

Terms of Reference – Junior Legal Expert for Pleadings, Practice, and Procedure Compendium

Required expert:

One (1) Junior Legal Expert

Purpose

The specialist contractor terms of reference (ToR) is a document that sets out the specialist contractor's contribution to the task. The template is designed to set out the aims of the task and what the contractor is responsible for in order to achieve those aims.

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Document author	Lalaine Alfaro
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Project reference	Governance in Justice II Programme
File location	

Consultancy role title:

Location: Philippines

Apply by: 31 August 2023; 11:59 PM Philippines time

1. Background and context about the project

A. Overview of the British Council

We support peace and prosperity by building connections, understanding, and trust between people in the UK and countries worldwide.

We uniquely combine the UK's deep expertise in arts and culture, education, and the English language, our global presence and relationships in over 100 countries, our unparalleled access to young people and influencers, and our creative sparkle.

We work directly with individuals to help them gain the skills, confidence, and connections to transform their lives and shape a better world in partnership with the UK. We support them to build

networks and explore creative ideas, to learn English, to get a high-quality education and to gain internationally recognised qualifications.

We work with governments and our partners in the education, English language and cultural sectors, in the UK and globally. Working together we make a bigger difference, creating benefit for millions of people all over the world.

We work with people in over 200 countries and territories and are on the ground in more than 100 countries. In 2021–22 we reached 650 million people.

B. Background to the Programme

The Government of the Republic of the Philippines with the support of the European Union is implementing the Justice Sector Reform Programme: Governance in Justice II (GOJUST II). GOJUST II builds on and continues the work of the predecessor programme, GOJUST that was implemented from April 2016 to September 2020. GOJUST II is implemented in joint co-financing with the Spanish Agency for International Development Cooperation. The overall objective of GOJUST is *to contribute to inclusive and sustainable socio-economic development through improved access to justice for all in the Philippines. Specifically, it aims to develop more responsive and accountable justice services*. It includes two components focusing on justice and human rights, respectively. The programme is being implemented from December 2020 to June 2025.

GOJUST II seeks to achieve four major result areas, as follows:

- | | |
|----------|---|
| Result 1 | Justice sector coordination mechanisms are improved |
| Result 2 | Strengthened institutional efficiency and effectiveness in the delivery of justice services |
| Result 3 | Increased access to the justice system for vulnerable groups, including women |
| Result 4 | Justice policy and practice is informed by evidence and responds to justice needs |

Justice and Human Rights policies are at the heart of the Philippine Development Plan 2017-2022, which for the first time includes a dedicated chapter on justice, chapter 6, titled “Pursuing Swift and Fair Administration of Justice”. The chapter enshrines the principle of coordination as a mechanism for bringing about long term and sustainable justice sector reform. The focus is on the enhancement of “civil, criminal, commercial and administrative justice” and the improvement of sector efficiency and accountability while also directing the Commission on Human Rights (CHR) to intensify its efforts to facilitate access to justice by improving, monitoring and evaluation, empowering the people living in poor and marginalised situations to seek response and remedies for injustice, improving legal protection, awareness and aid, enhancing civil society and parliamentary oversight, addressing human rights violations in the justice sector and, strengthening linkages between formal and informal justice providers.

The justice component will continue and expand some previous GOJUST activities such as improved coordination between and within the justice sector agencies and case management automation interventions to strengthen capacities to decongest overburdened courts, prosecution offices, and reducing pre-trial detention. GOJUST II will also focus on new result areas such as increased access to justice for vulnerable groups and evidence-based policy research and advocacy to inform policy making for improved justice outcomes.

The programme is managed by a Programme Steering Committee (PSC) headed by representatives of the Supreme Court, Department of the Interior and Local Government, and the Department of Justice. A Programme Director has also been appointed to be the main focal point and point of coordination for the smooth implementation of the programme.

In line with the Direct Management component of the Financing Agreement, a Pillar-Assessed Contribution Agreement (ACA/2020/ 418-821) for the provision of *Technical Assistance for the Justice Sector Reform Programme: Governance in Justice II (GOJUST II)* was awarded to the **British Council** on 7 December 2020 for a period of implementation of 54 months. The PACA contract requires the provision of a Technical Assistance Team consisting of four (4) key experts that will be responsible for the four (4) result areas (justice sector coordination, effective institutions of justice, access to justice by the disadvantaged groups, and evidence-based policy research). In addition, the contract also includes the provision of 3,200 working days of non-key experts that will support the work of the key experts in the delivery of results under the programme.

2. About the role of the specialist contractors

Under Article VIII, Section 5 (5), the Supreme Court has the power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts. In the exercise of such power, the Supreme Court has promulgated not only the Rules of Court, but also other special rules, guidelines and issuances affecting pleading, practice, and procedure on an *ad hoc* basis.

For the Family Courts alone, special rules exist for the Commitment of Children, Children in Conflict with the Law, Declaration of Absolute Nullity, Legal Separation, Provisional Orders, Guardianship of Minors, and Custody of Minors, in addition to the Rules of Court and the provisions of the Family Code on Summary Proceedings. Similarly, the Special Commercial Courts also have to contend with different rules of procedure for Intellectual Property Rights Cases, Financial Liquidation and Suspension of Payments, Financial Rehabilitation, Liquidation of Closed Banks, and Administrative Search and Inspection under the Philippine Competition Act. Separate rules also exist to regulate the practice of law in the form of Bar Matters and Administrative Circulars.

