



## *From the Chancellor's Desk*



*The Moot Court session, one of the highlights of the Orientation Seminar-Workshop for Newly Appointed Judges.*

2015 opened with quite a number of activities at the PHILJA Training Center in Tagaytay, such as the 71<sup>st</sup> Orientation Seminar-Workshop for Newly Appointed Judges; the 6<sup>th</sup> Orientation Seminar-Workshop for Newly Appointed Sheriffs and Process Servers; two Judicial Career Enhancement Programs (JCEP) for First Level Court Judges from the NCJR and the Third Judicial Region, respectively; a Career Development Program for Court Legal Researchers of the NCJR; a Judicial Settlement Conference for Judges on Judicial Dispute Resolution (Skills-based Course); and a Capacity Building Seminar on Environmental Laws and the Rules of Procedure for Environmental Cases for Judges and Branch Clerks of Court.

A Pre-Judicature Program, the 34<sup>th</sup> of its kind, was held in Manila, while a Seminar for Executive Judges (RTC and First Level Court Executive Judges, Vice Executive Judges, and Single Sala Court Judges of Mindanao) was brought to Davao City. Our staff also flew to Cebu City to deliver the Career Enhancement Program for RTC Clerks of Court of the 8<sup>th</sup> Judicial Region.

Special focus programs were also brought and delivered by the Academy to various participants around the country:

five Pre-Pilot Seminar-Workshops for Rules 22 and 24 of the Proposed Revised Rules of Procedure were variously conducted in Cebu, Makati, Davao, Iloilo and Quezon City; two Seminar-Workshops on Various Laws and Rules Relating to Money Laundering and other Financial Crimes were completed, one for Judges in the 6<sup>th</sup> Judicial Region in Bacolod City and the other for Executive and Vice Executive Judges in the 7<sup>th</sup> Judicial Region in Cebu City; a Seminar-Workshop on Financial Crimes and Money Laundering for Judges in Regions IX, XI, and XII was held in Davao City; two Seminar-Workshops on Procedural, Substantive Laws and Jurisprudence on Intellectual Property for Clerks of Court in Special Commercial Courts were conducted, one in Cagayan de Oro City for Regions IX, X, XI, and XII and selected Court Attorneys of the Court of Appeals Cagayan de Oro Station and the other in Manila for the National Capital Judicial Region and Region IV.

A Seminar on the Rules of Procedure on Financial Rehabilitation (FRIA) for Supreme Court and Court of Appeals Attorneys was also held in Manila while the first of this year's Competency Enhancement Training for Judges, Prosecutors, Social Workers and Law Enforcement Investigators Handling Trafficking in Persons Cases, in partnership with the Australia

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Asia Program Against Trafficking in Persons (AAPTIP), was successfully rolled out in Puerto Princesa, Palawan. A Seminar-Workshop on Strengthening Judicial Integrity and Rule of Law for Executive and Vice Executive Judges of the 3<sup>rd</sup> Judicial Region was delivered in Pampanga. And, in furtherance of the ongoing PHILJA Curriculum Review, a Focus Group Discussion (FGD) for Members of the Bench was done in Manila.

PHILJA also continued to support the Court's Enhanced Justice on Wheels (EJOW) Program with the conduct of the Information Dissemination through Dialogue among Barangay Officials and Court Officials and the Mobile Court-Annexed Mediation in Puerto Princesa, Palawan.

This quarter also saw us celebrating our 19<sup>th</sup> Foundation Day with a Sports Fest held in PTC, Tagaytay.

The Academy, through the Philippine Mediation Center Office (PMCO), conducted a number of activities in support of Alternative Dispute Resolution such as a Refresher/Advanced Course for Court-Annexed Mediators for the Camarines Sur, Albay and Sorsogon Mediation Programs; Orientation Conferences with Stakeholders on Court-Annexed Mediation for the Ilocos Norte Mediation Program, Ilocos Sur Mediation Program, and Oriental Mindoro Mediation Program; Orientation and Screening activities for Prospective Mediators and PMC Unit Staff were likewise held in the said provinces.

We also continued taking note of new rulings of the Supreme Court and kept up with the doctrinal reminders, as well as with newly issued Court orders, resolutions, and circulars in our website. We took note of new OCA circulars as well.

In closing, I would like to thank our officials and staff, our corps of professors and lecturers, as well as our program partners for giving their best to the Academy. Special thanks, too, to the Chief Justice and the Honorable Supreme Court for supporting all our programs and activities. Above all, thanks to God Almighty for making all things possible.

  
**Adolfo S. Azcuna**  
Chancellor



## Training Programs and Activities

### *Pre-Pilot Seminar on Rules 22 and 24 of the Proposed Revised Rules on Civil Procedure*

Pursuant to Supreme Court En Banc Resolution A.M. No. 14-03-02-SC dated March 18, 2014 approving the piloting of Rule 22 (Preliminary Conference) and Rule 24 (Trial of Issues) of the proposed Revised Rules of Civil Procedure, PHILJA conducted three pre-pilot seminar-workshops in pilot courts selected by the Office of the Court Administrator.

The seminar-workshops, aimed at familiarizing participants with the proposed Terms of Reference and the conduct of Face-to-Face Trials, were held on January 28–29 for Makati City and Angeles City pilot courts participated in

by 103 judges, clerks of court and IBP lawyers; on February 12–13 for Davao City pilot courts with 30 participants; and on February 17–19 for Iloilo City pilot courts attended by 52 participants.

Topics discussed during the seminar-workshops were *Paradigm Shift; Preliminary Conference Rule; Court Forms and Techniques; and Instructions on Trial of Issues: Alternate and Face-to-Face Trial*. Workshops and mock trials were also conducted to engage the participants in active discussion and application of their learnings.



## PHILJA Celebrates 19<sup>th</sup> Foundation Day



The Philippine Judicial Academy marked its 19<sup>th</sup> founding anniversary with a sportsfest entitled “Palarong PHILJA, Palarong Pinoy: Tungo sa Kalusugan at Kagalingan ng Katawan at Isipan,” held on March 13 at the PHILJA Training Center, Tagaytay City.

PHILJA officials and staff were grouped into five teams (bughaw, dilaw, lila, luntian, pula) and competed in the following games: Calamansi Relay, Takbuhang Sako, Saluhan ng Itlog, Sisirin ang Piso, Tug-of-War and Hoola Hoop Race. Team Luntian emerged as champion, Team Bughaw placed second, and Teams Pula and Dilaw tied for third place. PHILJAns also participated in a Zumba dance workout before the start of the games, and in a pre-taped video presentation shown in the afternoon’s awarding and recognition program.

During the afternoon program, five employees were recognized for their service to the Academy for 15 years namely: Joseph Arvin S. Cruz, Eliseo A. Ege, Lyra A. Encinares, Mathew R. Fajardo, and Nennette G. Zaldivar; while six employees received loyalty awards for their 10 years of service namely: Atty. David L. Ballesteros, Eleonor S. Benbinuto, Rushelle P. Dizon, Joanne N. Medina, Lourdes Lolita S. Pelausa, and Daniel S. Talusig.

This year’s PHILJA Model Employees were awarded to Suzette P. Valdez (supervisory level), and Engr. Allan John V. Oriarte (non-supervisory). The 2015 Chancellor’s Award was given to Romulo M. Abancio, Jr.



### ***Visit of the Supreme People's Court of the Lao People's Democratic Republic***



On March 5, 2015, the eleven-person delegation from the Supreme People's Court of the Lao People's Democratic Republic visited the Academy to learn about its organization, programs, publications and mediation activities. Chancellor Adolfo S. Azcuna and Chief of Academic Affairs Delilah Vidallon Magtolis welcomed Mr. Khamphanh Bounpakhom, Chief of Commercial Chamber; Mr. Anisack Vangvichith, Deputy Director General of the Cabinet; Mr. Bronkhouang Thavisack, Director of Department of Research and Training; Mr. Khamson Samounry, Chief of the Commercial Chamber; Mr. Chittavah Vongsay, Deputy President Vientiane Capital People's Court; Mr. Khampahay Xayasouk, Deputy Head of Technical Division; Mr. Phonepaseuth Panyasavath, Judge Assistant of the Commercial Chamber; Mr. Somphanh Chanthalivong, Department of Intellectual Property; Mrs.

Sanya Khamson, Customs Department; Mr. Khampha Vangduangnapha, National University of Laos; and Mr. Somsay Orasith. Justices Azcuna and Magtolis provided the members of the delegation a brief introduction about PHILJA and the Academy's training programs and activities on intellectual property, a particular subject of their interest.

### ***PHILJA Curriculum Review: Focus Group Discussion of the Members of the Bench***

The initial phase of the PHILJA Curriculum Review commenced with the conduct of the Focus Group Discussion of the Members of the Bench held on March 20, 2015 at the Bayview Park Hotel, Manila. Seven First Level Court Judges and eight Second Level Court Judges selected from the different judicial regions participated as resource persons.

Father Ranhilio C. Aquino, Chairperson of PHILJA's Department of Jurisprudence and Legal Philosophy, oriented the resource persons on Outcomes Based Education as a tool in reviewing the current PHILJA Curriculum.

When asked about their expectations of PHILJA Programs, most of the judges remarked that a discussion of new laws, latest jurisprudence, and computation of penalties, as well as skills enhancement training on decision making and computerized legal research should be considered by PHILJA as responsive to the needs of the Bench. Likewise, they responded positively to an inter-disciplinary approach to judicial education because the inputs from other relevant disciplines will benefit them in their decision making. Moreover, they affirmed PHILJA's responsiveness in the delivery of judicial education by pointing out the high quality of learning they received from the Academy's programs.

The Subcommittee of the PHILJA Curriculum Review noted the meritorious recommendations of judges, among others, that at the beginning of the academic year, PHILJA should prepare the schedule of seminars to be conducted so that the judges may choose from these offerings specific seminars or programs they need to participate in, considering their respective court calendars. According to them, a network of communication can also be formed among judges and justices to implement mentoring and consultations.



## ***Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases for Judges and Branch Clerks of Court***

A total of 37 judges and branch clerks of court participated in the *Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases for Judges and Branch Clerks of Court* held on March 3–5, 2015 at the PHILJA Training Center, Tagaytay City.

Justice Oswaldo D. Agcaoili, PHILJA Professor II, led off with the session that featured an overview of international protocols, constitutional, statutory and regulatory provisions related to environmental justice. Environmental laws categorized as Brown, Blue and Green were discussed by legal experts in lecture sessions on the first day highlighting on the scope and salient features of the laws, rules and regulations, prohibited acts and penalties, related jurisprudence, and their application to the resolution of cases. Undersecretary Jonas R. Leones and Mines and Geosciences Bureau Regional Director Danilo U. Uykieng of the Department of Environment and Natural Resources (DENR) discussed Brown Laws. Attorney Grizelda Mayo-Anda, Executive Director of the Environmental Legal Assistance Center, Inc. talked about Blue Laws while DENR Assistant Secretary Daniel M. Nicer tackled Green Laws.

The second day of the program was devoted to the discussion of the Rules of Procedure for Environmental Cases. Supreme Court Justices Diosdado M. Peralta and Lucas P. Bersamin, members of the Supreme Court Subcommittee that drafted the Rules, enlightened the participants with the significant features and historical bases of the provisions of the Rules and how these can be applied in decision making. Problem areas identified by the participants of certain provisions of the Rules were clarified by the Justices in a panel discussion that ensued after the lectures.





## Orientation Seminar

### **71<sup>st</sup> Orientation Seminar-Workshop for Newly Appointed Judges**

*Date:* March 17–26, 2015 (newly appointed)

March 23–26, 2015 (promoted judges)

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 55 newly appointed and 15 promoted judges, namely:

#### **I. NEW APPOINTMENTS**

##### **REGIONAL TRIAL COURTS**

#### **NCJR**

Hon. Rafael G. Hipolito

*RTC, Br. 215, Quezon City*

Hon. Editha G. Miña-Aguba

*RTC, Br. 100, Quezon City*

Hon. Maria Victoria A. Soriano-Villadolid

*RTC, Br. 24, Manila*

Hon. Maria Sophia T. Taylor

*RTC, Br. 31, Manila*

#### **REGION V**

Hon. Annielyn B. Medes-Cabelis

*RTC, Br. 12, Ligao City, Albay*

#### **REGION VI**

Hon. Mario G. Andres, Jr.

*RTC, Br. 64, Bugasong, Antique*

Hon. Amy A. Avellano

*RTC, Br. 58, San Carlos City, Negros Occidental*

Hon. Lorencito B. Diaz

*RTC, Br. 17, Roxas City, Capiz*

Hon. Judith Orendain-Tonogbanua

*RTC, Br. 20, Mambusao, Capiz*

Hon. Juana Judita Panigbatan-Nafarrete

*RTC, Br. 38, Iloilo City, Iloilo*

Hon. Rose Edith G. Tagonon

*RTC, Br. 25, Iloilo City, Iloilo*

Hon. Walter G. Zorilla

*RTC, Br. 55, Himamaylan, Negros Occidental*

#### **REGION VII**

Hon. Jose Nathaniel S. Andal

*RTC, Br. 24, Cebu City, Cebu*

Hon. Ricky Jones S. Macabaya

*RTC, Br. 5, Cebu City, Cebu*

Hon. Ferdinand T. Rafanan

*RTC, Br. 55, Mandaue City, Cebu*

#### **REGION VIII**

Hon. Jacinto B. Elle

*RTC, Br. 26, San Juan, Southern Leyte*

Hon. Ernesto L. Peñafior

*RTC, Br. 32, Calbayog City, Samar*

Hon. Leonito S. Sabandal

*RTC, Br. 9, Tacloban City, Leyte*

#### **MUNICIPAL TRIAL COURTS IN CITIES**

#### **REGION IV**

Hon. Antonio O. Del Val

*MTCC, Br. 1, San Pablo City, Laguna*

#### **REGION V**

Hon. Joseph Raymond D. Borja

*MTCC, Br. 2, Legazpi City, Albay*

#### **REGION VI**

Hon. Bonifacia Carmen Chuchi S. Ramos

*MTCC, Br. 3, Roxas City, Capiz*

Hon. Ma. Gisella Janina S. Tan

*MTCC, Talisay City, Negros Occidental*

#### **REGION VII**

Hon. Yvonne C. Artiaga

*MTCC, Br. 3, Cebu City, Cebu*

Hon. Dakila Dante U. Barcenas

*MTCC, Br. 2, Cebu City, Cebu*

Hon. Dinah B. Tabada-Chu

*MTCC, Br. 1, Dumaguete City, Negros Oriental*

Hon. Grace M. Veloso-Fernandez

*MTCC, Br. 8, Cebu City, Cebu*

#### **REGION VIII**

Hon. Manasseh S. Bastes

*MTCC, Br. 2, Tacloban City, Leyte*

Hon. Renato Noel C. Echague

*MTCC, Borongan City, Eastern Samar*

#### **MUNICIPAL TRIAL COURTS**

#### **REGION IV**

Hon. Marissa S. Bernal-Arañez

*MTC, Macalelon, Quezon*

Hon. Maribel U. Camarador-Valderas

*MTC, Guinayangan, Quezon*

Hon. Honeyeth C. Catibog

*MTC, Unisan, Quezon*

Hon. Junelet S. Mataro

*MTC, Mogpog, Marinduque*

Hon. Robert C. Reñido  
*MTC, Torrijos, Marinduque*  
 Hon. Roberto B. Rivera  
*MTC, Victoria, Laguna*  
 Hon. Emmanuel Jesus P. Santos  
*MTC, Br. 1, Binangonan, Rizal*

**REGION V**

Hon. Rebecca O. Bagasala  
*MTC, Garchitorea, Camarines Sur*  
 Hon. Ammelina Bernadette Corazon P. Crescini  
*MTC, Balatan, Camarines Sur*  
 Hon. Cesar E. Malazarte  
*MTC, Rapu-Rapu, Albay*  
 Hon. Camilo A. Oliva  
*MTC, Claveria, Masbate*  
 Hon. Alfredo Arneil L. Ramos  
*MTC, Pio Duran, Albay*

