



Republic of the Philippines
Supreme Court
Manila

Sirs/Mesdames:

*Quoted hereunder, for your information, is a resolution of the Court En Banc dated **February 12, 2008***

“A.M. No. 08-2-5-SC-Philja.- Re: Resolution No. 08-02 re: Approval of the ADR and JURIS DMC Committees Resolution No. 03-07-A; Proposed Organization, Powers and Functions of the Philippine Mediation Center (PMC) Office and Mediation Center Units, Including Its Organizational Chart and Staffing Pattern.- The Court Resolved, upon the recommendation of the Philippine Judicial Academy (Philja) Board of Trustees, to **APPROVE** the “Proposed Administrative Order Defining the Organization, Powers and Functions of the Philippine Mediation Center Office and Mediation Center Units” including its Organizational Chart and Staffing Pattern, to wit:

ADMINISTRATIVE ORDER NO. _____

**DEFINING THE ORGANIZATION, POWERS AND FUNCTIONS OF
THE PHILIPPINE MEDIATION CENTER OFFICE AND
MEDIATION CENTER UNITS**

WHEREAS, Article VIII, Section 5, par. (5) of the Constitution, declares it a policy of the State to provide a simplified and inexpensive procedure for the speedy disposition of cases and dispensation of justice.

WHEREAS, towards this end, it is imperative to provide the people access to Alternative Dispute Resolution (ADR) mechanisms, and Mediation has been found to be one expeditious mode of dispute resolution;

WHEREAS, the Court *en banc*, in A.M. No. 01-10-5-SC-PHILJA, dated 16 October 2001, among other provisions, designated the Philippine Judicial Academy (PHILJA) as its component unit for Court – Annexed Mediation cases and established the Philippine Mediation Center (PMC) under the direction and management of PHILJA;

WHEREAS, pursuant to said issuance, PHILJA proceeded to set-up PMC Units in the areas of Metro Manila, Metro Cebu, Metro Davao, and the cities of Angeles, Baguio, Bacolod, Cagayan De Oro, Digos, Sarangani, General Santos, the provinces of Negros Occidental, Pampanga, Misamis Oriental, Leyte, South Cotabato, La Union, Benguet, Batangas, Bulacan, Zamboanga, Cagayan, Camarines Sur, Lanao del Sur and Lanao del Norte;

WHEREAS, the continuing expansion of PMC operations in all judicial regions demand the formalization of its structural organization within PHILJA;

NOW, THEREFORE –

The Supreme Court of the Philippines and the Philippine Judicial Academy hereby formally organize the Philippine Mediation Center Office and Mediation Center Units, as follows:

Section 1. The Philippine Mediation Center Office

The Philippine Mediation Center Office shall primarily be responsible for the expansion, development, implementation, monitoring and sustainability of SC ADR mechanisms, namely, Court-Annexed Mediation (CAM), Appellate Court Mediation (ACM), Judicial Dispute Resolution (JDR), Mobile Court – Annexed Mediation (MCAM), and eventually Court-Annexed Arbitration (CAA) and other Alternative Dispute Resolution mechanisms, as well as the organization of PMC Units as it may deem necessary throughout the country. It shall be under the operational control and supervision of PHILJA, in coordination with the Office of the Court Administrator, through the Executive Judges.

Section 2. Organizational Structure

The Philippine Mediation Center Office shall be composed of:

- A. ***Executive Committee*** - The powers and authority of the PMC Office shall be vested in and exercised by an Executive Committee composed of the PHILJA Chancellor as

Chairperson and eight (8) members composed of four (4) regular members who shall be recommended by PHILJA, nominated by the PHILJA Board of Trustees and appointed by the Supreme Court; and four (4) *ex officio* members, namely, the Court Administrator, the Vice Chancellor, the PHILJA Chief of Office for PMC, and the Chair of the PHILJA ADR Department, all of whom are entitled to vote.

The term of the regular members of the PMC Office Executive Committee shall be for two (2) years subject to renewal upon recommendation by PHILJA to the Board of Trustees and the approval of the Supreme Court. The Chairperson and the members of the PMC Office Executive Committee shall be entitled to reasonable expense allowances for attending committee meetings in accordance with rates provided by the Supreme Court.

- B. *PHILJA Chief of Office for PMC*** – The Philippine Mediation Center Office shall have a PHILJA Chief of Office for PMC who shall be appointed by the Court, upon recommendation of PHILJA, for a term of two (2) years without prejudice to subsequent reappointment.

