

December 9, 2013

BY: *[Signature]*  
DATE: 12/10/13  
TIME: 4:50 PM  
Hon. Mayor Michael Rama

CEBU CITY GOVERNMENT  
DATE: DEC 10 2013 TIME: 4:50 PM  
HON. SISINIO M. ANDALES  
RECEIVED BY: *[Signature]*  
256-8683/412-7117

Hon. Vice Mayor Edgardo Labella

Members of the Sangguniang Panglungsod of Cebu City

- Hon. Nestor Archival
- Hon. Margarita V. Osmena
- Hon. Mary Ann C. Delos Santos
- Hon. Gerardo A. Carillo
- Hon. Alvin B. Arcilla
- Hon. Eugenio F. Gabuya
- Hon. Sisinio M. Andales
- Hon. Dave Tumulak
- Hon. Lea O. Japson
- Hon. Roberto A. Cabarrubias
- Hon. Alvin M. Dizon
- Hon. James Cuenco
- Hon. Ma. Nida C. Cabrera
- Hon. Hanz Abella
- Hon. Noel Eleuterio G. Wenceslao
- Hon. Richard Z. Osmena
- ABC President
- Hon. John Philip Echavez-Po, II

City Hall, Cebu City

Office of Councilor  
NENDEL HANZ ABELLA  
Cebu City  
RECEIVED  
Date: Dec. 10 2013  
Time: 4:50 PM  
By: *[Signature]*

RECEIVED  
DEC 10 2013  
253-2838

OFFICE OF COUNCILOR  
JAMES ANTONIO R. CUENCO  
RECEIVED  
DATE: 12-10-13  
TIME: 4:50 PM  
BY: *[Signature]*

SANGGUNIANG PANGLOKSOD  
HON. ALVIN B. ARCILLA-OFFICE  
RECEIVED  
DATE: 12-10-13  
TIME: 4:50 PM  
BY: *[Signature]*

Subject: Request for reconsideration of the LGU Practice of Giving Allowances to Members of the Judiciary and the Prosecutors

Dear Honorable Officials of the City Government:

This refers to the practice of local government units, such as the Cebu City Government, of giving monthly allowances to the members of the Judiciary and the Prosecutors. In the planned 2014 budget of the city, the allocation of P24,990,000.00 for the Judiciary and P1,230,000.00 for the prosecutors has been proposed, as per attached Annex "A".

The total amount to be expended are not measly and otherwise would have been allotted for the delivery of the mandated services of the city under RA 716, the Local Government Code, as well as provide for the urgent needs, especially of the marginalized constituents.

It is of public knowledge that, among a long list of badly needed services that the city is expected to perform, it has to look at the welfare of the malnourished kids and out of school youth, residents displaced by climate change and in need of shelters, and school buildings that are not climate-proof and therefore unsafe for the children. Considering that climate change is a reality, the city is tasked to build the resiliency of the residents and ecosystems in responding to climate change and the natural calamities, which are getting stronger and more frequent.

In addition, the current state of environmental degradation - the open dumpsite at Inayawan, polluted air and waters of Cebu City - is a matter of public concern. Just like most LGUs, the city has not fully complied with its mandates of environmental protection such as the implementation of anti-pollution laws notably RA 9003, the Ecological Solid Waste Management Law of 2001, RA 8749, the Clean Air Act of 1999, RA9275, the Clean Water Act, among a host of other environmental laws languishing in implementation.

OFFICIAL SEAL  
Office of City Councilor  
ALVIN DIZON  
RECEIVED  
Date: 12/10 Time: 4:50 By: *[Signature]*

OFFICE OF HON. EUGENIO F. GABUYA  
RECEIVED  
DATE: 12/10/13  
TIME: 4:55 PM  
BY: *[Signature]*







Citizens, including the undersigned, have sent various Notices to Sue to the city government for failure to implement and enforce aforesaid environmental laws. It should also be emphasized that until now, the city government has not fully implemented City Ordinance 2234, creating the Cebu City Environment and Natural Resources Office, despite the issuance by Mayor Rama of Executive Order No. 11-2 on February 16, 2011 for the implementation of said City Ordinance. The repeated reason cited is the lack of budget for its full operationalization. It is therefore not a source of wonder that the anti-pollution laws are still not enforced.

