



## PRELIMINARY APPLICATION FORM

Date: 2/11/10

Applicant Name: ROMMEL ALIM ABITRIA

Project Name: PARALEGAL COORDINATOR PROJECT

City: MANDALUYONG CITY

Country: PHILIPPINES

Please answer the following questions as best as possible. For further guidance on answering the questions, please see the help text (should be at the bottom of your window) or see the Application Guide.

Note: 1500 characters is ~200 words.

### 1. Briefly describe your project idea. [maximum: 1500 characters]

[This project is a sustainable solution to the great problems of slow moving trial and jail congestion in Mandaluyong City Jail. This project about empowering the inmates to hurdle challenges in the Criminal Justice System –challenges which brings injustice and suffering to themselves.

Mandaluyong City Jail holds inmates and detainees who are still undergoing trial, thus still presumed innocent until proven guilty. Yet despite this presumption, these inmates are suffering a great deal because of the inhumane condition of the jail itself; the cells which are ideally for 20 inmates are holding more than 50 persons. The budget for food for each inmate is a meager 40 pesos a day (less than a dollar day). Many inmates are forced to swallow this situation because most of them cannot post a bail of around \$500.00. And as if to add insult to injury, these inmates are made to stay in this inhuman condition for years because of the delays in the disposition of their cases. Despite this situation, the Bureau of Jail Management and Penology (BJMP), the administrators of the jails, encourages and supports Jail Decongestion Efforts from government and private entities alike. This provides for an opportunity for this project which will be described below.]

### 2. What are the main challenges faced by the criminal justice system in your community? And which of those problems does your project intend to solve? [maximum: 3000 characters]

[This project intends to provide a solution to the following challenges faced by the Philippine Criminal Justice System:

- 1) Speedy Trial - per our survey the average length of trial in Mandaluyong City is 4-5 years. Causes are varied but among the causes are lack of Judges, lack of prosecutors and lack of Public Attorney's who will help the accused.
- 2) Jail Congestion - per our survey many jails in the Philippines hold more detainees than they are supposed to hold. The congestion rate in some jails can reach up to 400%.
- 3) Ignorance of the law and procedure of the accused - Many of the inmates do not know their rights and they do not know what will literally happen to them. Most of these inmates are poor who cannot afford basic education. All the more that they cannot afford lawyers who will help them in their cases.
- 4) Lack of programs inside the jail thus their dignity as a person is further degraded since they do not feel that they are useful members of the society.]

Vivian Dinh 1/25/10 11:23 AM

#### Comment: INNOVATION

The project idea – to develop an inmate coordination project – is a new and original method of increasing legal representation in prisons. It trains untapped resources – inmates – to be paralegals, which is cost-efficient and sustainable. Rommel has approached the problem of congestion in prisons in a new way, and in doing so, he has constructed an exceptional and inspired new approach to tackle the problem.

### 3. Who are the people you are trying to help? What are the challenges and injustices they face that you are trying to alleviate with your project? [maximum: 1500 characters]

The beneficiaries of this project will be the inmates of Mandaluyong City Jail.

- 1) By having a pool of trained paralegal volunteers within their cells, who can bring their concerns to the authorities and to service providers both government and private, the problem of access to justice will be given an alternative solution.
- 2) By having a pool of trained paralegal volunteers who know the basics of Criminal Law, Criminal Procedure and Rights of the accused within their cells, inmates who have no idea of what they are going through can have valuable information within their reach 24 hours a day.
- 3) By having a pool of trained paralegal volunteers who can follow up the cases of the neglected inmates, their rather stagnant cases can start moving which thereby solving the problem on speedy trial and eventually the problem on congestion.
- 4) This project can also be an alternative to the inmates' rather boring lives inside the jail.

Vivian Dinh 1/26/10 10:47 AM

#### Comment: URGENCY

The problems Rommel are trying to address are serious and demand immediate attention. He executed his own Survey in order to determine the level of urgency regarding delayed trials and jail congestion in Mandaluyong City.