**REGION VIII**

Hon. Alejo A. Calvo  
*MTC, Palapag, Northern Samar*

**MUNICIPAL CIRCUIT TRIAL COURTS****REGION I**

Hon. Joselito A. Benedito  
*1<sup>st</sup> MCTC: Pidigan-San Quintin-Langiden, Abra*  
 Hon. Donna Marie C. Daoas  
*1<sup>st</sup> MCTC: Barlig-Sadanga, Mt. Province*  
 Hon. Gaslito A. Dumpayan  
*4<sup>th</sup> MCTC: Natonin-Paracelis, Mt. Province*  
 Hon. Jocelyn P. Humiwat  
*2<sup>nd</sup> MCTC: Bauko-Sabangan, Mt. Province*

**REGION IV**

Hon. Rhea R. Alcantara-Aquino  
*6<sup>th</sup> MCTC: Siniloan-Famy, Laguna*  
 Hon. Nadia S. Diumano  
*1<sup>st</sup> MCTC: Pililla-Jala Jala, Rizal*  
 Hon. Ruby R. Gonzales  
*3<sup>rd</sup> MCTC: Indang-Mendez Nuñez, Cavite*  
 Hon. Nancy A. Maxino-Galvez  
*9<sup>th</sup> MCTC: San Narciso-Buenavista, Quezon*

**REGION V**

Hon. Carlo Martin A. Adille  
*2<sup>nd</sup> MCTC: Baras-Gigmoto, Catanduanes*  
 Hon. Jezebel L. Almodal-Espinosa  
*3<sup>rd</sup> MCTC: San Fernando-Batuan, Masbate*  
 Hon. Marlon P. Bacuño  
*2<sup>nd</sup> MCTC: San Lorenzo Ruiz-Imelda-San Vicente, Camarines Norte*

Hon. Joyce B. Gaballo-Llacer  
*8<sup>th</sup> MCTC: San Jacinto-Monreal, Masbate*

**REGION VIII**

Hon. Mayumi M. Gorme-Amora  
*7<sup>th</sup> MCTC: Pintuyan-San Ricardo, Southern Leyte*  
 Hon. Ulysses G. Loverita  
*6<sup>th</sup> MCTC: San Jose-Biri-Rosario, Northern Samar*

**II. PROMOTION****REGIONAL TRIAL COURTS****NCJR**

Hon. Edgardo B. Bellosillo  
*RTC, Br. 95, Quezon City*  
 Hon. Felino Z. Elefante  
*RTC, Br. 103, Quezon City*  
 Hon. Maria Luisa Lesle G. Gonzales-Betic  
*RTC, Br. 225, Quezon City*  
 Hon. Alma Crispina C. Lacorte  
*RTC, Br. 21, Manila*

**REGION IV**

Hon. Agripino R. Bravo  
*RTC, Br. 55, Lucena City, Quezon*  
 Hon. Harry P. Jaminola  
*RTC, Br. 41, Pinamalayan, Mindoro Oriental*

**REGION VI**

Hon. Alma N. Baniyas-Delfin  
*RTC, Br. 15, Roxas City, Capiz*  
 Hon. Rosario Abigail M. Dris-Villanueva  
*RTC, Br. 65, Jordan, Guimaras*  
 Hon. Ma. Theresa N. Enriquez-Gaspar  
*RTC, Br. 33, Iloilo City, Iloilo*  
 Hon. Cyclamen J. Fernandez  
*RTC, Br. 63, La Carlota City, Negros Occidental*  
 Hon. Francisco S. Guzman  
*RTC, Br. 12, San Jose, Antique*  
 Hon. Edgar R. Tupas  
*RTC, Br. 46, Bacolod City, Negros Occidental*

**REGION VII**

Hon. Lindecita C. Arcamo  
*RTC, Br. 1, Tagbilaran City, Bohol*  
 Hon. Jorge D. Cabalit  
*RTC, Br. 48, Tagbilaran City, Bohol*

**REGION VIII**

Hon. Emerenciana O. Manook  
*RTC, Br. 23, Allen, Northern Samar*



### **6<sup>th</sup> Orientation Seminar-Workshop for Newly Appointed Sheriffs and Process Servers**

*Date:* February 24–26, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 53 newly appointed sheriffs and process servers, namely:

#### **I. SHERIFFS**

##### **REGIONAL TRIAL COURTS**

#### **NCJR**

Mr. Diosdado P. Alafriz

*RTC, Branch 49, Manila*

Mr. Sean Raphael P. Alhambra

*RTC, OCC, Manila*

Mr. Robinson Eduardo D. Del Castillo

*RTC, Branch 25, Manila*

Mr. Benjamin V. Del Rosario

*RTC, Branch 9, Manila*

Mr. Elmer M. Diokno

*RTC, Branch 4, Manila*

Mr. Christopher A. Mariano

*RTC, Branch 173, Manila*

Ms. Leilani Rose P. Ruiz

*RTC, Branch 199, Las Piñas City*

Mr. Edwin F. Viray

*RTC, Branch 90, Quezon City*

#### **REGION II**

Mr. Charles R. Agustin

*RTC, OCC, Tuguegarao City, Cagayan*

Mr. Jonard A. Nieves

*RTC, OCC, Tuguegarao City, Cagayan*

#### **REGION IV**

Ms. Maria Lealey A. Breis

*RTC, Branch 25, Biñan, Laguna*

Ms. Ma. Carolina M. Potente

*RTC, Branch 15, Naic, Cavite*

#### **REGION V**

Mr. Jonas P. Sabas

*RTC, Branch 35, Iriga City, Camarines Sur*

#### **REGION VI**

Mr. Ian Ralph T. Canlas

*RTC, Branch 55, Himamaylan, Negros Occidental*

##### **METROPOLITAN TRIAL COURTS**

#### **NCJR**

Mr. Conrado A. Buenaventura V

*MeTC, OCC, Quezon City*

Mr. Armand M. Malapitan

*MeTC, Branch 96, Mandaluyong City*

Mr. Rolly S. Ocampo

*MeTC, Branch 53, Caloocan City*

Mr. Teodoro G. Sidro

*MeTC, Branch 84, Caloocan City*

##### **MUNICIPAL TRIAL COURTS IN CITIES**

#### **REGION II**

Ms. Jinky Grail S. Tuguic

*MTCC, Tabuk City, Kalinga*

#### **REGION VII**

Mr. Randy C. Dalocanog

*MTCC, Branch 2, Talisay City, Cebu*

#### **II. PROCESS SERVERS**

##### **REGIONAL TRIAL COURTS**

#### **NCJR**

Mr. Edilberto L. Fernandez

*RTC, Branch 127, Caloocan City*

Mr. Josefino F. Vitan

*RTC, Branch 92, Quezon City*

#### **REGION I**

Mr. Jeffrey S. Ellamil

*RTC, Branch 61, Baguio City, Benguet*

Ms. Vicenta S. Thadani

*RTC, Branch 4, Baguio City, Benguet*

#### **REGION II**

Mr. Wilmar R. Cambi

*RTC, Branch 7, Aparri, Cagayan*

#### **REGION III**

Ms. Aida V. Borja

*RTC, Branch 7, Malolos City, Bulacan*

Mr. Peejay B. Lopez

*RTC, Branch 56, Angeles City, Pampanga*

Mr. Roger S. Mariano

*RTC, Branch 8, Malolos City, Bulacan*

#### **REGION IV**

Ms. Neofelia S. Alcairo

*RTC, Branch 21, Imus, Cavite*

Mr. Robert M. Lopez

*RTC, Branch 58, Lucena City, Quezon*

Mr. Exequiel B. Oflaria

*RTC, Branch 62, Gumaca, Quezon*

Ms. Aylah C. Quisquino

*RTC, Branch 97, Antipolo City, Rizal*

**REGION VII**

Mr. Marlon B. Vidal  
*RTC, Branch 44, Dumaguete City, Negros Oriental*

**METROPOLITAN TRIAL COURTS****NCJR**

Mr. Rico T. Astillasa  
*MeTC, Branch 47, Pasay City*  
 Mr. Marc Jerwin V. Fajo  
*MeTC, Branch 80, Muntinlupa City*  
 Mr. Dennis C. Malalis  
*MeTC, OCC, Pasig City*  
 Mr. Dario Medina, Jr. III  
*MeTC, Branch 52, Caloocan City*  
 Ms. Marilou B. Salvador  
*MeTC, Branch 71, Pasig City*

**MUNICIPAL TRIAL COURTS IN CITIES****REGION VII**

Mr. Evarito S. Cabrillos, Jr.  
*MTCC, Branch 2, Talisay City, Cebu*

**REGION VIII**

Mr. Ronnie O. Repollo  
*MTCC, Ormoc City, Leyte*

**MUNICIPAL TRIAL COURTS****REGION I**

Mr. Ariel D. Coching  
*MTC, Mangaldan, Pangasinan*  
 Mr. Abraham S. Reybuenan  
*MTC, Bauang, La Union*  
 Ms. Yeena Alyssa T. Tabil  
*MTC, Sto. Domingo, Ilocos Sur*

**REGION IV**

Mr. Reden B. Abital  
*MTC, Catanauan, Quezon*

**REGION V**

Mr. Anacleto B. Balaguer  
*MTC, Bulan, Sorsogon*  
 Ms. Emma M. Galacan  
*MTC, Daraga, Albay*

**REGION VI**

Ms. Melyn B. Reyes  
*MTC, Kalibo, Aklan*

**REGION IX**

Ms. Juliet C. Cabuena  
*MTC, Tambulig, Zamboanga del Sur*

**MUNICIPAL CIRCUIT TRIAL COURTS****REGION I**

Mr. Renato R. Rombawa  
*9<sup>th</sup> MCTC: Tayug-San Nicolas, Pangasinan*

**REGION V**

Mr. Arvin B. Robles  
*4<sup>th</sup> MCTC: Pandan-Caramoran, Catanduanes*

**REGION X**

Mr. Kray Kevin P. Laranjo  
*9<sup>th</sup> MCTC: Laguindingan-Gitagum, Misamis Oriental*  
 Mr. Cris Anthony M. Morta  
*3<sup>rd</sup> MCTC: Jabonga-Kitcharao, Agusan del Norte*

**REGION XI**

Mr. Vincent M. Campos  
*6<sup>th</sup> MCTC: Barobo-Lianga, Surigao del Sur*

**Pre-Judicature Program****34<sup>th</sup> Pre-Judicature Program**

*Date:* February 2–13, 2015

*Venue:* Bayview Park Hotel, Manila

*Participants:* 73 lawyers, namely:

1. Michel Kristian R. Ablan\*
2. Mary Alice P. Abratigue
3. Albert V. Alcala
4. Aimee Marie B. Alcera
5. Rosalie O. Almendras-Bituin
6. Maria Christie L. Arcelo-Ablan
7. Apollo V. Atencia
8. Caroline V. Balo-Atencia
9. Nicasio B. Bautista III
10. Paul R. Braga
11. Liza Zabala Cariño
12. Samson Ariel C. Cayetuna
13. Cynthia C. Corpuz-Mariano
14. Cresenciana D.C. Cruz
15. Rex Enrico D. Cruz III
16. Lynnette May D. Deloria-Manarang
17. Darwin P. Dimen
18. Dennis P. Dinglasan
19. Elsa R. Divinagracia
20. Jean B. Domaboc-Muñoz

\* Incomplete attendance (did not attend sessions on February 5 and first topic on February 11)

21. Debbie G. Dulay-Del Val
22. Lory Jean G. Duños
23. Magdalena L. Erfe-Mangelen
24. Aileen P. Espina-Dalwatan
25. Kristine Nicole M. Espiritu
26. Anthony B. Fama
27. April Joy L. Frisnedi-Belleza
28. Marianette A. Galang
29. Czarina B. Garcia
30. Norma R. Gonzales-Ramos
31. Ricardo S. Guinto
32. Cherry Chiara L. Hernando
33. Allan S. Hilbero
34. Frances Urmyne P. Imbong
35. Lilibeth M. Javillo-Aguila
36. Michelle Faurillo Joven
37. Christine A. Ligtas
38. Lyn L. Llamasares
39. Maria Lourdes M. Lobiano-Alviola
40. Rosita R. Lopez
41. Gloria Monica S. Lopez-Lao
42. Donna D. Mendiguarin
43. Amy C. Mendoza
44. Ma. Nalyn J. Mesa
45. Raphael Phyllis L. Mission
46. Ann Eillene S. Morales-Java
47. Elvin Hayes E. Nidea
48. Mary Catherine O. Noblejas-Garcia
49. Luz Matilde Nina Dorotea T. Ortega
50. Romuald C. Padilla
51. Katherine M. Legarda-Pajaron
52. Meriem B. Pasiona
53. Oscar R. Quilala
54. Nancy D. Quimpo
55. Winlove L. Ramos
56. Lilibeth R. Ranara
57. Jose Edward T. Rebueno
58. Maritonie Renee D. Resurreccion
59. Arleen T. Reyes
60. Remus Romano A. Reyes
61. Maria Dionesia A. Rivera-Guillermo
62. Eleanor L. Roque
63. Pedro Leslie B. Salva
64. Editha B. Santos
65. Marcel G. Silvestre
66. Bai Israhayda S. Sinsuat
67. Lauren Rose R. Tanyag
68. Richard P. Torreja
69. Odilon A. Tumang
70. Sittie Laarni R. Umpa
71. Irene D. Valones
72. Jerlyn M. Wong
73. Immaculada Concepcion C. Ylagan



### Judicial Career Enhancement Program (JCEP)

#### *Judicial Career Enhancement Program for First Level Court Judges*

**NATIONAL CAPITAL JUDICIAL REGION, TAGAYTAY CITY**

*Date:* February 4–6, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 64 MeTC judges

**THIRD JUDICIAL REGION, TAGAYTAY CITY**

*Date:* February 25–27, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 84 MTCC, MTC, and MCTC judges



### Seminar-Workshop for Executive Judges

#### *Seminar for Executive Judges (RTC and First Level Court Executive Judges, Vice Executive Judges, and Single Sala Court Judges of Mindanao)*

*Date:* February 10–11, 2015

*Venue:* Park Inn by Radisson, Davao City

*Participants:* 30 RTC and MTCC judges



### Career Enhancement Program

#### *Career Enhancement Program for RTC Clerks of Court of the 8<sup>th</sup> Judicial Region*

*Date:* February 10–12, 2015

*Venue:* Hotel Elizabeth, Cebu City

*Participants:* 62 RTC clerks of court



### Career Development Program

#### *Career Development Program for Court Legal Researchers of the National Capital Judicial Region*

*Date:* February 4–5, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 45 RTC and MeTC legal researchers



## Special Focus Program

### ***Pre-Pilot Seminar-Workshop for Rules 22 and 24 of the Proposed Revised Rules of Procedure***

#### **CEBU CITY**

*Date:* January 8–9, 2015

*Venue:* City Sports Club Cebu, Cebu City

*Participants:* 65 RTC judges and branch clerks of court and IBP lawyers

#### **MAKATI CITY**

*Date:* January 28–29, 2015

*Venue:* Metropolitan Club, Makati City

*Participants:* 101 RTC, MeTC and MTCC judges and branch clerks of court and IBP lawyers

#### **QUEZON CITY**

*Date:* February 2–3, 2015

*Venue:* UP Balay Kalinaw Diliman, Quezon City

*Participants:* 100 RTC and MeTC judges and branch clerks of court, IBP lawyers, and representatives from The Asia Foundation

#### **DAVAO CITY**

*Date:* February 12–13, 2015

*Venue:* Marco Polo Hotel, Davao City

*Participants:* 30 RTC and MTCC judges and branch clerks of court and IBP lawyers

#### **ILOILO CITY**

*Date:* February 17–18, 2015

*Venue:* Hotel Del Rio, Iloilo City

*Participants:* 52 RTC and MTCC judges and branch clerks of court and IBP lawyers

### ***Seminar-Workshop on Various Laws and Rules Relating to Money Laundering and Other Financial Crimes***

#### **JUDGES IN THE SIXTH JUDICIAL REGION**

*Date:* January 13–14, 2015

*Venue:* Sugarland Hotel, Bacolod City

*Participants:* 33 RTC judges

#### **EXECUTIVE, VICE EXECUTIVE JUDGES, SINGLE SALA COURT JUDGES AND SELECTED JUDGES IN THE SEVENTH JUDICIAL REGION**

*Date:* January 28–29, 2015

*Venue:* Radisson Blu Hotel, Cebu City

*Participants:* 31 RTC judges and CA-Cebu lawyers

### ***Seminar-Workshop for Judges on Financial Crimes and Money Laundering for Regions IX, XI and XII***

*Date:* March 17–18, 2015

*Venue:* Marco Polo Hotel, Davao City

*Participants:* 15 RTC judges

### ***Seminar-Workshop on Procedural, Substantive Laws and Jurisprudence on Intellectual Property for Clerks of Court and Special Commercial Courts***

