ABSTRACT

Objectives: The research aimed to assess the role of the private sector in influencing or affecting the integrity performance of the arbitration process and the actors involved. It intended to propose a monitoring solution to the regulatory issue on integrity through public-private collaboration.

Methods: The researcher utilized purposive non-parametric study of two Philippine government agencies involved in the administration of justice in Metro Manila. They employed a descriptive survey method to identify, describe, and document the influence of stakeholders. Additionally, focus group discussions among selected practitioners/litigants from workers, employers, and lawyers, along with interviews of resource persons from various areas of justice administration, were conducted to validate and clarify survey results.

Results: The study revealed a volatile environment in labor justice administration, wherein existing mechanisms proved vulnerable to corruption. It highlighted concerns such as partiality, lack of credibility, and independence of arbitrators, which eroded public trust in the arbitration process and outcomes.

Conclusion: The study proposes a paradigm shift from the current compartmentalized and complaint-driven anti-corruption strategy to the researcher’s conceptualized “A.C.T.I.V.E. Public Service Delivery.” This approach aims to address identified integrity gaps related to vertical, horizontal, external, and developmental accountabilities. By doing so, it seeks to enhance the integrity performance of the arbitration process and restore public trust in labor justice administration.

Keywords: accountability in administration of labor justice, integrity in arbitration, labor-management arbitration, regulatory responsibility.
RESUMO

Objetivos: A pesquisa teve como objetivo avaliar o papel do sector privado em influenciar ou afetar o desempenho de integridade do processo de arbitragem e os atores envolvidos. Pretendia propor uma solução de monitorização para a questão regulamentar da integridade através da colaboração entre os sectores público e privado.

Métodos: O pesquisador utilizou estudo não paramétrico intencional de duas agências governamentais filipinas envolvidas na administração da justiça em Metro Manila. Eles empregaram um método descritivo de pesquisa para identificar, descrever e documentar a influência dos stakeholders. Além disso, foram realizadas discussões em grupos focais entre profissionais/litigantes selecionados de trabalhadores, empregadores e advogados, juntamente com entrevistas de pessoas de recursos de várias áreas da administração da justiça, para validar e esclarecer os resultados da pesquisa.

Resultados: O estudo revelou um ambiente volátil na administração da justiça do trabalho, onde os mecanismos existentes se mostraram vulneráveis à corrupção. Ele destacou preocupações como parcialidade, falta de credibilidade e independência dos árbitros, que erodiu a confiança pública no processo de arbitragem e resultados.

Conclusão: O estudo propõe uma mudança paradigmática da atual estratégia anticorrupção compartimentada e orientada por queixas para a conceitualizada “A.C.T.I.V.E. Prestação de serviços públicos.” Esta abordagem visa colmar lacunas de integridade identificadas relacionadas a responsabilidades verticais, horizontais, externas e de desenvolvimento. Ao fazê-lo, procura melhorar o desempenho de integridade do processo de arbitragem e restaurar a confiança pública na administração da justiça do trabalho.

Palavras-chave: responsabilidade na administração da justiça do trabalho, integridade na arbitragem, arbitragem de gestão do trabalho, responsabilidade regulatória.
como la parcialidad, la falta de credibilidad y la independencia de los árbitros, que erosionaban la confianza pública en el proceso y los resultados del arbitraje.

**Conclusión:** El estudio propone un cambio de paradigma de la actual estrategia anticorrupción compartimentada y basada en la denuncia a la conceptualizada “A.C.T.I.V.E. Prestación de servicios públicos”. Este enfoque tiene por objeto subsanar las deficiencias de integridad detectadas en relación con las responsabilidades verticales, horizontales, externas y de desarrollo. De esta manera, se busca mejorar la integridad y el desempeño del proceso de arbitraje y restaurar la confianza pública en la administración de justicia laboral.

**Palabras clave:** responsabilidad en la administración de justicia laboral, integridad en el arbitraje, arbitraje de gestión laboral, responsabilidad regulatoria.

### 1 INTRODUCTION

Private sector involvement in government is highly encouraged not only for the purpose of having complementary resources, but also to nurture and further strengthen the relationship between the principal-governed and the agent-government. However, in the field of administration of justice, private sector involvement is limited to the improvement of facilities, processes and compensation package of public officers and employees. Thus, efficient administration of justice, as one of the major public service delivery responsibilities of the government, remains to be primarily a public sector domain.

