

Research Paper

Mandatory Mediation of Civil Cases in a Highly Urbanized City

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Abstract: This study assessed the mandatory mediation in civil cases in Olongapo City. It utilized the descriptive-survey research method with the questionnaire as the primary data-gathering tool. Sixty-six (66) respondents participated in the study. The study also used an unstandardized questionnaire validated by a panel of experts. To analyze the data, the researchers utilized the following statistical tools: frequency, percentage, weighted mean, and Pearson Chi-Square test. The study confirms that respondents are highly aware of mediation rules, proceedings, and mediators' code of ethical standards. Results also revealed significant relationships between the level of awareness of the respondents of the mandatory mediation of civil cases and age, the level of awareness of the code of ethical standards with the highest educational attainment, and length of service. In addition, the study also found significant relationships between the profile variables and the extent of implementation. Finally, there was a relationship between the level of awareness and the extent of implementation of the mandatory mediation of civil cases in terms of submitted and disposed cases. The study results served as the basis for developing a Proposed Enhancement Program in implementing Mandatory Mediation of Civil Cases in Olongapo City.

Keywords: Civil Cases, Descriptive-Survey, Highly Urbanized City, Mandatory Mediation.



1. Introduction

Alternative Dispute Resolution (ADR) is coming of age in the Philippines with the passage of Republic Act 9285 [1] or the ADR Act of 2004 and the introduction of mandatory Court-Annexed Mediation in the Philippine Judiciary. Because of the delay in the disposition of cases, they clogged the court dockets. People then become disillusioned and ultimately lose faith in the effectiveness of the judicial system. Right now, Court-Annexed Mediation is part of the pre-trial conference and is mandatory. A trained and accredited mediator of the Philippine Mediation Center (PMC) unit tackles the case for 30 days. If the mediation ends in a settlement, a compromise agreement, a joint motion to dismiss the case parties or a manifestation of the plaintiff's civil claim has been satisfied. The mediator submits the action to the court for approval. A compromise agreement is a law between the parties, and since it is binding on them, they need to abide by it in good faith.

RA 9285 [1] defines the alternative resolution system as "any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, as defined in the Act, in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof (Chapter 1, Section 3, RA 9285). Alternative Dispute Resolution (ADR) is cost-effective as it takes merely 10 percent of the total duration of the litigation. It saves litigants and courts time and resources and preserves the parties' goodwill. Their active participation empowers those involved in ADR. In the mediation process, it has a sense of ownership of their agreement.

Mediation is a procedure in which an impartial third party intervenes in a dispute to aid the parties in achieving an acceptable resolution. At its purest, mediation is a voluntary, private and informal process. Mandatory mediation, good faith, and alternative dispute resolution. Arbitration - these are all terms and programs that current judicial systems use to reduce overfilled court dockets and costly trials. Also, the time it takes parties to resolve their disputes.

Are these programs aid to minimize disagreements and court dockets, or are they mistreating parties by limiting gains to traditional court litigation? Discerning how the courts use these programs, how they function, and the potential problems caused by them is critical in evaluating their effectiveness or applicability for persons seeking conflict resolution.

The apparent benefits of mediation are that it enables party control and reduces court dockets and legal fees. However, some factors, reasons, or instances affect the implementation of Court-Annexed Mediation in Olongapo City, which slows down the achievement of its goal. In this study, it aims to assess the implementation of Mandatory Mediation in Civil cases in Olongapo City. It also tries to identify factors that affect its implementation and help enhance the mandatory mediation program.

2. Literature Review

Generally, we define mediation as a dispute resolution process where parties agree to refer their disputes to an independent third party voluntarily. The mediator behaves as a facilitator who motivates the parties to come to their resolution. Mediation is the assistance of a third party with no authority to dictate an agreement to two or more conflicting parties [2]. Moffitt [3] argued that the host of definitions given to mediation has not helped identify its boundaries. He found that the definitions are neither prescriptive nor conceal an assertion based on empirical research. He gives examples: 'Mediators are impartial,' 'Mediators facilitate communication and negotiation,' and, 'Mediators never evaluate or provide legal advice. Moffitt argued that those who assert that 'Mediators never do Z' are not saying, 'Those who hold themselves out to be mediators never engage in practice Z [3]. He concluded that those who offer prescriptive definitions put forward their understanding [3].

