

An Analysis of the Experiences of Lawyers Handling Criminal Law Cases within the Philippine Court System through a Weberian Lens

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DOI: <https://doi.org/10.70922/1ew1yn05>

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Other citation formats:

Article History:

Received: February 23, 2025

Accepted: October 2, 2025

How to Cite this paper:

Iwayama, M. O., & Quintos, M. A. M. (2025). An analysis of the experiences of lawyers handling criminal law cases within the Philippine court system through a Weberian lens. *Social Sciences and Development Review*, 17(2), 79-100.

<https://doi.org/10.70922/1ew1yn05>

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An Analysis of the Experiences of Lawyers Handling Criminal Law Cases within the Philippine Court System through a Weberian Lens

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ABSTRACT

In accordance with the Weberian tradition of classical public administration, the core responsibility of the Philippine Public Administration is the efficient delivery of public services to its constituents. In the case of the Judicial branch of the government, this responsibility manifests in the form of a quick disposition of cases filed before its courts. This is particularly important in criminal cases where people may be deprived of liberty while awaiting conviction from the Court – leading to the sentiment that “*justice delayed is justice denied.*” This study aimed to explore the challenges observed in the Philippine court system by focusing on the lived experiences of lawyers handling criminal law cases and the difficulties they encountered both in the courtroom and while navigating the broader judicial landscape. The study identified the systemic challenges that affected the efficiency and effectiveness of criminal litigation and described the experiences of lawyers in their attempts to advocate for their clients during three different stages of the judicial process (arraignment, pre-trial, and trial) for criminal cases that required the active involvement and appearance of private lawyers in courts excluding post-judgment remedies. At the end of this paper, the authors also proposed recommendations aimed at enhancing support systems for criminal lawyers and improving the overall functioning of the Philippine judicial system to ensure fair trial rights are upheld.

Keywords: *criminal justice; Bill of Rights; Philippine legal system; Philippine lawyers; due process*

INTRODUCTION

The 1987 Constitution of the Philippines serves as the supreme law of the land. It establishes the foundational legal framework for the nation. It delineates the formal structure of the Philippine legal system and integrates essential principles such as democracy, republicanism, and the rule of law (Philippine Constitution, 1987, art. II, sec.1). Central to this framework is the separation of powers among three distinct branches of government. The legislative branch is tasked with enacting laws (Philippine Constitution, 1987, article VI); the executive branch is responsible for enforcing these laws (Philippine Constitution, 1987, article VII); and the judicial branch interprets laws and adjudicates disputes to ensure justice is served (Philippine Constitution, 1987, article VIII).

This study focused on the judicial branch, which is fundamentally structured by Section 1, Article VIII of the 1987 Constitution. The intent behind the constitutional structure of the Philippine judiciary is to promote justice and uphold the rule of law. Ideally, judicial power should be exercised through the resolution of actual controversies involving legally demandable rights, thereby effectively safeguarding individual rights and maintaining public confidence in the legal system. This foundational principle is crucial for ensuring that Filipino citizens can rely on the courts to protect their rights and provide equitable remedies in times of dispute.

In an earlier study, Delloro (2016) – a Filipino scholar with the dual specialization of being a lawyer and a professor of public administration – problematized how the Philippine Supreme Court had to juggle its role as a provider to two ideological demands for society: the need to provide administrative efficiency in its role as part of the government and the need to ensure pluralist democracy as part of its role as the upholder of democratic values. Despite its intended role, the judiciary faces significant systemic challenges that hinder its ability to deliver justice effectively.

A major issue that is related to this role strain for the Court is the substantial backlog of cases caused by congested court dockets. Tadiar (1999) highlights how this congestion arises from indiscriminate filing practices and delays in case processing. Moreover, the slow resolution of earlier cases creates a cascading effect that impedes subsequent cases. This consequently exacerbates delays and undermines timely justice. Individuals may wait years for their cases to be heard, eroding public trust in the judicial system (Payne, 1998; Disini et al., 2002). This may also pressure judges to expedite decisions, potentially compromising the thorough analysis necessary for sound judgments. Gordon (2021) notes that such congestion adversely affects the quality of justice as judges require adequate time for research and deliberation. Additionally, many courts suffer from inadequate funding, insufficient staffing, and outdated technology. These limitations hinder judges and court personnel from managing

cases efficiently. According to Dakolias (1999), inadequate facilities can severely affect access to justice, particularly for marginalized communities. Other factors contributing to inefficiency include a shortage of courts, delays in filling judicial vacancies, insufficient budget allocations for the judiciary, and a lack of cooperation among court-related agencies (Lopez, 2000).

These factors contribute to a complex web of challenges that undermines the judiciary's capacity to deliver timely and equitable justice. The interplay among these systemic issues creates substantial barriers to effective judicial functioning, making it increasingly difficult for courts to operate efficiently. Addressing these challenges is essential for improving judicial efficiency and restoring public confidence in the legal system.

This study aimed to explore the challenges observed in the Philippine court system by focusing on the lived experiences of lawyers handling criminal law cases. Through examining lawyer insights and perspectives, the study sought to gain a deeper understanding of the challenges that criminal lawyers encountered both in the courtroom and while navigating the broader judicial landscape. To this end, the paper sought to answer the following research question: What are the systemic challenges that affected the efficiency and effectiveness of criminal litigation in the country? The answer to this question is based on the experiences of Filipino lawyers who were interviewed regarding their attempts to advocate for their clients during three different stages of the judicial process (arraignment, pre-trial, and trial) for criminal cases that required the active involvement and appearance of private lawyers in courts excluding post-judgment remedies. At the end of this paper, the authors also proposed recommendations aimed at enhancing support systems for criminal lawyers and improving the overall functioning of the Philippine judicial system to ensure fair trial rights are upheld.

