

Comments on Senate Bill No. 1547 or the proposed Joint Congressional Commission on Justice System Reform Act

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The proposed Senate Bill (SB) No. 1547 is laudable because if enacted into law and effectively implemented, it could contribute to socioeconomic development by improving rule-of-law credibility and the investment climate. The causal chain is well supported in institutional economics. When justice systems become more credible and predictable, thereby boosting rule-of-law credibility, transaction costs decrease. Contract enforcement risk declines, property rights become more secure, informal risk premia fall, and firms become more willing to enter into long-term contracts. The expected macroeconomic effects are higher investments, improved credit markets, and more responsive contracting in complex supply chains.

It is also worth noting that the explanatory note for SB 1547 highlights failures in public accountability and high-level corruption as core problems, which are urgent concerns. It also explicitly covers the five pillars of justice, namely, law enforcement, prosecution, judiciary, corrections, and community (Supreme Court of the Philippines n.d.)², rather than only the courts. This coverage is important because anti-corruption efforts can fail not only at the court stage but also earlier due to weak police investigation, prosecutorial screening failures, and law enforcement bottlenecks. Sustaining anti-corruption and integrity activities can also fail after the court stage due to correctional system failures and community distrust or apathy, thereby affecting criminal deterrence. This cross-pillar approach should also be apparent in the actual draft of the bill.

In addition, we have specific recommendations in the draft of the bill, as follows:

1. We propose that item (a) in Section 5 on mandate and powers of the Joint Congressional Commission on Justice System Reform be restated as follows (our additions are in bold highlights):

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DISCLAIMER: The views expressed herein do not necessarily reflect those of the PIDS.

² Supreme Court of the Philippines. (n.d.). *Ano ang Criminal Justice System at ang 5 Pillars nito? (#SCP Explainers: Five Pillars of the Criminal Justice System)*, [video].

<https://www.youtube.com/watch?v=MBJLXJv6w74> (accessed on February 22, 2026).

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- a. Conduct a comprehensive and independent assessment of the entire justice system's current organizational structures, methodologies, procedures, and technological infrastructure;

The recognition of multiple structures, methodologies, procedures and technological infrastructure is important because a whole-of-justice-system approach should look into the five pillars of the justice system.

2. We also propose the following revisions to item (b) of Section 5 (our additions are in bold highlights):

- b. Identify and evaluate systemic bottlenecks and weaknesses **in the pillars of justice and** enforcement of laws, particularly concerning the expeditious investigation and resolution of cases involving public officials;

The proposal is again in recognition of the five of pillars of justice and known bottlenecks. Courts indeed face “high volume of pending cases and severe delays in case disposition” and unresolved cases in lower courts reached nearly 900,000 before 2017 (Orbeta et al. 2021).³ But there are issues that cut across pillars, such as weak case management and digitalization gaps and siloed operations or lack of formal systems for inter-pillar coordination (UNDP and SC 2006).⁴

3. We also propose the following revisions to item (c) of Section 5 (our additions are in bold highlights):

- c. Assess the effectiveness of current **rules in the justice system, including** judicial and quasi-judicial rules of procedure in ensuring the prompt disposition of cases, fairness in legal processes, and preventing abuse of process and delay;

This is again to emphasize a whole-of-justice-system approach rather than focus on the judiciary only. Note that a case can fail if any of the five pillars underperforms. Typical failures can look like the following: weak police investigation (enforcement pillar),

³ Orbeta, A., V. Paqueo, and B. Siddiqi. 2021. Impacts of judicial reform in criminal case procedures on court congestion in the Philippines. https://3ieimpact.org/sites/default/files/2021-02/IE131-PWP.03.SC_.IE_C TG.pdf (accessed on February 22, 2026).

⁴ United Nations Development Programme (UNDP) and Supreme Court (SC) of the Philippines. 2006. Conduct of Further Study on Operations and Linkages of the 5 Pillars of Justice-Chapter 3: Synthesis of Diagnostic Studies. https://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2013/01/3_Assessment_SC.pdf (accessed on February 22, 2026).

dismissive prosecutor (prosecution pillar), growing court backlogs (judiciary pillar), overcrowded jails (corrections pillar), and rise in community distrust (community pillar).

4. We also propose the following revisions to item (d) of Section 5 (our additions are in bold highlights):

- d. Study the barriers preventing marginalized and vulnerable sectors from accessing effective legal redress **as well as the factors affecting geographic inequities in access to justice** and recommend mechanisms for equitable public legal assistance;

Covering geographic inequities is important because equity gaps persist not only across the population but also across geographic areas. The possible implications of this additional coverage are: having case-weighted distribution of justices across regional and municipal trial courts; uncovering issues in the justice system in the Mindanao regions such as the Bangsamoro Autonomous Region of Muslim Mindanao; and advancing the harmonization of Sharia law with existing Philippine laws.

5. The designation of the Philippine Institute for Development Studies (PIDS) as the research arm of the Commission (Section 8 of SB 1547) is also laudable as this serves as a policy credibility signal given the reputation of the PIDS in pushing for evidence-based reforms. This institutional choice sends a credibility signal to stakeholders that policy studies will be data-driven, applying rigorous methods, forward-looking, transformative, and actionable. But based on PIDS' experience implementing studies for the Second Congressional Commission on Education or EDCOM II (under Republic Act 11899 passed in 2022), the lesson is that even if PIDS is given an additional research mandate per law, funding for research is not guaranteed. For the EDCOM II research in 2022, there was no budget for PIDS because inter-branch fund transfer (i.e., between legislative, judiciary, and executive branches of government) is not legal. For 2023, defending the proposed PIDS budget for EDCOM II studies, which was considered Tier 2 or new spending at the time, was very challenging as the Department of Budget and Management tried to impose old budget ceiling even with the expanded mandate of PIDS. We thus propose that Section 7 be restated such that there will be a Commission Technical Secretariat headed by an Executive Director with specific qualifications (unlike in the present bill where the Commission “may” appoint an Exec Director) so that when SB 15747 is enacted, research can immediately be conducted as this Executive Director would be able to hire consultants and research support, possibly with PIDS’ guidance. We also propose that Section 8 be re-stated to ensure that PIDS’ new research mandate will be adequately funded and defended by members of Congress. A statement could be added saying “**This additional function of the PIDS shall be considered in mandating, through the General Appropriations Act, the direct transfer of research funds to and**

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extending the budget ceiling of the institute”. The Legislative Budget Research and Monitoring Office of the Senate may also be asked for the applicable legalese or the appropriate version of this statement, while respecting the principle that additional research mandate should be given additional mandated budget.

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