To the ordinary person, the idea of court litigation is synonymous with delay. While the perception may not be precisely accurate, it is not, however, without basis. Sevilla [4] commented that the delay problem in judicial proceedings is commonly associated with a sizable backlog of the court pending cases. The term delay is often confused with backlog or congestion and distinguished between the concepts in this wise: Delay is measured by time. In contrast, congestion is measured by volume and number [5]. Delay may result in congestion in much the same way that congestion may result in delay. There may be a delay even in a court with no congestion. At the same time, speed and dispatch may characterize a congested court's proceeding.

Santos [6] claimed that judicial delay and docket congestion with its contaminant evil compartmentalized justice would remain as assumption-givens in the Filipino culture in the same breath. It is hard enough for anyone to be involved in litigation [7].

Justice Sevilla [4] noted that the Philippine Constitution guarantees every individual fair and speedy disposition of cases. He added that prompt and fair disposition of cases is a duty imposed upon the courts. Delay, exceedingly when prolonged, undermines the very foundation of constitutional government.

In December 2008, 664,357 cases were pending before 1,669 trial court judges in the Philippines. At one point, there were only 1,453 sitting judges in the 2,182 courts, or a ubiquitous 34 percent vacancy rate in the Judiciary's trial courts. How long does it take to decide a case? Six years. Moreover, jails are already congested at 250 percent of their capacity. This idea results in a delayed resolution of cases and denial of justice.

Because of the delay in the disposition of cases, court dockets are clogged. People then become disillusioned and ultimately lose faith in the effectiveness of the judicial system to deliver justice to them.

The techniques utilized in Court-Annexed Mediation are conciliation, arbitration, and early neutral evaluation. There is also a Judicial Dispute Resolution (JDR), where a judge does conciliation, early neutral evaluation, and mini-trial. Moreover, the innovative Mobile Court-Annexed Mediation (MCAM) inside the Enhanced Justice on Wheels (EJOW) buses go where no mediation centers exist.

Right now, Court-Annexed Mediation is part of the pre-trial conference and is mandatory. A trained and accredited mediator of the Philippine Mediation Center (PMC) unit tackles the case for 30 days. If the mediation ends in a settlement, the mediator submits a manifestation to the court for approval. A compromise agreement is a law between the parties, and since it is binding on them, they abide by it in good faith.

If mediation fails, the court remands the case for the JDR process. The judge becomes a conciliator, mediator, or neutral evaluator in six pilot areas. The proceedings remain confidential. If JDR fails, the case goes to the pairing judge for trial in order to preserve confidentiality.

3. Methodology

3.1. Research Design

The study utilized the descriptive-survey research method with the questionnaire as the primary data-gathering tool. Such a method obtains information concerning the status of the phenomena. Then it describes, "what exists concerning variables or conditions in a situation" [8]. The methods involved range from the survey that describes the status quo and the correlation of the study that investigates the relationship between variables to developmental studies that seek to determine changes over time.

3.2. Population and Sampling of the Study

The study population consists of the employees in the different service-delivery units of the Olongapo City Municipal Trial Court and Regional Trial Court. Using purposive sampling, the respondents consisted of a sample size of 10% from different service-delivery units. Purposive sampling or judgmental sampling is based on the belief that the researchers' knowledge about the population can be used to handpick sample members. Researchers might purposely select subjects judged to be typical of the population or knowledgeable about the issues under study [9].

Table 1. Frequency and Percentage Distribution of Respondents

Respondent	Frequency	Percentage
Admin Aide	14	21.2
Clerk	12	18.2
Stenographer	9	13.6
Judge	4	6.1
Police Officer/ Investigator	17	25.8
Teacher	2	3.0
Sheriff	4	6.1
Other (DSWD worker, MSOV, Retiree)	4	6.1
Total	66	100.0

The respondents in this study were the presiding judges of the five branches of the Municipal Trial Court in Cities and the four branches of the Regional Trial Court, including their respective branch Clerk of Court and their staff; the members of the Integrated Bar of the Philippines (IBP), the mediators in the City of Olongapo and police investigators of Olongapo City Police Office. The researchers gave the questionnaires to the 66 respondents chosen for the study.