Theoretical Framework

Max Weber's theory of bureaucracy is foundational in understanding organizational structures, particularly in the context of public administration. This Weberian Bureaucratic framework can be applied to analyze the judicial process for criminal cases in the Philippines. Weber identified several features that define bureaucratic organizations (Allan, 2013):

First, the ***Hierarchical Structure or Hierarchy of Authority***. Bureaucracy is organized in a clear hierarchy where authority is distributed in a stable and monolithic manner. Authority is derived from the position within the hierarchy. The bureaucracy follows a top-down approach wherein there is always someone higher in the bureaucracy's structure to supervise the activities of those below them.

Second, the ***Division of Labor or Specialization***. Tasks within a bureaucracy are divided into specialized roles. This allows individuals within the bureaucracy to focus on specific functions. These individuals are also organized within the bureaucratic structure in a way that assigns them to functions most suited to their qualifications.

Third, ***Technical Competence or Formal Selection***. Bureaucratic officials and staff have the necessary skills to carry out their duties. Recruitment of personnel in the bureaucracy is based on a set of rational-legal criteria, and evaluation is impersonal.

Fourth, ***Formal Rules and Regulations***. Bureaucratic organizations operate under a comprehensive set of rules and procedures that govern all aspects of operations. Through this, bureaucracy reduces the risk of human biases in the conduct of its affairs and its delivery of services.

Finally, ***Impersonality***. Interactions within bureaucracies are characterized by impersonality. This means that personal relationships are minimized in favor of professional ones. Personal values are set aside while adherence to formal rules and regulations is prioritized.

All these principles of the Weberian Bureaucratic model are in accordance with the idea system of *Zweckrational* (Ritzer, 1996). In Weberian theory, *Zweckrational* is the idea system that operates under the core principle of efficiency – the emphasis on doing things in the best way for a goal to be achieved with the least costs in terms of time and resources. In the application of Weberian theory in public administration (of which the judiciary and its operations are included), this principle of efficiency is expected to be manifested in how the public administration delivers its services to its constituent society.

This study employed Max Weber's bureaucratic framework as the foundational model for analyzing the judicial process in the Philippines, particularly in the context of criminal law. Weber's concept of an *ideal type* of bureaucracy serves as a theoretical lens through which the complexities and systemic challenges faced by private lawyers at various stages of the judicial process can be examined. This framework is particularly relevant given its emphasis on rational-legal authority, hierarchical organization, and formalized procedures, which are integral to understanding how legal systems operate.

Utilizing Weber's framework, the study investigated the systemic challenges identified by lawyers handling criminal law cases on each stage of the judicial process for criminal cases in the Philippines, which requires the involvement and appearance of private lawyers in courts, from the arraignment of the accused to pre-trial, and trial.

METHODOLOGY

This research employed a qualitative approach to social inquiry. Its approach is based on the principles of phenomenological research, where primacy is placed on the narrated experiences and perspectives shared by the participants of the study.

Choice of Participants

Six private lawyers who actively provide legal assistance in criminal law cases served as the participants of the study. All of them were briefed about the nature of the study, and they all agreed to participate in the interviews on the condition of strict anonymity. These lawyers were selected based on their significant litigation experience, which equipped them to offer detailed insights into the challenges faced within the Philippine judicial system. Understanding how these challenges created significant barriers to effective judicial functioning was crucial. Therefore, gathering insights from experienced lawyers on how these factors impacted their ability to advocate for clients and navigate the courts was essential for this research. An important element in the inclusion criteria for the lawyer participants is that they must have litigated criminal cases in at least ten different courts across the Philippines. This criterion was established to ensure that selected participants had broad and diverse exposure to various judicial environments and procedural frameworks. Engaging with lawyers who had navigated multiple court systems allowed the study to capture a comprehensive range of insights regarding the bureaucratic processes inherent in the Philippine judicial system.

All lawyer-participants predominantly practice litigation in the National Capital Region (NCR). The participants vary in their range of litigation experience – Participant 1 and Participant 2 have been part of the practice for more than two decades (25 and 24 years, respectively), while Participants 3, 4, 5, and 6 have been engaged in litigation for less than a decade (5, 4, 4, and 3 years in practice, respectively). It must be noted that the researchers sought more lawyers to participate in the study. However, the subject matter of the research has been deemed sensitive by lawyers approached by the researchers, and they have subsequently declined to participate.

Data Collection and Analysis

The study utilized in-depth interviews as the primary method for data collection. All interviews were conducted in a face-to-face format to ensure better rapport and as part of the assurance to the lawyer-participants that the interviews would not be recorded. Each interview lasted for at least an hour. Each lawyer-participant was individually interviewed by the pair of researchers. The presence of both researchers in the interview was meant to

be synergistic: the lead researcher is a practicing litigation lawyer herself, while the second researcher is not. This allowed for an understanding of the lawyer-participants' narratives from a combination of emic and etic perspectives. The narratives of the lawyer-participants were subjected to thematic analysis. After the study, the researchers reported the findings to the participants to validate whether the study accurately captured their experiences and perspectives.

