



## **Centre for Democratic Institutions**

### **Australia–Philippines Judicial Cooperation: Visit to the Philippines of Australian Judges**

27–31 March 2000

Manila and Tagatay

Following discussions with Chief Justice Michael Black of the Federal Court of Australia and Chief Justice Hilario G. Davide of the Supreme Court of the Philippines, the Centre for Democratic Institutions embarked on facilitating a program of judicial cooperation between the two countries and their senior judiciary.

- The first year of the Judicial Cooperation Program comprised four distinct activities: A Study Tour to Sydney by eight judges from the Philippines;
- The participation of Judge Zenaida N. Elepano, Deputy Court Administrator of the Supreme Court of the Philippines in an the Intensive Study Programme for Court Administration offered by the Commonwealth Judicial Education Institute of Canada;
- The visit to the Philippines by Australian Justices Bryan Beaumont and Arthur Emmett to the Philippines
- The visit of Livingston Armytage to Tagaytay, Philippines to conduct two workshops at the Philippine Judicial Academy

The visit of Justices Bryan Beaumont and Arthur Emmett to the Philippines took place from 27-31 March. Justices Beaumont and Emmett were guests of Chief Justice Hilario G. Davide and Chancellor Ameurfina A. Herrera of the Philippine Judicial Academy.

The Australian judges were joined by an erstwhile colleague, Justice John Lockhart who is currently serving as a Director of the Asia Development Bank in Manila. They participated in a broad program both at the Academy in Tagaytay and at the Supreme Court in Manila with counterparts from the senior courts of the Philippines.

Issues discussed covered Appellate Remedies including Prerogative Writ, Appellate Practice and Procedure, the Problem of Caseload, and Decision Writing at the Appellate level. The two sides found many points of commonality between the two systems including the respective Rules of Court but also looked at aspects where the two systems are significantly different including the far greater use of advocacy in Australia as opposed to written pleadings in the Philippines.

The two sides are continuing to exchange documents and papers.

**Programme**  
**28 and 29 March 2000**  
**Tagaytay**

**Day One: 28 March 2000**

*Moderator of the day Aca Jose Perez*

**Morning Session**

- 6.00am Assembly at the Supreme Court Building, Padre Faura, Manila  
6.30am Departure for Ridge Convention Centre, Tagaytay City  
8.30am Arrival/Snacks/Registration  
9.00am Flag-Raising Ceremony  
Ecumenical Prayer  
9.05am Opening and Welcome  
Justice Ameurfina A. Melencio Herrera  
9.15am Mechanics of the Colloquium and Dialogue  
Fr. Ranhilio C. Aquino  
9.45am Dialogue on Court and Case Management  
Components:  
The Role of the Judge in Adversarial Litigation  
Approaches: Balance Between Flexibility and Rigidity  
Monitoring of Performance by Practitioners  
Sanctions for Non-Compliance  
Court Technology  
Discussants:  
Judge Lucas P. Bersamin, Presiding Judge, RTC Br. 96 Quezon  
City  
Judge Belen B. Ortiz, Executive Judge, MeTC, Calooncan City  
Mr Justice Bryan Alan Beaumont  
Mr Justice Arthur Robert Emmett
- 12noon Lunch

**Afternoon Session**

- 2.00pm Input Session: Individual Docket System  
Presentors: Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett  
4.00pm Break  
4.30pm Reaction: Judge Manuela F. Lorenzo, Presiding Judge, RTC, Br. 43,  
Manila  
5.00pm Open Forum  
7.30pm Fellowship