Reference [8] described an efficient administration of justice as one which is “just” (fair and legally correct) and “speedy” (fast or swift). However, in order to be truly efficient in serving the public, judicial decisions must also be objective and free from restraint, corruption, pressures, and publicly credible. In other words, there must be integrity in the administration of justice which is often described as “clean”.

Concerns on the first indicator (“just”) are correctible on appeal to higher courts, while concerns regarding the second (“speedy”) are correctible within the agency concerned as guided by the reglementary periods set forth under the law. Hence, the larger, deeper, and most difficult to address among the three indicators is that of having a “clean” administration of labor justice. Specifically, “clean” administration of justice entails three indicators: “Impartiality”, “Independence” and “Credibility” (sometimes called as “social legitimacy”).

Impartiality indicator is decision-based, as it is when courts, quasi-judicial (administrative) agencies, judges, and administrative officers “objectively adjudicate legal controversies between litigants and have no personal interest in the outcome of each case” [6], while independence is affiliation-based, as it enables judges and administrative
officers to make neutral decisions “free from undue interference and free from pressures, restraints, corruption and commitments” [8] with any individual or entity, “not necessarily totally uninfluenced which may be unrealistic and misleading” [6].

On the other hand, credibility pertains to the “acceptability of judicial or quasi-judicial decisions not only by the party-litigants, but also by the general public” [6] for having been impartially and independently promulgated [8] by the courts, quasi-judicial (administrative) agencies, judges, and administrative officers. Credibility is thus perception-based.

The National Labor Relations Commission (NLRC) and the National Conciliation and Mediation Board (NCMB) are attached agencies of the Department of Labor and Employment (DOLE) [1] “solely for program and policy coordination” purposes [4], [3]. While the NLRC is empowered to handle compulsory arbitration proceedings over labor disputes, the NCMB’s Voluntary Arbitration Unit is mandated to perform voluntary arbitration proceedings. Hence, they are both primarily conferred with quasi-judicial (authority to investigate and decide) powers over legal disputes involving employer-employee relations.

As early as 2007, the Federation of Free Workers [10] had been vocal about the turtle-paced, and worsening disposition of labor cases in addition to its perceived failure to uphold dignity and integrity in the administration of labor justice, while the Alliance of Progressive Labor (APL) had earlier called for the abolition of the NLRC in order to have a “holistic and comprehensive reform of the industrial and labor dispute resolution system” due to the alleged “inefficiency, biases, bribery, corruption, and unreasonable delays” in the administration of labor justice [5]. On the other hand, as early as 2006, the employer sector also shares the same views as that of the workers sector with respect to the alleged “slow, partial and corrupt” administration of labor justice in the Philippines [12].

Unfortunately, integrity assessments are usually accomplished by people internal to the organization and/or by people who are external to the organization but have no actual experiences with the actual litigation processes. Actual litigants, who are the primary and direct stakeholders of this kind of public service, are not principally and regularly involved in the integrity assessments being conducted. Litigants come from the employer sector and the workers sector as well as their respective lawyers or counsels.
Though administration of labor justice represents only one component of justice system in the Philippines, it is a microcosm of the general administration of justice in the entire country. If the current concerns on “integrity” in labor-management conflict resolution will not be effectively addressed, many stakeholders might simply “hop on” and join the bandwagon to the serious prejudice of the justice system. This study is aimed to provide a clearer picture of the current state of labor justice administration from the perspective and experiences of various stakeholders and to propose a new integrity monitoring model that could address the identified gaps in the arbitration processes.

This study seeks to (1) determine how NLRC and NCMB’s private sector-direct stakeholders, at the National Capital Region (NCR), affect or influence the latter’s integrity performance, particularly in terms of impartiality, independence, and credibility; and (2) apply the findings by developing a proposed integrity monitoring model that will enhance and promote integrity performance in the administration of labor justice in the Philippines.

2 FRAMEWORK

The thrust of this research depicts 4 areas of disconnect in justice administration, namely: vertical accountability, horizontal accountability, external accountability and developmental accountability, vis-à-vis their respective relationships with the main research problem.