FINDINGS AND DISCUSSIONS

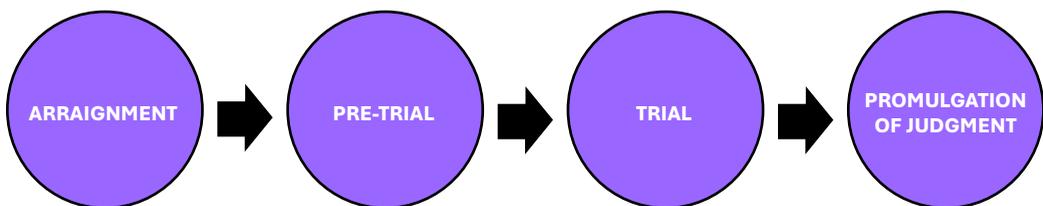
The discussion of the study's results is divided into two parts: first, the discussion of the experiences of lawyers during the different stages of the judicial process for criminal cases in the Philippines which requires the involvement and appearance of private lawyers in courts and the systemic challenges affecting the efficiency and effectiveness of criminal litigation in each stage; and second, the application of Max Weber's Bureaucratic Model.

Part I. Stages of the judicial process for criminal cases in the Philippines and the Systemic challenges affecting the efficiency and effectiveness of criminal litigation.

Excluding post-judgment remedies, the general structure of the judicial process for criminal cases in the Philippines which requires the involvement and appearance of lawyers in courts is structured into four main stages: (1) arraignment, (2) pre-trial proceedings, (3) trial proceedings, and (4) promulgation of judgment (see Figure 1 below).

Figure 1

Four (4) Stages of the Judicial Process for Criminal Cases in the Philippines Requiring Involvement and Appearance of Lawyers in Courts



Arraignment is the first stage, where the accused is formally informed of the charges against them and required to enter a plea. Following the arraignment, a pre-trial conference is mandated. This conference aims to clarify issues, streamline proceedings, and prepare for trial. Thereafter, the trial commences. During the trial, both the prosecution and defense lawyers present their respective witnesses and pieces of evidence. After trial proceedings conclude, the case is submitted for decision. Promulgation of judgment ensues. This judgment

includes a determination of guilt or innocence of the accused and any applicable penalties or liabilities. For the purposes of this study, the researchers focused on the first three stages and the systemic challenges within these stages.

Stages 1 & 2: Arraignment and Pre-Trial.

Two kinds of issues became salient from the interviews in terms of the first two stages of the judicial process for criminal cases. These issues are related to scheduling and dress codes.

A. Issues related to Scheduling.

The Revised Guidelines for Continuous Trial of Criminal Cases (A.M. No. 15-06-10-SC) mandate that arraignment and pre-trial proceedings occur on the same day to expedite the judicial process. However, participants have identified a gap between this rule and its actual implementation across various courts.

Participants expressed concern over inconsistent scheduling practices. Some courts are able to successfully conduct both arraignment and pre-trial on the same day, while others schedule the arraignment and pre-trial on separate hearings. The latter situation often leads to delays that range from weeks to months in the process. This separation not only prolongs case progression but also imposes additional financial burdens on clients who must pay separate appearance fees for each hearing.

Lawyers also face challenges due to these scheduling inconsistencies. Many attorneys arrive prepared for both arraignment and pre-trial, only to find that only the arraignment will be heard in court. This situation requires them to revisit case details and re-prepare for the pre-trial, which can occur months later. This may effectively double their workload and waste valuable time and effort.

Participants articulated that having a scheduled hearing that eventually turns out as limited to an arraignment without a pre-trial is frustrating for clients. The participants pointed out that lawyers often bear the brunt of their clients' frustrations. They shared experiences such as, "*Sometimes the accused will ask you, 'Is that the hearing for my case? Is that it?'*" and "*Why haven't we done much, attorney?'*". One participant added, "*The accused don't really completely understand the procedures; they can't grasp that there isn't much to discuss during an arraignment. Therefore, you need to explain what an arraignment is and why only the arraignment is taking place.*" For the participants, the practice of separating court schedules for arraignment and pre-trial can disadvantage private lawyers. Their limited participation in the arraignment (the initial stage where clients first see their hired lawyers in action) may

be perceived by clients as a sign of inadequacy or weakness. This misinterpretation can undermine the clients' confidence in their legal representation.

Another layer of inefficiency arises from some courts conducting roll calls at the beginning of each session, which involves reading case details and confirming the presence of parties involved. Participants noted that this redundancy consumes time that could be better spent addressing other cases, resulting in further delay in proceedings.

Despite the clear mandate that arraignment and pre-trial should be held simultaneously, many courts do not adhere to this guideline. One participant humorously remarked that while law students learn the formal Rules of Court, practicing attorneys often find themselves needing to “unlearn” them and subsequently “relearn” the varying “versions” of the rules that different courts seem to adopt. The current ambiguities in the implementation of various rules have led to the joke among some lawyers about the existence of the “Rule of Courts” (to describe the different versions of rules implemented) instead of the “Rules of Court.” While it is part of Filipino culture to critique an aspect of social reality in jest, this inconsistency may undermine the intent of the Revised Guidelines aimed at streamlining judicial processes.

Section 14(2) of Article III of the 1987 Constitution of the Philippines guarantees the right of an accused to a speedy trial. This constitutional provision is intended to prevent undue delays in criminal proceedings which can impose significant emotional and financial burdens on the accused and their families. In addition to the constitutional guarantee, other legal frameworks, such as Republic Act No. 8493 (Speedy Trial Act of 1998) and the Revised Rules of Criminal Procedure (specifically Rule 119), further support this right by establishing time limits for various stages of criminal trials. Despite these legal protections, participants of the study reported facing considerable challenges in advocating for their clients to exercise their right to a speedy trial.