He must be a member of the Philippine Bar for at least ten (10) years and must have extensive experience in ADR of not less than five (5) years. He shall receive the same compensation and benefits as an Associate Justice of the Court of Appeals.

For purposes of retirement privileges, seniority, and other benefits, service of the PHILJA Chief of Office for PMC shall be considered as service in the Judiciary, except as may otherwise be provided by law.

- C. *PHILJA Assistant Chief of Office for PMC*** – The PHILJA Assistant Chief of Office for PMC shall be appointed by the Court upon recommendation of PHILJA.

He must be a member of the Philippine Bar for at least three (3) years. He must have extensive work experience in management and at least three (3) years experience in ADR. He shall receive compensation and benefits equal to that of a Supreme Court official with Salary Grade 28.

D. *Central Office* – The PMC Office shall be composed of the following divisions:

1. Mediation Planning and Research Division
2. Mediation Resource Management Division
3. Mediation Education, Training and Monitoring Division

The employees to be assigned to these divisions shall be those listed in Section 10 of A.M. No. 01-1-04-SC-PHILJA, effective June 15, 2004, including the positions of SC Chief Judicial Staff Officer, Supervising Judicial Staff Officer, Judicial Staff Officer IV, Training Specialist III, Computer Programmer II, two (2) items of Training Specialist II, two (2) items of Training Specialist I, two (2) items of Training Assistant I and Judicial Staff Employee II of the Mediation Education and Management Division, and PHILJA Attorney IV, PHILJA Attorney II, Judicial Staff Officer V, Judicial Staff Officer III, Legal Researcher II, Computer Operator II and Judicial Staff Employee II of the Court Administration Reforms Division and PHILJA Attorney IV, PHILJA Attorney II, Judicial Staff Officer VI, Judicial Staff Officer V, Computer Operator III, Judicial Staff Assistant III, Computer Operator II and Judicial Staff Employee II of the Reforms Linkages Division, from the Judicial Reforms Office.

E. *Mediation Center Units* – Unless otherwise provided by the Executive Committee, the Center shall be composed of the following units:

1. Court-Annexed Mediation (CAM) – The unit shall consist of a Mediation Staff Officer V, a Mediation Staff Assistant II, a Mediation Aide, and accredited mediators assigned thereat.

2. Appellate Court Mediation (ACM) – The unit shall consist of a Mediation Staff Officer VI, a Mediation Staff Officer IV, a Mediation Staff Assistant II, a Mediation Aide, and accredited mediators assigned thereat.

3. Judicial Dispute Resolution (JDR) – The unit shall consist of a Mediation Staff Officer V, Mediation Staff Assistant II, and a Mediation Aide.

4. Mobile Court – Annexed Mediation (MCAM) – The unit shall consist of a Mediation Staff Officer V, a Mediation Staff Assistant II, a Mediation Aide, and accredited mediators assigned thereat.

The qualifications, training, and accreditation of mediators shall be governed by existing rules and relevant issuances of the Supreme Court and related laws.

PMC Units shall preferably be located in a Hall of Justice or *Bulwagan ng Katarungan*, or such other places close to said Halls.

Notwithstanding any provision to the contrary, accredited mediators are not employees of PHILJA and the PMC Office.

The Organizational Chart of the PMC Office is appended hereto for ready reference.

Section 3. Powers and Functions

The PMC Office shall exercise the following powers and functions in order to accomplish its mandate under A.M. 01-10-5-SC-PHILJA:

- A. Develop and promulgate rules and regulations that it may deem necessary subject to the approval of the Supreme Court, upon recommendation of the Executive Committee and the PHILJA Board of Trustees;
- B. Implement in coordination with the Office of the Court Administrator, rules and policies of the Supreme Court on ADR mechanisms, namely, Court-Annexed Mediation (CAM), Appellate Court Mediation (ACM), Judicial Dispute Resolution (JDR), Mobile Court – Annexed Mediation (MCAM), and eventually Court-Annexed Arbitration (CAA) and other Alternative Dispute Resolution mechanisms;
- C. Establish such PMC Units as may be necessary;

- D. Provide a system for the recruitment, screening, training and accreditation of Mediators;
- E. Monitor and evaluate the performance of Mediators, such as, in settling disputes and in observing the Code of Ethical Standards for Mediators, upgrade their mediation skills and oversee their further development. Such evaluation shall be the basis for the renewal of their accreditation as Mediators;
- F. Provide a grievance mechanism and procedure for addressing complaints against Mediators and PMC Office Unit Staff;
- G. Promote and sustain the programs and activities of Court-Annexed Mediation (CAM), Appellate Court Mediation (ACM), Judicial Dispute Resolution (JDR), Mobile Court – Annexed Mediation (MCAM), and eventually Court-Annexed Arbitration (CAA) and other Alternative Dispute Resolution mechanisms;
- H. Call on any government agency, office instrumentality, commission or council to render such assistance as may be necessary for the efficient performance of its functions; and
- I. Exercise such other functions necessary in furtherance of its mandate.

