
BEYOND THE COURTROOM: THE ROLE OF MEDIATION AND JUDICIAL DISPUTE RESOLUTION IN THE PHILIPPINE LEGAL SYSTEM

Abinguna, Nathan Obie James D., Arpon, Alvin R., Espiritu, Cris Anthony G., Gerilla, Jessa Ervina B., Llanita, Arthur M., Mallari, Adrian Kenneth N., Mallari, Krizza Mae N., Tejero, April Rose C.

Professor: Atty. Robbin S. Docena

ABSTRACT

Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) are mainstream alternative dispute resolution (ADR) mechanisms of the Philippine judiciary to decongest cases, expedite the resolution of disputes, and reduce litigation costs. CAM involves the referral of cases to expert mediators at the Philippine Mediation Center, and JDR involves active mediation by judges in resolving disputes to promote settlements before trial. Both mechanisms have significantly improved judicial efficiency by reducing court caseloads, expediting the resolution of cases, and promoting cost-saving and amicable settlements.

Empirical data indicate that CAM and JDR have been accountable for substantial case decongestion, with historically high success rates in resolving disputes short of complete litigation. Recent trends indicate a decline in the success rates of mediation, attributing this to problems such as a lack of adequate mediator training, parties' resistance to settle, and the occasionally adversarial conduct of lawyers during mediation proceedings. Addressing these issues through better training, better remunerations of mediators, and better public awareness of the benefits of ADR is crucial to ensuring and increasing the effectiveness of these mechanisms.

In spite of these constraints, CAM and JDR are still components of the Philippines' judicial reform. Their ongoing development and integration into the legal system will make a more efficient, accessible, and problem-solving judiciary, and thus the courts and parties to the case.

INTRODUCTION

Alternative Dispute Resolution (ADR) is a process used to amicably settle legal conflicts between parties without going to court. In the Philippines, there are two ADR methods that enable parties to reach mutually acceptable solutions: Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR). While JDR involves a judge assisting in dispute resolution before a trial, CAM relies on a neutral mediator to guide the parties toward an agreement. Both techniques offer a faster and less adversarial approach to resolving conflicts, saving time, money, and the emotional stress of lengthy court proceedings.

CAM and JDR are game changers in the Philippine court system, offering a fresh and more

human approach to resolving conflicts. Instead of getting caught in long, expensive, and stressful trials, people can now resolve their disputes through communication, understanding, and cooperation. These alternative methods not only help speed up the judicial process but also ease the heavy burden on courts, which are often swamped with cases.

For many Filipinos, the traditional court system can feel intimidating, slow, and costly. It is a place where people often feel like their voices are not heard, and the process can drag on for years. CAM and JDR offer a different way, a chance for people to find solutions without the financial strain and emotional toll that often comes with protracted legal battles. These methods provide an opportunity for both sides to talk things out with the help of a neutral mediator or even a judge, making the whole process less confrontational and more focused on reaching an agreement that works for everyone.

For first-level courts, the case disposition rate of 53% in 2021 increased to 60% in 2022 and to 61% in 2023. For second-level courts, the case disposition rate increased from 32% in 2021 to 39% in 2022 and 42% in 2023. The disposition rate in the Supreme Court also improved from 19% in 2022 to 25% in 2023, when it disposed of 4,730 cases.^[1]

Senior Associate Justice Leonen highlighted that the Supreme Court has consistently prioritized the binding nature and enforceability of arbitral awards in a series of decisions. He stated that when parties voluntarily submit their disputes for arbitration, that choice must be upheld and respected.

“These rulings should boost public confidence in arbitration as a private alternative to litigation,” stressed the Senior Associate Justice. “They reflect our commitment to uphold party autonomy and limit unnecessary judicial interference. These are pillars of a more innovative, more efficient, and more accessible justice system, it gives families the opportunity to reconcile and preserve healthy relationships. Arbitration, given its confidential, transparent, and neutral nature, reduces the risks to integrity that usually accompany public adjudication. Since arbitration proceedings are also faster and more specific expert-driven, the susceptibility for external interference is significantly reduced. It levels the playing field regardless of one’s connection to the powers that be or one’s financial resources. -Leonen”. (See, Senior Associate Justice Leonen: Mediation Can Help Further Decongest Courts – Supreme Court of the Philippines)

The traditional legal system used by many Filipinos seems slow, expensive, and frightening. CAM and JDR enable individuals to get solutions free from the financial load and stress of a protracted legal dispute by offering a more friendly and speedy replacement. These techniques help couples and individuals in a society where maintaining ties to communities and relationships is valued to settle their problems in a less antagonistic and more targeted on finding mutual accord.