### 4. What is the approach you will take to address the legal problems of your community and target groups? Please include specific activities that are part of your approach. [maximum: 2250 characters]

[I will organize a pool of Paralegal Volunteers among the inmates, preferably 2 inmates per cell. To this end, I will implement the following activities:

- 1) Meet with the Bureau of Jail Management and Penology (BJMP) to explain the project and sign a Memorandum of Agreement with them stating my responsibilities and their responsibilities.
- 2) Ask help from the BJMP in choosing paralegal volunteers from each cell; the being a) at least a high school graduate; b) with good record; and c) will be spending a relatively long time inside the jail.
- 3) Train the Paralegal Volunteers for 3 months on the basics of Criminal Law, Criminal Procedure, Modes of Release, Rights of the Accused and Affidavit Making.
- 4) Conduct Lecture on all 13 cells of Mandaluyong City Jail on the topics of Criminal Procedure, Modes of Release and Rights of the Accused.
- 5) Organize a forum where the prosecutors, public attorneys, the judges and the inmates can discuss issues and challenges that they face.

**5. What are the short-term and long-term goals of your project? [maximum: 2250 characters]**

**SHORT TERM GOALS**

- 1) To meet with the Bureau of Jail Management and Penology to explain the project and to get their support and commitment with regard to the project. A Memorandum of Agreement shall have been signed.
- 2) To organize a pool of paralegal volunteer which will be composed of 2 inmates per cell in Mandaluyong City Jail.
- 3) To train the pool of paralegal volunteers on the topics of Criminal Law, Criminal Procedure, Modes of Release, Rights of the Accused and Affidavit Making, 3 months from the organization of the pool.
- 4) To conduct short lectures on the Rights of the Accused, Criminal Procedure and Modes of Release on every cell with all the inmates being the participants.

**LONG TERM GOALS**

- 1) Each Paralegal Volunteer should cater to the legal needs of at least 20 inmates per month (to include facilitating the release of eligible inmates.)
- 2) The Pool of Paralegal Volunteer should conduct a monthly orientation to newly committed inmates within their Cells about Rights of the Accused, Criminal Procedure and Modes of Releases.
- 3) To entrust the program to the Bureau of Jail Management and Penology so that they will continue to implement it.

Vivian Dinh 1/26/10 10:49 AM

**Comment: PRACTICABILITY**  
 Rommel gives a clear and detailed explanation of how he plans to address the issues he has identified. By doing so, he demonstrates that his project idea is feasible.



SECONDARY APPLICATION FORM

NOTE: 2nd round applicants will be able to extend/refine their answers to the first round of questions beyond the maximum number of words.

About Your Project

1. Briefly summarize your project. (500 words max)

This project is a sustainable solution to the great problems of slow moving trial and jail congestion in Mandaluyong City Jail. This project about empowering the inmates to hurdle challenges in the Criminal Justice System --challenges which brings injustice and suffering to themselves.

The Bureau of Jail Management and Penology, the government agency mandated to administer the jails in the Philippines, has been encouraging private organizations and private persons to be partners with them in decongesting the jails. In the Philippines, there are many organizations who have been allowed by the Bureau to provide services to the inmates but most of them focus on their spirituality. Only a few are focusing on their legal problems.

The objective of this project is to organize a pool of Paralegal Coordinator who would provide the following services to their fellow inmates:

- a. to provide paralegal assistance to their fellow inmates
- b. to follow-up the cases of their fellow inmates in court
- c. to assist their fellow inmates in drafting a statement to be submitted to their Public Attorney
- d. to inform and educate their fellow inmates about their respective cases, about criminal procedure and about the modes of releases
- e. to help the Bureau of Jail Management and Penology (BJMP) Jail Officer do their jobs in following up the cases of the inmates
- f. to bring the legal concerns of their fellow inmates to jail officers and to the Public Attorney.
- g. to provide other services that may facilitate in the release of their fellow inmates

to do other works as the Jail Officer may see fit in the implementation of the BJMP Jail Decongestion Program.

Organizing a pool of inmate paralegals is possible in the Philippines since the bureau allows the inmates to go outside their cells provided that it is for a legitimate purpose and the activity is not contrary to their internal rules. In the past, inmates have already been organized for purposes of spiritual growth and livelihood training projects.

2. What are the root causes of the weak rule of law in your community? And why is addressing them relevant today? (500 word max)

There are many causes why Rule of Law is so weak in the Philippines.

First, many Filipinos are ignorant about the law. They do not know their rights and they do not know their duties. Many persons whose rights have been violated do not know what to do about them. They do not know how to seek for redress. On the other hand, there are those who do not know their duties, especially the law enforcement officers. Many of them do not even know the rights of the people how can they even implement or protect them.