Section 4. Preparation and Submission of Monthly Reports

The Mediation Staff Officer V of each PMC Unit shall be responsible for the preparation and timely submission to the PMC Central Office, through the PHILJA Assistant Chief of Office for PMC, of the Monthly Reports on the Status of Mediation Cases and such other reports as may be required, furnishing copies thereof PHILJA and OCA.

Section 5. PMC Office Funds

The Mediation Fees collected and collectible pursuant to Section 9, Rule 141, as amended, of the Rules of Court, and all income therefrom shall constitute a special fund to be known as the SC-PHILJA-PMC Mediation Trust Fund which shall be administered and disbursed in accordance with

guidelines set by court issuances, for purposes enumerated in Section 9, Rule 141 of the Revised Rules of Court.

All revenues of the PMC Office from sources other than the mediation fees above shall form part of its Special ADR Fund (SAF) which shall be administered and disbursed by PHILJA in accordance with the existing guidelines approved by the Supreme Court.

Section 6. Technical Assistance

The Philippine Mediation Center Office may propose to PHILJA and the Supreme Court the entry into agreements with appropriate and qualified organizations or individuals for technical assistance which PMC Office may need for its development and improvement.

Section 7. Definition of Terms

The following terms shall be defined as:

- (a) *Alternative Dispute Resolution (ADR)* - The provision of an alternative system for settling disputes between two or more parties, which operates independently of, or, as an adjunct to the judicial litigation system, through the intervention of a qualified person or persons trained to intercede in, facilitate and coordinate the interaction of the disputants in a settlement process.
- (b) *Mediation* - A process whereby an impartial third person called a mediator facilitates communication and negotiation between parties for the purpose of assisting them reach a voluntary agreement regarding their dispute. In mediation, decision-making authority rests with the parties.
- (c) *Mediator* - An impartial person who assists in the resolution of a dispute. The role of a mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, and exploring options for settlement.
- (d) *Court-Annexed Mediation (CAM)* - A mediation process conducted under the auspices of the Court.
- (e) *Appellate Court Mediation (ACM)* - A mediation program in the Court of Appeals (CA), corollary to Court-Annexed Mediation in the lower courts. It provides a conciliatory approach in conflict

resolution. Through ACM, the CA promotes a paradigm shift in the resolution of disputes from rights based (judicial) to an interest based (mediation) process to amicably settle appeals.

- (e) *Judicial Dispute Resolution (JDR)* - A process whereby the judge (called the JDR Judge) employs conciliation, mediation or early neutral evaluation in order to settle a case at the pre-trial stage. In the event the JDR fails, then another judge (called the trial judge) shall proceed to hear and decide the case.
- (f) *Mobile Court – Annexed Mediation (MCAM)* – A form of Court – Annexed Mediation whereby mediation proceedings are conducted in a mobile court deployed in an area for a certain period.
- (g) *Court – Annexed Arbitration (CAA)* – A voluntary dispute resolution conducted with the assistance of the court in which one or more arbitrators appointed in accordance with the Arbitration Clause and as agreed upon by the parties, resolve a dispute by rendering an award.

Section 8. Other Funding

The Philippine Judicial Academy (PHILJA) may receive for the PMC Office, funds in the form of grants or donations, coming from foreign or local institutions or individuals, for the promotion and development of Court – Annexed Mediation and other ADR mechanisms, as approved by the Court.