#### **REGIONS IX, X, XI, XII AND SELECTED COURT ATTORNEYS OF THE COURT OF APPEALS—CAGAYAN DE ORO STATION**

*Date:* January 21–22, 2015

*Venue:* Mallberry Suites Hotel, Cagayan de Oro City

*Participants:* 51 RTC clerks of court and CA-CDO lawyers

#### **NATIONAL CAPITAL JUDICIAL REGION AND REGION IV**

*Date:* February 17–18, 2015

*Venue:* Diamond Hotel, Manila

*Participants:* 53 RTC clerks of court

### ***Capacity Building on Environmental Laws and The Rules of Procedure for Environmental Cases for Judges and Branch Clerks of Court***

*Date:* March 3–5, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 37 RTC, MeTC, and MTCC judges and clerks of court

### ***Information Dissemination through a Dialogue between Barangay Officials of the Province of Palawan and Court Officials***

*Date:* March 12, 2015

*Venue:* VJR Hall Provincial Capitol Building Complex, Puerto Princesa City, Palawan

*Participants:* 221 barangay officials

### ***Seminar on the Rules of Procedure on Financial Rehabilitation for Supreme Court and Court of Appeals Attorneys***

*Date:* March 13, 2015

*Venue:* Court of Appeals Auditorium, Manila

*Participants:* 58 SC and CA lawyers

### ***Competency Enhancement Training for Judges, Prosecutors, Social Workers and Law Enforcement Investigators Handling Trafficking in Persons Cases***

*Date:* March 25–27, 2015

*Venue:* City State Asturias Hotel, Puerto Princesa City, Palawan

*Participants:* 44 RTC judges, prosecutors, social workers, law enforcers, and observers

***Seminar-Workshop on Strengthening Judicial Integrity and Rule of Law for Executive and Vice Executive Judges of Region III***

*Date:* March 26–27, 2015

*Venue:* Holiday Inn Hotel, Clark, Pampanga

*Participants:* 36 RTC and MTCC judges



**Discussion Session**

***PHILJA Curriculum Review: Focus Group Discussion (FGD) for Members of the Bench***

*Date:* March 20, 2015

*Venue:* Bayview Park Hotel, Manila

*Participants:* 15 selected judges



**Alternative Dispute Resolution Program**

***Orientation Conference with Stakeholders on Court-Annexed Mediation***

**ILOCOS NORTE MEDIATION PROGRAM**

*Date:* February 4, 2015

*Venue:* Fort Ilocandia Resort Hotel, Laoag City, Ilocos Norte

*Participants:* 94 RTC, MTCC, MTC and MCTC judges, clerks and branch clerks of court, representatives from NPS, PAO, IBP, NGO, business, academe, media and civil society

**ILOCOS SUR MEDIATION PROGRAM**

*Date:* February 5, 2015

*Venue:* One Vittoria Hotel, Vigan City, Ilocos Sur

*Participants:* 98 RTC, MTCC, MTC and MCTC judges and clerks of court, representatives from NPS, PAO, IBP, LGU, business, academe, media, and civil society

**ORIENTAL MINDORO MEDIATION PROGRAM**

*Date:* February 26, 2015

*Venue:* El Pueblo Rhizort, Calapan City, Oriental Mindoro

*Participants:* 114 RTC, MTCC, MTC and MCTC judges and clerks of court, representatives from NPS, PAO, IBP, LGU, NGO, business, academe, media, and civil society

***Refresher/Advanced Course for Court-Annexed Mediators (Camarines Sur, Albay and Sorsogon Mediation Program)***

*Date:* February 17–18, 2015

*Venue:* Hotel Venezia, Legazpi City, Albay

*Participants:* 39 mediators

***Judicial Settlement Conference for Judges on Judicial Dispute Resolution (Skills-based Course)***

*Date:* March 3–6, 2015

*Venue:* PHILJA Training Center, Tagaytay City

*Participants:* 64 RTC, MeTC, MTCC, MTC and MCTC judges

***Orientation and Screening for Prospective Mediators and PMC Unit Staff***

**ILOCOS NORTE MEDIATION PROGRAM**

*Date:* March 17, 2015

*Venue:* Hall of Justice, Laoag City, Ilocos Norte

*Participants:* 39 mediators and staff applicants

**ILOCOS SUR MEDIATION PROGRAM**

*Date:* March 19, 2015

*Venue:* Hall of Justice, Vigan City, Ilocos Sur

*Participants:* 39 mediators and staff applicants

**ORIENTAL MINDORO MEDIATION PROGRAM**

*Date:* March 26, 2015

*Venue:* Hall of Justice, Calapan City, Oriental Mindoro

*Participants:* 38 mediators and staff applicants





Senior Deputy Court Administrator Raul V. Villanueva (*seated center*) and Judge Thelma A. Ponferrada (ret.), PHILJA Professor I (*seated, 9<sup>th</sup> from left*) with the participants of the 71<sup>st</sup> Orientation Seminar-Workshop for Newly Appointed Judges held on March 17–26, 2015, at the PHILJA Training Center, Tagaytay City.



PHILJA Chancellor, Justice Adolfo S. Azcuna welcomes the participants of the *Judicial Career Enhancement Program (JCEP) for First Level Judges of the NCJR* held on February 4–6, 2015, at the PHILJA Training Center, Tagaytay City.



Atty. Caridad A. Pabello, Chief of the Administrative Services of the Office of the Court Administrator lectures on the *Benefits and Privileges of Court Personnel* to the newly appointed sheriffs and process servers during their orientation seminar-workshop held on February 24–26, at the PHILJA Training Center, Tagaytay City.



Dr. Cheselden George V. Carmona, Member of PHILJA's Department of Commercial Law lectures before the participants of the *Seminar-Workshop on Various Laws and Rules Relating to Money Laundering and Other Financial Crimes* held on January 13–14, 2015, at the Sugarland Hotel, Bacolod City.



Court of Appeals Justice Zenaida Galapates-Laguilles (*front row, center*) and Retired Sandiganbayan Presiding Justice Edilberto G. Sandoval (*front row, 9<sup>th</sup> from right*) with the participants of the *Career Development Program for Court Legal Researchers of Luzon* held on February 4–5, 2015, at the PHILJA Training Center, Tagaytay City.



A role playing session by the participants of the *Refresher/Advanced Course for Court-Annexed Mediators (Camarines Sur, Albay and Sorsogon Mediation Programs)* held on February 17–18, 2015, at the Hotel Venezia, Legazpi City, Albay.

# Judicial Moves

## Court of Appeals



### Hon. GERMANO FRANCISCO D. LEGASPI

*Associate Justice*

Court of Appeals

Appointed on January 8, 2015

Justice Legaspi obtained his Bachelor of Arts Philosophy degree from the University of the Philippines in 1991 and his Juris Doctor degree from the Ateneo de Manila University in 1995. He was admitted to the Philippine Bar the following year. In 2006, he finished the Master in National Security Administration program of the National Defense College of the Philippines.

He started his career in the judiciary as court attorney in the offices of the Supreme Court Justice Florenz D. Regalado (1996–1998) and Justice Reynato S. Puno (1998–2003). In 2003, he was appointed as judge of Branch 17, Metropolitan Trial Court, Manila, and later served as 3<sup>rd</sup> Vice Executive Judge of the MeTC Manila from 2007 to 2008. He was promoted in 2008 to Branch 31, Regional Trial Court, Manila. Four years after, he was transferred to Branch 77, RTC, Quezon City. Prior to his appointment as Associate Justice of the Court of Appeals on January 8, 2015, he was designated concurrent Acting Presiding Judge of Branch 219, RTC, Quezon City.

He was the secretary of the Supreme Court Committee on Revision of the Rules of Court from 1999 to 2003 and was a member of the Technical Working Group on the Rule of Procedure for Small Claims Cases from 2008 to 2010. He is also a Career Executive Service Eligible.



## First Impressions

### Trafficking in persons defined; acts of trafficking in persons.

**Trafficking in Persons** – refers to the recruitment, transportation, transfer or harboring, or receipt of persons *with or without the victim's consent or knowledge*, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph. (*Emphasis supplied*)

Section 4 of Republic Act No. 9208 enumerates the different acts of trafficking in persons.

**SEC. 4. Acts of Trafficking in Persons.** — It shall be unlawful for any person, natural or judicial, to commit any of the following acts.

- a. To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

Leonon, J., *People of the Philippines v. Shirley A. Casio*, G.R. No. 211465, December 3, 2014.

### Elements of the crime of trafficking in persons.

The elements of trafficking in persons can be derived from its definition under Section 3(a) of Republic Act No. 9208, thus:

- (1) The *act* of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders.”



- (2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another; and
- (3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”

On January 28, 2013, Republic Act No. 10364 was approved, otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012.” Section 3(a) of Republic Act No. 9208 was amended by Republic Act No. 10364 as follows:

**SEC. 3.** Section 3 of Republic Act No. 9208 is hereby amended to read as follows:

**“SEC. 3. Definition of Terms.** – As used in this Act:

“(a) Trafficking in Persons – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

“The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph. *(Emphasis supplied)*

Under Republic Act No. 10364, the elements of trafficking in persons have been expanded to include the following acts:

- (1) The act of “*recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the*

*victim’s consent or knowledge, within or across national borders;”*

- (2) The means used include “by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”
- (3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs” *(Emphasis supplied)*

Leonen, J., *People of the Philippines v. Shirley A. Casio*, G.R. No. 211465, December 3, 2014.

### **Instances when the crime of trafficking in persons is qualified; child defined.**

Republic Act No. 9208 further enumerates the instances when the crime of trafficking in persons is qualified.

**SEC. 6. Qualified Trafficking in Persons.** — The following are considered as qualified trafficking:

- a. *When the trafficked person is a child;*
- b. When the adoption is effected through Republic Act No. 8043, otherwise known as the “Inter-Country Adoption Act of 1995” and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- c. When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three or more persons, individually or as a group;
- d. When the offender is an ascendant, parent, sibling, guardian or a person who exercise authority over the trafficked person or when the offense is committed by a public officer or employee;
- e. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

First Impressions (continued)

- f. When the offender is a member of the military or law enforcement agencies; and
- g. When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS). (*Emphasis supplied*)

Section 3(b) of Republic Act No. 9208 defines “child” as:

**SEC. 3. Definition of Terms.** — As used in this Act:

x x x x

- b. Child — refers to a person below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

Leonen, J., *People of the Philippines v. Shirley A. Casio*, G.R. No. 211465, December 3, 2014.



## Doctrinal Reminders



## Political Law

### Retention and reacquisition of citizenship.

RA No. 9225, otherwise known as the “Citizenship Retention and Re-acquisition Act of 2003,” was signed into law by President Gloria Macapagal-Arroyo on August 29, 2003. Sections 2 and 3 of said law read:

**SEC. 2. Declaration of Policy.** — It is hereby declared the policy of the State that all Philippine citizens who become citizens of another country **shall be deemed not to have lost their Philippine citizenship under the conditions of this Act.**

**SEC. 3. Retention of Philippine Citizenship.** — Any provision of law to the contrary notwithstanding, natural-born citizens of the Philippines who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are hereby deemed to have **reacquired Philippine**

### citizenship upon taking the following oath of allegiance to the Republic:

“I \_\_\_\_\_, solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.”

Natural-born citizens of the Philippines who, **after the effectivity of this Act**, become citizens of a foreign country shall **retain their Philippine citizenship upon taking the aforesaid oath.** (*Emphasis supplied*)

While Section 2 declares the general policy that Filipinos who have become citizens of another country shall be deemed “not to have lost their Philippine citizenship,” such is qualified by the phrase “under the conditions of this Act.” Section 3 lays down such conditions for two categories of natural-born Filipinos referred to in the first and second paragraphs. Under the first paragraph are those natural-born Filipinos who have lost their citizenship by naturalization in a foreign country who shall *re-acquire* their Philippine citizenship upon taking the oath of allegiance to the Republic of the Philippines. The second paragraph covers those natural-born Filipinos who became foreign citizens after RA No. 9225 took effect, who shall *retain* their Philippine citizenship upon taking the same oath. The taking of oath of allegiance is required for both categories of natural-born Filipino citizens who became citizens of a foreign country, but the terminology used is different, “re-acquired” for the first group, and “retain” for the second group.

The law thus makes a distinction between those natural-born Filipinos who became foreign citizens before and after the effectivity of RA No. 9225. Although the heading of Section 3 is “Retention of Philippine Citizenship,” the authors of the law intentionally employed the terms “re-acquire” and “retain” to describe the legal effect of taking the oath of allegiance to the Republic of the Philippines. This is also evident from the title of the law using both re-acquisition and retention.

In fine, for those who were naturalized in a foreign country, they shall be deemed to have re-acquired their Philippine citizenship which was lost pursuant to CA No. 63, under which naturalization in a foreign country is one of the

ways by which Philippine citizenship may be lost. As its title declares, RA No. 9225 amends CA No. 63 by doing away with the provision in the old law which takes away Philippine citizenship from natural-born Filipinos who become naturalized citizens of other countries and allowing dual citizenship, and also provides for the procedure for re-acquiring and retaining Philippine citizenship. In the case of those who became foreign citizens after RA No. 9225 took effect, they shall retain Philippine citizenship despite having acquired foreign citizenship provided they took the oath of allegiance under the new law.

Villarama, Jr., J., Renato M. David v. Editha A. Agbay and People of the Philippines, G.R. No. 199113, March 18, 2015.



## Labor Law

### Two-notice requirement and procedure in labor cases.

*King of Kings Transport, Inc. v. Mamac* extensively discussed the two-notice requirement and the procedure that must be observed in cases of termination, thus:

- (1) The **first written notice** to be served on the employees should contain the specific causes or grounds for termination against them, and a directive that the employees are given the opportunity to submit their written explanation within a reasonable period. "Reasonable opportunity" under the Omnibus Rules means every kind of assistance that management must accord to the employees to enable them to prepare adequately for their defense. This should be construed as a period of at least five calendar days from receipt of the notice to give the employees an opportunity to study the accusation against them, consult a union official or lawyer, gather data and evidence, and decide on the defenses they will raise against the complaint. Moreover, in order to enable the employees to intelligently prepare their explanation and defenses, the notice should contain a detailed narration of the facts and circumstances that will serve as basis for the charge against the employees. A general description of the charge will not suffice. Lastly, the notice should specifically mention which company rules, if any, are violated and/or which among the grounds under Article 282 is being charged against the employees.
- (2) After serving the first notice, the employers should schedule and conduct a **hearing or conference**

wherein the employees will be given the opportunity to: (1) explain and clarify their defenses to the charge against them; (2) present evidence in support of their defenses; and (3) rebut the evidence presented against them by the management. During the hearing or conference, the employees are given the chance to defend themselves personally, with the assistance of a representative or counsel of their choice. Moreover, this conference or hearing could be used by the parties as an opportunity to come to an amicable settlement.

- (3) After determining that termination of employment is justified, the employers shall serve the employees a **written notice of termination** indicating that: (1) all circumstances involving the charge against the employees have been considered; and (2) grounds have been established to justify the severance of their employment. *(Emphasis in the original, citation omitted)*

Leonen, J., Stanley Fine Furniture, Elena and Carlos Wang v. Victor T. Gallano and Enrique Siarez, G.R. No. 190486, November 26, 2014.

### Public and secular morality should determine the prevailing norms of conduct, not religious morality; disgraceful and immoral conduct.

It bears stressing that the right of an employee to security of tenure is protected by the Constitution. Perfunctorily, a regular employee may not be dismissed unless for cause provided under the Labor Code and other relevant laws, in this case, the 1992 MRPS. As stated above, when the law refers to morality, it necessarily pertains to public and secular morality and not religious morality. Thus, the proscription against "disgraceful or immoral conduct" under Section 94(e) of the 1992 MRPS, which is made as a cause for dismissal, must necessarily refer to public and secular morality. Accordingly, in order for a conduct to be considered as disgraceful or immoral, it must be "detrimental (or dangerous) to those conditions upon which depend the existence and progress of human society" and not because the conduct is proscribed by the beliefs of one religion or the other."

x x x x

x x x pre-marital sexual relations between two consenting adults who have no impediment to marry each other, and, consequently, conceiving a child out of wedlock, gauged from a purely public and secular view of morality, does not amount to a disgraceful or immoral conduct under Section 94(e) of the 1992 MRPS.