Mention should likewise be made that the Sanggunian Panglungsod of Cebu City approved a few years ago a budget of around P8.0 M for the purchase of the essential equipment to monitor the quality of our air and water. To date, the city has not prioritized said expenditure.

Surely, the rights of the people to breathe clean air and have a healthful and balanced environment deserve the highest priority of the State, with the LGUs acting as its agent, at the local level.

It is extremely difficult to understand why mandated services are left out by the LGUs and the aid or grants to the judiciary and the prosecutors are given top notch priority. Without going into the constitutional and ethical implications of the grant, Court of Appeals justices and judges already receive substantial salaries and emoluments and so do Prosecutors, unlike in the past.

In this era when scarce resources are required for the delivery of mandated essential services such as health, sanitation, education, environmental protection, and necessary measures to protect our people against impacts of climate change, the policy of restraint and stoppage of the practice is the call of the hour, based on the following constitutional, legal and ethical grounds.

**1. The independence and the public perception of independence of the judiciary and the prosecutorial arm of government are paramount if our institutions are to be strengthened and the fading trust of our people in government is to be restored.**

(A) The Constitution requires judges to be independent at all times. Independence means absolute freedom from any form of power, whether actual or perceived, exercised by a separate branch of the government or any person. This may include economic emoluments or privilege such as the regular allowances given to individual members of the judiciary by LGUs.

The grant of allowances to judges is anathema to the principles of separation of powers and the independence of the judiciary.

The prosecutors, as indispensable part of the pillars of justice, have to be independent and perceived as possessed of such independence from any person or entity, including the LGUs.

(B.) Fiscal autonomy is, in addition, enshrined by the Constitution to ensure that the judiciary is completely removed from the clutches of the political departments such as the executive and the legislative branches, considering the sensitive role it performs in the administration of justice.

**2. To serve as a standard of conduct that members of the judiciary should possess, the Bangalore Draft, now known as the New Code of Judicial Conduct, A.M. No. 03-05-01 was adopted in 2004, 13 years after RA 7160, the Local Government Code, was enacted. It has made imperative the prohibition on the practice of LGUs in the giving of monthly allowances to judges.**



- A. The Whereas clause provides that "the Bangalore Draft, as amended, is intended to be the Universal Declaration of Judicial Standards applicable in all judiciaries;

WHEREAS, the Bangalore Draft is founded upon a universal recognition that a competent, independent and impartial judiciary is essential if the courts are to fulfill their role in upholding constitutionalism and the rule of law; that public confidence in the judicial system and in the moral authority and integrity of the judiciary is of utmost importance in a modern democratic society; and that it is essential that judges, individually and collectively, respect and honor judicial office as a public trust and strive to enhance and maintain confidence in the judicial system;" (Underline sup.)

- B. Canon 1 (INDEPENDENCE) declares that "Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects." (Underline sup.)

Under SECTION 1, "Judges shall exercise the judicial function independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason."

By giving LGUs the power to allocate regular allowances to judges and prosecutors, RA 7160 has in fact created undesirable consequences which heavily impact the administration of justice and even eroded the credibility of the Bench and the prosecutors.

Instances can be cited where local chief executives withheld allowances of judges or prosecutors when adverse decisions were rendered by them against the LGU. This serves as chilling reminders and pressures that the LGUs held the purse that could be withheld at any time.

This situation is not only intolerable, it is demeaning to the holders of the judicial and prosecutorial posts to be grabbed into controversies with the political branch of government.

- C. We take note of Sections 4 – 8 of the New Code, which read as follows:

SEC. 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge. (Underline supp.)

SEC. 5. Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer. (Underline supp.)

SEC. 6. Judges shall be independent in relation to society in general and in relation to the particular parties to a dispute which he or she has to adjudicate. (Underline supp.)

SEC. 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary. (Underline supp.)



SEC. 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence. (Underline supp.)

The reason behind the proscription is easy to fathom. The independence of the judiciary is essential to democracy. Any perception by the public as to the exercise of power, control or influence by the political branches over the judiciary or any of its members, whether real or imagined, effectively dents the image of an independent and credible judiciary.