Section 9. Staffing Pattern

The staffing pattern of the Philippine Mediation Center Office shall include the following positions to perform the functions of the new office and its divisions:

PHILIPPINE MEDIATION CENTER OFFICE

| | | |
|----------|---|----------------|
| <i>1</i> | <i>PHILJA Chief of Office for PMC</i> | <i>30</i> |
| <i>1</i> | <i>PHILJA ASSISTANT CHIEF OF OFFICE FOR PMC</i> | <i>P 28</i> |
| <i>1</i> | <i>EXECUTIVE ASSISTANT III</i> | <i>c.t. 20</i> |
| <i>1</i> | <i>CHAUFFEUR I</i> | <i>c.t. 5</i> |
| <hr/> | 4 Sub-Total | |

Mediation Planning and Research Division

| | | | |
|----------|--|----------|-----------|
| <i>1</i> | <i>PHILJA Attorney IV</i> | <i>P</i> | <i>25</i> |
| <i>1</i> | <i>PHILJA Attorney II</i> | <i>P</i> | <i>23</i> |
| <i>1</i> | <i>Judicial Staff Officer V</i> | <i>P</i> | <i>20</i> |
| <i>1</i> | <i>Judicial Staff Officer III</i> | <i>P</i> | <i>18</i> |
| <i>1</i> | <i>Judicial Staff Officer II (Legal Researcher II)</i> | <i>P</i> | <i>15</i> |
| <i>1</i> | <i>Judicial Staff Assistant II</i> | <i>P</i> | <i>9</i> |
| <i>1</i> | <i>Judicial Staff Employee II</i> | <i>P</i> | <i>4</i> |
| <i>1</i> | <i>UTILITY WORKER II</i> | <i>P</i> | <i>3</i> |
| <hr/> | | | |
| 8 | Sub-Total | | |

Mediation Resource Management Division

| | | | |
|----------|---|----------|-----------|
| <i>1</i> | <i>SC Chief Judicial Staff Officer</i> | <i>P</i> | <i>25</i> |
| <i>1</i> | <i>Supervising Judicial Staff Officer</i> | <i>P</i> | <i>23</i> |
| <i>1</i> | <i>Judicial Staff Officer VI</i> | <i>P</i> | <i>22</i> |
| <i>1</i> | <i>Judicial Staff Officer V</i> | <i>P</i> | <i>20</i> |
| <i>1</i> | <i>Judicial Staff Officer IV</i> | <i>P</i> | <i>19</i> |
| <i>1</i> | <i>Judicial Staff Officer II</i> | <i>P</i> | <i>15</i> |
| <i>1</i> | <i>Judicial Staff Officer I</i> | <i>P</i> | <i>11</i> |
| <i>1</i> | <i>Judicial Staff Assistant III</i> | <i>P</i> | <i>10</i> |
| <i>1</i> | <i>Judicial Staff Assistant II</i> | <i>P</i> | <i>9</i> |
| <i>1</i> | <i>Judicial Staff Employee II</i> | <i>P</i> | <i>4</i> |
| <i>1</i> | <i>UTILITY WORKER II</i> | <i>P</i> | <i>3</i> |
| <hr/> | | | |
| 11 | Sub-Total | | |

Mediation Education Training and Monitoring Division

| | | | |
|----------|-----------------------------------|----------|-----------|
| <i>1</i> | <i>PHILJA Attorney IV</i> | <i>P</i> | <i>25</i> |
| <i>1</i> | <i>PHILJA Attorney II</i> | <i>P</i> | <i>23</i> |
| <i>1</i> | <i>Training Specialist III</i> | <i>P</i> | <i>18</i> |
| <i>1</i> | <i>Training Specialist II</i> | <i>P</i> | <i>15</i> |
| <i>1</i> | <i>Training Specialist II</i> | <i>P</i> | <i>15</i> |
| <i>1</i> | <i>Training Specialist I</i> | <i>P</i> | <i>11</i> |
| <i>1</i> | <i>Training Specialist I</i> | <i>P</i> | <i>11</i> |
| <i>1</i> | <i>Training Assistant I</i> | <i>P</i> | <i>8</i> |
| <i>1</i> | <i>Training Assistant I</i> | <i>P</i> | <i>8</i> |
| <i>1</i> | <i>Judicial Staff Employee II</i> | <i>P</i> | <i>4</i> |
| <i>1</i> | <i>UTILITY WORKER II</i> | <i>P</i> | <i>3</i> |
| <hr/> | | | |
| 11 | Sub-Total | | |

ITALIC BOLD FONT ALL CAPS - New Item, funding to be requested from DBM
Italic Bold Font - New Item, funding to be sourced from existing DBM approved Item
Regular Font – Existing DBM Approved Item
P – Permanent
c.t. – Co-terminous

Section 10. Effectivity

This Administrative Order shall take effect immediately.

Manila, 12 February 2008.

(Original Signed)
REYNATO S. PUNO
Chief Justice