Doctrinal Reminders  
Labor Law (*continued*)

Accordingly, the labor tribunals erred in upholding the validity of the petitioner's dismissal. The labor tribunals arbitrarily relied solely on the circumstances surrounding the petitioner's pregnancy and its supposed effect on SSCW and its students without evaluating whether the petitioner's conduct is indeed considered disgraceful or immoral in view of the prevailing norms of conduct. In this regard, the labor tribunals' respective haphazard evaluation of the evidence amounts to grave abuse of discretion, which the Court will rectify.

The labor tribunals' finding that the petitioner's pregnancy out of wedlock despite the absence of substantial evidence is not only arbitrary, but a grave abuse of discretion, which should have been set right by the CA.

Reyes, J., *Cheryll Santos Leus v. St. Scholastica's College Westgrove and/or Sr. Edna Quiambao*, OSB, G.R. No. 187226, January 28, 2015.



## Civil Law

### Closure of business as an authorized cause of termination of employment; requirements.

Closure or cessation of business is the complete or partial cessation of the operations and/or shut-down of the establishment of the employer. It is carried out to either stave off the financial ruin or promote the business interest of the employer. Closure of business as an authorized cause for termination of employment is governed by Article 283 of the Labor Code, as amended.

If the business closure is due to serious losses or financial reverses, the employer must present sufficient proof of its actual or imminent losses; it must show proof that the cessation of or withdrawal from business operations was bona fide in character. A written notice to the DOLE 30 days before the intended date of closure is also required, the purpose of which is to inform the employees of the specific date of termination or closure of business operations, and which must be served upon each and every employee of the company one month before the date of effectivity to give them sufficient time to make the necessary arrangement.

The ultimate test of the validity of closure or cessation of establishment or undertaking is that it must be **bona fide** in character. And the burden of proving such falls upon the employer.

Villarama, Jr., J., *Essencia Q. Manarpiis v. Texan Philippines, Inc.*, Richard Tan and Catherine P. Rialubin-Tan, G.R. No. 197011, January 28, 2015.

### Definition of negligence.

Negligence is defined as the failure to observe for the protection of the interest of another person that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury. Article 2176 of the Civil Code provides that "[w]hoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is a quasi-delict." Under this provision, the elements necessary to establish a quasi-delict case are: (1) damages to the plaintiff; (2) negligence, by act or omission, of the defendant or by some person for whose acts the defendant must respond, was guilty; and (3) the connection of cause and effect between such negligence and the damages.

Villarama, Jr., J., *Cagayan II Electric Cooperative, Inc.*, represented by its General Manager and Chief Executive Officer, Gabriel A. Tordesillas v. Allan Rapanan and Mary Gine Tangonan, G.R. No. 199886, December 3, 2014.



## Criminal Law

### Waiver of Constitutional right against double jeopardy.

An appeal in a criminal case opens the entire case for review on any question including one not raised by the parties. When an accused appeals from the sentence of the trial court, he or she waives the constitutional safeguard against double jeopardy and throws the whole case open to the review of the appellate court, which is then called upon to render such judgment as law and justice dictate. An appeal confers upon the appellate court jurisdiction to examine the records, revise the judgment appealed from, increase (or reduce) the penalty, and cite the proper provision of the penal law. The appellate court may, and generally does, look into the entire records to ensure that no fact of weight or substance has been overlooked, misapprehended, or misapplied by the trial court.

Thus, when petitioners appealed the trial court's judgment of conviction for Less Serious Physical Injuries, they are deemed to have abandoned their right to invoke the prohibition on double jeopardy since it becomes the duty of the appellate court to correct errors as may be found in the assailed judgment. Petitioners could not have been placed twice in jeopardy when the CA set aside the ruling of the RTC by finding them guilty of Violation of Domicile as charged in the Information instead of Less Serious Physical Injuries.

Peralta, J., *Edigardo Geroche, Roberto Garde and Generoso Marfil alias "Tapol" v. People of the Philippines*, G.R. No. 179080, November 26, 2014.

### Warrantless arrest, under Section 5(b) of Rule 113 of the Revised Rules of Criminal Procedure in order to be valid.

The following must be present for a **valid warrantless arrest**: 1) the crime should have been just committed; and 2) the arresting officer's exercise of discretion is limited by the standard of probable cause to be determined from the facts and circumstances within his personal knowledge. The requirement of the existence of probable cause **objectifies** the reasonableness of the warrantless arrest for purposes of compliance with the Constitutional mandate against unreasonable arrests.

Hence, for purposes of resolving the issue on the validity of the warrantless arrest of the present petitioners, the question to be resolved is whether the requirements for a valid warrantless arrest under Section 5(b), Rule 113 of the Revised Rules of Criminal Procedure were complied with, namely: 1) has the crime just been committed when they were arrested? 2) did the arresting officer have personal knowledge of facts and circumstances that the petitioners committed the crime? and 3) based on these facts and circumstances that the arresting officer possessed at the time of the petitioners' arrest, **would a reasonably discreet and prudent person believe that the attempted murder of Atty. Generoso was committed by the petitioners?**

Brion, J., Joey M. Pestilos, Dwight Macapanas, Miguel Gaces, Jerry Fernandez and Ronald Muñoz v. *Moreno* Generoso and People of the Philippines, G.R. No. 182601, November 10, 2014.



### Remedial Law

#### Substituted Service of Summons.

The landmark case of *Manotoc v. CA (Manotoc)* thoroughly discussed the rigorous requirements of a substituted service of summons, to wit: x x x

##### (1) Impossibility of Prompt Personal Service

x x x x

For substituted service of summons to be available, there must be several attempts by the sheriff to personally serve the summons within a reasonable period of one month which eventually resulted in failure to prove impossibility of prompt service. **"Several attempts" means at least three tries, preferably on at least two different dates. In addition, the sheriff must cite why such efforts were unsuccessful.** It is only then that impossibility of service can be confirmed or accepted.

##### (2) Specific Details in the Return

The sheriff must describe in the Return of Summons the facts and circumstances surrounding the attempted personal service. The efforts made to find the defendant and the reasons behind the failure must be clearly narrated in detail in the Return. **The date and time of the attempts on personal service, the inquiries made to locate the defendant, the name/s of the occupants of the alleged residence or house of defendant and all other acts done, though futile, to serve the summons on defendant must be specified in the Return to justify substituted service.**

##### (3) A Person of Suitable Age and Discretion

x x x x

The sheriff must therefore determine if the person found in the alleged dwelling or residence of defendant is of legal age, what the recipient's relationship with the defendant is, and whether said person comprehends the significance of the receipt of the summons and his duty to immediately deliver it to the defendant or at least notify the defendant of said receipt of summons. **These matters must be clearly and specifically described in the Return of Summons.** *[Emphases and underscoring supplied]*

Mendoza, J., Yuk Ling Ong v. Benjamin T. Co, G.R. No. 206653, February 25, 2015.



### Legal Ethics

#### Attorney's Fees — Its concepts.

In the case of *Rosario, Jr. v. De Guzman*, the Court discussed the two concepts of attorney's fees—that is, ordinary and extraordinary. In its ordinary sense, it is the reasonable compensation paid to a lawyer by his client for legal services rendered. In its extraordinary concept, it is awarded by the court to the successful litigant to be paid by the losing party as indemnity for damages. Although both concepts are similar in some respects, they differ from each other, as further explained below:

The attorney's fees which a court may, in proper cases, award to a winning litigant is, strictly speaking, an item of damages. It differs from that which a client pays his counsel for the latter's professional services. However, the two concepts have many things in common that a treatment of the subject is necessary. The award that the court may grant to a successful party by way of attorney's fee is an indemnity for damages sustained by him in prosecuting or defending, through counsel, his cause in court. It may be decreed

Doctrinal Reminders  
Legal Ethics (*continued*)

in favor of the party, not his lawyer, in any of the instances authorized by law. On the other hand, the attorney's fee which a client pays his counsel refers to the compensation for the latter's services. The losing party against whom damages by way of attorney's fees may be assessed is not bound by, nor is his liability dependent upon, the fee arrangement of the prevailing party with his lawyer. The amount stipulated in such fee arrangement may, however, be taken into account by the court in fixing the amount of counsel fees as an element of damages.

The fee as an item of damages belongs to the party litigant and not to his lawyer. It forms part of his judgment recoveries against the losing party. The client and his lawyer may, however, agree that whatever attorney's fee as an element of damages the court may award shall pertain to the lawyer as his compensation or as part thereof. In such a case, the court upon proper motion may require the losing party to pay such fee directly to the lawyer of the prevailing party.

The two concepts of attorney's fees are similar in other respects. They both require, as a prerequisite to their grant, the intervention of or the rendition of professional services by a lawyer. As a client may not be held liable for counsel fees in favor of his lawyer who never rendered services, so too may a party be not held liable for attorney's fees as damages in favor of the winning party who enforced his rights without the assistance of counsel. Moreover, both fees are subject to judicial control and modification. And the rules governing the determination of their reasonable amount are applicable in one as in the other.

Peralta, J., Augusto M. Aquino v. Hon. Ismael P. Casabar, as Presiding Judge Regional Trial Court-Guimba, Nueva Ecija, Branch 33 and Ma. Ala F. Domingo and Margarita Irene F. Domingo, substituting Heirs of the deceased Angel T. Domingo, G.R. No. 191470, January 26, 2015.

### Notary public; his duties.

In *Nunga v. Atty. Viray*, the Court stated:

x x x [N]otarization is **not an empty, meaningless, routine act. It is invested with substantive public interest**, such that only those who are qualified or authorized may act as notaries public. The protection of that interest necessarily requires that those not qualified or authorized to act must be prevented from imposing upon the public, the courts, and the administrative offices in general. It must be underscored that the notarization by a notary public converts a private document into a public document making that document admissible in evidence without further proof of the authenticity thereof. A notarial

document is by law entitled to full faith and credit upon its face. For this reason, **notaries public must observe with utmost care the basic requirements in the performance of their duties.** (*Emphasis supplied; citations omitted*)

Thus under the prevailing law at the time of notarization it was the duty of the notary public to comply with the requirements of the Notarial Law. This includes the duty under Chapter 11, Section 251 of the Revised Administrative Code:

**SEC. 251. Requirement as to notation of payment of cedula [residence] tax.** – Every contract, deed, or other document acknowledged before a notary public shall have certified thereon that the parties thereto have presented their proper cedula [residence] certificates or are exempt from the cedula [residence] tax, and there shall be entered by the notary public as a part of such certification the number, place of issue, and date of each cedula [residence] certificate as aforesaid.

Under Chapter 11, Section 249 of the Revised Administrative Code provided a list of the grounds for disqualification:

**SEC. 249. Grounds for revocation of commission.**

– The following derelictions of duty on the part of a notary public shall, in the discretion of the proper judge of first instance, be sufficient ground for the revocation of his commission:

x x x x

- (f) The failure of the notary to make the proper notation regarding cedula certificates.

x x x x

In *Soriano v. Atty. Basco*, the Court stated that notaries public are required to follow formalities as these are mandatory and cannot be simply neglected. Thus, the Notarial Law requires them to certify that a party to the instrument acknowledged before him has presented the proper residence certificate (or exemption from the residence certificate) and to enter its number, place of issue and date as part of the certification. Failure to perform his duties results in the revocation of a notary's commission. The Court said:

As a lawyer commissioned as a notary public, respondent is **mandated to discharge with fidelity the sacred duties appertaining to his office, such duties being dictated by public policy and impressed with public interest.** Faithful observance and utmost respect for the legal solemnity of an oath in an acknowledgment are sacrosanct. He cannot simply disregard the requirements and solemnities of the Notarial Law. (*Emphasis supplied*)

Villarama, Jr., J., Heirs of Pedro Alilano represented by David Alilano v. Atty. Roberto E. Examen, A.C. No. 10132, March 24, 2015.



## Resolutions



**A.M. No. 07-3-09-SC**

### **RE: PROPOSED GUIDELINES IN THE DISPOSITION AND/OR DESTRUCTION OF COURT RECORDS, PAPERS AND EXHIBITS**

### **RE: SIMPLIFIED GUIDELINES FOR DISPOSING OF RECORDS OF LONG-DECIDED CASES AND UNNEEDED DOCUMENTS AND PAPERS**

**WHEREAS**, the First and Second Level Courts have over the years accumulated voluminous records of long-decided cases and unneeded documents and files;

**WHEREAS**, parties and lawyers involved in cases that were already decided or completely terminated have the primary responsibility for keeping and preserving copies of court documents and records affecting their rights and obligations;

**WHEREAS**, even though the duty of courts is to keep and maintain only records of active and properly archived cases, it continues to hold records of cases that have been decided or completely terminated, but only for a reasonable length of time to enable interested parties to secure copies before these records are disposed of with the exception of the decisions and proofs of their finality;

**WHEREAS**, the Office of the Clerk of Court in Second Level Courts at each station has also accumulated certificates of sale and notarial documents that have long ceased to be of practical use after the passage of time and whose copies are presumably kept by the parties and by their notaries or are stored in dedicated government repositories;

**WHEREAS**, overstaying records and files 1) expose court personnel and persons attending to their cases to dust and allergens that imperil their health; 2) place the halls of justice, employees, and visitors under the risk of fires; 3) impede passage along the corridors, stairways, and fire exits where some of these records are stored; and 4) create eyesores in the halls of justice;

**NOW, THEREFORE**, in consideration of the above and pursuant to its powers under Article VIII, Section 6 of the 1987 Constitution, the Supreme Court hereby issues the following Guidelines for full observance and compliance:

1. All courts shall observe July 1 to 31, 2015 as the Official Records Disposal Period under these Guidelines. They shall hold no hearing during this period except for urgent matters and incidents like applications for writs of *habeas corpus*, *amparo* or *habeas data*, temporary restraining orders, permanent protection orders, bails, and lifting of warrants of arrest as well as the need to arraign detained accused.
2. No application for leave by the judge and all court personnel during this period shall be approved, except for the most compelling reasons, to be determined by the Court Administrator.
3. The court records, papers, and exhibits subject of the disposal and/or destruction must pertain to cases terminated for at least five years, **EXCEPT** the following:
  - a. Land registration or big land cases, which include those covered by the Comprehensive Agrarian Reform Program law;
  - b. Naturalization cases;
  - c. Cases with penalties of death, *reclusion perpetua*, and life imprisonment; and
  - d. All special proceedings, except for the issuance of the writs of *amparo* and *habeas corpus*.

