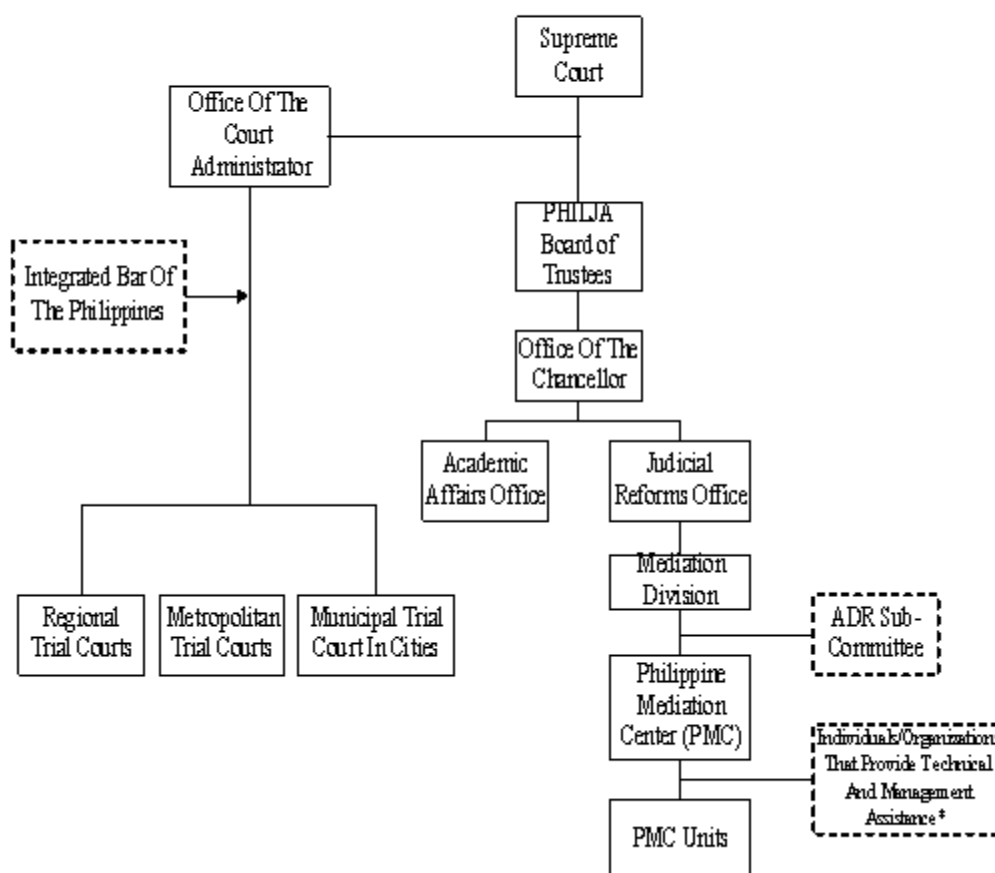


IV. ORGANIZATIONAL STRUCTURE OF THE PMC/JURIS PROJECT

The Philippine Mediation Center (PMC) was established by the Supreme Court through a resolution dated 16 October 2001. In the resolution, the Supreme Court designated the Philippine Judicial Academy (PHILJA) as its component unit for court-annexed mediation cases, and other forms of Alternative Dispute Resolution (ADR) mechanisms, and created the PMC for this purpose.