^[1] Senior Associate Justice Leonen: Mediation Can Help Further Decongest Courts – Supreme Court of the Philippines

These ADR methods are a means to create a legal system more sensitive to the needs of the people one that is both fair and efficient, so allowing everyone an opportunity to solve their problems without overwhelming the courts as they become more well-known in the Philippines.

With the emerging importance of ADR in the legal system and its complexities, the subject requires the group to conduct an observation on the proceedings and interview the mediator and JDR Judge to come up with better understanding of the practical aspects of JDR.

PERSONAL PROFILE OF THE MEDIATOR



Mr. Eduardo P. Agron is a dedicated and experienced Court-Annexed Mediator with a deep passion for fostering peaceful resolutions. At 75 years old, he has devoted the past two decades to mediation, playing a crucial role in helping individuals and parties reach fair and amicable settlements. His expertise in conflict resolution stems not only from his extensive experience in the field but also from a strong background in education, administration, and community service.

Mr. Eduardo graduated with a Bachelor of Science in Elementary Education degree from Leyte State College (now Leyte Normal University) in 1971. He began as a teacher, teaching and shaping the minds of his students with lessons of knowledge and discipline. Through the years, he shifted to different positions that further developed his leadership and interpersonal skills. He was the Municipal Secretary of LGU-Babatngon, where he was instrumental in local governance and administrative functions to ensure efficient and smooth operations. He was also a NMPC Officer in Malacañang, where he gained worthwhile experience. His working life also included him as a salesman, an experience that sharpened his negotiation and communication skills, skills that have been invaluable to his career in mediation.

Aside from his professional life, Mr. Eduardo has always been quite interested in civic and community service. He is an active member of some organizations, including the Senior Citizen Association, in which he upholds the cause of senior citizens and ensures they are given the dignity and respect they deserve. Through his active membership in the Knights of Columbus, he remains committed to the values of charity and unity in serving various outreach programs and activities. His faith and service spirit can also be observed in his active membership in the Association of Lay Ministers in Babatngon Parish, where he participates actively in church activities, spiritual guidance, and community support. He has also invested time and effort in volunteering work for the KOFC-Babatngon, expressing his unstinting service to others.

Mr. Eduardo's dedication to his career as a mediator is shown in his constant pursuit of learning and self-improvement. He has undergone extensive training in court-annexed mediation, which has equipped him with the knowledge and experience to settle even the most complex disputes. His listening abilities, objective analysis of the problems, and bringing parties together to mutually acceptable agreements have earned him the respect and trust of the individuals he assists. His efforts not only settle disputes but also heal relationships and bring peace between communities.

On a personal level, Mr. Eduardo is a committed husband and proud father of three children. He loves family above everything else and believes that strong family relationships are the secrets to a peaceful society. His wisdom, patience, and sheer dedication to service are the hallmarks of his personality, and he is a man of vast respect in his professional and personal life as well. Through his life-long commitment to education, mediation, and community service, Mr. Eduardo P. Agron continues to have a positive impact on the lives of many, leaving a legacy of leadership, compassion, and integrity behind.

PERSONAL PROFILE OF THE MEDIATOR

Honorable Judge Minerva A. Viojan-Siosana is a highly skilled and devoted legal expert with a broad career in the judiciary for more than 14 years. She currently occupies the prestigious role of Presiding Judge at the Municipal Trial Court (MTC) in Liloan and Acting-Presiding Judge for the Municipal Circuit Trial Court (MCTC) of Sogod, Libagon, and Bontoc, Southern Leyte. Her legal acumen and dedication to maintaining the tenets of justice, equity, and integrity have established her as a respected member of the legal community. An important facet of her judicial trajectory is her involvement in Judicial Dispute Resolution (JDR), in which she has participated for three years, assisting litigants in resolving disputes effectively and fairly through alternative dispute resolution processes.