3.3. Instrument of the Study

The survey questionnaire was the main instrument in data gathering. It consisted of three (3) parts:

Part 1 dealt with the selected profile of the respondents. It describes their age, marital status, highest educational attainment, civil service eligibility, current position in the Judiciary, and length of the year in service in the same position.

Part 2 dealt with the respondents' assessment of the extent of the mandatory mediation process of disposing of civil cases in Olongapo City. It also contains the number of civil cases submitted, pending, disposed of, and types of civil cases submitted. It also covered the respondents' level of awareness of mandatory mediation of civil cases in terms of mediation rules and proceedings, accreditation of mediators, and code of ethical standards for mediators.

Part 3, researchers did a pilot study to test the survey questionnaire for validity and reliability.

A pool of experts critiqued the questionnaire in terms of form, style, ease of understanding, and clarity of instruction and constructs. The researchers incorporated all of the suggestions into the questionnaire's final form. Finally, the questionnaire also underwent a reliability test.

3.4. Statistical Treatment

In order to determine and answer the research questions of this study, the data analyst subjected the gathered responses from the survey to the following statistical tools: frequency, percentage, weighted mean, and Pearson Chi-Square Test. The study also used a five (5) point Likert scale for the respondent's answers to the survey. The data analyst computed all the statistics with the help of SPSS 23.

4. Results and Discussion

Based on the study's research questions, the following tables below present the results and answers from the previous discussion raised in the earlier portion of this manuscript.

4.1 Level of Awareness of the Respondents on Mandatory Mediation of Civil Cases

Table 2. Level of Awareness of the Respondents on Mandatory Mediation of Civil Cases in terms of Mediation Rules and Proceedings

Mediation Rules and Proceedings	Weighted Mean	Descriptive Rating
1. Cases refer to the parties mediating their disputes with trained and accredited mediators.	4.47	Extremely Aware
2. Upon failing to secure a settlement, a second attempt is made at the JDR	4.38	Extremely Aware
3. The trial judge shall continue with the pre-trial proper and proceed to decide the case.	4.36	Extremely Aware
4. The third stage is during the appeal, where covered cases are referred to ACM	4.30	Extremely Aware
5. Finally, the Guidelines define the role of lawyers in CAM and IDR	4.21	Moderately Aware
6. Only PHILJA-PI\C sponsored or accredited activities will be considered to determine official attendance.	4.32	Extremely Aware
7. To maintain good standing and comply with the requirement of attending, 75% of all activities conducted may be credited, provided the Mediators submit the description of the program one (1) month before the said activity for assessment by PHILJAJ	3.83	Moderately Aware
OVERALL MEAN	4.27	Extremely Aware

Table 2 shows the overall mean of 4.27, corresponding to a descriptive rating of “extremely aware” for the respondents' level of awareness of mandatory mediation of civil cases in terms of mediation rules and proceedings. Respondents were extremely aware of the five rules of the seven (7) mediation rules and proceedings. At the same time, they were moderately aware of the other two. The mediation rule/proceeding that was highest rated was *"Cases refers the parties for the mediation of their disputes trained and accredited mediators"* with a weighted mean of 4.47, while the lowest is *"To maintain good standing and comply with the requirement of attending 75% of all activities conducted may be credited provided the Mediators submit the description of the program one (1) month before the said activity for assessment by PHILJAJ"* with a mean of 3.83 correspondings to “moderately agree”. The result emphasizes the need for more attention and priority for reorientation in “moderately aware” areas.

Capulong [10] defines court-Annexed mediation as an enhanced pre-trial procedure that involves settling mediatable cases filed in court with the assistance of a mediator accredited by the Philippine Supreme Court. The mediator assists party litigants in identifying issues and developing proposals to resolve disputes. Since the installation of the JURIS Project in 2003, the process has come to include the Judicial Dispute Resolution (JDR). Mediation has also moved from the trial court to the Appeals Court level.

On October 16, 2001, the Supreme Court of the Philippines designed the Philippine Judicial Academy (PHILJA) as its component unit for court-referred, court-related mediation cases and other ADR mechanisms. This concept was a follow-through to the 1997 directives of the Court to PHILJA "to conduct an in-depth examination of our legal and judicial system for upgrading, improving, and reforming it to meet the changes of the new millennium."