Second, is the seemingly double standard in the implementation of the laws in the Philippines. The Public perception is that only the poor are under the law but not the powerful, the rich and the influential. Many poor Filipinos believe that when they violate the law, punishment is harsh and punishment is almost 100% but if the rich, the powerful and the influential violate the law, they are almost certain that the law will turn a blind eye on them. Law enforcement officers cannot even touch these people, which brings me to my third cause.

Third, is the incompetence of the Law enforcement officers. Some of our enforcement officers are ignorant of the law and many do not believe in the criminal justice system. Many law enforcement officers illegally arrest persons not doing any crime either to extort money or to have something to report to their superiors for purposes of promotion. Yes, they do report these arrests as their accomplishments and worst, these law enforcement officers officers can even be promoted. The Philippine law enforcement officers measure success by looking at the quantity but never on the quality of their work. And these law enforcement officers go scot free

Vivian Dinh 1/25/10 10:41 AM  
**Comment: INNOVATION**  
Innovative Idea

Vivian Dinh 1/25/10 10:42 AM  
**Comment: INNOVATION**  
Rommel also takes advantage of a ripe opportunity for change. His project idea is cutting edge, entrepreneurial and modern.  
**COLLABORATION:** This also shows that Rommel anticipates partnering with other organizations/government entities within the legal system.

Vivian Dinh 1/25/10 10:52 AM  
**Comment: RELEVANCE**  
Rommel's Project is directly aligned with IBJ's mission. Rommel lists the relevant problems in his application and describes how he plans to address them: 1) delayed trial, 2) jail congestion, 3) ignorance of the law, and 4) lack of programs within prisons.

Vivian Dinh 1/25/10 11:57 AM  
**Comment: URGENCY**  
Rommel lists and describes many factors that contribute to the weak Rule of Law in the Philippines. As such, Rommel clearly demonstrates why the weak legal environment in the Philippines demands immediate attention.

because no poor, powerless and non-influential victim would go against them because the victims are afraid of the violating officers. The law enforcement officers do not have a solid internal service department that is why many corrupt law enforcement officers roam around.

Fourth, is the growing cynicism of the people against the criminal justice system. Because of the causes mentioned above, many people have lost their trust in the system. Many people would just be silent about it because they know, nothing can happen. And because of this growing cynicism, the criminal justice system is becoming more and more of a criminal INJUSTICE system.

Addressing these causes are very relevant today. If these causes are allowed to continue, the rule of law will grow weaker and the cynicism will grow stronger and human rights violations will grow exponentially. For the sake of the rights of those who are poor, powerless and non-influential, these causes should be resolved now. Although no one can eradicate these causes all at once, it is however imperative that action should be taken as soon as possible.

3. How does your project tackle one or more of these root causes? And how is your approach different and more effective than others? Please answer comparing with other organizations' projects addressing the same issue. (600 word max)

This project addresses directly the problem of ignorance of the people especially those who have already been detained. By teaching them the basics of the law and the basics of their rights, these people would know how to seek redress for the human rights violations done to them. The simple knowledge that this project will bring to the inmates would mean more courage for them to face their violators. This project will also indirectly address the other causes—though in a long term. If these inmates who have been victims of human rights violations would successfully be vindicated because of the knowledge imparted to them through this project, the perception of double standard in the implementation of the law will slowly be addressed. The more and more poor, powerless and non-influential inmates who will be released and vindicated, the more the perception will weaken. By empowering the inmates and by giving them courage to stand for their right might just give a warning to corrupt law enforcement officers to be careful in doing their jobs. The more people who know their rights the more careful will be the law enforcement officers and the less incompetent they will be. Finally, by eradicating the negative perception and by making the enforcers incompetent, the people can trust the system again and thus doing away with the cynicism.

Unlike direct legal assistance, which is provided by some legal organizations and law associations, the project's approach is simple, cost efficient and sustainable with the view of empowering the inmates themselves. Instead of making the inmates the clients (and thus the receiver of assistance) this project transforms them as actors who can actually help themselves and others. Instead of paying high fees on lawyers, this project utilizes the existing Public Attorney's Office (a government agency) by helping them to become efficient and effective by letting them understand their client's case through the active work of the clients themselves. Instead of hiring paralegals to interview the inmates, the trained paralegal inmates will be the ones to do the interviewing. With this kind of system, this project does not only help a lot of inmates in a given period of time but also will require a less amount of money than Direct Legal Assistance.