**Day Two: 29 March 2000**

- 7.30am Registration
- 8.00am Colloquium On Practice and Procedure  
Components:  
Interlocutory Applications  
Ex parte Hearings  
Urgent Hearings  
Pleadings  
Discovery and Subpoenas  
Summary Disposal  
Management of Trials  
Separate Hearing of Issues  
Written Evidence  
Written Submission
- Presenter of Philippine Rules:  
Justice Oscar M. Herrera Sr., Chair, Remedial Law Dept.,  
Philippine Judicial Academy
- Input:  
Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett
- 10.30am Break
- 11.00am Reactions:  
Judge Monina Arevalo Zenarosa, 1<sup>st</sup> Vice-Executive Judge,  
RTC, Quezon City  
Judge Iuminada Cabato Cortes, Executive Judge, MTCC,  
Baguio City
- Contributions from Other Participants  
Synthesis: Judge Danilo A. Manalastas, Executive Judge, RTC,  
Malolos, Bulacan
- 12.00noon Lunch
- 2.00pm Dialogue on Expert Evidence  
Components:  
Duties and Responsibilities of Experts  
Manner of Giving Evidence  
Disclosure of Communications to and by Experts  
Agreed or Court-Appointed Experts
- Input: Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett
- 4.00pm Break
- 4.15pm Reaction: Justice Ricardo J. Francisco, Member, Remedial Law  
Dept., Philippine Judicial Academy
- 4.45pm Open Forum
- 5.30pm Closing Ceremonies  
Inspirational Message  
Justice Bernardo P. Pardo, Associate Justice, Supreme  
Court
- Distribution of Certificates of Attendance:  
Justice Bernardo P. Pardo

Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett  
Assisted by:  
Justice Amerurfina A. Melencio Herrera  
Justice Ricardo J. Francisco

6.00pm Assemble at Ridge Lobby and Return Trip to the Supreme Court

**Programme**  
**30 March 2000**  
**Manila**

**Morning Session**

- 8.30am Registration
- 9.00am Philippine National Anthem  
Australian National Anthem  
Ecumenical Prayer
- 9.05am Welcome: Hon Salome A. Montoya, Presiding Justice, Court of Appeals
- 9.10am Opening: Hon. Antonio M. Martinez, Vice-Chancellor, Philippine Judicial Training Academy
- 9.15am Message: HE John Buckley, Australian Ambassador to the Philippines
- 9.30am Mechanics of the Dialogue  
Justice Romeo J. Callejo Sr, Associate Justice, Court of Appeals  
Professor, Philippine Judicial Academy
- 9.45am Dialogue on Appellate Remedies Including Prerogative Writs  
Components:  
Appeals and Other Modes of Review  
The Concept of Due Process and Appeal  
Discussants:  
Justice Angelina S. Gutierrez (Court of Appeals)  
Justice Salvador J. Valdez Jr (Court of Appeals)  
Justice Edilberto G. Sandoval (Sandiganbayan)  
Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett  
Mr Justice John Lockhart  
Dialogue with all Members of the Court
- 10.45am Break
- 11.00am Session on Appellate Practice and Procedure  
Components:  
Perfection of Appeals: Requirements and Effects  
Giving Due Course: Situational Justification and Effects  
Preliminary Conference Oral Argument  
Process of Adjudication  
Discussants:  
Justice Ruben T Reyes (Court of Appeals)  
Justice Portia Alino-Hormachuelos (Court of Appeals)  
Justice Minita V. Chico-Nazario (Sandiganbayan)  
Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett  
Mr Justice John Lockhart
- 12.00noon Lunch

**Afternoon Session**

- 2.00pm Input Session: The Problem of Caseload – Unclogging the Docket  
Mr Justice Bryan Beaumont  
Mr Justice Arthur Emmett

Mr Justice John Lockhart

Reaction:

Justice Marina L. Buzon (Court of Appeals)

Justice Prebiterjo J. Velasco Jr (Court of Appeals)

Justice Rodolfo G. Palattao Sr (Sandiganbayan)

3.15pm

Break

3.30pm

Decision-Writing on the Appellate Level

Discussants:

Mr Justice Bryan Beaumont

Mr Justice Arthur Emmett

Mr Justice John Lockhart

Reaction:

Justice Delilah Vidallon-Magtolis (Court of Appeals)

Justice Renato C. Dacudao (Court of Appeals)

Justice Godofredo L. Legaspi (Sandiganbayan)

Synthesis:

Mr Justice Bryan Beaumont

5.00pm

Closing Ceremonies

Inspirational Message

Hon. Hilario G. Davide Jr, Chief Justice

Moderator: Justice Hilarion L. Aquino, Associate Justice, Court of Appeals; Professor, Philippine Judicial Academy