As a JDR Judge, Hon. Judge Minerva plays an important role in helping parties to reach an amicable settlement before trials. Her efforts aim to lessen the burden on the courts by promoting amicable resolutions. She has undergone specialized training for JDR judges, equipping her with advanced skills in mediation, negotiation, and conflict resolution. Her capacity to handle intricate legal issues with objectivity and knowledge has greatly improved case management and facilitated access to justice.

Her academic journey reflects her passion for law and dedication to continuous learning. She is a graduate of Bachelor of Science in Accountancy from the University of San Carlos in Cebu in 1999, where she developed her analytical and financial skills and pursued her Juris

Doctor degree at Leyte Colleges, where she graduated with honors, achieving the distinction of Cum Laude in 2009. Her exceptional academic achievement and dedication to public service prepared the ground for an extraordinary legal career. She received the renowned "Best PAO Lawyer of the Year" award, which recognizes her outstanding contributions to the legal profession and her devotion to excellence.

In addition to her judicial responsibilities, Hon. Judge Minerva is also a passionate legal educator, serving as a law professor at Saint Paul School of Professional Studies. As a law professor, she shares her legal knowledge and experience with aspiring lawyers. Her teaching inspires students to pursue professions in law with integrity and dedication.

As an active member of the Integrated Bar of the Philippines (IBP), Hon. Judge Minerva continues to engage with the broader legal community. Despite her demanding career, she remains deeply committed to her personal life as a devoted mother of three. Her ability to balance the responsibilities of motherhood, a judicial career, and her role as an educator is a testament to her resilience, discipline, and strong work ethic.

As a resident of Tacloban City, Hon. Judge Minerva serves as an inspiration for her community. Her steadfast dedication to justice and broad legal knowledge has won her respect and confidence. With her enthusiasm for legal education, exceptional legal acumen, and commitment to public service, Hon. Judge Minerva A. Viojan-Siosana continues to make a significant impact in both the judiciary and the academic field, ensuring that fairness and integrity remain at the core of the legal system.

OBSERVATIONS DURING THE MEDIATION PROCEEDINGS

The mediation case involved a civil claim for damages, wherein the complainant company sought compensation from the respondent, a driver-employee of another company, for damages resulting from a vehicular incident. The driver-employee, who was reportedly under the influence of alcohol at the time of the accident, caused substantial damage to the complainant's store, including structural impairments and loss of inventory. The mediation proceedings were attended by the respondent (the driver-employee, who had been dismissed from his job following the incident), while the complainant was represented by its store manager. Notably, neither party was represented by legal counsel during the mediation, and the complainant's representative did not possess a Special Power of Attorney (SPA) to negotiate and enter a binding settlement on behalf of the company.

During the conduct of the mediation proceedings, several significant observations emerged, highlighting the dynamics, challenges, and strategic methodologies employed in alternative dispute resolution (ADR).

One of the primary observations was the critical role of the mediator in establishing the tone and direction of the mediation process. The mediator commenced the session by outlining the procedural framework, setting ground rules, and emphasizing key principles such as confidentiality, impartiality, and voluntary participation. This introductory phase was

essential in fostering a collaborative atmosphere and ensuring that both parties felt acknowledged and respected.

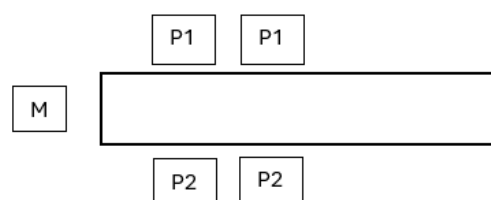
The mediator meticulously ensured that all participants were properly identified, clearly defining their respective roles as the complainant and the respondent. To facilitate effective communication, the mediator employed a language known and understood by both parties, thereby minimizing the risk of misinterpretation and fostering a more coherent dialogue.

In the Philippine context, three mediation approaches are commonly utilized: (1) The Problem-Solving Approach, which focuses on identifying the root causes of the dispute and collaboratively formulating resolutions; (2) The Transformative Approach, which aims to empower the disputing parties by enhancing their communication skills and restoring interpersonal relationships, and help transform individuals involved in both dimensions of moral growth; and (3) The Narrative Approach, which encourages the parties to share their experiences, reframe their narratives, and gain a deeper understanding of each other's perspectives.