A strict adherence and respect for the independence of the judiciary and the prosecutorial services is a matter of grave public concern. Thus, this request for a policy of restraint on the part of the city government and all the local government units with similar practice so as to strengthen judicial independence.

D. Delay in the administration of justice

To avoid allegations of partiality or conflict of interest, it is not surprising if a prosecutor would inhibit from handling a case when a local government unit is a party. Lawyers are likewise not precluded from filing motions for inhibition if a judge receives allowances from an LGU.

The consequence of continuing the present practice delays further the administration of justice in our country.

3. **By being recipients in the funds that are meant to be for the delivery of services, our judges and prosecutors are unnecessarily dragged into controversies and even are perceived to compete in the delivery of essential services to the people. These situations definitely do not augur well in strengthening the trust of the public on our judicial system.**
4. **Separating the constitutional and ethical bases for withholding and stopping the practice, RA 7160, section 458 does not grant absolute discretion upon the city officials to give allowances to judges and prosecutors.**

Said provision declares that:

**(xi) When the finances of the city government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the city;**

The grant is clearly not automatic nor discretionary, as seemingly the practice among LGUs has evolved.

The city has to prove that the services it is mandated to deliver under the Local Government Code have been given substantial allocation and are not sacrificed or hampered by the grant of the allowances to the members of the Bench and the Prosecutors. There are provisions in the Code which should not be disregarded by the LGUs. Section 17 (Basic Services and Facilities) requires LGUs to, among others, prioritize the protection of the people's health, promote sanitation, protect the environment, and, under the new laws, for disaster risk reduction and management and climate change response, among others.

The aforementioned provision collides directly with judicial independence. It was perhaps inserted, with the best of intention, as a way of augmenting the then



meager income of the members of the Bench and the prosecutors in the 1990s. But, the situation now is clearly different.

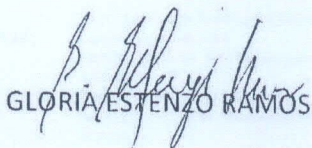
Of utmost importance should be a long-overdue consideration of the tremendous damage inflicted upon the perception of the public as to the independence of the judiciary and the prosecutors.

As a member of the Bar and a professor in Legal Ethics, an advocate for the environment, good governance and societal reforms, and conscious of the grave responsibility to help promote the Rule of Law and justice in our country, I am compelled, in my personal capacity, to voice my strong opposition to this unfortunate practice. I am likewise aware of the fact that not a few sectors have articulated their strong reservation about the continuance of the practice.

It is my hope that this letter will help trigger a re-examination and reconsideration not just by the LGUs but by the judiciary and the Department of Justice of the aforesaid policy.

Thank you.

Sincerely,

  
GLORIA ESTENZO RAMOS

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Copy Furnished:

Hon. Chief Justice Maria Lourdes P.A. Sereno  
Supreme Court of the Philippines  
Padre Faura, Manila

Hon. Sec. Leila de Lima  
Department of Justice  
Manila

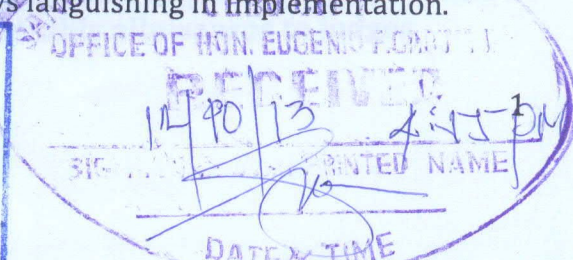
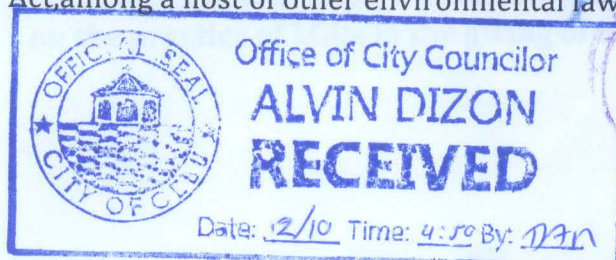