The priority given to ADR by the APJR, which is the legacy of Chief Justice Hilario G. Davide to the Judiciary, contributes significantly to the success of this pioneering endeavor. The Supreme Court and its different units have been supportive. Development partners lent all the assistance they could.

The USAID and THE ASIA FOUNDATION were responsible for these endeavors. From pilot-testing to implementation, to expansion, and onward to the elevation of the mediation effort of the Court of Appeals in Manila in Luzon), Cebu City in the Visayas and in Cagayan de Oro City in Mindanao.

The active participation, collaboration, and cooperation of the honorable Court Administrator, Executive Judges, Presiding Judges, Clerk of Court, Branch Clerks of Court, and court personnel designated by Executive Judges have also been instrumental in ensuring the effectiveness of CAM.

Table 3 presents the respondents' level of awareness of mandatory mediation of civil cases in terms of the Code of Ethical Standards for Mediators. Overall, respondents rated their level of awareness in this area with a mean of 4.50, which corresponds to being “extremely aware.” Respondents were extremely aware of five of the seven (7) mediation rules and proceedings. At the same time, they were moderately aware of the other two. The provision that was rated highest was *"Teamwork and mutual respect among the PMC Unit Coordinator, Daily supervisors, mediators, Clerks-in Charge as well as other court personnel must be observed at all times."* with a weighted mean of 4.79. At the same time, the lowest is *"Only mediators, whose accreditation is valid and effective, may mediate cases referred by the Court,"* with a mean of 4.0 corresponding to “moderately agree.” The result emphasizes the need for more attention and priority for reorientation in “moderately aware” areas.

The provisions that obtained a “moderately aware” rating, as shown in Table 3, prove that only accredited mediators with valid accreditation are allowed to conduct the mediation in cases referred by the court. Moreover, respondents are moderately aware of avoiding any conflict of interest or appearance of a conflict of interest. A Mediator, who is also a practicing lawyer with pending case/s in a particular court, cannot be assigned to mediate. The court may assign a duly accredited Social Worker or Branch Clerk of Court as the mediator. Similarly, the indicator *"in no case shall a mediator use the logo of the Supreme Court-PHILJA- PMC on any letterhead or business card."*

Another criticism of mediation is the lack of due process. However, not in the way that due process applies in judicial proceedings. Caucus mediation, where one party meets the mediator individually in the absence of another, is said to be inconsistent with due process and rules of natural justice [11]. Further, the conduct of mediators in giving their views on the merits and outcomes of a case, a technique commonly used in evaluative mediation, could create an appearance of bias towards or against one party or another [12].

Table 3. Level of Awareness of the Respondents on Mandatory Mediation of Civil Cases in terms of the Code of Ethical Standards for Mediators

Code of Ethical Standards for Mediators	Weighted Mean	Descriptive Rating
8. Only mediators, whose accreditation is valid and effective, may mediate cases referred by the court.	4.00	Moderately Aware
9. The mediator's Identification (ID) card must be worn in the PMC unit at all times. Said ID shall also be used during mediation of cases referred by the court.	4.52	Extremely Aware
10. All mediators must wear proper attire as Officers of the Court.	4.62	Extremely Aware
11. The Daily Supervisors and mediators assigned for the day must arrive on time in their respective PNC Units.	4.68	Extremely Aware
12. To avoid any conflict of interest or appearance of a conflict of interest, a Mediator, who is also a practicing lawyer with pending case/s in a particular court, cannot be assigned to mediate. The court may assign a duly accredited Social Worker or Branch Clerk of Court as the mediator.	4.21	Moderately Aware
13. It is the duty of the mediator to inform the Daily Supervisor and/or unit Coordinator about the situation to avoid conflict of interest.	4.62	Extremely Aware
14. As accredited mediators for court-annexed mediation cases, it is/her primary duty to prioritize court-annexed cases and to ensure that there should be no conflict between his duties as an accredited court-annexed.	4.71	Extremely Aware
15. In no case shall a mediator use the logo of the Supreme Court-PHILJA- PMC in any letterhead or business card	4.08	Moderately Aware
16. All Supervisors and Mediators must attend all meetings called for by the PMC and perform such other duties and functions as may be necessary.	4.65	Extremely Aware
17. Teamwork and mutual respect among the PMC Unit Coordinator, Daily supervisors, mediators, Clerks-in Charge, and other court personnel must always be observed.	4.79	Extremely Aware
OVERALL MEAN	4.50	Extremely Aware