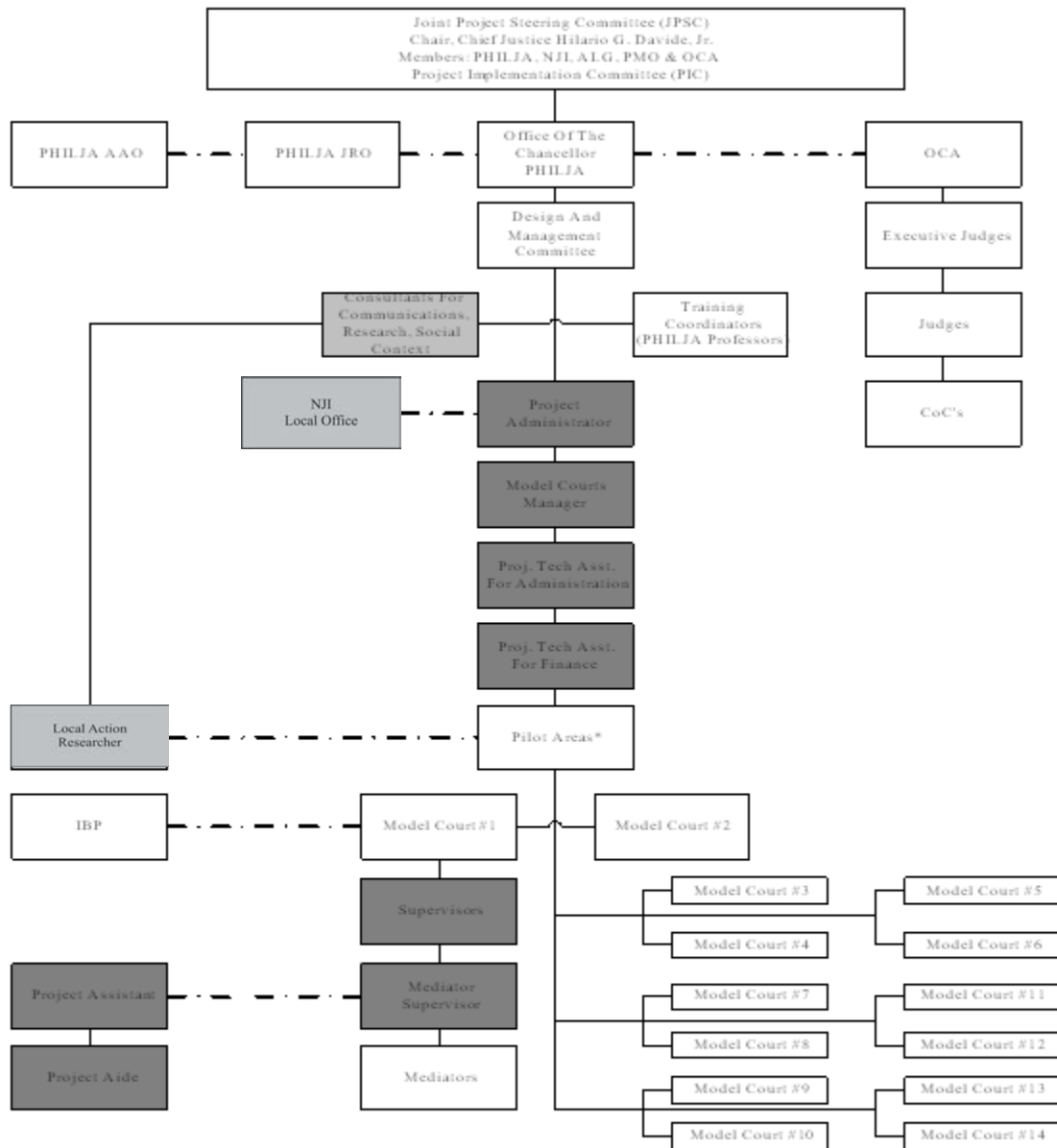
The operational control and supervision over PMC Units and Mediation Chapters with respect to court-annexed mediation cases rests with the Mediation Division of PHILJA, in coordination with the Office of the Court Administrator (OCA). PHILJA has the authority to enter into agreements with appropriate and qualified organizations and individuals for technical and management assistance.

PHILIPPINE MEDIATION CENTER ORGANIZATION STRUCTURE



*e.g., The Philippine Mediation Foundation, Inc. which signed a Memorandum of Agreement with PHILJA in March 2002, for the supervision and management of mediators in Metro Manila.