During the mediation proceedings, the mediator predominantly employed the Problem-Solving Approach, guiding the parties in jointly identifying the core issues and exploring potential solutions. Additionally, elements of the Transformative Approach were integrated into the discussion, aiming to empower the parties by fostering improved communication and interpersonal growth. This approach facilitated moral development in both parties by encouraging empathy, recognition, and mutual respect. By shifting the focus from adversarial positions to shared human experiences, the Transformative Approach may not only aid the parties in resolving the immediate dispute but may also contribute to the long-term personal growth of the individuals involved, enhancing their ability to engage in constructive conflict resolution in the future.

Regarding the physical setting, the mediation center implemented a head-of-the-table seating arrangement, ensuring that all parties were equidistant from one another. This layout was strategically designed to promote neutrality, facilitate open communication, and create an environment conducive to conflict resolution. An illustration of the seating arrangement is provided below:

Illustration: Physical Set-up during the Mediation



This illustration depicts the setup and its significance in maintaining fairness and balance during the mediation.

However, despite the structured and collaborative nature of the mediation, the dispute was not settled during the proceeding. The respondent expressed hesitation and stated that he was not in a position to make a final decision on a settlement at that time. Furthermore, the absence of legal counsel for both parties and the lack of an SPA for the complainant's representative presented legal and procedural challenges. The complainant's store manager, without proper authorization, could not validly enter into a settlement agreement on behalf of the company, leading to further complications in the negotiation process.

While the absence of counsel may have influenced the parties' ability to navigate the legal complexities of the case, the mediator ensured that the discussions remained constructive and that both parties had the opportunity to explore possible resolutions.

Moreover, several key advantages of mediation were also observed. One notable benefit was the preservation of party autonomy, as the mediator functioned merely as a facilitator, providing guidance and insights while leaving the final decision to the disputing parties. This autonomy reinforced the principle of self-determination, allowing both sides to craft a resolution that best suited their respective interests.

The mediation provided a more expedient and cost-effective alternative to litigation. By circumventing a prolonged and expensive court trial, the process alleviated financial and emotional burdens on both parties. Given the respondent's limited financial capacity to fully compensate for the claimed damages, mediation enabled discussions on alternative solutions, such as staggered payment arrangements or other feasible settlements, without necessitating protracted legal proceedings.

Overall, the mediation process underscored the significance of alternative dispute resolution mechanisms in achieving fair, amicable, and efficient settlements. It highlighted the effectiveness of structured, non-adversarial approaches in resolving disputes while promoting dialogue, cooperation, and mutual understanding. Despite the failure to reach an immediate resolution due to the respondent's indecision and the complainant's lack of proper authorization, the mediation served as a valuable platform for constructive discussions and potential future negotiations. Given the impasse, the proceedings were formally reset to a later date to allow the respondent additional time to deliberate on the proposed settlement terms and for the complainant to obtain the necessary authorization to finalize an agreement.

INSIGHTS FROM THE COURT-ANNEXED MEDIATOR

On February 1, 2025, while awaiting the arrival of the parties for the scheduled mediation proceeding, the group conducted an interview with Mr. Eduardo P. Agron, a court-annexed mediator at the Philippine Mediation Center (PMC) in Tacloban City.

With a diverse background and no formal legal training, Mr. Agron provides a unique perspective on the mediation process, shedding light on the skills, challenges, and techniques involved in his role.

Background of Mr. Eduardo P. Agron

Mr. Eduardo P. Agron's journey to becoming a mediator is unconventional. Currently a sari-sari store owner and tricycle driver, he has held varied roles in the past, including an agent for Asia Brewery and an insurance company, as well as a communicator in the Office of the President during the Marcos era. Despite lacking a legal background, Mr. Agron was accredited as a mediator, a process he attributes to his endorsement by Atty. Giron. His diverse life experiences appear to inform his approach to mediation, emphasizing practical wisdom and interpersonal understanding over legal expertise.

Skills and Qualities of a Mediator

When asked about the skills required for mediation, Mr. Agron emphasized that no specific prerequisites are needed, as mediators undergo training provided by the PMC. He distilled the essence of mediation into a simple yet profound principle: "Open your heart and open your mind." According to him, this openness facilitates problem-solving by fostering empathy and reducing emotional barriers. He identified pride as a common root cause of disputes, suggesting that a mediator's ability to address this emotional obstacle is key to successful resolutions. Additionally, Mr. Agron highlighted the importance of being a good listener, which is an essential characteristic that enables mediators to understand the parties' perspectives and guide them toward compromise.