4.2. Extent of Implementation of Mandatory Mediation of Civil Cases in Olongapo City

Table 4 presents the results on the extent of the mandatory mediation of civil cases in Olongapo city in terms of the status of civil cases submitted over the past five years. It can be gleaned that 43.9% or 29 cases have not yet been decided, and 31.8% or 21 cases are still pending. In comparison, a mere 24.2% or 16 cases have been disposed of have been decided. This result confirms the general impression of the slow judicial process in the country.

Table 4. Extent of the Implementation of Mandatory Mediation of Civil Cases in Olongapo City in Terms of Status of Civil Cases for the Past Five Years

CASE STATUS	Frequency	Percent
Not Yet Decided	29	43.9
Pending	21	31.8
Disposed	16	24.2
Total/Submitted	66	100

Quisumbing et al. [13] assert that the method to combat delay and congestion in the courts is a change in the attitude and perspective of those involved in implementing the criminal justice system. He cited the crimes of vagrancy and prostitution where there is no private complainant as matters which may be handled entirely by social welfare agencies. Impliedly, Roco suggests the decriminalization of these felonies by handling these social concerns to the government concerned instead of hailing the violators to court. Moreover, he encouraged the adoption of preventive legal

counseling by lawyers and resorting only to litigations in extreme cases. He said that the counselor and the litigant have a distinction in attitude. The former tends to be less adversarial and identifies alternatives to the client. At the same time, the latter develops an adversarial attitude that his client's position is correct because he is being paid to be one-sided in court.

Furthermore, Gunning [12] encouraged litigants to seek creative solutions such as mediation and conciliation to resolve conflicts instead of immediately resorting to the courts. He cited the seldom availed family council provision in the Civil Code. It is where parties to a dispute may petition the court to appoint a family council to settle a matter between members of the same family.

Although mediation is primarily used to benefit the parties and the courts to resolve disputes quickly, it may also assist in reviewing and narrowing the issues for trial if it fails [14]. In addition, the disputants can better appreciate their own case and that of their opponents [15]. There has been a move to use mediation in court processes in many jurisdictions, particularly in the US, UK, Australia, and Malaysia, to solve the increasing backlog of civil cases. However, mediation should not be considered the panacea for all the ills of litigation as it poses some formidable challenges compared to the existing processes of courtroom litigation.

4.3. Relationship between the Level of Awareness of the Respondents of the Mandatory Mediation of Civil Cases and the Profile of the Respondents

As shown in Table 5, the highest educational attainment and length of service manifested to have a significant relationship with the code of ethical standards for mediators.

Table 5. Chi-square Correlation of the Level of Awareness and the Profile Variables

Profile	Mediation Rules and Proceedings			Code of Ethical Standards for Mediators		
	X^2 Value	df	<i>p</i> -value	X^2 Value	df	<i>p</i> -value
Age	8.394	8	.396	7.990	8	.434
Gender	.661	2	.719	2.422	2	.298
Current Position	16.339	14	.293	17.501	14	.230
Civil Status	3.403	4	.493	.772	4	.942
Highest Educational Attainment	10.953	6	.090	35.343	6	.000*
Eligibility	2.371	4	.668	6.553	4	.161
Length of Service	14.550	12	.267	25.176	12	.014*
Salary Grades	5.815	4	.213	8.258	4	.083

Note: **p* < .05

The highest educational attainment has a significant relationship with the level of awareness regarding the code of ethical standards for mediators, with a chi-square value of 35.343. This value corresponds with a probability value of .000. This result is significant at an alpha level of 0.05. The null hypothesis of no significant relationship is rejected. This result shows that the level of education is an essential factor in understanding the mediators in the code of ethical standards governing them. This result implies that the more highly educated or the lower the mediator's education, the greater or the lesser, the understanding of the code of ethics.