MODEL COURTS ORGANIZATIONAL STRUCTURE

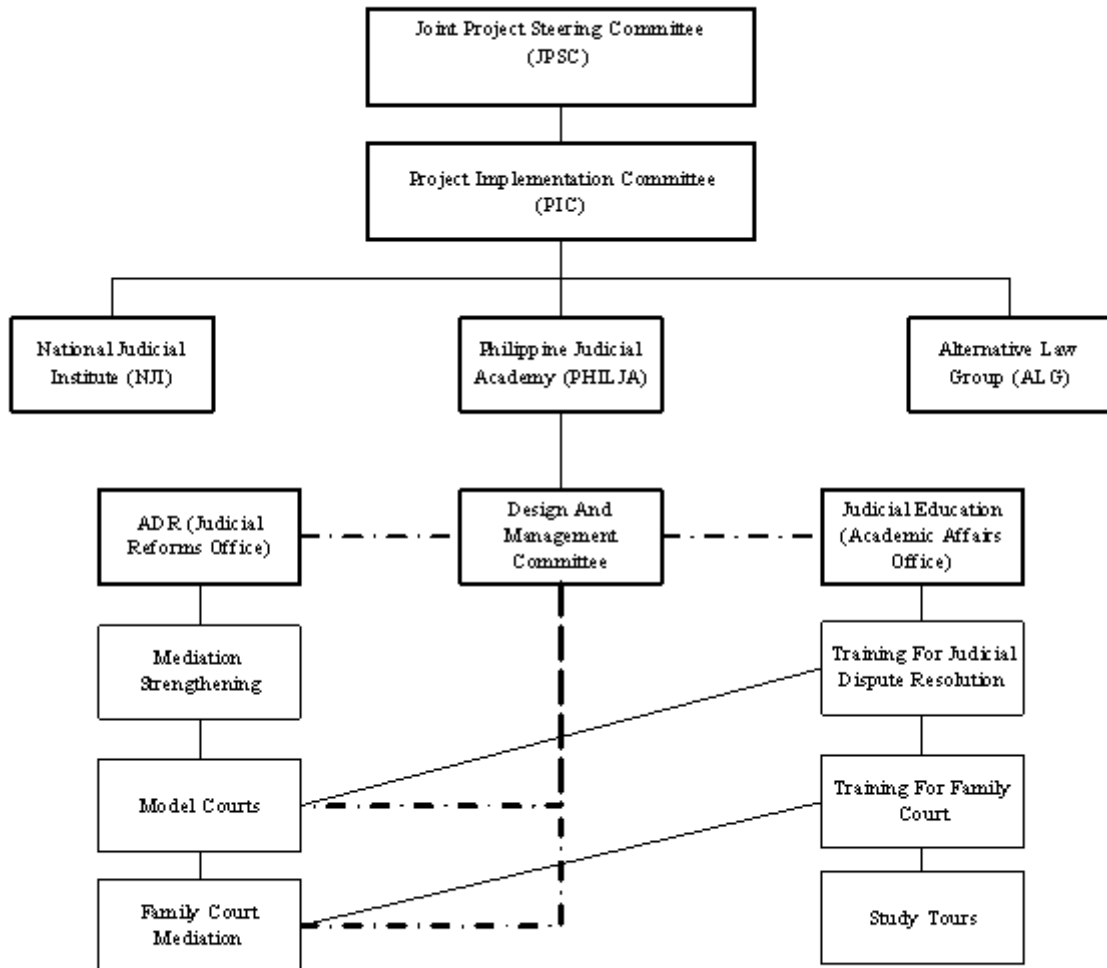


AAO - Academic Affairs Office
 ALG - Alternative Law Group
 BCC - Branch Clerks of Court
 COC - Clerks of Court
 CJ - Chief Justice
 IBP - Integrated Bar Of The Philippines
 JRO - Judicial Reforms Office
 NJI - National Judicial Institute
 OCA - Office Of The Court Administrator
 PMO - Program Management Office

*Y2 - 2 Model Courts
 Y4 - 4 Model Courts
 Y5 - 8 Model Courts

to be hired by NJI-PHIL
 to be hired by PHILJA

ORGANIZATIONAL STRUCTURE OF THE ENTIRE JURIS PROJECT



A. Role of the Supreme Court

Provides guidance through circulars and memoranda for the implementation of current and prospective court-annexed mediation programs.

As discussed in the Workshop on the Guidelines for CA Mediation and approved by the ADR Sub-Committee.

Through the Program Management Office, coordinates with donors and other development partners for funding and technical assistance for court-annexed mediation and other ADR projects.

Through the Public Information Office, assists in the information, education and communication campaign for court-annexed mediation. As discussed in the Workshop on the Guidelines for CA Mediation and approved by the ADR Sub-Committee.

As discussed in the Workshop on the Guidelines for CA Mediation and approved by the ADR Sub-Committee.

Through the Printing Office, assists in the printing of publications and materials for court-annexed mediation programs.