Figure 1: Theoretical Framework Depicting Research Gaps

Figure 1 shows that insofar as the first area of disconnect is concerned, this study utilizes Kolstad, Fritz and O’Neil’s [14] “grassroots monitoring” (or “citizen oversight”)
approach where, by providing information to citizens, they are empowered to address misconduct by public officials, thereby reducing corrupt practices. Through said approach, the responsibility to devise and enforce transparency, accountability, and integrity of public sector actors in public service delivery shall be more attuned to the “principal-agent” theory [“vertical accountability”].

The “feedback mechanisms” and “policy environment” angles address the second area of disconnect where responsibility for having a clean administration of justice is currently tilted primarily in favor of the national government and its legal institutions, but the existing public institutional mechanisms (though unequivocally multifarious) [“horizontal accountability”] for integrity monitoring and protection are weak, fragmented and unsystematic.

To address the concern that integrity assessments are usually made by outside entities and institutions applying “borrowed” mechanisms, one significant suggestion is to involve “direct and primary” stakeholders who could appropriately assess the public institution where they have stakes, and under the Philippine context [16]. Reference [7] framework regarding the significant role of lawyers and litigants [15], [18], [11] in creating the context for a “clean administration of justice” is also utilized in this study as it addresses the third area of disconnect [“external accountability”].

In that manner, good governance can be genuinely achieved by upholding and preserving its “institutional respect dimension” espoused by [17] which covers respect for individual citizen’s rights and capabilities and enhancement of human freedom [“developmental accountability”] which has been identified as the fourth area of disconnect. Decisions of both the NLRC and NCMB represent the “output” of the entire justice administration process, and as the dependent variable, they are significantly affected or influenced by the independent variables such as the institutional framework and the external stakeholders.

Figure 2 shows how the institutional framework (“independent variable”) of these government agencies and the conflicting interests (ranging from personal to financial and from exercise of profession or the future of one’s career to justice delivery) of external direct stakeholders (“independent variable”) who have significant “stake” in their decisions (“dependent variable”) significantly shape or create noteworthy impact or influence on their structure, strategy, skills, system, style, staff and shared values (“7-S”).
The “7-S” in between the independent and dependent variables thus serve as intervening variables affecting the “output” (decisions).

Parenthetically, the indicators of efficient decision-making process (“independent”, “impartial” and “credible”) are utilized as bases in analyzing said agencies’ “clean” administration of justice using [9] “7-S Framework”. As earlier stressed, since issues on being “just” and “speedy” are properly and effectively addressed by the judicial administrators and by the appeal system, the study exclusively focuses on the “clean” attribute. These vulnerabilities in the administration of labor justice serve as the focal points of this research’s objectives, questions, and analysis.

3 METHODOLOGY

The researcher used purposive non-parametric study of the NLRC and NCMB’s administration of justice at the NCR through a descriptive survey method in order to identify, describe and document the influence of their three direct and primary stakeholders. To arrive at the desired data for analysis, the survey instrument used a modified Likert-type scale with 4 options, thereby deleting/avoiding “neutral” answers.

Through a 50-item survey questionnaire, the extent of influence of the primary-direct stakeholders on the “clean” administration of labor justice, particularly in terms of independence, impartiality and credibility, is determined in four (4) areas, namely: stakeholders’ general view of these two quasi-judicial agencies’ decision-making; stakeholders’ specific views of their decision-making processes using selected indicators for independence, impartiality and credibility; stakeholders’ responses to actually
observed “act/s of impropriety” committed by any Labor Arbiter, Voluntary Arbitrator or any NLRC or NCMB personnel at the NCR; and actual and personal participation of stakeholders in influencing and swaying decisions at these agencies to their favor.

For the first two areas, the bases for each of the respondents’ answer were also asked and classified as either based on personal experiences, or on opinion based on information from other people. Other people who may have swayed respondents’ opinion may include, among others, fellow litigants/lawyers, government personnel, and the media.

To validate and clarify certain points that could not be extensively raised through a closed-ended survey questionnaire, focus group discussion (FGD) among selected NLRC-NCR and NCMB-NCR practitioners/litigants from the three groups (workers, employers and lawyers from both sectors) as well as individual interviews of selected resource persons from various fields or areas of justice administration were conducted.