In addition, length of service also has a significant relationship with the level of awareness regarding mediators' code of ethical standards. With a chi-square value of 25.176 and a probability value of .014, this result is significant at alpha level 0.05. The null hypothesis of no significant relationship is rejected. It means that the longer the mediators are in the service, the more they become aware of the code of ethical standards.

The results attest to the effectiveness of mediators in Olongapo City. Asio et al. [16] showed a significant relationship between professional skills and work ethics. Essentially, mediators undergo basic training for five days and an Internship Program for one month under the guidance of mentors. During this period, they handle actual court cases enough to become an efficient and effective mediator. The Supreme Court accredits them. A code of Ethical Standards binds them to Mediators. They must be ready to serve pro bono for the financially disadvantaged in society. Only those authorized by the court are qualified to mediate in Court-Annexed Mediation. Even if mediation is accessible to all, not everyone is knowledgeable of mediation. Responses to the questionnaire show

that lack of awareness among the Judiciary, legal professionals, justice system users, and the general public is one of the main obstacles to the advancement of mediation. Member states and mediation stakeholders should remember that it is hard to break society's reliance on the traditional court process as the primary way of resolving disputes.

Gender, age, current position, civil status, eligibility, and salary grades did not exhibit any significant relationship with the level of awareness of mandatory mediation. The Chi-square of 8.394 and 7.990 for age; 0.661 and 2.422 for gender; 16.339 and 17.501 for current position; 3.403 and 0.772 for civil status; 10.953 for highest educational attainment; 2.371 and 6.553 for eligibility; and 14.550 for length of service yielded the corresponding probability values of .396 and .434 (age); .719 and .298 (gender); .293 and .230 (current position); .493 and .942 (civil status); .090 (highest educational attainment); .668 and .161 (eligibility); and .267 (length of service) were not significant at an alpha level of 0.05. The null hypothesis of the study is therefore accepted.

4.4. Relationship between the extent of implementation of the mandatory mediation of civil cases and the profile of the respondents

Results in Table 6 confirm the significant relationships between some of the profile variables and the level of awareness of the mandatory mediation in terms of submitted, disposed, and not yet decided cases.

Table 6. Chi-square Correlation of the Extent of Implementation of the Mandatory Mediation of Civil Cases and the Profile of the Respondents

		Age	Gender	Current Position	Civil Status	Highest Educ. Attain.	Eligibility	Length of Service	Salary Grades
Submitted	X^2 Value	16.736	10.388	18.043	5.305	21.910	11.765	15.339	36.115
	df	12	3	21	6	9	6	18	6
	p-value	.160	.016*	.646	.505	.009*	.067	.639	.000*
Pending	X^2 Value	9.520	4.114	24.514	8.503	38.327	8.365	15.339	30.277
	df	12	3	21	6	9	6	18	6
	p-value	.658	.249	.269	.203	.000*	.213	.639	.000*
Disposed	X^2 Value	18.728	10.054	30.315	9.051	18.198	8.492	35.571	22.812
	df	16	4	28	8	12	8	24	8
	p-value	.283	.040*	.348	.338	.110	.387	.060	.004*
Not yet decided	X^2 Value	18.024	4.651	33.861	8.311	34.086	7.151	13.802	47.304
	df	16	4	28	8	12	8	24	8
	p-value	.322	.325	.205	.404	.001	.520	.951	.000

Note: * $p < .05$

In submitted cases, gender, highest educational attainment, and salary grade level showed a significant relationship with the extent of implementation. They obtained the following chi-square values of 10.388, 21.910, and 36.115 and a probability value of .016, .009, and .000, respectively, which are significant at alpha level 0.05. Thus, the null hypothesis of no significant relationship is rejected. These results imply that the extent of implementation of mandatory mediation in terms of submitted cases is influenced by the gender, education, and salary grade of the mediators.

For pending cases, however, the highest educational attainment and salary grade exhibited a significant relationship with the extent of implementation with chi-square values of 38.327 and 30.277 and a probability value of .658 and .000, respectively significant at alpha level 0.05. Thus, the null hypothesis of no significant relationship is rejected. These results imply that the extent of mandatory mediation implementation in pending cases is influenced by the mediators' highest educational attainment and salary grade.