Experience and Case Examples

Mr. Agron shared several examples of cases he has mediated, illustrating the range of disputes that come before him. In one instance, a conflict arose between siblings over a fallen coconut, which one accused the other of stealing. The situation escalated to the point of near violence, prompting Mr. Agron to relocate the mediation to a botanical garden to diffuse tension and facilitate dialogue. Another case involved a boundary dispute over a mere inch of land, which had escalated to the Supreme Court, costing the parties approximately Php600,000. Through mediation, this costly legal battle was resolved more efficiently. A family dispute over the partition of a 1,000-square-meter lot required four sessions, demonstrating the patience and persistence needed in mediation.

Mr. Agron also recounted a complex personal dispute involving a married couple. Frustrated by their childless marriage, the husband sought not only one (1) but two (2) paramours, fathered a child with each of them, and faced mediation to settle a support payment of P7,000 per month. These cases highlight the mediator's role in navigating emotionally charged and legally nuanced situations, often without relying heavily on strict legal citations.

Challenges and Techniques in Mediation

Mr. Agron noted that every case presents unique challenges, with no two disputes being identical.

He explained that settling family disputes is often challenging due to a mix of emotional, psychological, and practical factors. Family conflicts are deeply personal and frequently fueled by strong emotions such as resentment, betrayal, or hurt, making it difficult for individuals to remain objective and open to compromise.

Unresolved past issues can further intensify tensions, as old grievances resurface and hinder productive discussions. Psychological factors such as pride, fear of losing control, or deep-seated grudges can prevent family members from engaging in meaningful dialogue. Emotional attachments and personal biases may also cloud judgment, making resolution more complicated.

Additionally, power imbalances within the family can make negotiations difficult. In hierarchical family structures, certain members, such as elders, parents, or those with financial influence may dominate discussions, leaving others feeling unheard or pressured.

Mr. Agron employs practical techniques, such as allowing each party to share their perspective without interruption, actively listening, and encouraging them to express their emotions and concerns. He also recognizes and validates emotions such as frustration, hurt, or anger and fosters empathy by helping each party see the issue from the other's perspective.

Additionally, he ensures that each party has equal time to speak and prevents any one individual from dominating the conversation. Whenever there is a power imbalance, he holds separate caucuses with each party to privately understand their concerns before bringing them together again. Ultimately, he reminds the parties that resolving the conflict is in the best interest of the family as a whole.

He avoids overemphasizing legal technicalities, focusing instead on listening and facilitating offers from the parties. This approach underscores his belief that mediation is less about legal authority and more about human connection.

He admitted that early in his career, he sought advice from lawyers, but with experience, he has grown more confident in his abilities.

Interestingly, Mr. Agron clarified that compromise agreements reached through mediation do not require notarization; signature of both parties and of his as the mediator suffices, streamlining the process. Financially, mediators like him receive no salary, only an honorarium of PHP 1,500 per case, which is an increase from PHP 500 in the past. For Mr. Agron, the motivation lies not in monetary reward but in the service rendered to the community.

Reflections on Mediation's Purpose and Impact

Mr. Agron's insights reveal mediation as a dynamic process that prioritizes reconciliation over retribution. He views his role as a service to the people, helping them resolve disputes

that might otherwise drain their resources in prolonged litigation. Even in cases like acts of lasciviousness, which he described as the “easiest” due to their straightforward monetary settlements, the mediator’s role remains pivotal in ensuring fair outcomes. His emphasis on listening, adaptability, and emotional intelligence reflects a mediation philosophy grounded in practicality and compassion rather than rigid legal frameworks.

Conclusion

The interview with Mr. Eduardo P. Agron offers a compelling glimpse into the world of court-annexed mediation in the Philippines. His lack of legal professional training, unconventional background, and reliance on empathy and experience challenge traditional notions of what qualifies someone to mediate disputes. Through his stories of sibling rivalries, boundary conflicts, and personal betrayals, Mr. Agron demonstrates that mediation is as much an art as it is a process, one that requires patience, creativity, and a genuine commitment to helping others. As the Philippine Mediation Center continues to promote alternative dispute resolution, mediators like Mr. Agron play a vital role in fostering peace and understanding, proving that an open heart and mind can indeed pave the way to resolution.