All records, papers and exhibits on these cases shall remain in the office storage of every court regardless of age.
4. The Office of the Court Administrator shall give notice to all litigants, lawyers, and other interested persons who wish to obtain the residual records and files of all decided cases five years in age and above and where all the proceedings have been terminated, to apply for such records before the court where the cases were decided. This shall be done through a) publication in two newspapers of general circulation in the Philippines; and b) posting of the Guidelines in conspicuous areas (*i.e.*, entrances of Hall of Justice, City or Municipal Halls, and Post Office). The application for the records shall be in writing and filed within 30 days from the date of publication or posting of the Guidelines, whichever is later. Absent such application, the records shall be subject to disposal after the lapse of the period provided in these Guidelines.
5. The disposal of the records and files mentioned above shall be subject to the following:

## Resolutions

A.M. No. 07-03-09-SC (continued)

- a. The age of records and files shall be based on the date when the decision, final order, or resolution disposing the case became final and executory. If this is not ascertainable, from the 60<sup>th</sup> day counted from the date of the decision, final order, or resolution.
  - b. The final decisions, orders, or resolutions in all cases 20 years and above in age, and the corresponding entry of judgment, if there be any, shall be 1) extracted from the records of each case; 2) compiled according to the year they were issued; 3) arranged alphabetically according to the surname of the first plaintiff, except in criminal cases where the surnames are to be arranged according to the surname of the first accused; and 4) accompanied by a table of contents to facilitate search. In criminal cases, the document evidencing the identity of the accused shall be retained with the decision.
  - c. In cases five years and above but less than 20 years in age, the following shall be extracted from the records of each case and saved: i) the decision, final order, or resolution; ii) the corresponding entry of judgment, if there be any; iii) the complaint and answer if it is a civil case, and the information and proof of identity of the accused if it is a criminal case; iv) the exhibits of the parties; and v) portions of the records needed for execution of the judgment. These shall be kept and stored in the same manner as those in 5(b). All other papers, documents, and files in the records shall be disposed.
  - d. All other records of terminated cases that are less than five years in age shall be kept and maintained as they are.
  - e. During the yearly inventory period, records of cases that turned 20 or five years in age shall be processed as provided in 5(b) or 5(c).
  - f. The Presiding Judge and the Branch Clerk of Court shall plan and supervise the works, assign the tasks to court personnel, and ensure their accomplishment.
6. For the Office of the Clerk of Courts in the Second Level Courts, old records shall be disposed of as follows:
    - a. In extrajudicial foreclosure of mortgage, the corresponding records shall be disposed of after ten years, counted from the date of issuance of the certificate of sale. The certificate of sale, however, shall be compiled and kept for 20 years and thereafter disposed.
    - b. Notarized documents on file with the Office of the Clerk of Court shall be kept for 20 years and disposed of after that period. Notarial commissions and the corresponding signature cards shall be retained for ten years from the dates of their issuance and disposed of after that period.
  7. The procedure for disposal shall be as follows:
    - a. Within 30 days from the date of publication of the notice from the Office of the Court Administrator, or the posting of the Guidelines in conspicuous places (*i.e.*, entrances of Hall of Justice, City or Municipal Halls, and Post Office), whichever is later, any interested party may file an application to take possession of any residual record, file, or document subject of disposal under the Guidelines. This application shall be filed with the branch concerned, or if not known, with the Office of the Clerk of Court of the station. No application shall be entertained after this period.
    - b. An application fee of P500.00 shall be collected and deposited in the Fiduciary Fund of the court. This fee shall be refunded upon order of the Executive Judge in the event that the requested record can no longer be retrieved.
    - c. The P500.00 fee shall be waived for pauper litigants, as indicated in their respective pleadings. The same waiver shall be extended to any interested party who qualifies as a pauper litigant, provided the same is indicated in the application and the documentary evidence supporting the claim is attached.
    - d. Upon receipt and approval of the application, the court concerned shall draw up a "hold list" enumerating the case details covered by the application, and set aside the documents or files covered by the disposal for delivery to the applicant. The court shall approve the application once the documents are found, except if a compelling reason exists not to approve the same.
  8. In the event that the concerned courts are able to acquire the capacity to scan or electronically copy court records, they shall have the preserved



documents five years and above and 20 years and above in age scanned and electronically copied. The actual documents shall be disposed of through recycling. The scanned/electronic copy shall be stored in a Central Information Facility at the Office of the Clerk of Court in each station concerned, out of which certified copies may be issued.

9. Administrative Order No. 103-2011 dated July 11, 2011 and all other relevant prior court issuances on the subject of records disposal that are inconsistent with these Guidelines shall be deemed superseded.
10. Where there is a specific law governing the disposal of certain court records, files, and documents, these Guidelines shall not apply.
11. These Guidelines shall take effect immediately.

Manila, Philippines, November 25, 2014.

(Sgd.) SERENO, CJ, CARPIO, VELASCO, Jr., LEONARDO-DE CASTRO, BRION (on leave), PERALTA, BERSAMIN, DEL CASTILLO, VILLARAMA, Jr., PEREZ, MENDOZA, REYES, PERLAS-BERNABE (on official leave), LEONEN and JARDELEZA, JJ.



### **A.M. No. 14-11-393-RTC**

#### **AUTHORIZING THE PILOTING OF ASSISTING COURTS TO HELP NEARBY OVERBURDENED COURTS DEAL WITH THEIR CASE LOADS**

**WHEREAS**, the disproportionate allocation of courts in various parts of the country has resulted in some trial courts receiving heavy case loads while their adjacent court stations get light case loads;

**WHEREAS**, the Metropolitan Trial Court (MeTC) of Makati City, consisting of seven branches, and of Quezon City, 13 branches, have an average case load of 1,192 cases per branch yet nearby Manila City with 30 branches has an average case load of only 205 cases per branch;

**WHEREAS**, the Regional Trial Court (RTC) of Mandaue City, consisting of three branches, and of Lapu-Lapu City, with three branches, have an average case load of 1,919 cases per branch, while nearby Cebu City with 22 branches has an average case load of only 571 cases per branch;

**WHEREAS**, the big disparity in the case loads of the courts in adjacent jurisdictions has led to the vast inequality in the periods to resolve cases;

**WHEREAS**, the assignment of assisting judges in heavily congested courts has not substantially eased the enormous delays in the hearing and adjudication of their cases because the staff in each of those courts have simply been unable to cope with two or more judges, the regular and the assisting judges, in hearing and deciding the huge number of cases assigned to them;

**WHEREAS**, the Supreme Court, in the past, has authorized the holding of trial and resolution of cases for a particular area in a different location or jurisdiction for compelling reasons, *e.g.*, the hearing and resolution of cases of Shariff Aguak, Maguindanao, in Cotabato City as provided in A.M. No. 04-3-170-RTC, and cases of Dasmariñas, Cavite, in Imus, Cavite, as provided in A.M. No. 92-9-855-RTC;

**WHEREAS**, until Congress is able to enact laws creating more courts and these laws are funded, the problem of delays can be substantially eased by designating assisting courts from one station that have light case loads to help courts in adjacent stations that have heavy case loads;

**NOW, THEREFORE**, in consideration of the above and pursuant to its powers under Article VIII, Section 5(5) of the 1987 Constitution, the Supreme Court hereby directs and authorizes the Court Administrator, subject to the prior approval of the Chief Justice, to conduct a pilot test by designating Assisting Courts from the MeTCs of Manila City to help Assisted Courts in the MeTCs of Makati City and Quezon City, and from the RTCs of Cebu City to help Assisted Courts in the RTCs of Mandaue City and Lapu-Lapu City, subject to the following conditions:

1. This authority to constitute Assisting Courts to help Assisted Courts may cover either First or Second Level Courts or courts of both levels belonging to closely-located stations, in terms of connecting transportations;
2. The piloting shall cover only newly-filed civil cases and Batas Pambansa Bilang 22 criminal cases from the Assisted Courts, which cases shall be raffled and assigned to the designated Assisting Courts to amply relieve the Assisted Courts of their heavy case loads;
3. The constitution of Assisting Courts to help Assisted Courts shall not greatly inconvenience the litigants and counsels who may have to attend the hearings of their cases in another city or municipality;
4. The Court Administrator shall, in carrying out these directives:

## Resolutions

A.M. No. 14-11-393-RTC (continued)

- (a) Establish the mechanics for the designation of the Assisting Courts and the raffle of the covered cases to ensure as far as practicable their fair and balanced distribution and the attainment of the goal of the piloting program;
  - (b) Provide for the forwarding of the records of new cases to the Assisting Courts to which they have been assigned;
  - (c) Devise the manner by which the identity of the Assisting Courts is made to appear on the captions of the new cases and the means by which the parties and their counsels are informed of the need for them to appear and pursue their cases before such Assisting Courts;
  - (d) Coordinate the conduct of the piloting program with other government agencies whose operations may be affected by the same; and
  - (e) Perform such other tasks as are essential to the accomplishment of the purpose for which this piloting project has been authorized.
5. In urgent cases that require immediate action, the Executive Judge of the Assisted Court that initially received the complaint or the criminal information shall have the authority to grant urgent temporary reliefs as provided under the Rules of Court if such are needed before forwarding the case to the Assisting Court to which it has been raffled and assigned.
  6. Any appeal from the First Level Assisting Courts covered by this program shall be made to the Second Level Courts of the Assisted Court Stations.
  7. In the event new courts are subsequently added to the overburdened stations, or if the circumstances warrant, the Court Administrator may modify or discontinue, with the prior approval of the Chief Justice, the designation of the Assisting Courts. But cases already assigned to the Assisting Courts shall remain with the Assisting Courts until fully heard, compromised or decided, executed, and terminated. All matters pertaining to probation relating to Batas Pambansa Bilang 22 cases shall, however, be referred by the Assisting Courts to the Probation Office of the Assisted Courts.
  8. Insofar as the rules governing venue are concerned, the hearing, trial and resolution of cases by the Assisting Courts shall be deemed done at the venue of the Assisted Courts.

9. The Court Administrator shall submit a report and recommendation on the piloting one year after its implementation.

This Administrative Matter shall take effect on January 16, 2015, upon publication in a newspaper of general circulation in the Philippines.

The Court also notes the Memorandum dated November 18, 2014 of Court Administrator Jose Midas P. Marquez.

Manila, December 10, 2014.

(Sgd.) SERENO, CJ, CARPIO, VELASCO, Jr., LEONARDO-DE CASTRO, BRION (on Leave), PERALTA, BERSAMIN (on official leave), DEL CASTILLO, VILLARAMA, Jr., PEREZ (on official leave), MENDOZA, REYES, PERLAS-BERNABE, LEONEN, JARDELEZA (on official leave), JJ.



## Circulars



### OCA CIRCULAR No. 160-2014

**TO: ALL JUDGES AND PERSONNEL OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT: COMPREHENSIVE HEALTH CARE PLAN FOR THE LOWER COURTS**

In a Resolution dated October 21, 2014 in A.M. No. 12-9-3-SC, the Court en banc awarded the contract for the Comprehensive Health Care Plan for the Lower Courts to Medocare Health Systems, Inc. The one-year contract shall take effect on January 1, 2015 and all concerned judges and court personnel are hereby informed of the following guidelines relative to the implementation of the health care plan:

#### I. Coverage

- A. All judges, officials and personnel of the first and second level courts (Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts, Municipal Circuit Trial Courts, Municipal Trial Courts in Cities, Shari'a Circuit Courts, Shari'a District Courts) and maintenance staff of the Halls of Justice who are in the service as of the date of effectivity of the contract shall be covered from January 1 to December 31, 2015.

- B. The amount of Two Hundred Seventy Pesos (P270) per month, representing the employee's share of the premium, shall be deducted from the salaries of judges and court personnel starting January 1, 2015.
- C. Judges, officials and other employees who enter the service after January 1, 2015 shall be covered effective on the date of their appointment or hiring as certified by the Administrative Services, Office of the Court Administrator. The corresponding premium shall be pro-rated.
- D. The Maximum Benefit Limit (MBL) shall be SEVENTY THOUSAND PESOS (P70,000) per illness per year. Judges, officials and other employees whose employee's share has not been remitted due to their exclusion from the payroll at the time of availment of the health care services will only be given an MBL that is proportionate to the Court's subsidy of the total premium which is in the amount of THIRTY THOUSAND PESOS (P30,000). Medical costs exceeding the MBL of THIRTY THOUSAND PESOS (P30,000) shall not be reimbursable.

The employee shall be reinstated to his/her MBL of SEVENTY THOUSAND PESOS (P70,000) upon MEDOCARE's receipt of the corresponding employee's share for the covered months, subject to the following conditions:

1. If any health services has not yet been availed of, the employee shall be reinstated in full to his/her MBL of SEVENTY THOUSAND PESOS (P70,000);
2. If an employee has availed of the health services when his/her MBL was at THIRTY THOUSAND PESOS (P30,000), his/her MBL shall be the remaining balance on the amount of P70,000 less the costs of health services availed of which shall not exceed P30,000.

## II. Services and Benefits

The benefits under the Comprehensive Health Care Plan for the Lower Courts shall include the following:

- A. Out-Patient Services which shall include:
  1. Professional fees and charges for consultation and management by accredited doctors, specialist/s and sub-specialist/s;
  2. Referrals and the corresponding fees/charges for prescribed special diagnostic procedures and other modern modalities of treatment up to the Maximum Coverage Limit (MCL) (*please refer to*

*Annex A hereof*) such as, but not limited to the following:

- a. All prescribed diagnostic procedures such as, but not limited to x-ray, ECG, Hematology, Blood Chemistry, including Pap Smear for women and PSA for men;
  - b. Diagnostic and therapeutic ultrasound and the like;
  - c. Radiographic studies;
  - d. Rhinoscopic, bronchoscopic and/or endoscopic exams;
  - e. 3D Imaging, CT scan and/or MRI of body organs or regions;
  - f. All forms of Echocardiography, Treadmill Stress Test and other cardiac diagnostic studies, such as angiography/scintigraphy and the like;
  - g. Electromyography with Nerve Conduction Tests;
  - h. Mammography;
  - i. Peritoneal or Hemodialysis up to the MCL;
  - j. Cancer treatment to include radiotherapy and chemotherapy, in any form, whether oral or intravenous, up to the MCL;
  - k. Eye, ear, nose and throat treatment;
  - l. Coverage for cataract extraction or glaucoma laser treatment up to MCL. Entitlement to the lens shall be up to P5,000 per eye.
3. Treatment of minor injuries and illnesses;
  4. Minor surgeries not requiring confinement (e.g. excision of cysts and other superficial mass/es);
  5. Speech and physical therapy up to seven sessions per employee per year;
  6. Cauterization of warts up to a maximum of P3,000 from the neck down, but excluding genital warts;
  7. Excision of moles (malignant or suspected to be malignant) up to maximum of P5,000 per employee per year;
  8. All expenses for out-patient services rendered in any accredited hospital or clinic and done by an accredited physician, specialist or sub-specialist shall be on a "no cash-out basis" and shall be covered up to the MCL based on the contractor's existing Relative Unit Value (RUV) rates.

## Circulars

OCA Circular No. 160-2014 (continued)

9. In case it becomes inevitable or necessary for an accredited physician or specialist to refer the member to a non-accredited physician, specialist, or sub-specialist, 100 percent of the actual professional fees based on existing RUV rates shall be settled by the contractor directly with the non-accredited physician on a best effort basis. Otherwise, the same shall be settled by the contractor on reimbursement basis.
  10. Payment in excess of what is allowed shall be shouldered by the patient.
  11. Information on the contractor's prevailing surgical and hospital rates shall be provided in advance by the contractor for the information of the members.
- B. Emergency Care Services shall be provided for a member who is in severe pain or suffering from a serious illness or injury due to sudden and unexpected occurrence which requires immediate medical or surgical intervention to alleviate the pain or to prevent the loss of life or limb or any vital part of the body. Emergency care services shall not be limited to the emergency room and shall include:
1. Emergency Doctor or Specialist's services;
  2. Emergency room fees, as well as fees of other hospital facility/ies used in the emergency treatment;
  3. Surgery or treatment of lacerations and other injuries;
  4. Medicines and/or drugs for emergency treatment;
  5. X-ray, laboratory examinations and all diagnostic procedures necessary for the emergency management of the patient;
  6. Oxygen, intravenous fluids, blood transfusions and human blood products;
  7. Dressings, sutures and plaster casts;
  8. Active and passive immunization/vaccines against tetanus, snake venoms, human bites, and rabies. (Initial dose shall be covered up to P25,000 per member);
  9. Expenses for hiring ground ambulance service from the patient's residence or his/her location to the nearest hospital up to P3,000;
10. All other services, items and supplies necessary for the emergency management of the patient;
  11. All expenses for emergency care services enumerated in this Section B which were used in the emergency treatment of the patient in an accredited hospital or clinic and by an accredited physician, specialist and/ or subspecialist shall be covered up to the MCL (please refer to Annex A) and provided on a "no-cash-out basis."
 

If at the time of the emergency, the accredited hospital has no room available corresponding to the member's room and board category, the room and board may be upgraded to the next higher room (except suite room). The contractor shall cover the difference in the room rates and the other room based on charges or incremental costs for the first 24 hours;
  12. All expenses for the emergency care services enumerated in Section B which were used in the emergency treatment of the patient in a non-accredited hospital or clinic and by a non-accredited physician, specialist and/ or subspecialist shall be covered and will be reimbursed as follows:
    - a. In areas where the contractor has no accredited hospital or clinic, the contractor shall reimburse all actual covered expenses including doctor's fees advanced by the patient subject to MCL computed based on RUV for the professional fees and approved HMO rates;
    - b. In areas where the contractor has an accredited hospital or clinic, the contractor shall reimburse all actual covered expenses subject to MCL including doctor's fees incurred by the patient based on the contractor's existing RUV rates as if the patient has been confined in the accredited hospital or clinic and/or seen by accredited physicians, specialists and/or subspecialists.
  13. The transfer of a patient from a non-accredited hospital to an accredited hospital shall be covered by the contractor up to the MCL based on RUV rates and HMO standard rates only in the following situations:
    - a. In serious or life-threatening cases where the immediate transfer of the patient is medically contraindicated, 100 percent of

the actual covered expenses subject to MCL based on what it would have cost the contractor had it been done in an accredited hospital shall be defrayed by the contractor including ground ambulance until transfer is eventually effected.