Participants highlighted that resetting or postponements of hearings are a common occurrence. These are often attributed to the absence of essential personnel. One participant characterized these delays as a frequent inconvenience that disrupts the judicial process. Such interruptions prolong the resolution of cases and exacerbate the anxiety experienced by the accused and their families.

One participant shared their concerns about certain courts gaining reputations for having more resetting than actual hearings. According to the participant, in instances where their clients are incarcerated, their clients would hear rumors from fellow inmates about the court's reputation in terms of efficiency. If an accused learns that their case has been raffled to a “*bulukan court*” – from the word “*bulok*” meaning rotten, since, according to what the

participant heard from their clients, once your case has been raffled in this court, you will rot of old age first before your case reaches the promulgation stage—these clients often beg their lawyers to be transferred to another court. According to the participant, while they explain to their clients that request for court transfers should be based on legal ground, the clients often construe the lawyer’s inability to affect the transfer as due to the lawyer’s inadequacy, weakness, or lack of connections.

The participant also recounted an instance where a client consulted them about someone who had offered to facilitate the client’s transfer to another court. The participant advised against this, emphasizing that rumors regarding the court’s reputation as a “*bulukan court*” were insufficient grounds for such a move, especially since the client’s case had only just begun. Furthermore, the participant cautioned that the individual offering to arrange the transfer might simply be a scammer. Despite this advice, the client chose not to heed their lawyer’s warnings. The participant added: “*...even if you tell clients that this is not allowed or prohibited, they often have relatives or others they speak to who are not lawyers and would encourage them that it can be arranged for a fee. Then they find out later that it was all a scam. It’s unfortunate because they didn’t listen to me.*” The participant reflected that the client might not have been that desperate if the court did not have such a negative reputation.

Another participant highlighted a troubling instance where their client learned from fellow inmates that cases in their assigned court were disposed of very slowly. This led some defendants who were eligible for plea bargaining to regret not taking that option earlier, because they perceived it as a faster alternative to a lengthy trial process. The participant noted that this situation pressured their client into considering a plea bargain despite asserting his innocence: “*...he also wanted to plea bargain even though he really did not commit the crime since he is a father, and he needs to get out of jail as soon as possible to earn a living for his family.*” The participant reflected on the troubling implications of such situations, stating: “*Imagine, given how slow some of our courts are, we are effectively forcing individuals accused of crimes they may not have committed to admit guilt simply to expedite their release and move on with their lives. Where is the justice in that?*”

One participant shared that there were instances when the resetting of court proceedings was attributed to them. “*A relative of our client before informed us that our client was often called by police officers in jail as ‘si Reset’ because the court where her case was raffled often resets her hearings. The relative even informed me that the police kept telling my client that I’m the one resetting her case, so I can earn more appearance fees. I had to explain to them that I do not have control over court resets, especially since, in that case, the presiding judge underwent a medical procedure.*”

Another participant shared the same experience where their client thought they were being neglected by the lawyer because of the continuous court resets. *“The relatives were asking me if I am neglecting xxx because after the arraignment, ‘wala na daw nangyari.’ As I had explained to them already, the court was transferring to a different office, and this takes time. No matter how you explain it, for them it’s still my fault because ‘hindi ko daw ginawan ng paraan.’ Of course, I understand them since we have yet to establish rapport, since the hearing has just begun, so they do not know me that much yet, then they also really want to expedite things because xxx is suffering in jail. However, they also have to understand the lawyers are not genies... we cannot grant all their wishes. In cases like this, you’ll just have to accept that you’ll be the one looking incompetent. I just told them if they do not trust me, I’ll return the acceptance fee.”*

The financial implications of rescheduled hearings emerged as a significant concern among the participants, particularly during the early stages of a case. One participant noted that even when cases do not progress, the accused or their families are still required to pay appearance fees for private counsel. This situation often leaves lawyers feeling guilty for accepting these fees. The participant explained: *“We have also invested substantial time and resources in preparing for court appearances, so we have to accept the fees, even though essentially nothing happened.”* The participant further expressed their concern that the accused and their families might view this arrangement as unfair. They might feel that they are being charged for legal services that were not actually rendered due to the resetting or postponement of hearings, *“...especially if it’s early in the case, like during arraignment and pre-trial stages, and there are constant resets. From their perspective, it might seem like the case isn’t advancing at all, yet they are already incurring significant expenses for their lawyer.”*

B. Issues related to Dress Codes.

The establishment of a dress code for government officials and employees is rooted in Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees). This legislation aims to promote modesty, decorum, and professionalism, especially for those interacting directly with the public in judicial settings. To reinforce these principles, Administrative Circulars Nos. 10-99 and 10-A-99 outline specific dress requirements for judiciary employees, particularly in lower courts, emphasizing that their attire significantly influences public perception of their commitment to duty and ethical standards.

The appropriate office attire is defined by Civil Service Memorandum Circulars Nos. 14 and 25. These circulars mandate that government employees should wear business attire. The appropriate office attire is defined by Civil Service Commission Memorandum Circular No.14. These circular mandates that government employees should wear business attire.

Thus, “the use of tightfitting, seductive, micro-mini and gauzy/flimsy/transparent dresses by female employees” as well as “walking shorts, pedal pushers, leggings, tights, jogging and maong pants” are prohibited. Moreover, the aforementioned Circular also prohibits the use of “too much costume jewelry, flashy bangles and similar accessories”, “wearing of heavy or theatrical make-up”, “wearing of slippers, sandals, bakya, etc. in office premises”, and “to use curlers, turbans, and bandannas during office hours and within office premises.” Moreover, while male employees may wear denim pants if paired with collared shirts, female employees are not permitted to wear denim.