4 RESULTS AND DISCUSSION

4.1 SAMPLE SIZE AND MARGIN OF ERROR

112 out of 125 total sample size (89.6%) were determined to be valid, and they were distributed as follows: 43 responses (38.39%) came from the workers’ stakeholder group, 39 responses (34.82%) from the employers’ stakeholder group, while the remaining 30 responses (26.79%) came from the lawyers’ stakeholder group.

4.2 VOLATILE ENVIRONMENT OF ADMINISTRATION OF LABOR JUSTICE VULNERABLE TO CORRUPTION

Survey results disclosed that “justice” (very closely followed by “money”) was the workers’ and employers’ dominant reason in dealing with or seeking NLRC justice, while “career or profession” was that of lawyers. It is significant to note that for all the stakeholder groups, their “reputation or goodwill” came last among their reasons or motivation. Interestingly, the workers and employers’ groups had exactly the same ranking of the four enumerated reasons in resorting to NLRC justice system.

The FGD (2023) participants rationalized that since lawyers’ dominant reason in dealing with labor justice was their “career or profession”, and that of the workers and employers’ groups, was to obtain “justice” by finding redress for their grievances as they fight for their “rights” which they respectively (but contrarily) thought had been violated
by the other, all stakeholder groups necessarily had the “innate desire to win each of their cases”. On the part of lawyers, it was by experience that lawyers’ clients multiply “by word of mouth” or through “personal referral system” which normally, based on human nature, depends on “case handling performance” which was usually measured in terms of “case results or output”, i.e., the success rate of the lawyer’s handled cases. This scenario creates a volatile perspective and attitude because a violation of one’s right, whether perceived rightly or wrongly, steers the person’s sensibilities, thereby building or creating a stigma on one’s pride or ego, not to mention the well-recognized opposing interests of workers and employers.

The existence of such a volatile environment is affirmed by Quimson’s [16] notion that the causes of corruption are found in the context of culture, political economy, and incentives, or all the three, and by Buscaglia’s [7] theory that corruption in the judiciary occurs because the court environment nurtures “behavioral patterns for private benefit” proceeding from various and conflicting “political and/or personal motivations”. The situation is further aggravated by the fact that a huge portion of the respondents (70.67%) had to spend sums of money, either through professional fees and/or reimbursement of litigation expenses, in order to secure labor justice from these government agencies. As confirmed by FGD participants, litigation in the Philippines still remains very costly. Even with the strengthening of Public Attorney’s Office (PAO) which assists indigents in their cases through Republic Act 9406 [2], litigation expenses remain to be expensive as there are still other expenses to be incurred aside from attorney’s fees. Moreover, PAO free legal services are extended only to indigent workers with net income of P24,000 and below per month for residents of the NCR [2].

As substantial financial resources are involved, not only on the part of opposing litigant-stakeholder groups (workers and employers), but also for most lawyers who are being paid professional fees, which usually are costly, a volatile environment of administration of justice becomes vulnerable to corruption.

4.3 STAKEHOLDERS’ VIEWS VIS-À-VIS THE INDICATORS

Based on the general view of respondents, they “disagree” that NLRC-NCR and NCMB-NCR meet each of the components of “clean” administration of labor justice. However, FGD participants clarified that said two government agencies are “generally independent, impartial, and credible” but the same becomes restrained, partial and
publicly labeled as unreliable and inefficient when “considerations” (their term for “motivation in entering into a transaction or agreement”) in decision-making come into play. It is at that point that “deviations from established rules, procedure, jurisprudence, and law happen not only in decision-making, but also in enforcement of decisions” at said agencies. On the contrary, FGD participants approximated that the processes, given said quasi-judicial agencies’ present structure, strategy and system (safety nets) in place, “are and should be 90% clean and efficient and only 10% can be allocated for system, strategy and structure leakages commonly referred to as “corruption” as there are “certainly many ‘principled and incorruptible’ Labor Arbiters, Voluntary Arbitrators, and personnel”.

Given their long years of dealing with the two government agencies, survey respondents probably have had their own negative personal experiences already on what FGD was referring to as “deviations arising from considerations”. Moreover, with the vulnerability of the environment, the 10% allocation for such “leakages” called “corruption” through the entry of “consideration system” increases and expands, and shall continue to be so, across the borders of these quasi-judicial agencies and their primary stakeholders if the same remain unabated.