- b. In serious or life-threatening cases where the immediate transfer by any means is an absolute necessity for the patient's survival, the contractor shall defray 100 percent of all actual covered expenses subject to MCL based on existing RUV rates and HMO standards rates until transfer is eventually effected (air ambulance is not included).

C. Hospitalization/In-Patient Services shall include:

1. Room Accommodation:

- a. Regular private room;
- b. If the appropriate room and board accommodation are not available at the time of confinement in a non-emergency case, the patient has the option to avail of a higher room and board accommodation, but he/she shall pay the difference in the room rates and other room-based charges or incremental costs;
- c. Operating room and recovery room services except suite room and its charges up to the MCL and
- d. ICU/CCU up to the MCL.

2. Professional services of accredited physician/s, specialist/s, subspecialist/s and/or consultant/s. More consultants or specialists may be called in when necessary;

3. Drugs and medicines for use in the hospital;

4. Whole blood and human blood products, transfusions and intravenous fluids, including blood screening and cross matching (excluding screening for donors);

5. X-ray and laboratory examinations;

6. Complete coverage of all diagnostic procedures and examinations including but not limited to MRI, CT Scan, EEG, Ultrasound, Holter monitoring, cardiac catheterization and other state of the art diagnostic and therapeutic procedures deemed necessary;

7. Anesthesia and its administration;

8. Oxygen and its administration;

9. Dressings, sutures, plaster casts and other miscellaneous supplies necessary for treatment;

10. Standard nursing services;

11. Hospital admissions kit;

12. Complete coverage of modern modalities of treatment and diagnostic procedures up to MCL, to include:

- a. 3D Imaging
- b. Acquired (Adult) Hernia
- c. Angiography
- d. Venography
- e. Angioplasty
- f. 24 hours ambulatory blood pressure monitoring
- g. Arthroscopic Knee Surgery
- h. Chemotherapy
- i. Cryosurgery
- j. Dialysis
- k. Echocardiography with Doppler and contrast study
- l. Electromyography with nerve conduction
- m. Endoscopic Procedure eye, ear, nose and throat care including:
  - i. Cataract surgery. Cost of lens shall not exceed P5,000 per eye
  - ii. Laser eye treatment except to correct error of refraction
  - iii. Endoscopic sinus surgery
  - iv. Laser Tonsillectomy
- n. Fluorescein Angiogram
- o. Hyperalimentation
- p. Hysteroscopic Myoma Resection
- q. Laparoscopic Cholecystectomy
- r. Laser Treatment for Retinal Detachment and Glaucoma
- s. Lithotripsy
- t. Mammography
- u. M-Mode Echocardiogram
- v. MRA
- w. Neuroscan

Circulars  
OCA Circular No. 160-2014 (continued)

- x. Nuclear/Radioactive Isotope Scans (thyroid, bone, cardiovascular and other organ systems) ultrasound and brachytherapy (except the cost of radioactive pellets called seeds)
  - y. Orthopedic surgery excluding cost of surgically implanted internal devices
  - z. Pelvic Laparoscopy
  - aa. Physical Therapy up to 7 sessions per member per year
  - bb. Radiotherapy
  - cc. Thallium Scintigraphy
  - dd. Treadmill Stress Test
  - ee. Transurethral Microwave Therapy
  - ff. Special modalities/Sophisticated Laboratory and Diagnostic procedures that are new in the market and are not readily available, subject to evaluation should there be no other alternative, and upon the recommendation of the contractor’s medical director.
  - gg. Speech Therapy up to 7 sessions per member per year
  - hh. Sclerotherapy (not for beautification purposes)
- D. Dental Care Services shall include the following:
- 1. Consultations and dental/oral examinations;
  - 2. Oral Prophylaxis (once-a-year);
  - 3. Any number of simple tooth extractions;
  - 4. Treatment of mouth lesions, wounds and burns;
  - 5. Gum treatment (e.g. for inflammation or bleeding);
  - 6. Temporary restorations (unlimited temporary fillings, temporary caps/crowns);
  - 7. Simple adjustment of dentures;
  - 8. Orthodontic consultations;
  - 9. Temporo Mandibular Joint (TMJ) consultations;
  - 10. Dental/oral health education through chair side instruction.
- E. Annual Physical Examination
- 1. Annual Physical Examinations (APE) shall include a standard battery/array of physical examination and laboratory tests.

2. The various sets of examinations/tests are packaged as follows:

Age Category	Examinations	Laboratory
For All Ages	History and P.E.	CBC, Urinalysis, Fecalalysis, and Chest X-Ray
35 and above	All of above tests plus EKG, Papsmear (for women)	

3. The APE of judges and lower court personnel shall be on an out-patient basis at the contractors affiliated clinics; or hospitals assigned for the APE in areas with no affiliated clinics.

- F. Reimbursement for prescribed medicines up to Two Thousand Pesos (P2,000) per member per contract year subject to the maximum of Twenty Million Pesos (P20 million) per contract year for the whole account excluding vitamins and supplements.
- G. Death Benefit:  
Financial Assistance up to a limit of Twenty Thousand Pesos (P20,000) shall be given regardless of the cause of death of the employee.

Please be advised accordingly.

December 16, 2014.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator



**OCA CIRCULAR No. 01-2015**

**TO: ALL JUDGES, CLERKS OF COURT, BRANCH CLERKS OF COURT OF THE FIRST AND THE SECOND LEVEL COURTS OF MAKATI CITY, MANILA CITY, ANGELES CITY, QUEZON CITY AND DAVAO CITY UNDER THE HUSTISYEAH! PROJECT**

**SUBJECT: IMPLEMENTATION OF SECTIONS 11 AND 12 OF THE GUIDELINES FOR DECONGESTING HOLDING JAILS BY ENFORCING THE RIGHTS OF ACCUSED PERSONS TO BAIL AND TO SPEEDY TRIAL (A.M. NO. 12-11-12-SC), IN RELATION WITH THE FULL ROLL OUT OF HUSTISYEAH! IN HUSTISYEAH! COURTS (A.M. No. 13-04-11-SC)**

On March 18, 2014, the Supreme Court en banc in A.M. No. 12-11-2-SC issued the *Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy*

*Trial*, authorizing trial courts to serve subpoenas and notices to parties and witnesses through electronic mails (email), telephone calls (landline or mobile phone), or by short messaging service (SMS) in criminal cases. On August 5, 2014, the Court en banc in A.M. No. 13-04-11-SC extended such service to civil cases. Pursuant thereto:

1. In addition to the other modes of service of subpoenas and notices under the Rules of Court, trial courts may serve subpoenas and notices to parties, their counsels, and witnesses in criminal and civil cases through email, telephone calls (landline or mobile phone), or by SMS. In cases where there are detainees, such service shall be made through the officer having the management of the jailor penal institution where the inmates are detained.
2. Each court shall use the official email address, mobile phone and landline numbers provided by the Supreme Court Management Information Systems Office (MISO) for the service of subpoenas and notices. The trial court shall also inform the parties, their counsels, witnesses, or the officer having the management of the jail or penal institution, of the court's official email address, landline and mobile phone numbers.
3. Unless otherwise directed by the judge or the branch clerk of court, only the criminal docket clerk in criminal cases and the civil docket clerk in civil cases are authorized to call or electronically serve subpoenas and notices. In the absence of the criminal or civil docket clerks, judges shall designate in writing the court personnel who will effect such service.
4. Each court shall submit to the Office of the Court Administrator the names of the authorized personnel who may call or electronically serve subpoenas and notices in criminal and civil cases. For this purpose, the attached Form A shall be used.
5. In civil cases, the court shall direct the counsels, or in their absence, the parties, to furnish the court the email addresses, and the landline and mobile phone numbers of the parties, their counsels, and witnesses through which they can be served with subpoenas and notices. For this purpose, the attached Form B shall be used.
6. In criminal cases, the court shall direct the public prosecutors to furnish the court his or her email address, landline and mobile phone numbers, including those of the complainant/s and his or her witnesses. Where a private prosecutor enters his appearance in the case, the duty to furnish these data shall be on the private prosecutor. Where the accused is represented by a counsel de parte, or counsel de oficio, including the public attorney, the responsibility of supplying the above data shall belong to them. The court shall see to it that these requirements are complied with. For this purpose, the attached Form B shall be used.
7. The subpoenas and notices shall first be electronically served through email or SMS. If these modes of service are not feasible, then the notices and subpoenas shall, with prior clearance from the judge, be served by telephone calls, either through landline or mobile phone. For this purpose, the attached Form C shall be used.
8. For accuracy and uniformity, service through SMS should include the court of origin, the case number, and the notice itself. The SMS should resemble the sample SMS in Annex A.
9. The electronic service or service by telephone call under these guidelines shall be proved by any of the following:
  - a. printouts of sent email and the acknowledgment by the recipient;
  - b. printouts of SMS transmitted through the court's equipment or device and the acknowledgment by the recipient; or
  - c. report of phone call made by the designated court personnel.
10. The postal and email addresses, as well as the mobile phone and landline numbers of the counsels, the parties and the witnesses, shall be part of the official court records and shall enjoy the same degree of confidentiality. Consequently, any person who uses the said addresses or numbers without proper authority, or for purposes other than the sending of court subpoenas or notices, may be cited for indirect contempt and accordingly sanctioned.
11. In highly-sensitive and confidential cases where the disclosure of email addresses, landline and mobile phone numbers may pose security risks or breach of confidentiality rules, the regular mode of service shall be observed. In this regard, the email addresses, landline and mobile phone numbers of the parties concerned need not be obtained by the court. For compliance.

January 5, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator

Circulars  
OCA Circular No. 01-2015 (continued)

**Form A**

**Form C**

REPUBLIC OF THE PHILIPPINES  
\_\_\_\_ TRIAL COURT  
\_\_\_\_ REGION  
BRANCH \_\_, \_\_\_\_\_

REPUBLIC OF THE PHILIPPINES  
\_\_\_\_ TRIAL COURT  
\_\_\_\_ REGION  
BRANCH \_\_, \_\_\_\_\_

The following court personnel are hereby authorized to send subpoenas and notices to parties, their counsels, and witnesses in the cases before this court:

- 1. Criminal Cases: (name) \_\_\_\_\_  
(position/title) \_\_\_\_\_
- 2. Civil Cases: (name) \_\_\_\_\_  
(position/title) \_\_\_\_\_

Furthermore, the following email address, mobile phone and landline numbers of the court will be used for such service:

Email address: \_\_\_\_\_  
Mobile phone number: \_\_\_\_\_  
Landline number: \_\_\_\_\_

Dated this \_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_ is hereby authorized to serve through phone call a subpoena or notice and should state the following:

Case title/docket number: \_\_\_\_\_  
Party/counsel/witness to be served: \_\_\_\_\_  
Material facts of the subpoena or notice:  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Judge

Date of Call	Time of Call	Signature

**Form B**

**Annex A**

REPUBLIC OF THE PHILIPPINES  
\_\_\_\_ TRIAL COURT  
\_\_\_\_ REGION  
BRANCH \_\_, \_\_\_\_\_

Civil Case No. \_\_\_\_\_  
Criminal Case No. \_\_\_\_\_

- versus -

I, \_\_\_\_\_, may be served with subpoenas and/or notices in the above-captioned case through my preferred email address, landline or mobile phone number as indicated below:

EMAIL ADDRESS: \_\_\_\_\_  
MOBILE PHONE NUMBER: \_\_\_\_\_  
LANDLINE NUMBER: \_\_\_\_\_

I undertake to immediately acknowledge receipt of the subpoenas and notices sent through said emails and mobile phones.

I also undertake to immediately inform the court in writing of any changes in any of my e-mail addresses and/or contact numbers.

I understand that the service herein shall be proved by printouts of sent email or SMS, and is presumed complete upon transmission.

For notices made through phone calls, proof of service shall be through a report of the phone call made by the designated court personnel.

Dated this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Party/Counsel/Witness

**Sample SMS – PRODUCE ORDER**

From QC RTC BR 225. Re: CC Q-10-613214. To Jail Warden: PRODUCE accused JOHN DOE on 20 August 2014 at 2:00 p.m. for ARRAIGNMENT. Reply to acknowledge receipt.

**Sample SMS – SUBPOENA AD TESTIFICANDUM**

From QC RTC BR 225. Re: CC Q-10-613214. To JOHN DOE: APPEAR and TESTIFY on 20 August 2014 at 2:00 p.m. Hall of Justice Annex Building, QC. Reply to acknowledge receipt.

**Sample SMS – NOTICE OF HEARING**

From QC RTC BR 225. Re: CC Q-10-613214. To ATTY. JOHN DOE: Case set for hearing on 20 August 2014 at 2:00 p.m. Hall of Justice Annex Building, QC. Reply to acknowledge receipt.



**OCA CIRCULAR No. 02-2015**

**TO: ALL JUDGES AND PERSONNEL OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS**



**SUBJECT: IMPLEMENTATION OF DBM CIRCULAR LETTER NO. 2013-16 B DATED FEBRUARY 25, 2014**

The Department of Budget and Management issued Circular Letter No. 2013-16 B dated February 25, 2014 to promote the use of the Authority to Debit Account (ADA) as a mode of disbursement for all National Government Agencies in order to minimize the volume of outstanding checks resulting in a more predictable cash outflow in the Bureau of Treasury. The aforementioned DBM circular letter now restricts the issuance of Modified Disbursement Scheme (MDS) checks as payment of claims.

Accordingly, in compliance with the directive of the abovementioned DBM circular letter, beginning the first quarter of Fiscal Year 2015, the use of checks as payment of claims shall be minimized and instead, the proceeds shall be credited to the respective ATM accounts of judges or court personnel. Thus, the payment of claims for incumbent judges and court personnel such as initial salary and allowances, travelling expenses, judicial incentive, additional expense allowance, expense allowance, Representation and Transportation Allowance (RATA) for OIC-Clerk of Court, reimbursement of claims, spent in the performance of official functions and similar payments shall be directly credited to their ATM accounts. Gradual revision and procedural transition shall be effected and implemented from the use of the MDS checks to the direct crediting to ATM accounts including the avoidance of piecemeal processing of claims but with the use of the payroll system.

Similar to the guidelines in the implementation of the Automated Payroll System for the lower courts, inquiry on individual bank balances shall be effected through enrollment in the iAccess facility of the Land Bank of the Philippines or through the LBP Phone Banking Facility.

Judges and court personnel are therefore directed to file their claims monthly, bi-monthly or quarterly from the incurrance of the expense to avoid delay in the processing of claims. Claims filed for a period of more than three months may be recommended for denial of payments for being belatedly filed.

For strict compliance.

January 7, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF BUDGET AND MANAGEMENT  
MALACAÑANG, MANILA

**CIRCULAR LETTER**

No. 2013-16 B  
February 25, 2014

**TO: ALL HEADS OF DEPARTMENTS/AGENCIES/STATE UNIVERSITIES AND COLLEGES AND OTHER OFFICES OF THE NATIONAL GOVERNMENT, BUDGET OFFICERS AND HEADS OF ACCOUNTING UNITS, COA AUDITORS, HEADS OF MDS GOVERNMENT SERVICING BANKS (MDS-GSBs), AND ALL OTHERS CONCERNED**

**SUBJECT: ADDENDUM TO DBM CIRCULAR LETTER NO. 2013-16 RE: EXPANDED MODIFIED DIRECT PAYMENT SCHEME (EXPANDED MDPS) FOR ACCOUNTS PAYABLE (A/Ps) OF NATIONAL GOVERNMENT AGENCIES/OPERATING UNITS (NGAs/OUS)**

1.0 This Circular is being issued to:

1.1 Provide additional guidelines for the following:

1.1.1 Remittance of social insurance premium contributions to government corporations, such as Government Service Insurance System (GSIS), PHILHEALTH, and Home Development Mutual Fund (HDMF) – per Item No. 5.4.1.3 of CL 2013-16; and

1.1.2 Payment of A/Ps to utility companies, such as: supplier of petroleum, oil and lubricants, water, illumination and power services, telephone, internet and other communication services, among others – per Item No. 5.4.1.5 of CL No. 2013-16.