On February 3, 2020, the Supreme Court issued Memorandum Order No. 12-2020. This reinforced the necessity for judges and court employees in the Philippines to adhere to prescribed court attire and warned that non-compliance could lead to disciplinary action. Chief Justice Diosdado M. Peralta noted that this memorandum addresses ongoing issues of inappropriate conduct and attire among court personnel by mandating trial judges to enforce dress codes for lawyers as well (Panaligan, 2020). Specific guidelines include instructions that judges must wear business attire at all times, skirts should be knee-length, and certain clothing items, such as denim jeans and sleeveless tops, are strictly prohibited. Additionally, male judges are required to maintain a formal appearance without long hair or body ornaments, reinforcing the importance of maintaining “*decorum and integrity*” within the judiciary.

To uphold “*decorum and integrity*” within the judiciary, many lower courts in the Philippines extend the enforcement of strict dress codes not only to court employees and lawyers but also to litigants. Rigid adherence to these requirements may, however, inadvertently hinder justice, particularly for indigent litigants who might struggle to comply with the dress code. While courts typically exercise discretion and allow some flexibility to ensure access to justice, the reality is that some courts do not accommodate non-compliance with dress codes regardless of litigants’ circumstances. This inconsistency raises concerns about fairness and equality in the judicial process, as it may disproportionately affect those who are already vulnerable.

Section 11 of Article III of the 1987 Constitution guarantees the right of an accused to free access to the courts and adequate legal assistance. The law ensures that this right is not denied due to poverty. Additionally, Section 14(2) of the same article affirms the right of an accused to a speedy trial, while Section 16 emphasizes the right to the speedy disposition of cases. Despite these constitutional protections, participants in the study reported that there are some courts where strict adherence to the dress code policy could undermine these rights.

Participants of the study recounted several instances where the accused were not arraigned during their scheduled hearings because they failed to comply with the court’s dress code. A participant recounted an instance where a judge postponed the arraignment of

an accused due to improper attire. The accused explained that he worked as a Joyride driver and had no opportunity to change clothes before attending the hearing. He only learned about the dress code upon arrival when a court staff member informed him. Despite his explanation, the judge lectured him on the importance of dressing appropriately as a sign of respect to the court and rescheduled his arraignment for another date.

Another participant also recounted an instance where an accused was denied entry into the Hall of Justice for wearing tattered clothing and slippers. Security personnel instructed him to borrow appropriate attire. Overwhelmed by the situation and lacking resources, the accused broke down in tears, expressing his distress over not knowing how to proceed. Witnessing this, the participant intervened by providing financial assistance and advising him to purchase suitable clothing from a nearby “*ukay-ukay*” (thrift store) so he could attend his hearing.

In one instance, a participant shared an experience involving their client. According to the participant, the client was informed by a court staff member that she could not enter the courtroom because she was wearing a dress. Without notifying her attorney, the client went home to change. When her case was called for arraignment, the attorney was shocked to discover that the client was absent due to this misunderstanding. The judge asked the court staff to describe what the client was wearing; they reported that it was a long dress, but assumed it was inappropriate because it did not conform to pants. The judge reprimanded the staff for their lack of knowledge regarding acceptable attire, remarking, “*edi dapat bawal si PAO (lawyer from the Public Attorney’s Office) sa korte ko kung bawal ang naka palda!*” (Then the PAO should be banned from my court if skirts are not allowed!). In accordance with the Philippine Public Attorney’s Office Memorandum 002, s. 2015, female lawyers of the office are not allowed to wear pants or slacks. Instead, they are required to wear skirts.

The court’s strict dress code policy not only affects the accused but also imposes challenges on private lawyers. One participant shared their experience in a courtroom where the judge enforced rigorous standards for court attire. Despite wearing a long-sleeved polo shirt, the participant was reprimanded for not donning a blazer, which is typically expected for women (participants noted that female lawyers who are called out by judges for not wearing a blazer are either reprimanded or fined). The participant explained that the summer heat made it difficult to breathe comfortably while wearing a blazer. Compounding this discomfort, the said court’s regulations prevented lawyers from entering the air-conditioned courtroom until their cases were called, forcing them to wait outside in an unventilated, sweltering environment. Furthermore, the participant described being subjected to a lengthy reprimand by the judge, which lasted approximately 20 minutes and was delivered in front of others present in the courtroom. The participant felt that this public admonishment was both unnecessary and counterproductive, arguing that the time could have been more effectively used to address other scheduled cases before the court.

Stage 3: Trial.

Several issues related to the trial stage can be derived from the results of the interviews with the private lawyer participants. These are discussed in the succeeding pages.

A. Issues related to the Division of Labor in the Court.

The Constitution guarantees the right of an accused to a speedy trial (Section 14(2), Article III) and the Speedy Disposition of Cases (Article III, Section 16). This provision highlights the critical nature of timely justice. Delays in the judicial process can have profound negative consequences, particularly for the accused who endure prolonged periods of uncertainty and stress and who often remain in detention without resolution. Despite these constitutional protections, participants expressed significant concerns about trial conduct that contributes to the slow disposition of cases.

