlighted in the Philippine Development Plan (2017–2022).

Main findings

- The CT reform increased court efficiency, or the rate at which courts cleared incoming cases (clearance rate), but did not significantly reduce the backlog, as reflected in the ratio of resolved to unresolved cases (disposition rate).
- The CT reform also reduced criminal case duration by 55 to 61 days (10–14%). It increased the proportion of cases disposed within 180 days by 8 percentage points and the proportion of cases disposed within 330 days by 9 percentage points.
- Reflecting the initial challenges in setting up and adapting to a new system, the evaluation found that the eCourt reform had no impact on the case disposition rate and even slowed down the clearance rate in the first year. But in the second year, it reduced case duration by 103 days and increased the proportion of cases resolved within 180 and 360 days. Results also suggest that the effect of the eCourt system is on the reduction of pending cases rather than on newly filed cases.
- The SCP reform enhanced court efficiency for the lowest threshold for monetary claims in civil cases (PHP 100,000 – approximately USD 2,238), but its impacts were mixed for the PHP 200,000 threshold, and less significant for the progressively higher thresholds implemented over the course of the reform.

The reforms

The **CT reform** aims to expedite trials and resolutions by imposing strict timelines on existing stages of court action and introducing best practices for the speedy disposition of criminal cases. CT guidelines specify the prescribed hearing schedules per week; prohibited motions; and rules on consolidation, archiving and revival of provisionally dismissed cases. They also outline the time permitted in each phase of a case's life, which includes arraignment, pre-trial, trial and decision.

Following a pilot period, the CT reform went into effect nationwide on September 1, 2017. The Supreme Court organized orientation seminars with judges and selected court staff, and with the Department of Justice attorneys. The reform initiated changes in court operations, such as in calendaring of cases.

The **eCourt reform** introduced to the courts an automated electronic case management system that allows judges, clerks of court and the public to monitor cases in real time. With the use of technology, this system aims to improve operational efficiency, transparency and accountability. The

eCourt system includes electronic raffling of cases; monitoring and management of important dates of a case; recording of different actions taken during hearings, including decisions and writs of execution; printing and serving of orders from the bench; and determining and recording fee payments. The reform was first launched in 2013 in 58 pilot courts and later rolled out to additional courts in phases. Currently, 10 of the Philippines' 146 cities have adopted the eCourt system, covering a total of 327 courts.

The **SCP reform** provides a quick and inexpensive means of dispute settlement for civil cases concerning monetary claims that do not exceed a certain threshold. SCP simplifies case processing by providing simple forms, encouraging in-court dispute settlement, holding an informal hearing and prohibiting lawyers from attending hearings. The Supreme Court piloted the reform in 44 first-level courts beginning in October 2008. In March 2010, it made SCP effective nationwide (except in Sharia courts), with a threshold of PHP 100,000. Since then, the threshold has increased several times: to PHP 200,000 in February 2016, PHP 300,000 in July 2018 and PHP 400,000 in April 2019.

Lessons for future research and programming

While all reforms positively impact one or more outcomes of interest, qualitative findings point to factors that might cause these impacts to be modest. For the CT reform, it may be important to consider complementary interventions, such as relieving personnel constraints, addressing physical infrastructure needs and creating new court branches, to enable the judicial system to realize potential benefits fully.

Not factoring in costs, the authors suggest that a fully implemented eCourt system is a worthy investment valued by judicial staff and contributing to better case management through electronic raffling, dashboards and digital records. However, the courts need ample time to adjust to the new system to improve efficiency and may suffer from lower efficiency in the transition period when maintaining dual

systems. Training court staff, providing a user manual with troubleshooting instructions, adding more personnel for encoding case information, increasing availability of on-call IT support, and providing hardware and connectivity in court branches could potentially help with ironing out implementation issues.

With respect to the SCP reform, qualitative interviews indicate that factors outside the court's control lessen its effect. These include delays in postal delivery of summonses and notices, difficulties in executing decisions, full court calendars and unavailability of parties. The authors recommend setting up a robust research framework to continue monitoring the effects of future threshold increases to ensure that the SCP reform yields efficiency-enhancing impacts.

About this brief

This brief is based on reports of the impact evaluations of CT, eCourts and SCP by Aniceto C Orbeta Jr, Vicente B Paqueo and Bilal Siddiqi published in 2021. These studies, conducted by the Innovations of Poverty Action, Philippines,

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