When it comes to disposing of cases, gender, length of service, and salary grade are significant to the extent of implementation of mandatory mediation. Chi-square values of 10.054, 35.571, and 22.812 with probability values of .040, .060, and .004 were obtained for the said profile variables, respectively, and are significant at alpha level 0.05. This finding means that in the implementation of mandatory mediation in terms of disposed of cases, the gender, length of service, and salary grade of the mediator matter.

For cases not yet decided, two profile variables have a significant relationship to the extent of implementation of mandatory mediation in civil cases. Highest educational attainment with a chi-square value of 34.086 and a probability value of .001 and salary grade with a chi-square value of 47.304 with a probability value of .000 prove to be significantly related to the extent of implementation of mandatory mediation.

Moreover, there is no significant relationship between the highest educational level and awareness of the mandatory mediation in submitted, pending, and not yet decided attainment. With a chi-square value of 21.910, 38.327 and 34.086 with the corresponding probability value of .001 is significant at an alpha level of 0.05. The null hypothesis of no significant relationship is rejected. In general, most of the variables have no significant relationship between the extent of implementation of mandatory mediation and the profile of the variables, i.e., age, current position, civil status, and eligibility.

4.5. Relationship between the Level of Awareness of the Respondents of the Mandatory Mediation of Civil Cases and the Extent of Implementation of the Mandatory Mediation of Civil Cases

Table 7 confirms the significant relationship between the level of awareness and the extent of implementation of the mandatory mediation of civil cases in terms of submitted and disposed cases.

Table 7. Chi-square Correlation of the Level of Awareness and the Extent of Implementation of the Mandatory Mediation of Civil Cases

Profile	Mediation Rules and Proceedings			Code of Ethical Standards for Mediators		
	χ^2 Value	df	p-value	χ^2 Value	df	p-value
Submitted	19.947	6	.003*	12.066	6	.061
Pending	7.167	6	.306	11.789	6	.067
Disposed	38.339	8	.000*	3.380	8	.908
Not yet Decided	8.198	8	.414	8.635	8	.374

Note: * $p < .05$

Awareness of mediation rules and proceedings obtained a chi-square value of 19.947 and 38.339. These values corresponded to probability values of .003 and .000 for submitted and disposed of cases, respectively, which is significant at an alpha level of 0.05. Thus, the null hypothesis of no significant relationship between the level of awareness and the extent of implementation of the mandatory mediation of civil cases is rejected. The findings show that submitted and disposed civil cases in the mediation process should be considered.

According to Rifelman [17], it is no surprise that mediation has been increasingly focused on in the legal systems of many countries. It can resolve conflicts between parties, thus reducing backlogs of court cases and overall legal costs.

5. Conclusion and Recommendation

Based on the study results and the following conclusions, the researchers found that respondents are extremely aware of the mediation rules and proceedings. The researchers also found the same response for a mediator's code of ethical standards. Almost fifty percent of the sixty-six (66) cases

have not yet been decided, while the rest are still pending. A mere 24.2% or 16 cases have been disposed of or decided.

Statistical inferences show a significant relationship between the level of awareness of the code of ethical standards with the highest educational attainment and length of service. In addition, the study also found significant relationships between gender, highest educational attainment, and salary grade level with the implementation in submitted cases. For pending cases, however, the highest educational attainment and salary grade exhibited significant relationships with the extent of implementation. When it comes to disposing of cases, gender, length of service, and salary grade were significant to the extent of implementation of mandatory mediation. For cases not yet decided, the highest educational attainment and salary grade proves to be significantly related to the extent of implementation of mandatory mediation. Finally, there was a significant relationship between the level of awareness and the extent of implementation of the mandatory mediation of civil cases in submitted and disposed cases.

Based on the analysis and the study results, the researchers recommended the following: (1) Since most of the respondents are college graduates and have eligibility. Most of them are police officers/investigators who need to develop an Enhancement Program to improve their efficiency and effectiveness. (2) The results show that respondents are extremely aware of mediation rules and proceedings and the code of ethical standards for a mediator. They may be considered facilitators or resource speakers for the orientation and training of new mediators. Profile variables that exhibited significant relationships with the level of awareness may be considered in the formulation of orientation and training programs to increase awareness. (3) Considering the results on the extent of implementation of mandatory mediation, the effective use of mediation may help reduce backlogs of civil cases in Olongapo City. (5) Profile variables that have a significant relationship with the extent of implementation in submitted, pending, disposed, and not yet decided cases should be given due consideration in planning orientation and reorientation programs. (6) Develop an enhancement program on mandatory mediation and prioritize the mediation process and proceedings and code of ethical standards of mediators. (7) A similar study may be carried out on the mandatory mediation of civil cases in Olongapo City.