JUDICIAL INSIGHTS: A JDR JUDGE’S PERSPECTIVE ON DISPUTE RESOLUTION

Judicial Dispute Resolution (JDR) is a court-supervised settlement process where the trial judge takes an active role as a neutral facilitator in exploring possibilities for amicable settlement among litigating parties. It is part of a broader alternative dispute resolution framework intended to expedite case disposition, decongest court dockets, and foster a more conciliatory approach to litigation.

On February 16, 2025, we interviewed Honorable Judge Minerva A. Viojan-Sosiana, the Presiding Judge of MTC Liloan, Southern Leyte, and an Acting Presiding Judge of MCTC Sogod-Libagon-Bontoc, Southern Leyte.

Judge Sosiana stated that being a JDR Judge is not voluntary on the part of the judge; the Supreme Court mandates all judges to undergo JDR training. Judges who are unable to attend such training cannot handle JDR proceedings regardless of the reason for their non-attendance. It is not about what inspired them to be a JDR judge, but rather it is to fulfill the purpose of resolving mediatable cases to avoid costly litigation and thus unclog the dockets in court.

To be an effective JDR Judge, certain essential skills are required. Judge Sosiana stated that patience is necessary to determine the real problem causing the litigation and to see beyond the surface issues. Effective communication skills are crucial to making parties feel at home. Judges must have control over their emotions, remain calm, and exhibit empathy without showing favoritism. Additionally, they must know when to call a break and balance being nice yet firm and strict to gain the trust of the clients while maintaining authority.

Recognizing deadlocks and identifying possible solutions that can be offered to both parties are essential skills, as is being understanding, open-minded, prepared, and convincing.

One memorable case that highlights Judge Sosiana's effectiveness in mediation involved a married couple on the verge of separation. They were trying to divide everything equally, even minuscule items like plates, beds, and fences. With Judge Sosiana's help, they realized that litigation was useless and costly when their problem was simple, and she guided them to agree on how to divide their properties amicably. In situations involving intense emotions or contentious issues, Judge Sosiana ensures the JDR setting is comfortable, perhaps not necessarily held in a courtroom, and offers water or snacks. Her friendly personality and control over the proceedings help parties feel comfortable and engaged.

To foster trust and build rapport, Judge Sosiana lets the parties see her as one of them while maintaining a business-like tone. She guides them to a settlement, ensuring empathy without favoritism. In cases of power imbalance, especially in family disputes, she may speak to parties individually to allow them to speak freely. Her strategies to inspire problem-solving and collaboration include asking questions that make parties feel that they are crafting their solutions with the judge's guidance. She assures confidentiality in JDR, telling parties that what is discussed remains confidential and cannot be used outside the JDR setting. When handling uncooperative or disengaged parties, Judge Sosiana tries to talk to them to understand the cause. If efforts fail and a party remains disengaged, she may decide that the case cannot be settled.

Overall, the significance of JDR lies in its ability to achieve efficient and just outcomes by fostering a more conciliatory approach to litigation. The loyalty of a JDR judge is dedicated to upholding the purpose of the Supreme Court, rather than favoring any party involved. This commitment ensures that the mediation process remains fair, impartial, and focused on resolving conflicts in a manner that benefits both the parties and the judicial system as a whole.

Insights Learned From This Activity

Through this activity, the group was able to personally witness the actual mediation proceedings and have an opportunity to interview one of the pioneering mediators in the PMC Tacloban. To complete the picture of an alternative dispute resolution process, we are enlightened by the wisdom and knowledge of the esteemed JDR Judge. The experience provides us the deeper understanding of alternative dispute resolution in actual practice. Seeing alternative dispute resolution in action makes theoretical knowledge more concrete. Interacting with experienced mediator and JDR Judge gives the group a broader perspective on real-world challenges and strategies in dispute resolution. Understanding the emotional and procedural aspects of mediation and JDR reinforces the importance of ADR in achieving fair, amicable settlements.

Seeing alternative dispute resolution in action makes theoretical knowledge more concrete. Interacting with experienced mediator and JDR Judge gives the group a broader perspective on real-world challenges and strategies in dispute resolution. Understanding the emotional and procedural aspects of mediation and JDR reinforces the importance of ADR in achieving fair, amicable settlements.