4. What are the potential obstacles you may face with your project and how do you plan on addressing them in the long-term? (500 word max)

The following are the potential obstacles:

- a. The inmates might not be able to sustain the activities because of sheer laziness. To address this problem, a weekly visit will be conducted for one whole year so that the commitment of the inmates will be monitored. Further, this project will use the existing structure within the City Jails specifically the Paralegal Office to monitor the inmate's commitment. (The paralegal office is composed of jail officers whose mandate is to follow up the cases of the inmates. This office however is so undermanned as compared to the overcrowded population of the jail. So to monitor the inmate's commitment, this project will be implemented with the support of the office with the end in view that this project will become an integral part of the Paralegal Office of the City Jail)
- b. The Bureau of Jail Management and Penology might not be supportive. To address this problem, a Memorandum of Agreement shall be signed with the warden of the jail to be approved by his immediate supervisor (the Regional Director of the Bureau) so that the Bureau's duties and responsibilities will be clear to them.
- c. The Paralegal Coordinators might be released from Jail: To address this problem, a substitution mechanism will be put in place where the newly chosen substitute shall be trained by the remaining Inmate paralegals.

5. How do you plan on evaluating whether your project is successful? (300 word max)

Vivian Dinh 1/25/10 12:40 PM

**Comment: EFFICACY**

Rommel targets the best solutions to the problems he has identified. He links his proposed activities to the rampant problems at the Mandaluyong City Jail and clearly articulates how each activity is a practical solution to the overall issue.

Vivian Dinh 1/25/10 8:48 PM

**Comment: SUSTAINABILITY**

Rommel's idea focuses on training people from the grassroots level. He aims to give people the tools to spread ideas, rather than continuing to rely on outside funding. His idea also incorporates as many partnerships as possible, which further contributes to the cost efficiency of his model.

Vivian Dinh 1/25/10 7:37 PM

**Comment: PRACTICABILITY**

Rommel also demonstrates an excellent awareness of the potential obstacles he may face. It is important to understand potential obstacles in determining whether or not a proposal is practicable and feasible.

In order to evaluate the trainings, I will conduct pre-tests and post-tests to the inmates to determine if the trainings were successful.

The efficiency and effectivity of the paralegal coordinator shall be evaluated by the number of cases followed up in court through the help of the inmates and by the number of inmates released from jail through the help of the inmates.

6. How do you plan on raising money and obtaining resources for your project? Please let us know if you have raised any funds so far. (300 word max)

To raise funds for the project, I will submit proposals to MCKS Charitable Foundation in Ortigas, Philippines, to The Asia Foundation in Makati Philippines and to the Royal Embassy of the Netherlands. These funding agencies are known to support efforts in upholding the Rule of Law in Criminal Justice System.

7. Who will you work with on the project and what will their role be? (400 word max)

I will work with the following:

- The Warden of the Bureau of Jail Management and Penology: The warden shall approve and support the project's implementation in his Jail.
  - The Head of the Paralegal Unit of Mandaluyong City Jail: His role will be the partner implementer of the project. Eventually, the head of the Paralegal Unit will accept this project as an integral part of his Unit's Program.
  - Head Inmate of each cell inside the jails: these inmates are the elected by their fellow inmates to be the head of their cells. It is imperative that after securing the approval and support of the BJMP, these head inmates should also be consulted. Otherwise they will not support the program.
  - The Humanitarian Legal Assistance Foundation: shall provide the technical support in training the inmates and the inmate paralegals.
  - Public Attorney's Office: they shall be the legal support of the project. This means that whenever the inmate paralegals shall approach the Public Attorney's Office for legal advice and legal assistance.
8. If successful, how could your project/approach be expanded to other communities in the future? (400 word max)

If this project becomes successful, replicating this project in other jails will definitely be easy because most of the jails in the Philippines are administered by the same Bureau—the Bureau of Jail Management and Penology. Although the jail officers might be different and the Local Government may be different, still the jail structure is the same. If this is successful, there are still 1000 jails more where the project can be replicated.

