

# The Lady Justice<sup>1</sup> Ushering in a New Better Normal : The *Bayanihan*<sup>2</sup> way

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Today, we find ourselves in an unprecedented global battle for survival. The COVID pandemic that has claimed the lives of many shook the entire planet. The new normal that we now all have to come to terms with means living in fear of an invisible enemy. Until a vaccine or a cure is discovered, every individual has to stand guard and observe all health protocols in order to survive. What is the approach of my country in order to overcome? We invoked the **bayanihan spirit** of our people – rallying everyone in the spirit of communal spirit to march on driven by a common goal: **to win the war against Corona Virus.**

What is Bayanihan? Why is it very significant to Us, Filipinos and how can it be transformed into a powerful weapon against this invisible enemy? Bayanihan means acting in consonance with the communal spirit. It envisions all sectors of the society joining forces as the nation faces one, if not, the most difficult challenge it has to contend with. We acknowledged that the contribution of each citizen – be it financial, or simply following health protocols, staying at home counts!

On January 28, 2020 the Executive branch immediately convened the Inter Agency Task Force mandated to give regular recommendations for the management of the 2019 Novel Corona Virus Acute Respiratory Disease. On March 18, 2020, the Executive Secretary rallied the entire government workforce to adopt, coordinate and implement guidelines which the IATF may issue vis a vis the COVID pandemic that is consistent with the respective agency's mandate and

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<sup>1</sup> The digital image of the Lady Justice wearing a mask was created by Jose Maria Rafael S. Carasig, 13 yr. old son of the author.

<sup>2</sup> "**Bayanihan**" from the word BAYAN which means COMMUNITY, speaks of working together with community spirit.

relevant laws, rules and regulations<sup>3</sup> – which includes the Philippine Judiciary. Thereafter, the **Bayanihan Act of 2020** was enacted into law.

### **The Philippine Judiciary and the Microsoft 365**

Without comprising its Judicial Independence, the Supreme Court responded by the issuance of circulars geared towards ensuring that the wheels of justice will not come to an abrupt halt albeit the risk of exposing the magistrates, court personnel, prosecutors, lawyers, litigants and other stakeholders to the deadly virus.

On top of the Court's agenda is to facilitate the immediate release of Qualified Persons Deprived of Liberty to decongest the detention cells and prevent the spread of the virus among inmates and jail facility personnel as well. Thus the Court promulgated OCA Circular No. 91-2020<sup>4</sup>.

With the courts in the entire country ordered to be physically closed and in order to efficiently address the need to decongest not only the jail facilities but also the courts' dockets, the Supreme Court rolled out the Microsoft 365 app as a platform to conduct virtual court hearings<sup>5</sup>. Overcoming not only connectivity difficulties and logistical shortcomings, the courts and the other stakeholders stepped up to the challenge and conducted virtual court proceedings nationwide that enabled the Philippine Judiciary continuously function while strict quarantine measures were implemented across the nation. **From among its ranks alone, the Philippine Women Judges Association of the Philippines (PWJA) recorded some 8,976 persons deprived of liberty (PDL's) who were released from March 2020 up to May 15, 2020<sup>6</sup>.**

### **Philippine Judges and their Socio-Civic contributions during the ECQ**

Judges are not automatons. Although we are bound to our oath to act with propriety and maintain the integrity of our office, we did not turn a blind eye on

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<sup>3</sup> Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines with amendments as of June 3, 2020.

<sup>4</sup> OCA Circular No. 91-2020 Release of Qualified Persons Deprived of Liberty dated April 20, 2020.

<sup>5</sup> OCA Circular No. 92-2020 Distribution of Official Philippine Judiciary Office 365 accounts.

<sup>6</sup> This is only from the PWJA. The Supreme Court through the Office of the Court Administrator continues to monitor the increase in number of PDL's released and disposed cases.

the travails of our fellow Pinoys in time of COVID, especially our medical frontliners and those who have less in life.

The Philippine Judges Association (PJA), the Metropolitan and City Judges Association of the Philippines (MetCJAP); the Philippine Women Judges Association of the Philippines and the Philippine Trial Judges League Inc. - away from the limelight, have all undertaken various outreach programs as the numbers of those who have been infected with the virus continue to rise as well the large number of people who were suddenly displaced and unemployed.

Our judges embarked on various outreach activities – such as financial assistance for the procurement and distribution of Personal Protective Equipment (PPE's), masks, face shields, alcohol and other disinfectants and donation of food packs not only to the frontliners (medical, non-medical, judicial) but also to those daily wage earners who lost almost everything during this crisis.

### *The Lady Justice wearing a mask as She forays into Hybrid Court Proceedings*

As we remain faithful to our solemn oath as Judges, we remain steadfast in discharging our judicial mandates despite the looming threat of exposure to Corona virus. The COVID pandemic and the transition towards the new normal is not enough for Us to cower in fear and shirk in the performance of our duties no matter the cost, and so we have armed ourselves in order to overcome this battle.

Wearing masks, observing strict health safety protocols in our court rooms, we continue to hear and decide cases. Recognizing connectivity difficulties in our country as well as the lack of access of our indigent litigants to the internet and gadgets, our court proceedings are not limited to virtual court proceedings. While the ideal is to move forward towards contactless transactions and trial proceedings, we recognize that no system is perfect, that the blended or hybrid court proceedings that we now have to embrace is a continuous work in progress. We also have to be mindful of indigent litigants who may not have access to sufficient technological support in order to seek justice from the courts.

As we heed the clarion call to cater to the judicial needs of our litigants from all walks of life, we have to march on and perform our magisterial functions without fear, but with utmost caution. Significant and Revolutionary amendments

to our Rules of Procedure and Evidence have been implemented as well so that speedy, efficient and just service can be availed of by all. These amendments incorporated rules that acknowledged the need to keep up with the demands of the numerous technological advances.

Truth to tell, the Novel Corona Virus presents a veiled threat to us Judges. The hazard that we have to face on a daily basis as we man the judicial frontline produces a chilling effect to the men and women of the judiciary. But we will not be covered. **The mask that we don does not mean that justice is silenced.** The protective gears that has now become a vital component of our judicial robe and gavel are necessary tools in order for Us to march on. Ensuring that courts are open is our miniscule but meaningful contribution to our country's efforts to survive. We are one with our nation in our fight to overcome this crisis.

We shall, in unison with the entire global community endeavor to innovate and find ways to emerge victorious in this battle and to usher in a new and better normal. Judicial Continuity Plan. Digitization of Court Records. Sharing, Exploring and Adopting Best Court Practices to and from other jurisdictions. These are our antidotes against this pandemic. And that is our humble contribution to the world.