Participants noted that deficiencies in court staffing significantly contribute to delays in trial proceedings. One participant mentioned an unusual instance where the Court Stenographer also served as the interpreter for questions posed by lawyers in one court. This dual role complicates and unnecessarily prolongs the trial process as each question must undergo the dual process of translation and transcription. Consequently, this slows down both direct and cross-examination, hindering overall efficiency. Another participant recounted an experience where the presiding judge required that the cross-examination questions be propounded in both English and Filipino, given the absence of the court's interpreter. This situation created immense pressure to provide accurate translations on the spot and distracted the participant from focusing on the witness's responses. The expectation to translate questions rapidly forced prioritization of linguistic accuracy over legal strategy and ultimately compromised the ability of the participant to advocate effectively for their client.

B. Issues related to Court Staffing.

The study also revealed issues related to the adequacy of court personnel. Participants noted that case progression relies heavily on the competence and punctuality of judges. This is because judges serve as both conductors of court proceedings and sole decision-makers. Judges who are often late or absent during hearings contribute significantly to delays in case resolutions.

Branch clerks also play a vital role in court efficiency. One participant mentioned that while judges are expected to manage courtroom proceedings, branch clerks are expected to handle essential behind-the-scenes tasks. However, vacancies in court personnel often force branch clerks to take on additional roles. This has the consequence of diverting their focus from their primary responsibilities.

There are also issues with staffing and their accountability. According to the participants, some courts retain personnel who no longer contribute to the efficiency of court operations primarily due to personal reasons rather than professional merit. This situation raises concerns about the impact on overall court functionality and the equitable treatment of staff. One participant recounted a conversation with a court staff member regarding an elderly man who had suffered a stroke and was struggling with both speech and mobility. When asked why this individual was still employed, the staff member explained that they were simply waiting for him to retire, as the judge wished to keep him on out of concern for “*pakikisama*.” While this may, to an extent, make sense from a Filipino cultural lens, a more Weberian perspective raises questions about the appropriateness of retaining staff who are unable to fulfill their duties effectively, especially when their presence may hinder court proceedings.

Another participant shared an observation from a frequently visited court where an elderly staff member was often perceived as a nuisance. This elderly staff member reportedly caused confusion by making inaccurate announcements about the unavailability of key personnel of the judicial proceedings (such as the prosecutor or judge). Consequently, witnesses (such as police officers) would leave even before the court begins its session. This leads to unnecessary delays in the judicial process and frustrations in the courtroom. Despite these issues, the court continued to retain this elderly staff member. The participant observed that the Court treated the elderly staff member’s position (and continued retention in the staff) more as a charitable act than a functional role within the court system. This approach, however, not only undermines operational efficiency but also reflects a need for greater accountability in personnel management.

C. Issues related to the Language Requirement in the Court.

Participants expressed concerns regarding the mandate for lawyers to communicate exclusively in English during court proceedings, even when witnesses struggle with a non-native language. This policy can significantly extend trial durations, as it necessitates a Court Interpreter for each question posed. Unfortunately, many courts lack access to qualified interpreters or may not have properly trained personnel available. The need for interpretation not only prolongs trials but can also create confusion and fatigue for witnesses. When witnesses struggle to comprehend questions and responses, their ability to provide accurate testimony may be compromised. This situation may lead to poor case outcomes, as critical information may be lost or misinterpreted due to language barriers.

D. Issues related to Technical Access and Capabilities in the Court.

Recent years have witnessed the Court’s thrust to integrate internet technology into its operations. The dangers of close contact posed by the COVID-19 pandemic also necessitated

adjustments from the Court to continue its operations despite the biological threat. To this end, the integration of internet teleconferencing technology became a vital element in Court operations.

The lack of adequate technology for video teleconferencing emerged as a common concern among study participants. A participant noted that certain courts require private lawyers to download MS Teams on their phones and ensure they have their own internet or data connection for logging into video-conferencing sessions. This resulted in the need for private lawyers to take on extra training to adapt to the technology and extra costs to procure the needed devices and utilities. Several participants also pointed out that some court personnel lack technological proficiency. They pointed to many technical issues, such as difficulties with accessing emails, setting up video teleconferencing, and managing essential equipment such as monitors and audio-visual systems. One participant described instances where feedback from gadgets used by private lawyers, public defenders (PAO), prosecutors, judges, and other people in the Court hindered effective communication during virtual testimonies. This feedback produces aversive noises that distract the parties and obscure what is being communicated.

E. Issues related to the Rules and Regulations in the Court.

Participants also raised concerns about some court personnel's lack of complete and up-to-date familiarity with the implemented rules set by the court. For instance, while some courts implement a strict adherence to dress code, several other courts have personnel who remain confused and consequently are inconsistent in their implementation.

The participants also noted that some of the court's rules could be detrimental rather than contributory to the delivery of justice. They cited the court's requirement that trials be conducted in English as a prime example of this. Many clients who are called to testify in court, especially those who are less educated, find it difficult to express themselves in court because of the language barrier. While an argument can be made that court interpreters are the solution to this issue, it is important to note that these clients are unable to determine whether the interpreters are translating the nuances of what they wish to communicate accurately. Furthermore, the clients and their families who come to court to support them and witness the legal process but are not proficient with the English language, can feel the frustration of being unable to completely comprehend the proceedings in Court.

Part II. Application of Max Weber's Bureaucratic Model

The purpose of the Weberian model of bureaucracy in the practice of public administration is to ensure that the delivery of services is done in the most efficient way possible. In this paper, the researchers compared the findings obtained from the interviews

with private lawyers who had to lend their services for criminal cases with the ideal type of Weberian Bureaucracy. The following are the results of these comparisons.

Hierarchical Structure or Hierarchy of Authority.