B. Roles and Responsibilities of Implementing Organizations

1. Office of the Court Administrator

Provides administrative supervision of all courts.

Monitors and ensures that the inventory and referral of cases for mediation are properly observed and undertaken.

A.C. No. 20-2002, 24 April 2002 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Requires monthly reports from judges on number of cases referred to the PMC Unit for mediation and how many cases were settled through mediation.

2. Philippine Judicial Academy

Acts as the component unit of the Supreme Court for court-referred, court related mediation cases and other forms of ADR mechanisms.

Formulates and issues implementing rules and regulations for the proper implementation of court-annexed mediation.

Directs and manages the Philippine Mediation Center.

Sec. 2, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

Enlists technical and management assistance of appropriate and qualified organizations or individuals.

2.1 Office of the Chancellor

Oversees the implementation of the entire Mediation Program.

JURIS Organizational Structure Document

Enters into Memorandum of Agreement with appropriate and qualified organizations or individuals for technical and management assistance.

Sec. 2, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

2.2 Academic Affairs Office

Drafts curricula, plans and academic undertakings of PHILJA.

JURIS Organizational Structure Document

Conducts periodic evaluation of the academic programs and performance of participants.

2.3 Judicial Reforms Office

Develops, evaluates and recommends measures for judicial reforms.

Section 3.3.3., A.M. No. 01-1-04-SC-PHILJA , 24 February 2004

Directs and manages the PMC units and mediation chapters as well as conducts the training and education in mediation of judges, court personnel, trainers, educators, lawyers, and officials and personnel of quasi-judicial agencies. (See Mediation Division)

Monitors and studies reforms initiated by other agencies / groups and submits appropriate recommendations.

Section 3.3.3., A.M. No. 01-1-04-SC-PHILJA , 24 February 2004

2.4 Mediation Management and Education Division

Controls and supervises operations of PMC Units and Mediation Chapters with respect to court-annexed mediation.

Sec. 2, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

Coordinates with the Office of the Court Administrator in the operation control and supervision of PMC units and Mediation Chapters.

Sec. 2, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

Reviews and recommends policy guidelines for the proper implementation of court-annexed mediation.

Conducts research on court-annexed mediation and other ADR mechanisms.

3. Philippine Mediation Center

Establishes, in cooperation with the Office of the Court Administrator (OCA), PMC in courthouses, and in such other places as may be necessary.

Recruits, screens, trains and recommends Mediators for accreditation.

Requires prospective Mediators to undergo four-week internship programs.

Sec. 1, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

Provides mediation training to judges, court personnel, educators, trainers, lawyers, and officials and personnel of quasi-judicial agencies.

Oversees and evaluates the performance of Mediators and Supervisors.

Provides continuing education, training, skills development, and upgrading of accredited Mediators at least once every two (2) years.

Sec. 3, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001

Develops training and other instructional materials.

Develops criteria and systems for evaluating the efficacy of mediation.

Develops and implements a viable mediation fee structure.

Develops administrative systems for case intake, screening, evaluation, documentation and record keeping, and other related activities.

Conducts periodic information, education and communication (IEC) campaigns.

4. Integrated Bar of the Philippines

To make use of available Alternative Dispute Resolution (ADR) methods prior to resort to courts by its members.

Sec. II, OCA Circular No. 2-2002, 30 April 2002

Promotes the inclusion in contracts of a stipulation on compulsory resort to arbitration in any dispute arising therefrom.

C. Roles and Responsibilities of Key Officials and Staff

1. The Court Administrator

Monitors and ensures that the inventory and referral of cases for mediation are properly observed and undertaken.

Requires monthly reports from judges on number of cases referred to the PMC Unit for mediation and how many cases were settled through mediation.

A.C. No. 20-2002, 24 April 2002 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

2. Executive Judges

Directs and periodically reminds the judges to refer cases to mediation.

Assists in providing a permanent mediation office/space, to house the PMC Units within their respective jurisdictions.

Circular No. 82-2001, 12 November 2001 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Arranges with local governments to provide office equipment and furniture for PMC Units.

Encourages the Judges and Court Personnel to extend to the Mediator, every possible support and assistance.

Designates a Clerk-in-Charge, in consultation with PHILJA and OCA, for the PMC Unit.

Directs the Clerk-of-Court to collect and deposit Mediation Fees pursuant to the procedures prescribed in existing rules.