References

- [1] Anonymous, "An Act To Institutionalize The Use Of An Alternative Dispute Resolution System In The Philippines And To Establish The Office For Alternative Dispute Resolution, and for Other Purposes," *gppb.gov.ph*, 2004. [Online]. Available: https://gppb.gov.ph/laws/laws/RA_9285.pdf. [Accessed: 01-Aug-2022].
- [2] K. Kressel and D. G. Pruitt, "Themes in the mediation of Social Conflict," *Journal of Social Issues*, vol. 41, no. 2, pp. 179–198, 1985.
- [3] M. L. Moffitt, "Schmediation and the Dimensions of Definition," *Harvard Negotiation Law Review*, vol. 10, pp. 69-102, 2005.
- [4] V. J. Sevilla, *Court administration in the Philippines*. Quezon City: Central Lawbook Publishing, 1982.
- [5] Q. P. C. Valera, S. J. N. R., and E. A. Pangalangan, *Proceedings*. Diliman, Quezon City, Philippines: Legal Resources Center, the University, 1985.
- [6] G. T. Santos, "Reducing the Judicial Burden through Legal Aid and Alternative Dispute Resolutions," *The Lawyer's Review*, vol. 7, no. 8, pp. 53-54, 1993.
- [7] V. V. Mendoza, "Sane Reflection of the Caseloads of Our Courts," *The Lawyer's Review*, vol. 8, no. 3, pp 62-63, 1994.
- [8] J. M. R. Asio, "Academia Letters Research Designs in the new normal: A Brief Overview," *scihorizon.com*, 2021. [Online]. Available: https://www.scihorizon.com/cdn/pdf/1631664362_97bd829ca8c097e3f8d2.pdf. [Accessed: 01-Aug-2022].
- [9] D. F. Polit and C. T. Beck, *Resource Manual to accompany nursing research: Generating and assessing evidence for nursing practice*. Philadelphia: Wolters Kluwer, Lippincott Williams & Wilkins, 2012.
- [10] E. R. C. Capulong, "Mediation and the Neocolonial Legal Order: Access to justice and self-determination in the Philippines," *SSRN Electronic Journal*, 2011.
- [11] J. Twyford, "Is the Mediation Process Just," *Construction Information Quarterly*, vol. 7, no. 4, pp. 142-146, 2005.

- [12] I. Gunning, “Know justice, know peace: Further reflections on justice, equality and impartiality in settlement oriented and transformative mediations,” *SSRN*, 16-Apr-2021. [Online]. Available: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3819034. [Accessed: 28-Jul-2022].
- [13] P. C. V. Quisumbing, J. N. R. Soliman, and E. A. Pangalangan, *Proceedings*. Diliman, Quezon City, Philippines: Legal Resources Center, the University, 1985.
- [14] P. Brooker and S. Wilkinson, *Mediation in the construction industry an International Review*. London: Routledge, 2010.
- [15] Y.A.A. Tan Sri Arifin Zakaria, “Responsibility of Judges under Practice Direction No. 5 of 2010,” paper presented to Seminar on mediation with Judge John Clifford Wallace, 2010
- [16] J. M. R. Asio, E. E. Riego de Dios, and A. M. E. Lapuz, “Professional skills and work ethics of selected faculty in a local college,” *SSRN*, 21-Sep-2019. [Online]. Available: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3452971. [Accessed: 01-Aug-2022].
- [17] J. Rifleman, “Mandatory mediation: Implications and challenges,” *Mediate.com*, 19-Dec-2005. [Online]. Available: <https://www.mediate.com/mandatory-mediation-implications-and-challenges/#:~:text=Mandatory%20mediation%20in%20itself%20cannot,similar%2C%20but%20more%20regulated%20process>. [Accessed: 01-Aug-2022].