

Supreme Court Memo 59-2004: Deaf Perspectives & Proposals
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What does the current SC Memo 59-2004 say:

- Provide an interpreter for the deaf "to be understood" during hearings
- Office of the Court Administrator of SC acts on request of lower courts for an interpreter
- Pay the interpreter from "savings" of lower courts on per day/ per appearance

How did the proposed memo come about?

Forum 1 (July 27, 2006; Minority Hall in Congress)

PDRC/PFD/FDWHCC oriented the IDEALS on Deaf needs and Issues
IDEALS oriented PDRC/PFD/FDWHCC on legislation procedures

Forum 2 (Sept. 15, 2006; U.P. Institute of Human Rights)

"Justice Beyond Words" - a forum for lawyers

Recommendation: Propose a new memo to amend SC Memo 59-2004

For a year, numerous discussions / meetings by PDRC, PFD, FDWHCC, IDEALS

- looked at existing systems in other countries
- examined local situations and problems
- several versions of the proposed memo

What is happening now to the proposed memo?

It has been sent out to 27 stakeholders (sector representatives) for feedback:

Deaf peoples' organizations

Luzon

Visayas

Mindanao

NCR

Educational entities for deaf

Primary / secondary school

Public School

Private school

Oral school

Tertiary level academic institution

Luzon

Visayas / Mindanao

NCR

Technical education institution

Teachers

Public school

- Private school
- Government
 - Education
 - Special Education: Elementary education
 - Secondary Education
 - Higher Education
 - Technical Education
 - Social Welfare
 - Language & Culture
 - Poverty Reduction
- Academic
 - Graduate level - Special Education
 - Sign linguistics
 - Linguistics - academic institution
- Writing / translation
- Interpreting
 - Interpreting organization (see NGO)
 - Freelance interpreters
- Non-government organizations (NGO)
 - Religious
 - Persons with disabilities (PWD)
- Religious
 - Jehovah's Witnesses
 - Roman Catholic
- Parents
 - Parent of Deaf-blind

What are the issues NOT addressed by the current memo?

Current Memo	Proposed
Cost of the interpreting: may be passed on to the deaf	<ul style="list-style-type: none"> - Charge to the SC Office of the Court Administrator - Within a year, SC shall create a specific fund
Deaf representatives are not involved in the planning or implementation of policy	Participation of Deaf in: <ul style="list-style-type: none"> - creation of this memo - training, selection, qualification, testing, and assignment of interpreters
Interpreting is seen as a need only of the deaf	Interpreting is needed by both the deaf and hearing for two-way communication
When is an interpreter needed? *silent...*	<ul style="list-style-type: none"> - Policy states that it is right of any person with hearing loss to have an interpreter - Deaf can choose to waive this right
Who is the qualified interpreter? *silent...*	Temporary requirements (until 3 years from issuance of memo): <ol style="list-style-type: none"> 1. Endorsement from deaf organization on interpreting experience 2. Empirical testing of language competencies and interpreting ability Supplementary evidence of skills: <ol style="list-style-type: none"> 1. documents on interpreter training (specifying sign language / sign system)

	<p>2. documents on employment related interpreting experience</p> <p>3. documents on sign language instruction completed (specifying sign language / sign system; exit level of sign language competency)</p> <p>4. documents from local deaf organization confirming signing deaf parent(s) or siblings of interpreter</p>
<p>How is a qualified interpreter chosen and assigned? What are the guidelines? *silent...*</p>	<ul style="list-style-type: none"> - A Committee of consultants in NCR and the provinces shall be created with representatives from Deaf organizations, the SC, the IBP and the linguistics field - Panels of accredited evaluators for language competency and interpreting ability - Accrediting body for evaluators - Guidelines for selection and assignment
<p>Any interpreter selected and assigned</p>	<p>3-step process:</p> <ol style="list-style-type: none"> 1. Determine communication needs of deaf 2. Consider pool of qualified interpreters 3. Select interpreter with skills matching what deaf client needs
<p>No mention of ethics</p>	<p>Oath of confidentiality, neutrality, professionalism</p>
<p>No specific guidelines during actual courtroom interpreting</p>	<p>Guidelines include support interpreting, prevention of Repetitive Motion Injury during continuous sign interpreting, use of consecutive interpreting and simultaneous interpreting, provision of deaf (relay) interpreters for linguistically isolated deaf, gender sensitivity of procedures.</p>
<p>No provision for transportation</p>	<p>Charge transportation expenses of the interpreter especially if it requires the interpreter to travel to another island, or across the province or region</p>
<p>Training is responsibility of private entities</p>	<p>Supreme Court and Department of Justice provide legal training for interpreters (including legal terms in sign language) accessible to the different regions.</p>
<p>-</p>	<p>Long term objectives, transitional provisions</p>