Directs the Clerk-in-Charge to submit a monthly mediation report of all the cases referred to Mediation duly noted by the Executive judge to the Mediation Division of PHILJA furnishing a copy thereof to the OCA and the PMC unit.

Ensures the proper implementation of approved mediation structures, procedures, and guidelines in their respective areas, so as to institutionalize mediation in the Philippines.

3. Presiding Judge

Extends to the Mediator, as an officer of the court, every possible support and assistance during Mediation proceedings.

Directs the Branch Clerk-of-Court to conduct a monthly inventory of mediatable cases for submission to OCA and PHILJA at least one week before actual referral to PMC Unit for mediation.

Issues an Order referring the case/s identified above to the PMC Unit for mediation without prejudice to cases which are referred by the Judge during pre-trial.

Confirms the selection/appointment of the Mediator.

Imposes the appropriate sanction, including but not limited to censure, reprimand, contempt, payment of costs and fees assessed against the absent party to the attending party and counsel, and such sanctions as are provided under the *Rules of Court* for failure to appear for pre-trial, in case any or both of the parties absent themselves, or for abusive conduct during mediation proceedings.

Ensures the successful implementation of mediation, as one of the key modes of Alternative Dispute Resolution (ADR) and thereby reduce docket congestion.

Sec. 5, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

4. Clerk of Court

Ensures the proper collection, deposit and payment/ withdrawal to and from the PMC Trust Funds and render the proper report thereon pursuant to the existing rules.

Coordinates with PMC Coordinator for the set-up and maintenance of PMC Units.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

5. Branch Clerk of Court

For pending cases, conducts a monthly inventory of mediatable cases for submission to OCA and PHILJA.

Ensures the regular referral of cases for mediation to the PMC Unit.

Provides a copy of the daily calendar of cases for pre-trial to the PMC Unit.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

6. Clerk-in-Charge

Liases with the Trial Courts and Mediators and Supervisors in the PMC Unit.

Sec. II, Resolution No. 02-04, A.M.
No. 04-3-15-SC-PHILJA, 23 March
2004

Ensures that cases referred by the Trial Court for mediation were properly received by the PMC unit and acted upon.

Submits a monthly mediation report of all the cases referred to mediation duly noted by the Executive Judge to the Mediation Division of PHILJA furnishing a copy thereof to the OCA and the PMC Unit.

7. PMC Unit Coordinator

Act as the *de facto* Officer-in-Charge of their respective PMC Unit.

Sec. II, Resolution No. 02-04, A.M.
No. 04-3-15-SC-PHILJA, 23 March
2004

Monitors the referral of cases from the courts.

Ensures that the Daily Supervisors and Mediators are always available in the PMC Unit where they volunteered to mediate. Maintains an up-to-date list of Mediators and Daily Supervisors serving in the PMC Unit.

Ensures that Mediators are at all times aware of their specific responsibilities as provided for in the *Code of Ethical Standards for Mediators*.

Reports immediately to PHILJA and the designated individual/head of the organization enlisted by PHILJA to give technical and management assistance, any wrongdoing by any of the mediators under their supervision and/or any fortuitous event in the PMC Unit.

Collates and submits to the trial court which referred the case to mediation, the Mediator's Report at the end of the mediation period.

Sec. II, Resolution No. 02-04, A.M.
No. 04-3-15-SC-PHILJA, 23 March
2004

Assists the designated individual/head of the organization enlisted by the PHILJA to give technical and management assistance in the performance of his responsibilities, particularly in monitoring and supervising Mediators in their work, in developing systems and programs for the selection, monitoring and periodic evaluation of mediators as a whole, including the preparation of reports required by PHILJA and the OCA.

Submits to the Mediation Division of the Judicial Reforms Office, PHILJA and the designated individual/head of the organization enlisted by the PHILJA to give technical and management assistance a monthly report of the PMC unit's activities and operations, duly noted by the Executive Judge, furnishing a copy thereof to the OCA on or before the 10th day of the next month.

Sec. 6, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

8. Daily Supervisor

Performs specific roles and responsibilities pertaining to the Mediation process as described in the Mediation Process Flowchart.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004
Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Ensures, with the assistance of parties' counsel, that the draft Compromise Agreements are not contrary to law, morals, good customs, public policy and public order and, otherwise, to see to it that it is in accordance with the guidelines laid down by PHILJA.