4.4 “CONSIDERATION SYSTEM” IN THE ADMINISTRATION OF LABOR JUSTICE

The findings reveal that consideration system has been partly institutionalized within said public sector organizations and across their borders involving their primary stakeholders (litigants). But they emphasized that consideration system is not only practiced by lawyers and employers, for being perceived as having the resources and networks, but also by the working group. It was stressed during the FGD that “networks” (connections and linkages) of workers should not be downplayed by the employers. Labor unions, union leaders and workers’ lawyers have “networks” of their own within these quasi-judicial agencies.

For the workers, FGD participants disclosed that the “consideration system” operates with a “certain percentage of whatever amount that would be recovered by the worker from the employer through a favorable decision” as “consideration”. In enforcement of favorable decisions against employers, the most effective “consideration” is another “certain percentage of whatever amount that would be recovered by the worker from the employer through the sheriff”. In these cases, the workers are being compelled
to agree on that “double-bladed consideration system”. Otherwise, the favorable decision to the worker cannot be enforced or implemented, ending up in what FGD participants call as “paper victory” (i.e., a winning decision which was never implemented). The “second consideration” with the sheriff also includes transportation, representation and food allowances “simply to keep him doing his job properly and promptly”, in addition to the execution fees which are already officially and legally collected from the employers who lost the case. This however is separate and distinct from the “considerations” that have to be tendered to the staff or personnel in charge of the issuance of orders, writs and other quasi-judicial processes as emphasized during the FGD.

4.5 STAKEHOLDERS’ SPECIFIC ACTS VIS-À-VIS THE INDICATOR “INDEPENDENCE”

It is significant to note that regardless of their stakeholder groupings, they gave “disagree” responses on 8 out of 12 indicators of “independence”. In other words, the findings show that said quasi-judicial officers are generally not independent from “various pressures or influences” in rendering decisions. When asked if said “disagree” responses (negative view of labor justice administration in terms of “independence”) are based on their “personal experience/s” or on their “opinion/information from others”, the primary stakeholders disclosed that their responses are based on “personal experience/s” at said institution/s.

4.6 STAKEHOLDERS’ SPECIFIC ACTS VIS-À-VIS THE INDICATOR “IMPARTIALITY”

On “impartiality”, the findings (8 negative responses out of 10) reveal that Labor Arbiters and Voluntary Arbitrators are not generally perceived by their stakeholders as impartial in the discharge of their quasi-judicial functions due to their “own personal experiences” in dealing with said administrative agencies.

4.7 STAKEHOLDERS’ SPECIFIC ACTS VIS-À-VIS THE INDICATOR “CREDIBILITY”

The primary stakeholders of the two quasi-judicial agencies also negatively view (5 out of 7 indicators which are generally based on personal experiences) their administration
of labor justice in terms of “credibility” and out of 5 indicators, 2 received “strong negative” responses specifically on the existing mechanisms and strategies of watchdog agencies to monitor corrupt practices, apprehend responsible officials, and punish them accordingly. Nevertheless, primary stakeholders strongly believe (88%) that “private sector coalitions” could be effectively utilized “in catching, apprehending and punishing government officers and/or other personnel engaged in graft and corruption”.

4.8 STAKEHOLDERS’ PARTICIPATION IN CORRUPTION

Majority (53.17%) of the respondents admitted to their personal participation in at least an “act of impropriety” in order to influence quasi-judicial officers in their decisions. Interestingly, there are significantly more employers and lawyers who had committed these acts compared to the workers’ stakeholder group. Moreover, majority of those who admitted having participated in acts of impropriety likewise admitted that they were generally successful in swaying the decision to their favor: the success rates of lawyers (66.67%) and employers (53.84%) are significantly much higher than that of the workers (41.86%) who made the same admission.

Survey results also disclosed that the “most effective channel” to gain access to the Voluntary Arbitrators and Labor Arbiters and influence them in decision-making are (in their order): (1) through the personnel or staff (74.11%); (2) through an outsider non-lawyer friend of the Arbitrator or Arbiter (10.71%); (3) through a lawyer-practitioner at said agencies (9.82%); (4) directly / personally to the Voluntary Arbitrator or Labor Arbiter (4.46%); and (5) through a superior of the deciding Arbiter or Arbitrator (0.89%).

