

The Handshake Over the Gavel: Re-imagining Access to Justice in the Philippines

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A common impression among many of us is that our nation's legal system is infamously slow and only benefits the wealthy. The notion that "justice delayed is justice denied" has sadly become common as a result of this reality. When a legal system is unable to provide prompt resolutions, it undermines public confidence and upholds injustice. The State looked for a legislative solution after realizing how overcrowded Philippine courts are. Congress passed the Alternative Dispute Resolution Act of 2004 (R.A. No. 9285) ^[1] on April 2, 2004, to address this crisis.

According to the Alternative Dispute Resolution Act of 2004, alternative dispute resolution (ADR) is any process or procedure used to settle a dispute or controversy other than by the decision of a presiding judge of a court or an officer of a government agency. ADR has been incorporated into a judicial reform as a crucial tactic to reduce ongoing court docket congestion, rather than just being an optional remedy.

The ADR Act changes the way justice is administered by shifting away from purely adversarial litigation and toward cooperative problem-solving. This type of approach helps guarantee that the parties' constitutional right to a prompt and unbiased resolution of cases is both aspirational and practically achievable. ADR is a vital tool for attaining more accessible and efficient justice in the Philippines because it provides important benefits like fostering efficiency, maintaining relationships, and guarantee party control.

Enhancing Judicial Efficiency

The first advantage is the improvement of Judicial Efficiency. An apparent benefit of ADR is its role in reducing clogged court dockets through Court-Annexed Mediation (CAM). After a case is filed and the issues are joined, but before pre-trial, the judge refers the parties to the Philippines Mediation Center (PMC), where an accredited mediator helps them negotiate toward a settlement. Because CAM is more flexible than a full trial and follows a strict timeline, usually 30 days, it often resolves disputes faster and with less stress for everyone involved in the case.

This effect is reflected in PHILJA's 2019 Annual Report ^[2], which recorded 15,882 cases settled through mediation units nationwide, demonstrating that many disputes did not have to escalate and go through lengthy trials. The parties save time, money, and emotional energy, while the judges of our courts get more room to focus on complex cases that truly require careful review. Looking back at this, CAM accelerates the delivery of justice not only by achieving outcomes sooner but also by sometimes making a formal judgement unnecessary.

[1] See: Republic Act No. 9285 "Alternative Dispute Resolution Act of 2004"

[2] See: Philippine Judicial Academy 2019 Annual Report, Alternative Dispute Resolution, Page 22, Available at: https://philja.judiciary.gov.ph/web/viewer.html?file=2019_annual_report.pdf

Promoting Economic Accessibility

Looking further, Alternative Dispute Resolution also tackles a major socioeconomic problem in the Philippine justice system: the high cost that is expected when going to court. For many Filipinos, pursuing a case is not impossible because their claim is weak, but because litigation is simply too expensive and too complicated. Traditional trials often require filing fees, repeated attorney appearances, document and printing costs, and other expenses that pile up over months or even years.

On the bright side of things, mediation and other ADR processes ease this burden by reducing both time and costs. A 2012 study in the *Journal of Global Business* (“*To Litigate or to Settle*”) ^[3] notes that settling through ADR is generally more financially practical than enduring the lengthy and costly nature of litigation, especially since delays can reduce the real value of any potential recovery due to legal fees and inflation. This happens because ADR shifts the process from formal courtroom fighting, where every step demands paid legal paperwork, to guided negotiation and direct communication. In turn, it gives ordinary people, including those without the money for prolonged legal representation, a fairer chance to be heard and to reach a workable resolution without risking financial ruin.

Preservation of Personal Relationships

We cannot deny that an advantage of Alternative Dispute Resolution is its ability to retain relationships between the conflicting parties. Court battles are naturally intense and adversarial, turning relatives into opposing sides and rewarding whoever can cast doubt on the other’s story. On the other hand, Mediation takes a different approach. It looks at the conflict as a shared problem that requires a workable solution, not a fight to “win”, a principle that matters even more when children will still connect the parties long after the case ends.

Mediation also creates space for real communication and allows the parties to freely express their interests. Instead of shutting down emotions as irrelevant, a skilled mediator encourages parties to speak openly and listen actively so both sides feel heard. That release often helps people move from blame and focus on their underlying interests. It also supports fairness in situations of power imbalance, as the mediator helps prevent discussions from becoming intimidating or partial. The outcome is a compromise agreement shaped by the parties themselves, which usually leads to better cooperation and higher compliance than a ruling made by a judge in court.

The Final Thoughts

Alternative Dispute Resolution is an effective method for resolving conflicts between parties and preventing them from escalating to filing an action in court. It offers a win-win solution because it reduces court docket congestion while allowing the parties to resolve conflicts without the heavy financial and emotional burden of going to trial in court. Alternative Dispute Resolution, as provided in our law, is more than just an adjustment in our procedure because it pushes a fundamental shift in the administration of justice.

[3] See: Sarmiento, F. (2012). To Litigate or to Settle: Is Alternative Dispute Resolution (ADR) the Answer? *Journal of Global Business*, 2(1), 185-205.

By embracing ADR, the Philippine justice system recognizes that lasting peace is not imposed by authority but achieved through agreement. As the reformation of our judicial procedure progresses, pushing for the strengthening of ADR remains vital because it helps deliver justice more quickly, more affordably, and with greater healing for everyone involved. Ultimately, the most effective solution is not always a court ruling but a good-faith conversation.