Reviews Mediator's Report, before parties are requested to affix their signature therein, to ensure that the guidelines laid down by PHILJA have been complied with.

9. Mediator

Performs specific roles and responsibilities pertaining to the Mediation process as described in the Mediation Process Flowchart. Deemed an Officer of the Court when performing his functions.

Sec. 6, Second Revised Guidelines on Mediation in the Trial Court, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Prepares a Mediator's Report, to include whether one or both of the parties and/or counsel was absent to enable the court to determine the imposition of the proper sanctions.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Conducts the mediation proceedings with utmost degree of professionalism and dedication.

Abides by the *Code of Ethical Standards for Mediators*.

Code of Ethical Standards for Mediators, A.M. No. 01-10-5-SC-PHILJA, 16 October 2001 and Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Respects the relationship between Mediators and other professional disciplines including law, medicine, science, accounting, mental health and social services, and shall promote harmony and cooperation between Mediators and other professionals.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

In cases of voluntary withdrawal as a Mediator, requests PHILJA, in writing, for the cancellation of his/her accreditation. Upon confirmation of the cancellation of accreditation, the Mediator shall immediately surrender his/her identification card and shall be dropped from the list of Accredited Mediators.

Submits at the end of each month, to the PMC Unit Coordinator a monthly status report of all the cases handled.

D. JURIS Roles and Responsibilities

1. Pre-Trial Judge

Examines the pre-trial briefs of parties, as well as the pleadings and supporting documents/exhibits submitted.

A Guide On Pre-Trial Proceedings In Relation To ADR (Mediation) and Judicial Dispute Resolution (JDR, JURIS Project), revised as of 25 May 2004

During the conference, discusses the case with the active participation of counsel and parties (if needed) and the judge shall endeavor to persuade the parties/counsel to settle the dispute.

Gives out a non-binding and impartial evaluation or assessment of the chances of each party's success in the case.

If the parties finally agree to reconsider and mediate, facilitates settlement by utilizing his/her skills or techniques as a mediator.

If mediation is rejected, immediately issues a pre-trial order.

2. Clerk-of-Court

Ensures the proper collection, deposit and payment/ withdrawal to and from the PMC Trust Funds and render the proper report thereon pursuant to the existing rules.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Coordinates with PMC Coordinator for the set-up and maintenance of PMC Units.

Determines, upon the filing of all complaints, petitions and initiatory pleadings in all courts other than the Supreme Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals, if the plaintiff, petitioner, applicant or principal party has indicated on the right side of the caption (below the case number) of the pleading whether the case is referable to mediation by stamping or writing "MEDIATABLE"

Section I, A Guide On Pre-Trial Proceedings In Relation To ADR (Mediation) and Judicial Dispute Resolution (JDR, JURIS Project), revised as of 25 May 2004

3. Branch Clerk of Court

For pending cases, conducts a monthly inventory of mediatable cases for submission to OCA and PHILJA.

Sec. II, Resolution No. 02-04, A.M. No. 04-3-15-SC-PHILJA, 23 March 2004

Ensures the regular referral of cases for mediation to the PMC Unit.

Provides a copy of the daily calendar of cases for pre-trial to the PMC Unit.

Ensures that after every raffle or assignment of cases, mediatable cases shall immediately be segregated from the rest, properly marked and identified "FOR MEDIATION", prior to the issuance of the Pre-trial Notice.

Section II, A Guide On Pre-Trial Proceedings In Relation To ADR (Mediation) and Judicial Dispute Resolution (JDR, JURIS Project), revised as of 25 May 2004

Prepares the Notice of Pre-Trial and shall cause the service thereof upon counsel or on the party who has no counsel.

Monitors, before the date of pre-trial whether the parties have filed their pre-trial briefs with notice to the adverse party, in such manner as shall ensure receipt thereof, at least three (3) days before pre-trial.

Section II, A Guide On Pre-Trial Proceedings In Relation To ADR (Mediation) and Judicial Dispute Resolution (JDR, JURIS Project), revised as of 25 May 2004

Checks whether or not the pre-trial briefs contain such essentials required under Sec. 6, Rule 18, Rev. Rules of Court.

Ensures that parties/counsel are properly notified of the pre-trial schedule.