Max Weber's bureaucratic theory offers a framework for understanding the structured hierarchical organization of the Philippine legal system, particularly within its courts. In this system, the court judge is the sole decision-maker for cases raffled to their court. After the judge, the next figure of authority is the branch clerk of court, who assists the judge in administrative matters. This establishes a centralized hierarchy that can significantly influence the efficiency of legal proceedings. Weber's theory emphasizes that authority and decision-making are concentrated at the top of the hierarchy. In the context of Philippine courts, the active fulfillment of duties among judges is a big factor in the efficient delivery of justice. Inefficiencies arise when judges are incompetent or frequently absent because these circumstances lead to significant delays in case resolutions. The nature of the Philippine judicial system, where the process relies on a single decision-maker, often results in bottlenecks, particularly when that individual fails to perform effectively.

The efficiency of judges and branch clerks is critical for timely case management. Courts with well-organized judges and clerks could resolve cases within six months. When both roles operate optimally, the bureaucratic structure can enhance judicial processes. Inefficiencies at any level can exacerbate delays. This underscores the importance of each position within the hierarchy. While the hierarchical structure of the Philippine judiciary is intended to ensure thorough review and oversight, it presents challenges that can lead to significant delays and diminished public trust. Weber's model illustrates both the benefits and drawbacks of such centralization. Addressing these challenges is crucial for improving judicial outcomes and reducing case processing delays, thereby restoring faith in the legal system.

Division of Labor or Specialization.

The principle of division of labor, also known as specialization, suggests that tasks should be allocated based on individual expertise to enhance proficiency. In the judicial system, insufficient resources and personnel can lead to significant inefficiencies that result in backlogs and slow processing times for criminal cases. The study revealed concerns regarding the impact of inadequate court staffing on trial proceedings. A notable trend is that court personnel are frequently assigned multiple roles. For example, when a stenographer also serves as an interpreter during direct and cross-examinations, the trial process becomes more complicated and prolonged. This dual responsibility forces the stenographer to translate and transcribe questions simultaneously. This significantly slows down questioning and compromises the quality of how both tasks are delivered, thereby reducing overall efficiency.

Vacant positions within the court system exacerbate delays in case dispositions. The branch clerk usually compensates for these staffing deficiencies by taking on additional responsibilities that distract the branch clerk from essential administrative tasks. Instead of focusing on managing case dispositions effectively, the branch clerk often has to attend court hearings. Consequently, the court's capacity is stretched further, and this negatively impacts the smooth operation of court processes. Inadequate staffing also affects private litigants, particularly when the court expects them to assume the responsibilities of vacant positions or absent personnel, such as acting as the court's interpreter. This expectation can significantly impair their ability to effectively advocate for their clients.

The challenges arising from inadequate division of labor and staffing highlight significant inefficiencies within the judicial system. Addressing these issues is essential for improving trial proceedings and ensuring that legal practitioners can perform their roles effectively without compromising the quality of justice delivered.

Technical Competence and Formal Selection.

Max Weber highlighted the critical role of technical competence in bureaucratic organizations. He asserted that employees should be selected based on relevant skills and qualifications. This principle is particularly vital in court systems where personnel must be adept in their assigned duties to ensure smooth operations. The study revealed significant challenges related to the lack of court personnel with adequate technological skills, as there are difficulties among court personnel in accessing emails, setting up video teleconferencing, and managing essential equipment such as monitors and cameras. These technical shortcomings contribute to delays and hinder effective communication within the courtroom.

Weber's principle of formal selection complements the emphasis on technical competence by advocating for a structured hiring process based on established criteria rather than personal connections. This structured approach is crucial in the court system to ensure that personnel are hired based on their skills and professional merit. The study revealed that some court personnel are retained out of concern or of "*pakikisama*" by judges or as a charitable gesture despite their inability to perform their duties effectively. This practice, while seemingly humane, runs the risk of undermining operational efficiency and raises significant ethical concerns regarding accountability in personnel management in a government unit tasked with the vital responsibility.

Technical competence and formal selection are critical for ensuring effective operations within bureaucratic organizations, especially in court systems. By addressing hiring and retention practices to prioritize skills and professional merit, courts can enhance their efficiency, ultimately benefiting the overall judicial process.

Formal Rules and Regulations.

Max Weber's focus on formal rules is crucial in the legal system. This is particularly true in criminal litigation, where adherence to laws and procedures is vital and irregularities can spell the difference between freedom and incarceration. However, an overemphasis on procedural formalities can lead to bureaucratic inefficiencies commonly called "*red tape*". This rigidity can frustrate litigants and delay judicial processes by producing complications in cases that could otherwise be resolved quickly.

The formal rules of the legal system can also be a deterrent to its efficiency rather than an asset. The Supreme Court has mandated the use of English in court proceedings to ensure uniformity and clarity. However, this requirement has raised significant concerns among legal practitioners. Requiring lawyers to communicate exclusively in English can create challenges, especially when witnesses are not proficient in the language. Moreover, this policy often necessitates the involvement of court interpreters for every question, which some courts lack due to vacancy or insufficiency of qualified personnel. Consequently, trial durations are extended, and witnesses may experience confusion and fatigue. This can compromise their ability to provide accurate testimony. This situation can lead to detrimental outcomes for cases because critical information may be lost or misinterpreted.