1.2 Clarify the procedure for payment of A/Ps to creditors of NGAs/OUS with small transactions (e.g., claims lower than the required amount for opening or maintaining an account with the bank) and/or creditors which cannot be conveniently paid through Advice to Debit Account (ADA), as determined by the Agency Head.

2.0 In order to give sufficient time for the concerned government corporations and utility companies cited under item numbers 1.1.1 and 1.1.2 of this Circular and the government servicing banks (GSBs) of the MDS (i.e., Land Bank of the Philippines, Development

Circulars  
OCA Circular No. 02-2015 (*continued*)

Bank of the Philippines and Philippine Veterans Bank), in completing the necessary fine-tuning of their respective IT systems for the purpose of implementing the Expanded MDPS, all NGAs/OUTs are directed to continue to issue **MDS checks** to cover payment of A/Ps to subject creditors.

- 3.0 Upon advice from the MDS-GSBs, DBM will issue another Circular, on when NGAs/OUTs shall use the Advice to Debit Account (ADA) per List of Due and Demandable A/Ps, for payment of A/Ps to said corporations/utility companies.
- 4.0 In the case of creditors falling under the category cited under item no. 1.2 of this Circular, which cannot be conveniently nor practicably paid using the ADA, the payment of their claims may be made via the Petty Cash Fund (PCF)/Cash Advance of the agency.
- 4.1 Agencies shall use the pertinent form, i.e., List of Advances/Deposits – Advice to Debit Account (LAD-ADA) prescribed by DBM in a separate issuance, for the purpose of issuing cash advances to their designated disbursing officers.
- 4.2 Payment to creditors concerned to be charged against the PCF/Cash Advances may be in form of cash, subject to the rules and regulations on the utilization and liquidation of cash advance prescribed under COA guidelines.
- 4.3 In the liquidation of cash advances (an internal agency transaction), the designated disbursing officer concerned shall include the List of Creditors paid as one of the supporting documents, in addition to those required by COA.
- 5.0 In the event of NCAs issued near the end of the quarter, NGAs/OUTs are advised to ensure that issued LDDAP-ADA and/or LAD-ADA are transmitted to the MDS-GSB not later than two working days before the end of said quarter involved. This would ensure crediting of the creditors' accounts before the quarterly lapsing of the NCA.
- 6.0 For guidance of all concerned.

(Sgd.) FLORENCIO B. ABAD  
Secretary

**Republic of the Philippines**  
**Department of Finance**  
**BUREAU OF THE TREASURY**  
Intramuros, 1002 Manila

**TREASURY CIRCULAR No. 01-2014**  
May 20, 2014

**TO: ALL HEADS OF DEPARTMENTS/AGENCIES/STATE UNIVERSITIES AND COLLEGES AND OTHER OFFICES OF THE NATIONAL GOVERNMENT, NGA/OUTS DISBURSING OFFICER, CHIEF ACCOUNTANTS, TREASURY REGIONAL DIRECTORS/PROVINCIAL HEADS, HEAD OF MDS GOVERNMENT SERVICING BANKS AND ALL OTHER CONCERNED**

**SUBJECT: GUIDELINES IN THE RE-ORDER/PURCHASE OF MDS CHECK**

**1.0 PURPOSE**

- 1.1 To promote the use of Authority to Debit Account (ADA) as mode of disbursement for all National Government Agencies (NGA) in support of DBM Circular Letter Nos. 2013-16, 2013-16A and 2013-16B dated December 23, 2013, February 6, 2014 and February 25, 2014, respectively.
- 1.2 To minimize the volume of outstanding checks resulting in a more predictable cash outflows in the Bureau of Treasury.

**2.0 GUIDELINES**

- 2.1 All NGA Officers who will re-order MDS check from any of the Authorized Government Servicing Banks shall:
- 2.1.1 Get prior clearance from the nearest Office of the Bureau of Treasury Regional Director/Provincial Heads.
- 2.1.2 Submit to the BTr-Regional Director/Provincial Head through electronic means or manual, the following requirements for clearance to re-order MDS check:
- 2.1.2.1 Request for MDS check re-

**Form 1**

order (Form 1)

2.1.2.2 Latest Report of Accountability for Accountable Forms (RAAFs) for MDS Checks.

2.1.2.3 Monthly Estimates for the number of transaction/Accounts Payable that cannot be practically nor conveniently paid through ADA as enumerated under Sections 5.4.1.3, 5.4.1.5 of DBM CL 2013-16 and Sections 1.2 and 4.0 of DBM CL No. 2013-16B dated December 23, 2013 and February 25, 2014, respectively. (Form 2)

2.2 Treasury Regional Director/Provincial Head shall:

2.2.1 Assess the NGA inventory of MDS check from the latest RAAF.

2.2.2 Consider the volume of check re-order, the following:

2.2.2.1 Estimate number of transactions that can not be paid through ADA.

2.2.2.2 Volume and frequency of check usage.

2.2.3 Issue clearance to the NGA as to the number of check booklet that can be re-ordered (Form 3).

2.2.4 Furnish the Branch Manager of the Agency's Servicing Bank with a copy of the clearance for the re-ordering of MDS check.

This Order shall take effect immediately.

(Sgd.) ROSALIA V. DE LEON  
Treasurer of the Philippines

Agency Letterhead

Date: \_\_\_\_\_

The Regional Director/ Provincial Head  
Bureau of the Treasury

\_\_\_\_\_ (Address)

Sir/Madam:

In compliance with Treasury Circular No. \_\_\_ dated May \_\_\_\_\_ 2014, we would like to place a re-order of \_\_\_\_\_ booklet(s) of MDS check for payment of accounts payable that cannot be paid through ADA.

Attached are the following reports for your reference:

1. Report of Accountability for Accountable Forms (RAAFs) for MDS checks
2. Monthly Estimate of number of transaction/Accounts Payable that cannot be paid thru ADA (Form 2)

Truly yours,

\_\_\_\_\_  
Name/Signature of NGA Official  
Position Title

**Form 2**

Name of Agency \_\_\_\_\_  
Address \_\_\_\_\_

**Monthly Estimate of Transactions/  
Accounts Payable that cannot be paid through ADA**

	Frequency of Payment	No. of Transactions
a) Remittance to GOCC like GSIS, Philhealth, etc.		
b) Payment to utility companies		
c) Transactions enumerated in Sec. 4.0 of DBM CL 2013-16B		

\_\_\_\_\_  
Name/Signature of Agency Officer

Circulars  
OCA Circular No. 02-2015 (*continued*)

Republic of the Philippines  
Department of Finance  
**BUREAU OF THE TREASURY**  
Intraramuros, 1002 Manila

Mr./Ms. \_\_\_\_\_  
Position/Title \_\_\_\_\_  
Requesting NGA \_\_\_\_\_  
Address \_\_\_\_\_

Sir/Madam:

This is to authorize \_\_\_\_\_ (Name of NGA),  
to place a re-order of \_\_\_\_\_ booklet(s) of MDS check for payments  
of accounts payable that cannot be paid through ADA.

Truly yours,

\_\_\_\_\_  
Name/Signature of Authorized BTr Official

cc.: The Branch Manager  
Name of AGSB  
Address



### **OCA CIRCULAR No. 09-2015**

**TO: ALL JUDGES, OFFICIALS, AND PERSONNEL OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT: STRICT OBSERVANCE OF OFFICE HOURS**

In view of the numerous complaints received by this Office on the non-observance by some judges and court personnel of the prescribed office hours, all judges and court personnel are **ENJOINED** to strictly observe the following prescribed office hours, without prejudice to the approved flexitime of some court personnel:

**Regions 1 to 12:**

Monday to Friday<sup>1</sup> 8:00 A.M. to 12:00 NN  
1:00 P.M. to 5:00 P.M.

<sup>1</sup> Administrative Circular No. 02-2007, Re: Reiteration of Administrative Circular No. 2-99 dated January 15, 1999 on "Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness," dated January 12, 2007.

**National Capital Judicial Region:**

Monday to Friday<sup>2</sup> 8:00 A.M. to 12:00 NN  
12:30 P.M. to 4:30 P.M.

Judges are also **EXHORTED** to be mindful of the hours set for hearing and to start the hearings on time.

Pursuant to Republic Act No. 9482,<sup>3</sup> however, all judges are **REMINDED** to implement appropriate working schedules among their court personnel to enable them to attend to and serve litigants who are within the premises of the court during lunch break, and prior to the end of official working hours. The judges shall adopt a rotation system of personnel and provide a skeletal force to make sure that units which deal directly with the public, such as the receiving, processing and the cashier, are accessible to the public at all times, including lunch and break times.

Further, all judges and court personnel shall file the appropriate application for leave in case of their inability to report for work, in accordance with Item IV, Administrative Circular No. 08-2009.<sup>4</sup>

The executive judges shall strictly monitor compliance with this Circular by the judges and court personnel under their administrative supervision. The Deputy Court Administrators and the Legal Office of the Office of the Court Administrator shall likewise oversee compliance by the executive judges and presiding judges under their respective areas of administrative supervision.

Strict compliance herewith is **ENJOINED**.

January 21, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator



### **OCA CIRCULAR No. 34-2015**

**TO: ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT: APPLICATION OF REPUBLIC ACT NOS. 6033, 6034, 6035, AND 6036**

<sup>2</sup> Administrative Circular No. 26-2007, Re: Schedule of Working Hours, dated April 24, 2007.

<sup>3</sup> An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties Therefor.

<sup>4</sup> Guidelines in Case of Prolonged Absences, Tardiness and Undertime, Filing of Applications for Leave and Availment of the Rehabilitation Privilege, dated January 12, 2007.

The Philippine Bar Association, through its President Atty. Beda G. Fajardo, has invited the attention of the Court regarding the significance of the so-called *Laurel Laws*, namely: Republic Act No. 6033 (An Act requiring courts to give preference to criminal cases where the party or parties involve indigents), Republic Act No. 6034 (An Act providing transportation and other allowances for indigent litigants), Republic Act No. 6035 (An Act requiring stenographers to give free transcript of notes to indigents and low income litigants and providing a penalty for the violation thereof), and Republic Act No. 6036 (An Act providing that bail shall not, with certain exceptions, be required in cases of violations of municipal or city ordinances and in criminal offenses when the prescribed penalty for such offenses is not higher than *arresto mayor* and/or a fine of two thousand pesos or both). Republic Act Nos. 6033, 6034, 6035, and 6036 are herein incorporated and appended as Annexes "A", "B", "C", and "D," respectively .

Another benefit granted to indigent litigants is the exemption from payment of legal fees. Section 19, Rule 141<sup>1</sup> provides:

**SEC. 19. Indigent litigants exempt from payment of legal fees.** — Indigent litigants (a) whose gross income and that of their immediate family do not exceed an amount double the monthly minimum wage of an employee and (b) who do not own real property with A FAIR MARKET VALUE AS STATED IN THE CURRENT TAX DECLARATION of more than THREE hundred thousand pesos (P300,000) shall be exempt from the payment of legal fees.

The legal fees shall be a lien on any judgment rendered in the case favorable to the indigent litigant unless the court otherwise provides.

To be entitled to the exemption herein provided, the litigant shall execute an affidavit that he and his immediate family do not earn a gross income abovementioned, nor they own any real property with the fair value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the litigant's affidavit. The current tax declaration, if any, shall be attached to the litigant's affidavit.

Any falsity in the affidavit of litigant or disinterested person shall be sufficient cause to dismiss the complaint or action or to strike out the pleading of that party, without prejudice to whatever criminal liability

may have been incurred.

In view of the foregoing, all concerned are hereby **REMINDED to COMPLY** with the above quoted laws and rule, for the purpose of ensuring that the indigent and low income litigants will be able to avail of the full benefits of the laws.

Strict compliance is hereby enjoined.

February 18, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator

#### Annex A

#### REPUBLIC ACT NO. 6033

#### AN ACT REQUIRING COURTS TO GIVE PREFERENCE TO CRIMINAL CASES WHERE THE PARTY OR PARTIES INVOLVE ARE INDIGENTS.

**SECTION 1.** Any provision of existing law to be contrary notwithstanding and with the exception of *habeas corpus* and election cases and cases involving detention prisoners, and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing and/or disposition of criminal cases where an indigent is involved either as the offended party or accused. The trial in these cases shall commence within three days from date of arraignment and no postponement of the hearings shall be granted except on the ground of illness of the accused or other similar justifiable grounds. City and provincial fiscals and courts shall forthwith conduct the preliminary investigation of a criminal case involving an indigent within three days after its filing and shall terminate the same within two weeks.

**SEC. 2.** As used in this Act, the term "indigent" shall refer to a person who has no visible means of income or whose income is insufficient for the subsistence of his family, to be determined by the fiscal or judge, taking into account the members of his family dependent upon him for subsistence.

**SEC. 3.** An indigent who is the offended party, respondent or an accused in a criminal case and who desires to avail of the preference granted under this Act shall file a sworn statement of the fact of his being indigent and the said sworn statement shall be sufficient basis for the court or fiscal to give preference to the trial and disposition of such criminal case.

**SEC. 4.** Any willful or malicious refusal on the part of any fiscal or judge to carry out the provisions of this Act shall constitute sufficient ground for disciplinary action which may include suspension or removal.

**SEC. 5.** This Act shall take effect upon its approval.

Approved: August 4, 1969.

<sup>1</sup> A.M. No. 04-2-04SC (Revision of Rule 141, Revised Rules of Court), July 20, 2004, Sec. 19.

Circulars  
OCA Circular No. 34-2015 (*continued*)

### **Annex B**

#### **REPUBLIC ACT NO. 6034**

##### **AN ACT PROVIDING TRANSPORTATION AND OTHER ALLOWANCES FOR INDIGENT LITIGANTS.**

**SECTION 1.** Any provision of existing law to the contrary notwithstanding, any indigent litigant may, upon motion, ask the Court for adequate travel allowance to enable him and his indigent witnesses to attend the hearing of a criminal case commenced by his complaint or filed against him. The allowance shall cover actual transportation expenses by the cheapest means from his place of residence to the court and back. When the hearing of the case requires the presence of the indigent litigant and/or his indigent witnesses in court the whole day or for two or more consecutive days, allowances may, in the discretion of the Court, also cover reasonable expenses for meal and lodging.

For the purpose of this Act, indigent litigants shall include anyone who has no visible means of income or whose income is insufficient for his family as determined by the Court under Section 2, hereof.

**SEC. 2.** If the court determines that the petition for transportation allowance is meritorious, said court shall immediately issue an order directing the provincial, city or municipal treasurer to pay the indigent litigant the travel allowance out of any funds in his possession and proceed without delay to the trial of the case. The provincial, city or municipal treasurer shall hold any such payments as cash items until reimbursed by the national government.

**SEC. 3.** All payments of travel allowances made by provincial, city and municipal treasurer under this Act as of October 31 each year, shall be transmitted to the Commissioner of the Budget not later than November 30 each year for inclusion in the annual General Appropriations Act. The necessary sum is hereby authorized to be appropriated out of the funds in the National Treasury not otherwise appropriated.

**SEC. 4.** This Act shall take effect upon its approval.

Approved: August 4, 1969.

### **Annex C**

#### **REPUBLIC ACT No. 6035**

##### **AN ACT REQUIRING STENOGRAPHERS TO GIVE FREE TRANSCRIPT OF NOTES TO INDIGENT AND LOW INCOME LITIGANTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.**

**SECTION 1.** A stenographer who has attended a hearing before an investigating fiscal or trial judge or hearing commissioner of any quasi-judicial body or administrative tribunal and has officially taken notes of the proceeding thereof shall, upon written request of an indigent or low income litigant, his counsel or duly authorized representative in the case concerned, give within a reasonable period to be determined by the fiscal, judge, commissioner or tribunal hearing the case, a free certified transcript of notes take by him on the case.

**SEC. 2.** A litigant who desires to avail himself of the privilege granted under Section 1 hereof shall, at the investigation, hearing, or trial, establish his status as an indigent or low income litigant and the investigating fiscal or judge or commissioner or tribunal hearing the case shall resolve the same in the same proceeding.