**PEACE & ORDER PROGRAM (CY 2014)**  
**Subsidy to National Government Agencies**

11/29/13

| OBJECTIVE OF EXPENDITURES   | Account Code       | No. of Persons | Rate/month       | Total x12 Months    | For AB               |
|---|--------------------|----------------|------------------|---------------------|----------------------|
| <b>Allowance for City Fiscal</b>  | <b>871-020-003</b> | <b>1</b>       | <b>18,000.00</b> | <b>216,000.00</b>   |                      |
| Asst. City Fiscals  |                    | 28             | 18,000.00        | 6,048,000.00        |                      |
|   |                    | 29             | 18,000.00        | 6,264,000.00        | 6,264,000.00         |
| Add : Proposed Add'l Asst. City Fiscal  |                    | 1              | 18,000.00        |                     | 216,000.00           |
| <b>Total</b>  |                    | <b>30</b>      | <b>18,000.00</b> |                     | <b>6,480,000.00</b>  |
| <b>Allowance for the Office of the Regional State Prosecutor :</b>                                    | <b>871-020-028</b> |                |                  |                     |                      |
| Regional Prosecutor   |                    | 1              | 18,000.00        | 216,000.00          |                      |
| Asst. Regional Prosecutor   |                    | 5              | 18,000.00        | 1,080,000.00        |                      |
|   |                    | 6              | 18,000.00        | 1,296,000.00        | 1,296,000.00         |
| Add : Proposed Add'l Asst. Regional Prosecutor  |                    | 1              | 18,000.00        |                     | 216,000.00           |
| Proposed Increase of Allowance (P 7,000 per prosecutor pursuant to RA 10071)                          |                    | 7              | 7,000.00         |                     | 588,000.00           |
| <b>Total</b>  |                    | <b>7</b>       | <b>25,000.00</b> |                     | <b>2,100,000.00</b>  |
| <b>Incentive Allowance:</b>   |                    |                |                  |                     |                      |
| <b>Policemen serving Cebu City (includes)</b>   | <b>871-020-011</b> |                |                  |                     |                      |
| under CCPO Roster List  |                    | 907            | 2,000.00         | 21,768,000.00       |                      |
| Maritime Police   |                    | 25             | 2,000.00         | 600,000.00          |                      |
| BJMP (Oper. Second Chance)  |                    | 19             | 2,000.00         | 456,000.00          |                      |
| BJMP (BBRC-Female)  |                    | 23             | 2,000.00         | 552,000.00          |                      |
| Crime Lab.  |                    | 30             | 2,000.00         | 720,000.00          |                      |
| NBI Director  |                    | 1              | 8,000.00         | 96,000.00           |                      |
| NBI Exec. Officer   |                    | 1              | 7,000.00         | 84,000.00           |                      |
| NBI Investigator  |                    | 19             | 5,000.00         | 1,140,000.00        |                      |
| CCPO Director   |                    | 1              | 8,000.00         | 96,000.00           |                      |
| Assistant CCPO Director   |                    | 1              | 7,000.00         | 84,000.00           |                      |
| Assistant CCPO Director   |                    | 1              | 7,000.00         | 84,000.00           |                      |
| NBI Personnel:  |                    |                |                  |                     |                      |
| 1 Doctor at 5,000.00/mo.  |                    | 1              | 5,000.00         | 60,000.00           |                      |
| personnel at 3,000.00/mo.   |                    | 8              | 3,000.00         | 288,000.00          |                      |
| 1 PS-Supt - PNP   |                    | 1              | 8,000.00         | 96,000.00           |                      |
|   |                    | 1038           |                  | 26,124,000.00       | 26,124,000.00        |
| Add : Add'l 12 Months Funding for Policemen not Considered in AB 2013                                 |                    | 301            | 2,000.00         |                     | 7,224,000.00         |
| Add'l Funding for BJMP Male not Considered in AB 2013   |                    | 134            | 2,000.00         |                     | 3,216,000.00         |
| Proposed Increase of Allowance of Policemen Serving Cebu City at 2,000 each (Per Resolution 2013-006) |                    | 1473           | 2,000.00         |                     | 35,352,000.00        |
| <b>Total</b>  |                    | <b>1473</b>    |                  |                     | <b>71,916,000.00</b> |
| <b>Firemen</b>  | <b>871-020-012</b> |                |                  |                     |                      |
|   |                    | 170            | 2,000.00         | 4,080,000.00        |                      |
|   |                    | 1              | 8,000.00         | 96,000.00           |                      |
|   |                    | 171            |                  | 4,176,000.00        | 4,176,000.00         |
| Add : Proposed Increase of Allowance of Firemen at 2,000 each (Per Resolution 2013-006)               |                    | 171            | 2,000.00         |                     | 4,104,000.00         |
|   |                    | 171            |                  |                     | 8,280,000.00         |
| <b>Policemen serving Mt. Brgys.</b>   | <b>871-020-013</b> |                |                  |                     |                      |
| (Number of policemen counted for budgeting was over by 34)  |                    | 50             | 1,250.00         | 750,000.00          | 750,000.00           |
| Proposed Increase of Allowance of Policemen serving Mt. Brgys at 2,000 each (Per Resolution 2013-006) |                    | 50             | 2,000.00         |                     | 1,200,000.00         |
| Add : 2013-006)   |                    | 50             |                  |                     | 1,950,000.00         |
| <b>Total</b>  |                    |                |                  |                     |                      |
| <b>Security Services (BPAT)</b>   | <b>797-001</b>     |                |                  |                     |                      |
|   |                    | 126            | 3,000.00         | 4,536,000.00        |                      |
|   |                    | 8              | 4,000.00         | 384,000.00          |                      |
| <b>Total</b>  |                    | <b>134</b>     |                  | <b>4,920,000.00</b> | <b>4,920,000.00</b>  |

