



Supreme Court of the Philippines

Philippine Trial Judges League, Inc.

Manila



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27 February 2025

HON. ALFREDO BENJAMIN S. CAGUIOA
Chairperson
SC Committee on the Evaluation
of First and Second Level Courts

Dear Justice Caguioa:

May this correspondence find you in good spirits!

We would like to respectfully submit the attached Position Paper of the Philippine Trial Judges League, Inc. on the proposed performance evaluation for judges in the first and second level courts. We are optimistic that the Committee, in the conduct of its comprehensive review of the matter, will consider the points raised in the Position Paper in order to arrive at the best possible approach towards improving the performance of our trial court judges.

Thank you very much!

For the League,


ANA LESA S. SARSOZA-RADAZA

President

IMMEDIATE PAST PRESIDENT

JUDGE IRENEO M. LUSTRE



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POSITION PAPER ON THE PROPOSED PERFORMANCE EVALUATION OF FIRST AND SECOND LEVEL COURT JUDGES

The Philippine Trial Judges League, Inc. fully supports the initiatives of the Supreme Court to improve the administration of justice through the enhancement of our trial court operations. Further, the League agrees that as frontliners and managers of trial courts, judges exercise a considerable degree of control over court operations, that in turn affects the quality of public service rendered by individual stations. The League thus reaffirms its commitment to collaborating for, and promoting interventions, which strategically and logically lead to the holistic improvement of the judicial system.

The League, however, takes exception to the proposed internal and external evaluation of judges, on the following grounds:

- Difficulty in isolating qualitative factors. Measurement frameworks, to be accurate and usable, have to be anchored upon pre-determined key performance indicators (KPIs). In the context of performance appraisal of judges, these KPIs must directly correspond with data or results proved to be caused by the independent, isolated action of the judge, in order to satisfy the standard of attributability. The formulation of KPIs, in itself, poses a challenge, because the qualitative characteristics of a good judge can be based upon a range of roles that a judge performs on a day-to-day basis, from conducting hearings, to writing decisions, training and managing staff members, and ensuring the availability of court resources. Also, KPIs may be rooted in more than just the actions taken by the judge, such as when delay is caused in court proceedings by intermittent internet connections, or by the lack of information from agencies such as Philpost.
- Erosion of judicial independence and ascendancy over staff. The League appreciates the value of employing formal feedback mechanisms, first, as a means to collect data relevant to the improvement of operations, and second, as a procedure for measuring job performance. However, the League posits that asking staff members, litigants and lawyers to evaluate judges increases the probability of eroding judicial independence and ascendancy over staff members. Judges, while mandated to maintain independence, are not immune to natural human concerns over reputation and feedback. Thus, it is not improbable that a judge wanting to maintain a passing mark in their evaluation, may contemplate how to achieve either a fair ruling or a ruling that does not disappoint a litigant or counsel,



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considering the career stakes that such evaluation entails. Similarly, it is not unthinkable that the judge may not exact the same level of ethics or discipline from staff members even when needed, so as to avoid receiving negative or damaging feedback.

- *High risk of corrupted data.* Data integrity is crucial to any exercise involving data collection, processing and synthesis. Maintaining data integrity spans the functions of ensuring sources are unbiased, data is verified and cleaned, and interpretation parameters do not obscure what the data otherwise represents. Particularly as to data on a judge's performance collected from staff members, litigants, and lawyers, there is a high risk of integrity not being maintained. At the outset, data sources may already be biased against the judge. Be it the result of a favorable ruling, or a manager-direct report argument, it is undeniable that bias will come into play given who the data sources are. The bias may be positive or negative, but in all cases, when present, it will produce only corrupted data. Since corrupted data will hardly be a faithful representation of how a judge is running their court, or performing their duties, then the whole undertaking will not yield the benefits it was designed for, including the formulation of targeted interventions to improve performance.

In addition to all of the foregoing grounds, the League is likewise concerned that the conduct of performance evaluation in this manner will contribute to the demoralization of judges. At present, trial court judges who are conscientiously upholding the standards and functions of their offices are already experiencing pressures inherent to the job. These pressures have been shown to weaken both their physical and mental health, and being subjected to receive unhelpful feedback can only be reasonably expected to induce the same effect.

The League thus hopes that the Committee will extend consideration and empathy towards our trial court judges, and that a performance measurement system will be developed with the objective of encouraging our humble and hardworking frontliners to achieve judicial excellence.

-nothing follows-