#### About You

1. Please provide a brief background of yourself, including your education, experience, and interests. (150 word max)

I am a 28 year old lawyer working for an NGO, the officer-in-charge of the Humanitarian Legal Assistance Foundation, Inc. (HLAF) and lead convener of the Juvenile Justice Network Philippines. Our NGO is a 4 person organization who works for detained persons in the Philippines. I studied classical secondary course and obtained my Bachelor of Arts in Liberal Arts from the Our Lady of Peñafrancia Seminary in Sorsogon City. I obtained my Juris Doctor degree from Ateneo de Manila University School of Law in Makati. I was admitted to the Philippine Bar in 2004. As a law student, I had been a member of the Ateneo Human Rights Center and had two separate internships in two developmental legal NGO's (one catering to the needs of peasants and the other is an environmental legal NGO). After passing the bar, I worked as a consultant for the World Wide Foundation (WWF).

2. Why are you committed to the issue of criminal justice? And how did you come up with your project idea? (500 word max)

While in law school, I have developed this love for the Rule of Law. During my internships with the Ateneo Human Rights Center, Balaod Mindanaw, Inc. and the Environmental Legal Assistance Center, Inc., I have seen the plight of the marginalized persons in the Philippines. I have seen how they have been oppressed even though the law favors them just because no lawyer wanted to represent them because they do not have money. Then just before taking the bar, one of our family's trusted tenant was accused of killing someone. For four year he languished in jail not knowing that he can actually post bail. For four years, we did not know his case until, he sought our family's help; that is when I was able to see that he can actually be temporarily released as his case is not murder but only homicide (a case with lower penalty and is bailable.) These things

Vivian Dinh 1/25/10 12:47 PM

**Comment: EFFICACY**

A focused project must include some method of evaluation in order to measure its level of impact. Rommel has developed a good method of evaluation to determine whether or not his trainings are successful.

Vivian Dinh 1/25/10 8:29 PM

**Comment: SUSTAINABILITY**

Rommel thought out a clear and manageable plan to raise funds. The better organized his plan, the longer he will be able to continue his project idea.

Vivian Dinh 1/26/10 10:50 AM

**Comment: COLLABORATION**

In order to accomplish his goals, Rommel plans to work jointly with several other actors in the legal community. He recognizes that he cannot implement extensive change alone. He understands that by collaborating with the Warden of the Jail, the Head of the Paralegal Unit, Legal Assistance Foundations, etc., he is more able to truly affect change across the community.

Vivian Dinh 1/26/10 10:51 AM

**Comment: REPEATABLE**

This project exemplifies the "repeatable" criteria. Given that the jail system is similar throughout the Philippines, Rommel has created a simple training process that is easily transferred and repeatable in other jails around the Philippines.

made me think, and realized that there should be done. This paved the way for me to find an organization who helps poor accused persons who cannot even defend their rights in court. So i joined the Humanitarian Legal Assistance Foundation (HLAF).

One of the projects of HLAF was to organize trustees in one Jail to help the paralegal unit in their programs. But these trustees only do what the jail officers tell them to do. There I conceptualized that if I can empower these trustees by teaching them thoroughly with the necessary laws and procedures, they can actually be paralegals themselves who do not only do their work passively but who can actively work and help their fellow inmates' legal problems.

3. Describe instances where you have taken your own initiative to address a problem. (250 word max)

I believe that there are many ways to resolve a certain problem. And given many options of resolving a problem, I always choose the simplest and the easiest thing to do with the best result possible. For example, in my jail visits, I have seen inmates who have been languishing in jail because a wrong interpretation of the law. Instead of filing a Habeas Corpus (which I can very well do as I am a lawyer) I instead wrote and talked to the warden of the jail explaining to him why he is wrong in interpreting the law. The warden talked to his superior and wrote a letter to the court regarding my concern. In three days by virtue of a motu proprio order of the court, the inmate was released and other inmates of similar circumstance were released. That three short days could have dragged up to one month if I have filed a Habeas Corpus Case. Although the rules say that Habeas Corpus should have been done, reality and experience have taught me however that "diplomatic" channels among government agencies are faster and more reliable.

#### Attachments

Please attach the following:

- Budget – Please provide a preliminary budget

Vivian Dinh 1/26/10 10:53 AM

**Comment: INSPIRATION**

In the same way that Rommel was inspired to seek change, by implementing his idea, Rommel will prove to the local community in Mandaluyong that one person really can make a difference. He demonstrates that people do not have to accept unfair or burdensome situations, and that with a little bit of effort, anyone can affect substantive change in their community.