4.9 PROPOSED “A.C.T.I.V.E. PUBLIC SERVICE DELIVERY” CORRUPTION MONITORING FRAMEWORK

With the foregoing findings, a modification of the present strategies of the NLRC and NCMB Management, Office of the Ombudsman, Department of Justice (DOJ), and even the now abolished Presidential Anti-Corruption Commission (PACC), should be made. It is suggested that a fundamental paradigm shift from a “compartmentalized” anti-corruption strategy and “complaint-driven” integrity performance assessment and investigation to the researcher’s conceptualized “A.C.T.I.V.E. Public Service Delivery” where the acronym “A.C.T.I.V.E.” stands for:
A-dministration of Justice through
C–omplementary
T-ransparency,
I-nitiative,
V-igilance, and
E-mpowerment.

The framework is figuratively described hereunder:

Figure 3: Proposed A.C.T.I.V.E. Public Service Delivery

4.10 PUBLIC-PRIVATE SECTORS INTEGRITY COALITION

Under the proposed integrity monitoring model, private sector involvement is suggested through the establishment of strong public-private partnership between private sector-stakeholders and the government watchdog agencies to regularly monitor the integrity performance in the administration of labor justice. This model or framework shall address the recurring and unresolved concern disclosed through this study of “Who shall guard the guardians?” particularly in the administration of justice. The framework shall likewise address in a decisive and systematic manner the problem areas or gaps in the literature reviewed, and referred to as “vulnerabilities” in this study’s conceptual framework, particularly on the administration of justice as a public service delivery.
**A.C.T.I.V.E. Public Service Delivery** necessarily shall have emerging mechanisms to address certain “vulnerabilities”, but the minimum structures and mechanisms (Figure C) are as follows:

1. Below the NLRC-NCMB rectangular box are boxes depicting existing positions, institutions and/or organizations, such as: (a) the ones below the two-edged horizontal arrow (associations of law schools, employers, workers, lawyers and media) are the private sector organizations labeled as such in oval at their right, while (b) the ones above the two-edged horizontal arrow (Philippine National Police (PNP), National Bureau of Investigation (NBI), Integrated Bar of the Philippines (IBP), Office of the Bar Confidant (OBC), watchdog agencies) are the public sector organizations which are the “external members” of the “Public-Private Sectors Integrity Coalition”. On the other hand, (c) the “external members” of the coalition shall serve and act as “strategic advisers” and “implementing arms” of the coalition;
2. The “two-edged horizontal arrow” represents the delineating line between private and public sector organizations, which arrow may be extended or shortened (adjusted) at any side to show possibilities of government regulation of these private organizations as well as their need to be accredited by the government to enable them to nominate and send their own representative, on a periodic basis, to the coalition;
3. The rectangular box with solid line borders in between these external members represents the proposed coalition;
4. The “ Resident Ombudsman” at said government agencies shall head the coalition and shall appoint six regular members on staggered terms of six years so that there will be continuity in strategic, operational and tactical plans: “Labor Law Professor” singly nominated by Associations of Law Schools; “Retired NLRC Commissioner” singly nominated by the NLRC Commission *en banc*; “Media Representative” singly nominated by media associations; “Workers Representative” singly nominated by workers’ associations; “Employers Representative” singly nominated by employers’ associations; and “Lawyers’ Representative” singly nominated by lawyers’ associations practicing at either or both the NLRC and NCMB;
5. The integrity coalition shall have a “General Secretariat” headed by a Chief of Staff reporting directly to the “Resident Ombudsman”, and divided into the following groups:
(a) “Legal Secretariat” which is in-charge of reviewing decisions and resolutions (especially the reversed ones) of Labor Arbiters and Commissioners to find patterns of inconsistencies, ignorance of the law, illegalities and other irregularities committed with feedback mechanisms to the Executive Labor Arbiter, the NLRC Chairperson, and the NCMB Executive Director; in-charge of reviewing outputs of Sheriffs with feedback mechanisms to the Executive Labor Arbiter, the NLRC Chairperson and NCMB Executive Director; in-charge of legally assisting the public in filing complaints against erring personnel; and in-charge of providing legal assistance to the other secretariat groups as well as to the coalition;
(b) “Investigative Secretariat” which is in-charge of gathering, informally investigating and building-up legitimate cases and evidence against personnel with coordinating functions with the other secretariat groups;
(c) “Enforcement Secretariat” which is in-charge of planning and execution of entrapment proceedings and procuring search and arrest warrants, with coordinating functions with other secretariat groups; and
(d) “Prosecution Secretariat” which is in-charge of filing pertinent strong criminal and administrative cases, in coordination with the “Legal, Investigative and Enforcement Secretariats” at the DOJ, regular courts, Office of the Ombudsman, Sandiganbayan, PACC or its equivalent, IBP, OBC, and NLRC’s EIB;
6. The coalition’s legal personality to file criminal and administrative cases against erring public officials at the appropriate watchdog agency should be strengthened by law;
7. All plans, operations and activities of the coalition shall be strictly confidential in nature, subject to severe criminal and administrative sanctions in case of any violation;
8. The regular and external individual members of the coalition shall be legally prohibited to practice or appear at the NLRC and NCMB, and to have any direct or indirect interest in any operation or activity of said public sector organization except those relating to his official functions within the coalition;
9. The coalition shall provide sufficient legal and other protection to its witnesses either through the legislated “Witness Protection Program” of the DOJ, or through the “Whistleblowers Act” which it shall lobby before Congress to be enacted, or through any other means that its partner agencies could provide given their resources.