While Weber's framework of formal rationality seeks to create a structured legal process, its rigid application can inadvertently compromise both fairness and efficiency. An excessive emphasis on adherence to rules may obscure the fundamental objectives that those rules are designed to achieve and result in a disconnect between daily operations and organizational goals. A pertinent example of this is the strict enforcement of the court's dress code policy, which undermines the constitutional provision guaranteeing an accused person's right to free access to the courts. This policy further complicates access to justice for individuals who may lack the means to comply with such requirements. Therefore, while Weber's emphasis on formal rules is crucial for maintaining order within the legal system, an overemphasis on procedural formalities can impede both efficiency and fairness. By addressing issues related to language requirements and dress codes, we can enhance accessibility to justice for all individuals, regardless of their circumstances.

SUMMARY AND RECOMMENDATIONS FOR FURTHER STUDIES

The study explores two main areas: the experiences of private lawyers navigating the Philippine criminal judicial process and the application of Max Weber's Bureaucratic Model to analyze systemic challenges within the courts. Focusing on the first three stages of the judicial process – arraignment, pre-trial, and trial – the study identifies significant issues such as the separation of arraignment and pre-trial hearings despite guidelines mandating their

simultaneous conduct. This practice causes lengthy delays, increased costs for clients, added workloads for lawyers, and undermines client confidence in their hired lawyers. Additional challenges include redundant roll calls and frequent resetting or rescheduling of hearings. These inefficiencies contravene the constitutional right of the accused to a speedy trial, as frequent resets and postponements, often due to absent personnel, prolong case resolution and cause emotional and financial stress for accused individuals and their families. Some courts have reputations for excessive delays, prompting clients to seek transfers or consider plea bargains even when asserting innocence, highlighting the justice system's pressure on defendants to expedite release at the expense of fairness. Strict dress code enforcement, rooted in legal and administrative regulations to promote decorum, also poses barriers, especially for indigent litigants who may be denied court entry or face postponed hearings. This rigid enforcement can impede access to justice, conflicting with constitutional guarantees of free court access and adequate legal assistance. Private lawyers themselves face discomfort and public reprimands over attire, which can be counterproductive and undermine courtroom efficiency. During trial proceedings, staffing shortages, judge absenteeism, and retention of court personnel for non-merit reasons further exacerbate delays in court proceedings and reduce efficiency. Language barriers, due to the mandated use of English and a shortage of qualified interpreters, hinder effective communication and prolong proceedings. The integration of technology, accelerated by the COVID-19 pandemic, introduces further challenges as many courts lack adequate equipment or technical skills, placing additional burdens on lawyers who must adapt to virtual platforms at their own expense.

The application of Max Weber's Bureaucratic Model to the Philippine judicial system reveals both alignment and challenges in the administration of criminal cases. Weber's concept of a hierarchical structure is evident in the court system, where judges hold ultimate authority supported by branch clerks. This centralized hierarchy can promote efficiency when judges and clerks perform effectively, enabling timely case resolutions. However, inefficiencies arise when judges are frequently absent or incompetent, causing bottlenecks and delays that erode public trust. The division of labor principle highlights problems caused by inadequate staffing, where personnel often juggle multiple roles, resulting in prolonged trials and compromised quality. Vacant positions force clerks and even private lawyers to assume additional duties, further straining court operations and impeding justice delivery. Weber's emphasis on technical competence and formal selection is critical but currently challenged by the judiciary's lack of personnel with adequate technological skills, which hampers communication and court proceedings, especially with the increasing use of virtual hearings. Moreover, retention of underperforming staff due to personal considerations rather than merit undermines efficiency and accountability. Finally, while formal rules and regulations are essential for order and fairness, their rigid enforcement sometimes leads to bureaucratic red tape that delays justice. For example, the mandated use of English in court

proceedings complicates communication for non-fluent witnesses and extends trial durations due to scarce interpreter resources. Similarly, strict dress codes can restrict access to courts for indigent litigants, conflicting with constitutional rights. Thus, Weber's model highlights the need for balance between structured procedures and flexibility to improve efficiency, fairness, and accessibility in the Philippine criminal justice system.

The application of Max Weber's theory of Zweckrational and Bureaucracy to the Philippine legal system reveals both the strengths and weaknesses inherent in its hierarchical structure, division of labor, technical competence, and adherence to formal rules. Based on the findings of this study, it can be said that the current state of the Court is one that is trapped between two disadvantageous states: on the one hand, certain parts of its bureaucracy are in need of further rationalization. On the other hand, certain elements of its bureaucracy have become so unnecessarily rationalized that it has achieved what has been called in the social sciences the irrationality of rationality. While the centralized authority of judges and clerks is designed to streamline judicial processes, inefficiencies stemming from inadequate staffing, insufficient technical skills, and rigid procedural requirements often lead to significant delays and diminished public trust.

For future studies, it is recommended that the number of participating lawyers be increased to capture a diverse range of perspectives. While the current study engaged lawyers with extensive experience spanning over two decades as well as those relatively new to litigation with three to five years of practice, expanding the participant pool to include lawyers from various age groups and different lengths of litigation experience in criminal law could enrich the findings as they may have varying perspectives given that they are in the different stages of their career. Furthermore, future researchers should consider including lawyers who practice criminal litigation outside the National Capital Region (NCR), particularly those working in provincial or rural areas. The experiences of these lawyers may differ significantly from those practicing within Metro Manila. Additionally, future research should extend its focus beyond the initial stages of the judicial process to include the promulgation of judgment and appeals stages. Exploring lawyers' experiences during these later phases would provide a holistic picture of the entire criminal judicial process in the Philippines.

STATEMENTS AND DECLARATIONS

The authors report that there are no competing interests to declare.

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