The group picture out the importance of alternative dispute resolution not only settling disputes and decongesting court dockets but also in rebuilding the relationships between the parties.

Common reason why dispute reaches the jurisdiction of the court is because of emotional, and psychological factors such as pride, fear of losing control, or deep-seated grudges, more particularly between family members. This raise concerns on about how the mediator and JDR Judge handle such disputes effectively.

With this activity, the group learned that mediation is more about emotional intelligence and communication than legal expertise. Their approach emphasizes listening, empathy, and problem-solving rather than strict legal procedures. By acknowledging the feelings and experiences of the parties, the mediator helps create a supportive and compassionate environment.

Establishing trust and rapport is essential for effective mediation. The mediator and the JDR Judge connect with parties on their level to fosters a sense of safety and respect, encouraging open and honest communication. This was the first step that the mediator and the JDR Judge has to establish, they delve into the wisdom of stepping into the shoes of either or both parties so as to understand what causes the dispute.

Effective mediation hinges on creating an environment where all parties feel heard and valued. Their ability to connect on a human level can make a significant difference. When people feel respected and safe, they're more likely to share their true concerns and work towards a mutual resolution.

Effective mediation is all about creating a space where everyone feels valued and understood. It's like building a bridge of trust between the parties, allowing them to communicate openly and honestly. When people feel safe and respected, they are more likely to open and work towards a solution that benefits everyone involved.

Their role is not just to facilitate the conversation but also to connect with each party on a personal level. This connection fosters a sense of empathy and understanding, making the mediation process smoother and more productive.

Additionally, the group valued the learning that patience is a fundamental characteristic of an effective mediator. It helps the mediator build trust with the parties involved. By taking the time to listen actively and understand each party's perspective, the mediator can create a safe

and supportive environment where parties feel comfortable sharing their concerns. It also allows the mediator to encourage open communication between the parties. This involves giving each party the opportunity to speak without interruption, allowing them to express their emotions and thoughts fully.

Disputes can be emotionally charged, and parties may feel frustration, anger, or anxiety. A patient mediator can help manage these emotions by remaining calm and composed, guiding the parties through the process without escalating tensions enabling the mediator to explore the issues thoroughly, ensuring that all relevant aspects of the dispute are addressed. This comprehensive approach helps identify the root causes of the conflict and develop more effective solutions.

Moreover, the group recognize the importance of private caucuses which play a crucial role in the mediation process. It allows each party to speak openly and confidentially with the mediator. This confidentiality encourages honest communication and helps parties share their true concerns, interests, and potential settlement options without fear of judgment. By meeting separately with each party, the mediator can build trust and rapport. This trust is essential for effective mediation, as it ensures that parties feel comfortable and supported throughout the process.

The group found great significance on the mediator's and JDR Judge's neutrality and impartiality, which are essential in maintaining trust and fairness in the settlement process. By staying unbiased, the judge ensures that both parties feel heard and respected, creating an environment conducive to honest and productive discussions. This impartial stance helps prevent any perception of favoritism and ensures that the final settlement is just and equitable for all parties involved.

They did not coerce or pressure the parties into settling; rather, they facilitate the process and help the parties reach a voluntary agreement. By facilitating discussions and providing guidance, the judge helps the parties explore their options and find common ground without exerting any undue influence or pressure. This approach ensures that any settlement reached is genuinely agreed upon by both parties, leading to more sustainable and satisfactory resolutions. Their impartiality and respect for the parties' autonomy are key factors in achieving a fair and voluntary settlement. A judge's ability to balance firmness with empathy, maintain neutrality, and guide disputing parties toward problem-solving is crucial in the success of JDR. The group gained insights that alternative dispute resolution is not just come up with an amicable settlement, but it ensures that the settlement is fair and just and always upholding the principles of justice.

Lastly, it is true that, “an kagawasan in guin papakigbisog, an madig-on nga prinsipyo diri napalit” but then this does not always offer the best solution to a problem. Instead, “waray deperensya nga diri nadadara hin maupay nga iristorya” emphasizes that open and meaningful dialogue can lead to resolution.

