

# Court-Annexed Mediation in the First and Second Level Trial Courts\*

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## I. INSTITUTIONALIZATION OF THE PHILIPPINE MEDIATION PROGRAM

On October 16, 2001, the Supreme Court in line with the objectives of the Action Program for Judicial Reform (APJR) more particularly, to decongest court dockets, promulgated a resolution, providing for standards, guidelines and other documents contained in A.M. No. 01-10-5-SC-PHILJA, which institutionalized and implemented the mediation program in the Philippines.

The same resolution designated the Philippine Judicial Academy (PHILJA) as the component unit of the Court for court-annexed mediation and other Alternative Dispute Resolution (ADR) mechanisms, and likewise, established the Philippine Mediation Center (PMC).

## II. PHILIPPINE MEDIATION CENTER

In compliance with the mandates of the Supreme Court, PHILJA, PMC in coordination with the Office of the Court Administrator (OCA) organized and established PMC units in several areas in Luzon, Visayas and Mindanao.

Since November 2001, the following PMC units have been established and organized, namely:

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PMC Units	No. of PMC Units	No. of Mediators	Newly-Trained Mediators
Metro Manila	17	118	67
Metro Cebu	3	26	39
Metro Davao	4	32	0
Cagayan De Oro	1	39	0
Pampanga	1	41	0
Bacolod City	1	55	0
General Santos City	1	0	60
Tacloban City	1	0	50
<b>TOTAL</b>	<b>29</b>	<b>311</b>	<b>216</b>

The mediation center units established render mediation services in more than five hundred (500) branches of First and Second Level Courts in those areas.

They are under the operational control and supervision of PHILJA, in coordination with OCA, through the Executive Judges.

PHILJA plans to establish and operate by next year, ten (10) new PMC Units distributed nationwide in the following areas:

1. Antipolo
2. Batangas
3. Bulacan
4. Camarines Sur (Bicol)
5. Iloilo
6. Laguna
7. Negros Oriental
8. Nueva Ecija
9. Pangasinan
10. Zamboanga

The basis for the establishment of new PMC units are as follows:

1. Density of caseload;
2. Leadership;
3. Requests by Stakeholders.

### **III. MEDIATORS AND COMPENSATION**

Court-annexed mediators are recruited, screened, and trained by PHILJA. After undergoing an internship program under the supervision of PHILJA, qualified mediator-trainees are recommended by the Academy for accreditation by the Supreme Court.

Only mediators accredited by the Supreme Court can validly mediate in a court-annexed mediation program.

Mediators are given expense allowances for their services, in accordance with rates approved by the Supreme Court taken from the Mediation Fund collected, pursuant to the provisions of Section 9, Rule 141 of the Revised Rules of Court.

### **IV. CASES COVERED BY THE COURT-ANNEXED MEDIATION PROGRAM**

The mediatable cases covered by the program are as follows:

1. All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised (*e.g.*, Annulment of Marriage).
2. Cases covered by the *Lupong Tagapamayapa* under the *Katarungang Pambarangay* Law (P.D. No. 508, as amended by R.A. No. 7160).
3. Civil aspect of *Batas Pambansa* (B.P.) *Blg. 22*.
4. The civil aspect of *quasi*-offenses under Title 14 of the Revised Penal Code.
5. Civil aspect of *Estafa* and Libel cases where damages are sought. (A.M. No. 01-10-5-SC-PHILJA, dated October 16, 2001. AM. No. 04-2-04-SC, dated July 20, 2004 and effective August 16, 2004).

### **V. MEDIATION PROCESS**

1. Court-annexed mediation in the Philippines, is a part of pre-trial. (A.C. No. 20-2002, April 24, 2002).
2. Upon appearance of the parties during pre-trial in cases covered by mediation, the Judge shall immediately direct the parties (with or without counsel) to

appear before the Philippine Mediation Center (PMC) unit located in the courthouse or within its premises for initial mediation conference.

The referral is MANDATORY. (Administrative Circular No. 20-2002, April 24, 2002)

## **VI. MEDIATOR'S DUTY**

### ***A. If Mediation Succeeds***

It is the mediator's duty to officially inform the court that mediation succeeded. The court shall be furnished with either:

- a. The original copy of the compromise agreement signed by the parties and counsel for approval by the court. The agreement will be the basis of a rendition of a judgment by compromise.
- b. Withdrawal of the complaint and counter-claim, if any.
- c. A satisfaction of the claim.

### ***B. If Mediation Fails***

The mediator shall immediately issue a certificate of failed mediation returning it to the court for further proceedings.

The court then, shall upon receipt of the notice of failure, set the case for resumption of pre-trial, and thereafter, try and decide the case on its merits.

## **VII. MEDIATION RESULTS**

For the mediation results – we recognize and appreciate the efforts of Mediators in accomplishing modest gains in our program.

Mediation Statistical Report (2002 - June 2002)

MEDIATION AREA	Total Number of Cases MEDIATED				SETTLED				FAILED				SUCCESS RATE			
	2002	2003	2004	2005	2002	2003	2004	2005	2002	2003	2004	2005	2002	2003	2004	2005
Metro Manila	2277	2503	5789	3473	2040	2595	4512	2693	231	440	1257	782	90%	82%	78%	77%
Metro Cebu	787	136	167	163	646	122	163	94	141	14	4	69	82%	95%	98%	58%
Metro Davao	495	450	210	195	308	233	158	112	187	225	52	81	62%	51%	75%	58%
San Fernando, Pampanga			544	473			365	192			150	201			71%	41%
Bacolod City			626	686			527	265			89	421			86%	39%
Cagayan de Oro City			194	200			154	192			30	196			84%	49%
Tacloban City				13				12				0				100%
General Santos City				1				1				0				100%
<b>TOTAL</b>	<b>3559</b>	<b>3097</b>	<b>7490</b>	<b>5389</b>	<b>3000</b>	<b>2410</b>	<b>5899</b>	<b>3559</b>	<b>559</b>	<b>667</b>	<b>1591</b>	<b>1830</b>	<b>84%</b>	<b>78%</b>	<b>79%</b>	<b>66%</b>
<b>GRAND TOTAL</b>	<b>19535</b>				<b>14868</b>				<b>4667</b>				<b>77%</b>			