most LGUS, the city has not fully complied with its mandates of environmental protection such as the implementation of anti-pollution laws notably RA 9003, the Ecological Solid Waste Management Law of 2001, RA 8749, the Clean Air Act of 1999, RA9275, the Clean Water Act among a host of other environmental laws languishing in implementation.





**AID TO JUDICIARY**  
Account Charge : 1914-200-871-020-026 CY 2014

|  |                      |
|--|----------------------|
| <b>Allowance for City Court</b>                          |                      |
| 1 X 30,000.00 = 30,000.00 X 12 =                         | 360,000.00           |
| <b>Court of Appeal - Justices</b>                        |                      |
| 7 X 45,000.00 = 315,000.00 X 12 =                        | 3,780,000.00         |
| 1 X 45,000.00 = 45,000.00 X 12 =                         | 540,000.00           |
| <b>Court of Appeal - Clerks of Court</b>                 |                      |
| 4 X 15,000.00 = 60,000.00 X 12 =                         | 720,000.00           |
| <b>Regional Trial Court - Judges</b>                     |                      |
| 21 X 35,000.00 = 735,000.00 X 12 =                       | 8,820,000.00         |
| 2 X 35,000.00 = 70,000.00 X 12 =                         | 840,000.00           |
| <b>Regional Trial Court - Clerks of Court</b>            |                      |
| 24 X 15,000.00 = 360,000.00 X 12 =                       | 4,320,000.00         |
| <b>Municipal Trial Court in Cities - Judges</b>          |                      |
| 9 X 30,000.00 = 270,000.00 X 12 =                        | 3,240,000.00         |
| <b>Municipal Trial Court in Cities - Clerks of Court</b> |                      |
| 10 X 15,000.00 = 150,000.00 X 12 =                       | 1,800,000.00         |
| <b>PHILJA Coordinator (VISMJN)</b>                       |                      |
| 1 X 35,000.00 = 35,000.00 X 12 =                         | 420,000.00           |
| <b>Regional Trial Court - Social Workers</b>             |                      |
| 5 X 2,500.00 = 12,500.00 X 12 =                          | 150,000.00           |
|  | <u>24,990,000.00</u> |

most LGUs, the city has not fully complied with its mandates or environmental protection such as the implementation of anti-pollution laws notably RA 9003, the Ecological Solid Waste Management Law of 2001, RA 8749, the Clean Air Act of 1999, RA9275, the Clean Water Act, among a host of other environmental laws languishing in implementation.