ANALYSIS ON THE IMPACT AND EFFECTIVENESS OF COURT-ANNEXED MEDIATION AND JUDICIAL DISPUTE RESOLUTION IN THE PHILIPPINES

Court-annexed mediation (CAM) and Judicial Dispute Resolution (JDR) are alternative dispute resolution (ADR) mechanisms integrated into the Philippine judicial system to address case congestion, reduce the cost of litigation, and expedite the resolution of disputes. While both share the common goal of facilitating amicable settlements, they differ in their approaches. Under the Administrative Matter No. 11-1-6-SC-PHILJA, CAM is the first stage in the court diversion of cases. It is where the judge refers the parties to the Philippine Mediation Center (PMC) for the mediation of their dispute by trained and accredited mediators. If a settlement is not reached during this first stage, a second attempt is made at the JDR stage, where the JDR judge sequentially becomes a mediator-conciliator-early neutral evaluator in a continuing effort to explore possibilities for an amicable settlement. Both mechanisms play an important role in improving the efficiency and effectiveness of the Philippine judiciary.

Impact of Court-Annexed Mediation and Judicial Dispute Resolution

Reduce Court Caseloads

Both CAM and JDR were introduced in the Philippines to reduce the overburdened judicial system, where backlogs of cases result in delays in the resolution of disputes. The Philippine court system faces a significant number of cases every year, causing judicial delays, extended waiting periods, and case congestion. By resolving disputes outside of the full trial process, CAM and JDR reduce the number of cases that must be heard in court.

Speed and Efficiency of Case Resolution

Both CAM and JDR are designed to expedite the resolution of disputes. Traditional litigation can take several years before a case is fully resolved, leading to delayed justice. CAM and JDR provide quicker alternatives to a full trial by facilitating settlement discussions earlier in the litigation process.

Cost-Effectiveness

Litigation is expensive due to court fees, attorney fees, and the costs associated with prolonged trials. Both CAM and JDR are designed to offer more affordable alternatives to traditional litigation by shortening the time and complexity involved in resolving disputes.

Promoting Amicable Settlements and Collaborative Solutions

One of the primary benefits of both CAM and JDR is that they promote amicable and collaborative solutions between parties. In traditional litigation, the focus is often on determining a winner and a loser, which can lead to protracted conflict and damaged relationships. In contrast, both CAM and JDR encourage cooperative approaches to resolving disputes.

CONCLUSION

In conclusion, Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) have emerged as critical components in the Philippine judicial system, playing an essential role in alleviating the persistent challenges of case congestion, protracted litigation, and high legal costs. Both mechanisms were designed to offer effective alternatives to the traditional litigation process, fostering quicker and more cost-effective resolutions for the parties involved. CAM, with its focus on a neutral third-party mediator facilitating communication between disputing parties, and JDR, wherein judges actively intervene at the pre-trial stage to guide settlement efforts, share a common objective: to reduce the burden on the court system while encouraging amicable resolutions.

Over the years, these mechanisms have successfully addressed some of the fundamental issues within the Philippine judiciary. CAM and JDR have helped expedite case resolutions by providing a more flexible and informal setting where parties can discuss their disputes in a collaborative manner. By resolving disputes before they escalate to full trials, these ADR mechanisms prevent case backlogs, thereby improving the overall efficiency of the judicial process. This, in turn, has led to better access to justice for parties seeking timely and affordable dispute resolution. However, despite these successes, several challenges persist that limit the full potential of CAM and JDR. These challenges include inadequate training and development of mediators and judges, reluctance of parties to settle through mediation, and the involvement of lawyers in both CAM and JDR. Addressing these issues is essential to maximizing the effectiveness of CAM and JDR.

In the long run, CAM and JDR represent a transformative shift in the way disputes are handled in the Philippines—fostering a more holistic, collaborative, and efficient legal environment. With sustained efforts to address their limitations, these mechanisms can help alleviate the pressure on the judiciary, reduce the financial and emotional strain on parties, and foster a culture of resolution that benefits all stakeholders involved. Thus, with the proper support and enhancements, both CAM and JDR will continue to be vital tools in the pursuit of justice.



Tacloban City: Group 3 of the subject “Conflict Resolution in Family Disputes” under Atty. Robbin Docena. Photo taken at Philippine Mediation Center after observation of mediation case and interview with Mediator.