

THE CLOGGING OF CASES

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The clogging of cases in our courts has been a perennial problem and I think that so long as there are courts and litigations we will always have it. Various remedies have already been taken to solve this unwholesome situation, resulting in the creation of more courts and the appointment of more judges and requiring the latter to decide not less than thirty (30) cases a month, but apparently the matter remains unsolved. With the appointment of Secretary Barrera as head of the Department of Justice, one of the first tasks that has engaged his attention is the solution of the same problem. Let us sincerely hope that he will succeed in finding the right remedy. For the purpose of helping in some way in its solution, I have prepared this short article.

To my mind, the first step to be taken is to redistribute the present Courts of First Instance in the different parts of the country. It can not be denied that some of said courts have so few pending cases that they have become glorified Justice of the Peace Courts. The reason is that their location has not been motivated by a sincere desire for an efficient administration of justice but by political preferences. When the Judiciary Act of 1948 was enacted, by which more district courts were established, a great many were placed in certain provinces not necessarily due to big cumulations of pending cases but simply because Senators and Congressmen thought that their political fortunes would be enhanced if any of said courts would be established within their district. The result, as everybody knows, is that while some courts are loaded heavily with cases, others have very few cases, so much so that a Judge once said that if he would set for hearing all the pending cases in his court, he would be able to dispose of all of them in three months, only that he did not want to do so because then he would have no more work to do. I would suggest as a first remedy that the present Courts of First Instance be redistributed in such a way that those with few pending cases be transferred to regions having big accumulation of cases.

My second solution is that there should be a better selection of Judges. I do not say that the Judges of First Instance we now have are incompetent but I would like merely to state that more desirable results would be achieved if more care and different methods be adopted in the choice of our Judges. If I were to have my own way, I would place their selection in the hands of the different Bar associations in the country. I would make the lawyers recommend those members of the Bar who, in their opinion, are fit to be in the Bench. For it can not be doubted that the lawyers are in a better position

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than anybody else to determine who among themselves are competent and able to be in the Judiciary. Should their choice prove to be a disappointment, then nobody else could be blamed but themselves. For it can not be denied that if sometimes the dispatch of a case is delayed, it is because the presiding Judge is not very well acquainted with the Rules of Procedure and Evidence. If a Judge is strong in his law, he can be firm in his dealings with the lawyers and the parties, and he can direct the course of legal business before his court in such a manner as to discourage and eliminate all possible delays and dilatory tactics.

The Department of Justice should single out the courts with clogged calendars. It can not be believed that in all the courts throughout the country there is clogging of cases and it is quite unfair that just because some courts are not prompt in the dispatch of cases, all the others be made to suffer. The Department should not hesitate to crack its whip over those Judges who are not up-to-date in their work. And once it is determined which courts have big accumulation of pending cases, the Department should send additional Judges to help in their prompt dispatch. In this respect, it is suggested that the old positions of Judges-at-large be revived in order that the Department can have a reserve force of Judges at its disposal to help Judges who are lagging in their work.

Finally, it would not be out of place to state that Judges should be made to feel that should they work harder, their labors would be properly rewarded. As things now stand, a Judge always asks himself what does he get for working hard when he actually sees that those who are inefficient are rewarded with promotions. It is very disgusting for a Judge to see that after he has exerted all his time and efforts and after he has gone out of his way to make the administration of justice as efficient as it can be, he is left out and not even considered in matters of promotion. For this reason, many judges assume a fatalistic attitude of just doing the minimum work required, for after all his chances for promotion are not based upon his efficiency but rather on some other dubious considerations. I am sure that if it can be worked out that considerations for the promotion of Judges should be based on efficiency, all the Judges will have the proper incentive to work harder than what they do at present.