

LETTER OF AGREEMENT ON NARCOTICS CONTROL AND LAW ENFORCEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

I. GENERAL

The government of the United States of America and the Government of the Republic of the Philippines (hereinafter each individually a "Party" and, collectively, the "Parties") agree to establish and to support a project designed to support institutional development of the criminal justice system in the Philippines.

The actions to be taken and the resources to be provided by the Government of the United States of America (USG) and the Government of the Republic of the Philippines (GPH) in support of this Letter of Agreement (LOA) are set forth below and constitute firm commitments by each Party.

Funds granted by the USG under the terms of this LOA total \$248,030 USD provided to the Philippines Justice Sector Reform Program. In addition services of a Resident Legal Advisor will be provided by a USG agency through an interagency agreement in Washington DC. Future funding for these projects by the USG is contingent upon the availability of duly authorized and appropriated funds, satisfactory progress toward project goals, and the approval by the U.S. Department of State.

A full project description and project goals are described in Section II and III below.

II. PROJECT DESCRIPTION

Philippines Justice Sector Reform Program (\$248,030)

This project is designed to enhance GPH capability to improve prosecutorial training and skills development, promote legislative reforms designed to improve the operation of the criminal justice system, strengthen police-prosecutor cooperation, and develop and support better use of existing criminal procedure tools, such as plea bargaining and consensual resolution of cases. Toward that goal, the USG and the GPH shall take actions and commit resources on an annual basis as authorized by their respective legislative processes to support this LOA. USG will provide one U.S. federal prosecutor through the U.S. Department of Justice Office of Overseas Prosecutorial Development Assistance and Training Program (DOJ/OPDAT) to serve as a Resident Legal Advisor (RLA) at U.S. Embassy Manila. The RLA will work with prosecutors and investigators and other judicial officials of the GPH to improve their capacity to plan and conduct investigations into and prosecutions of crimes. The USG and the GPH will develop and conduct training workshops for criminal justice sector actors on key substantive areas, encouraging police and prosecutor cooperation, and work towards reforms to address legislative deficiencies and procedural inefficiencies in the system. The Project will be implemented over a 12-month period, subject to renewal with the concurrence of both parties.

Actions to be taken by the USG include:

1. Assisting the GPH in designing and implementing training programs for prosecutors and faculty at the Philippines Department of Justice (PDOJ), in full consultation with the designated representative of the Philippine Secretary of Justice, and taking into account Philippine Department of Justice priorities.
2. Working directly with prosecutors, law enforcement, and others in the Philippine legal community to improve the overall quality of their advocacy skills and development strategies for litigation.
3. Providing expertise to identify and address legislative gaps and weaknesses.

Actions to be taken by the GPH include:

Formulating and finally deciding the project design for full implementation of the PDOJ as the lead agency, in full consultation and with the concurrence of the USG.

1. Providing access for the RLA and technical advisors to the appropriate government officials, academies, and training institutions.
2. Selecting appropriate GPH participants to attend training courses on key substantive areas.

The Parties may increase, amend, or terminate projects undertaken in conjunction with this LOA as agreed to by the Parties in writing. Such projects shall be subject to the terms and conditions of this LOA.

III. PERFORMANCE GOALS AND MEASUREMENTS OF EFFECTIVENESS

The long term goal of this project is to strengthen institutional performance of the Philippine justice system. The project anticipates working with the Philippine Department of Justice and other justice sector entities committed to criminal justice sector reform and development. Progress toward achievement of the project goal includes observation by personnel of the Parties, and by reports prepared by the RLA. The Parties will jointly develop a workplan that includes timelines for activities, specific performance measures and targets. Illustrative Performance Measures follow:

- PDOJ adopts an improved curriculum for its introductory training program directed at new prosecutors.
- PDOJ prosecutors are knowledgeable about new legislation through attendance at training sessions addressing new legislation and demonstrating the use of new legislation in their work.
- Prosecutor trainers are trained using improved curriculum and have begun using the improved curriculum for the training of PDOJ prosecutors.
- GPH recognized deficiencies in investigative capacity and in criminal procedure processes that could be addressed through legislative responses.
- GPH works on legislative solutions and forms a drafting committee that works on appropriate legislative remedies.
- Training curriculum to improve police-prosecutor cooperation is developed, with particular references to collection and use of forensic evidence.

- Regulations are developed and disseminated which clarify and explain the practical implications of the Government Order of police-prosecutor cooperation, and effective implementation of these regulations is seen by the investigation and prosecution of cases.
- No less than two training programs are conducted emphasizing the utility of plea bargaining and consensual resolution of case and the use of continuous trials as a means to address the backlog of cases which cripples the Philippine justice system. These topics may be included in programs that also address other topics.

IV. EVALUATION PLAN

Representatives of the USG and the GPH will meet at least every three months to review progress towards achievement of the project goal and objectives. Progress will be evaluated in accordance with the measurements of success described above. Information to be considered in conducting these evaluations will include qualitative and quantitative indicators. A report will be prepared jointly to summarize the results of these evaluations. These evaluations are in addition to the ongoing monitoring of the programs and activities conducted by relevant personnel of both governments.

V. STANDARD PROVISIONS

1. Funds

A. Disbursement of USG funds shall be for procurement of property, equipment, supplies, material (hereinafter collectively "property") and services.

B. Funds obligated by the USG that have not been spent within twelve months following the close of the USG fiscal year in which the LOA is signed may be de-obligated by the USG. An extension of this period may be granted by INL.

C. The GPH shall contribute to the project(s) in the LOA by ensuring adequate funding for normal administrative and related expenses for GPH personnel. These expenses include the payment of rents and utilities, telephone costs, salaries and benefits (including medical and other insurance protection), per diem and travel costs within the Philippines, personal equipment and uniforms, and by recruiting and retaining competent personnel.

D. The GPH shall make such reasonable efforts as are necessary to ensure that funds or other support provided under this LOA are not employed in any way in support of drug trafficking.

2. Title.

Title to all property, procured with funds provided by the USG under this LOA shall be to the GPH unless otherwise specified.

3. Property and Personnel

A. Property

(1) Property furnished to the GPH through funds provided by the USG shall be used to further the object and purpose of this LOA. The GPH shall return to the USG, or