These multitude of rules, guidelines, and issuances have made it difficult for both judges and lawyers, and more importantly litigants and even law students to find applicable provisions, reconcile conflicting or overlapping issuances, and identify the effective dates of each, as well as trace their history, including relevant amendatory and repealing acts.

On 27 June 2022, the Supreme Court created a Technical Working Group to compile, classify, and index all pertinent rules, guidelines, and issuances on pleading, practice and procedure.

The Mission aims to assist the Supreme Court in compiling, classifying, and indexing all rules, guidelines, and issuances on pleading, practice, and procedure into a single resource for the use not only of the members of the Bench and the Bar, but even for litigants and law students.

Global Objective

The over-all objective of the Mission is to compile, classify, and index all rules, guidelines, and issuances on pleading, practice and procedure into a single compendium.

Specific Objectives

Specifically, the non-key expert is expected to achieve the following objectives:

- a. Design a framework for the compilation, classification, and indexing of all rules, guidelines, and issuances on pleading, practice, and procedure.
- b. Obtain and compile all rules, guidelines, and issuances on pleading, practice, and procedure.
- c. Classify the same according to the chosen framework and methodology.
- d. Cross-referencing all the compiled rules and recommend a possible amendment of rules, laws, and of related Supreme Court decisions, which have an impact on the continued effectivity or substance of a rule of procedure.
- e. Create a separate alphabetical index with references to the various rules pertaining to the subject matter or topic.
- f. Compile and/or create checklists for use of the various stakeholders who may access the compendium.

Number of required experts and duration:

Number of Position/s	Designation	Type of Expertise	Duration (days)
1	Junior Legal Expert	Legal Researcher	26

Outcome and outputs

The **scope of work** of the consultant shall include support for the following activities among others:

- a. A kick-off meeting and discussion with the technical assistance team on the scope of the assignment
- b. A kick-off meeting and discussion with the Supreme Court - Technical Working Group (SC TWG) on Compilation on the scope of the assignment
- c. Generation of a work plan and the indicative time frame
- d. An integrative and analytical report with cross-references and recommendations for the judiciary on the inclusion of new and/or amendatory rules
- e. The presentation of the resource to the Technical Assistance Team, SC TWG, as well as a public presentation
- f. Related incidental research and reports.

The **outputs** of this engagement are the following:

- a. An Inception Report that will include the proposed methodology and a detailed workplan for submission to the TAT no later than 10 days after the commencement of the assignment
- b. A Midterm Report on the progress of the Mission
- c. A Mission Report, structured as follows:
 - Executive Summary
 - Introduction and Background
 - Discussion of the framework for compilation, classification, and indexing
 - Findings in relation to both developed and underdeveloped areas, gaps, etc.

- Recommendations to the Supreme Court regarding new and/or amendatory rules, adding to the Resource
 - Conclusion
- d. A Compendium, which compiles, classifies, cross-references, and indexes the rules, guidelines and issuances on pleading, practice, and procedure, including checklists.
- e. In Annex to the Mission Report, the following will be presented:
- A presentation ready, summary slide deck of the objectives, methods, key conclusions, and recommendations.
 - A presentation and discussion of the slide deck with the GOJUST team.
 - A written report, containing a detailed account of the purpose, methods, conclusions and recommendations.
 - Terms of Reference for the relevant activities supported.

3. Timeline

Activity	Date / time
TOR advertised	9 August 2023
Deadline for clarification questions (Clarification Deadline)	16 August 2023
British Council to respond to clarification questions	23 August 2023
Application deadline	31 August 2023; 11:59 PM Philippines time
Final Decision	7 September 2023
Contract concluded with winning supplier	21 September 2023
Contract start date	25 September 2023 A maximum of 26 days (25 September 2023 to 31 March 2024)

4. Fee & expenses

Please submit a Pricing Approach using the template in Annex 1.

5. Reporting and communication

All reports must be submitted electronically in the format provided at the start of the mission. Comments by the Technical Assistance Team (TAT) and key stakeholders on the various reports, will be provided to the expert as soon as possible. Draft final reports must be submitted before the debriefing by the consultant to the TAT.

The consultants will be required to provide the Services in **the Philippines** and such other locations as may be agreed between the parties in writing from time to time.

All working days for preparatory work, comprehensive desk review, and report writing are foreseen to be performed by the expert from his/her home base, i.e., at his/her usual place of residence, both at the initial stages of the mission and later on during the whole assignment.

6. Qualifications and experience required

6.1 Qualifications and skills

- Senior law student or law graduate in a reputable law school
- Proven research, writing, and analytical skills

6.2 General Professional Experience

- A minimum of two (2) years legal research experience

6.3 Specific Professional Experience

- Proven academic excellence
- Experience working with or internship in a law journal

7. How to apply

Send your cover letter and CV to Lalaine.Alfaro@britishcouncil.org by 28 August 2023; 11:59 PM Philippines time.

8. Criteria for evaluation

Criteria	Weighting
Social Value	10%
Qualifications and skills	25%
General professional experience	20%
Specific professional experience	25%
Pricing Approach	20%