4.11 PUBLIC ADMINISTRATION FEATURES OF THE COALITION

The “Public-Private Sectors Integrity Coalition” shall, in the process, develop the indispensable Public Administration features within the NLRC and NCMB, which features were culled from the identified “gaps” in the “clean” administration of labor justice as a public service delivery. These features include, among others:

First: “Vertical Accountability”. Through the proposed model, these quasi-judicial labor agencies shall be able to enhance, underscore and balance its stakeholders’ stake in its responsibility to devise and enforce transparency, accountability, and integrity in its public service delivery following the principal-agent theory in Public Administration [13] and in order to strengthen the check and balance mechanism between these government agencies and their primary and direct stakeholders [14].

Second: “Horizontal Accountability”. Through the proposed model, these quasi-judicial labor agencies shall be able to steer existing watchdog agencies to function (and function properly) by strengthening and systematizing their integrity monitoring, assessment and promotion mechanisms [13].

Third: “External Accountability”. Through the proposed coalition, these quasi-judicial government agencies shall be able to redirect its existing “borrowed” mechanisms of integrity assessment under the context of the Philippine culture [16] by refocusing on its “primary and direct” stakeholders and making them directly involved in its justice administration [7]; and

Fourth: “Developmental Accountability”. Through the proposed model, these agencies shall be able to empower its “primary and direct” stakeholders, and eventually enhance and promote its “institutional respect dimension” so that good governance could be genuinely achieved [15] by instituting “respect” for individual citizen’s rights and capabilities over the political and economic dimensions [17].
5 CONCLUSION

This research demonstrates how the problematic confluence between public and private sectors in the administration of labor justice in terms of integrity concerns could be transformed into a confluent solution by modifying the present “compartmentalized” anti-corruption strategy and “complaint-driven” integrity performance assessment, monitoring and investigation to the researcher’s “A.C.T.I.V.E. Public Service Delivery”. Identified disconnects in the “clean” administration of justice such as on vertical, horizontal, external and developmental accountabilities are likewise hoped to be addressed by the proposed integrity monitoring model. Said proposed monitoring model is expected to imbibe on the various participants and stakeholders the desire to “hop off” the “train” of unethical and illegal practices in the administration of labor justice, instead of “hopping on” with impunity.

However, everyone must incessantly consider the caveat that private sector coalitions might, in the process, mutate into “networks of corruption in which they ultimately become accomplices”, or worse, as primary agents of corrupt public officials in the administration of justice. Effectiveness of civil society advocacy depends on the active participation of the media as necessity for a free press cannot be downplayed.
REFERENCES

Official Documents


Books/Journals/Articles/Other Sources