For the purpose of this Act, an "indigent or low income litigant" shall include anyone who has no visible means of support or whose income does not exceed P300 per month or whose income even in excess of P300 per month is insufficient for the subsistence of his family, which fact shall be determined by the investigating fiscal or trial judge or commissioner or tribunal hearing the case taking into account the number of the members of his family dependent upon him for subsistence.

**SEC. 3.** Any stenographer who, after due hearing in accordance with the pertinent provisions of Republic Act No. 2260, as amended, has been found to have violated the provisions of Section 1 of this Act or has unreasonable delayed the giving of a free certified transcript of notes to an indigent or low income litigant shall be subject to the following disciplinary actions:

- (a) suspension from office for a period not exceeding 30 days upon finding of guilt for the

first time;

- (b) suspension from office for not less than 30 days and not more than 60 days upon finding of guilt for the second time; and
- (c) removal from office upon finding of guilt for the third time.

**SEC. 4.** This Act shall apply to all indigent or low income litigants who, at the time of its approval, have pending cases in any fiscal office, court, or quasi-judicial body or administrative tribunal.

**SEC. 5.** The Department of Justice shall prescribe such rules and regulations as may be necessary to carry out the purposes of this Act, and the Department Head concerned shall provide the necessary supplies and authorize the use of government equipment by the stenographers concerned.

**SEC. 6.** This Act shall take effect upon its approval.

Approved: August 4, 1969.

**Annex D**

**REPUBLIC ACT NO. 6036**

**AN ACT PROVIDING THAT BAIL SHALL NOT, WITH CERTAIN EXCEPTIONS, BE REQUIRED IN CASES OF VIOLATIONS OF MUNICIPAL OR CITY ORDINANCES AND IN CRIMINAL OFFENSES WHEN THE PRESCRIBED PENALTY FOR SUCH OFFENSES IS NOT HIGHER THAN ARRESTO MAYOR AND/OR A FINE OF TWO THOUSAND PESOS OR BOTH.**

**SECTION 1.** Any provision of existing law to the contrary notwithstanding, bail shall not be required of a person charged with violation of a municipal or city ordinance, a light felony and/or a criminal offense the prescribed penalty for which is not higher than six months imprisonment and/or a fine of two thousand pesos, or both, where said person has established to the satisfaction of the court or any other appropriate authority hearing his case that he is unable to post the required cash or bail bond, except in the following cases:

- (a) When he is caught committing the offense in flagranti;

- (b) When he confesses to the commission of the offense unless the confession is later repudiated by him in a sworn statement or in open court as having been extracted through force or intimidation;
- (c) When he is found to have previously escaped from legal confinement, evaded sentence, or jumped bail;
- (d) When he is found to have previously violated the provisions of Section 2 hereof;
- (e) When he is found to be a recidivist or a habitual delinquent or has been previously convicted for an offense to which the law or ordinance attaches an equal or greater penalty or for two or more offenses to which it attaches a lighter penalty;
- (f) When he commits the offense while on parole or under conditional pardon; and
- (g) When the accused has previously been pardoned by the municipal or city mayor for violation of municipal or city ordinance for at least two times.

**SEC. 2.** Instead of bail, the person charged with any offense contemplated by Section 1 hereof shall be required to sign in the presence of two witnesses of good standing in the community a sworn statement binding himself, pending final decision of his case, to report to the Clerk of the Court hearing his case periodically every two weeks. The Court may, in its discretion and with the consent of the person charged, require further that he be placed under the custody and subject to the authority of a responsible citizen in the community who may be willing to accept the responsibility. In such a case the affidavit herein mentioned shall include a statement of the person charged that he binds himself to accept the authority of the citizen so appointed by the Court. The Clerk of Court shall immediately report the presence of the accused person to the Court. Except when his failure to report is for justifiable reasons including circumstances beyond his control to be determined by the Court, any violation of this sworn statement shall justify the Court to order his immediate arrest unless he files bail in the amount forthwith fixed by the Court.

**SEC. 3.** This Act shall apply to all person who, at the time of its approval, are under temporary detention for inability to post bail for charges contemplated by Section 1 above.

**SEC. 4.** This Act shall take effect upon its approval.

Approved: August 4, 1969.



### OCA CIRCULAR No. 56-2015

**TO: THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES**

**SUBJECT: BAR MATTER NO. 850 (RE: RULES ON MANDATORY CONTINUING LEGAL EDUCATION FOR ACTIVE MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES)**

In the Resolution of the Court en banc dated February 17, 2015 in the above-cited administrative matter, the Court acted upon on the Letter dated January 13, 2015 of Hon. Bernardo P. Pardo, Chairperson, MCLE Governor, submitting for the Court's approval the MCLE Governing Board Resolution No. 007-2014, the full context of which is reproduced below, to wit:

The Court Resolved to **REQUIRE** all members of the Integrated Bar of the Philippines to file a **written entry of appearance indicating their MCLE exemption or compliance number** for the current or immediately preceding compliance period and **date of issuance thereof** before appearing as counsel or engaging in oral argument in open court or before a quasi-judicial body. However, counsels who affixed their signatures in their pleadings and indicated their MCLE exemption or compliance number in their pleadings **need not file a separate entry of appearance. Henceforth, all counsels, including partners of law firms whose names appear in said pleadings, shall also indicate their MCLE exemption or compliance number.** (*Emphasis supplied*)

The resolution was published in the Philippine Star last March 14, 2015, and it took effect on March 1, 2015.

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

For your information, guidance and strict compliance.

March 17, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator



### OCA CIRCULAR No. 58-2015

**TO: ALL EXECUTIVE JUDGES AND CLERKS OF COURT OF MULTI-SALA COURTS**

**SUBJECT: REITERATION OF THE RATIO FOR THE RAFFLING OF CASES (A.M. No. 03-8-02-SC)**

Acting on the numerous queries on the raffle and the ratio of distribution of cases in multi-sala courts, the pertinent directives in Administrative Order No. 6, dated June 30, 1975, and the Resolution dated January 27, 2004, of the Court En Banc in A.M. No. 03-8-02-SC<sup>1</sup> are reiterated. Paragraph 1, Chapter V, Administrative Order No. 6, provides:

1. The caseload of the Executive Judge shall be as follows:
  - a. In case of multiple branches (salas) of not more than two, the distribution of cases shall be in the proportion of three cases for the Executive Judge and four for the other judges.
  - b. In case of multiple branches (salas) of not less than three or more than five, the distribution of cases shall be in the proportion of two cases for the Executive Judge and three for each of the other judges.
  - c. In case of multiple branches (salas) of more than five, the distribution of cases shall be in the proportion of one case for the Executive Judge and two for each of the other judges.

Where there are vacancies in the multi-sala courts, and the vacancies are filled, Section 5, Chapter V, A.M. No. 03-8-02-SC, provides:

**SEC. 5. Exclusion of vacant branches from raffle** – All vacant branches without regular judges shall be excluded from the raffle. However, once the vacancies are filled, the Executive Judge shall ensure that newly-filed cases shall be raffled to all the branches on a 6:2:1 ratio as follows: six newly-filed cases to each of the newly-filled branches; two newly-filed cases to the existing branch or branches; and one newly-filed case to the branch of the Executive Judge, until such time when the newly-filled branches in the station shall have been assigned such number of cases as will be equivalent to the number of cases raffled to the other branches during the period of vacancy.

<sup>1</sup> Guidelines on the Selection and Designation of Executive Judges and Defining Their Powers, Prerogatives and Duties.



Accordingly, where there are no vacancies in multi-sala courts, Paragraph 1, Chapter V of Administrative Order No. 6, shall apply. However, in case of vacancies and once the vacancies are filled, Section 5, Chapter V, A.M. No. 03-8-02-SC shall apply.

Please be guided accordingly.

March 23, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator



### OCA CIRCULAR NO. 61-2015

**TO: THE CONCERNED REGIONAL TRIAL COURTS IN CEBU CITY, MANDAUE CITY, AND LAPU-LAPU CITY**

**SUBJECT: IMPLEMENTING GUIDELINES FOR THE PILOT TESTING OF ASSISTING REGIONAL TRIAL COURTS IN CEBU CITY TO HELP THE OVERBURDENED REGIONAL TRIAL COURTS IN MANDAUE CITY AND LAPU-LAPU CITY**

Pursuant to the December 10, 2014 Resolution of the Court en banc in A.M. No. 14-11-393-RTC (*Authorizing the Piloting of Assisting Courts to Help Nearby Overburdened Courts Deal With Their Case Loads*) directing, among others, the Court Administrator to “[e]stablish the mechanics for the designation of the Assisting Courts xxx and [p]erform such other tasks as are essential to the accomplishment of the purpose for which this piloting project has been authorized,” the following implementing guidelines shall be observed:

- I. All the branches of the Regional Trial Court (RTC) of Mandaue City and Lapu-Lapu City (otherwise known as the “Assisted Court”) shall have two counterpart branches in the RTC of Cebu City (otherwise known as the “Assisting Court”), as follows:
  - a. ASSISTED COURT - MANDAUE CITY  
Br. 28. Hon. Mercedita G. Dadole-Ygnacio  
ASSISTING COURT - CEBU CITY  
Br. 10 - Hon. Soliver C. Peras  
Br. 12 - Hon. Estela Alma A. Singco-Caruso
  - b. ASSISTED COURT - MANDAUE CITY  
Br. 55 - Hon. Ferdinand T. Rafanan  
ASSISTING COURT - CEBU CITY  
Br. 11 - Hon. Ramon B. Daomilas, Jr.  
Br. 13 - Hon. Mory A. Nueva

- c. ASSISTED COURT - MANDAUE CITY  
Br. 56 - Hon. Teresita A Galanida  
ASSISTING COURT - CEBU CITY  
Br. 7 - (vacant)  
Br. 9 - Hon. Alexander Nicandro V. Acosta
- d. ASSISTED COURT - LAPU-LAPU CITY  
Br. 27 - Hon. Toribio S. Quiwag  
ASSISTING COURT - CEBU CITY  
Br. 17 - (vacant)  
Br. 18 - Hon. Gilbert P. Moises, Jr.
- e. ASSISTED COURT - LAPU-LAPU CITY  
Br. 53 - Hon. Anna Marie Pace Militante  
ASSISTING COURT - CEBU CITY  
Br. 21 - Hon. Soliver C. Peras  
Br. 58 - Hon. Ma. Lynna Pacamalan Adviento
- f. ASSISTED COURT - LAPU-LAPU CITY  
Br.54 - Hon. Victor A. Teves  
ASSISTING COURT - CEBU CITY  
Br. 19 - Hon. Wilfredo F. Navarro  
Br. 57 - Hon. James Stewart Ramon E. Himalaloan

- II. Beginning April 6, 2015, upon filing of all civil and criminal cases before the Assisted Courts, the Offices of the Clerk of Court (OCCs) of the Assisted Courts shall require the parties to provide their landline or mobile phone numbers and email addresses, which shall form part of the official records of these cases. Said cases shall then be raffled in their respective stations in accordance with existing rules. For the purposes and duration of this project, the raffle in the Assisted Courts shall be on a 1:1 ratio. The Clerks of Court of the OCCs of the Assisted Courts shall immediately forward the case records to the branches to which the cases have been raffled, for recording. The branch clerks of court of the Assisted Courts shall then alternately distribute the raffled cases to its two counterpart Assisting Courts. Thereafter, the case records shall be transmitted back to the OCCs of the Assisted Courts, and then forwarded to the OCC of the Assisting Courts, for distribution to their counterpart Assisting Courts.

The case records shall have two covering Transmittal Forms, one for civil cases (Annex “A”), and one for criminal cases (Annex “B”), which shall be accomplished in duplicate. A copy of the transmittal form for criminal cases shall be sent by the OCC of the Assisting Courts to the Office of the Prosecutor in their station.

Circulars  
OCA Circular No. 61-2015 (*continued*)

- III. In urgent cases that require immediate action, the Executive Judge of the Assisted Court station where the case was filed may act on urgent temporary reliefs prayed for, as provided under the Rules of Court, before the case is forwarded to the Assisting Court to which it has been assigned.
- IV. The caption of these newly-filed cases must include the identities of both the Assisted and Assisting Courts, to wit:

Republic of the Philippines Regional Trial Court 7 <sup>th</sup> Judicial Region Branch __ City of Cebu  For  Branch __ City of Mandaue/Lapu-Lapu City
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- V. Where the Assisting Court judge is disqualified or voluntarily inhibits from the case, or when Judicial Dispute Resolution (JDR) fails, the case shall be assigned and the court records transmitted to the second counterpart Assisting Court of the Assisted Court from which the case originated. If the second Assisting Court judge is disqualified or voluntarily inhibits from the case, the case records shall be transmitted to the Executive Judge of the Assisting Court station, who shall then conduct a special raffle among the other Assisting Courts handling cases from the same Assisted Court station. The OCC of the Assisted Court shall be furnished a copy of the Order of Inhibition or the Order terminating the JDR for failure to arrive at an amicable settlement, and the calendar of re-raffled cases.
- VI. The branch clerks of court of the Assisting Courts shall issue the corresponding summons and notices to the parties, which shall include a notice that all proceedings of the case until its termination shall be conducted in the Assisting Courts.
- VII. The Sheriff's Trust Fund (STF) for the transmitted civil cases shall be taken from the filing fees paid to the Assisted Courts. The judges of the Assisting Courts shall approve the estimated travel expense and cost of service submitted by the sheriffs of the Assisting Courts and issue the order to release the STF to these sheriffs. The STF shall be released and liquidated in accordance with existing rules and procedure. Sheriffs of the Assisted Courts may also be ordered by the judges of the Assisting Courts to serve summons and notices.
- VIII. Any motion for reconsideration shall be filed with the Assisting Court within the time allowed by the Rules of Court.
- IX. Appeals from the judgment or final order of the First Level Assisting Court shall be taken to the Second Level Court of the Assisted Court station.
- X. If no appeal or motion for reconsideration is filed within the time prescribed by the Rules of Court, the case records shall be forwarded from the Assisting Court to the OCC of the Assisting Court, and thereafter transmitted to the Assisted Court for execution. The judgment or final order shall be entered by the branch clerk of court of the Assisted Court in its book of entries of judgment.
- XI. Records of provisionally dismissed or archived cases by the Assisting Courts shall remain with them until the termination of this Project, whereupon the records of the cases shall be transmitted back to the Assisted Courts.
- XII. For reporting purposes, the Assisted Courts shall indicate in their monthly report forms the cases forwarded to the Assisting Courts. The Assisting Courts, on the other hand, shall maintain a separate monthly report form for cases forwarded to them by the Assisted Courts.
- XIII. The transmittal of case records, pleadings, decisions, and other court documents from the Assisted Court to the Assisting Courts and vice versa, shall generally be done every Friday.
- XIV. The provisions in OCA Circular No. 01-2015 (*Implementation of Sections 11 and 12 of The Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial [A.M. No. 12-11-12-SC] in Relation with the Full Roll Out of Hustisyeh! In Hustisyeh! Courts [A.M. No. 13-04-11-SC]*) shall be observed by the Assisting Courts, where applicable.

For strict compliance.

March 31, 2015.

(Sgd.) JOSE MIDAS P. MARQUEZ  
Court Administrator

## Second Quarter 2015 Training Programs and Activities

(Continued from page 44)

- (Ilocos Mediation Program)  
*May 4–7, Laoag/Vigan City*
- Career Enhancement Program for RTC Clerks of Court of the 5<sup>th</sup> Judicial Region  
*May 5–7, Naga City*
- Career Enhancement Program for Court Social Workers of the NCJR and the 3<sup>rd</sup> Judicial Region  
*May 5–7, PTC, Tagaytay City*
- Seminar for RTC Executive Judges, Vice Executive Judges, 1<sup>st</sup>–3<sup>rd</sup> Vice Executive Judges and Single Sala Court Judges of Luzon  
*May 6–7, PTC, Tagaytay City*
- Pre-Internship Orientation and Meeting on Court-Annexed Mediation in Ilocos Norte  
*May 7, Laoag City*
- Pre-Internship Orientation and Meeting on Court-Annexed Mediation in Ilocos Sur  
*May 8, Vigan City*
- Regional Conference of the Asia-Pacific Region of the International Association of Women Judges and 20<sup>th</sup> National Convention and Seminar of the Philippine Women Judges Association  
*May 12–15, Taal Vista Hotel, Tagaytay City*
- Work Orientation and Skills Enhancement Seminar for PMC Unit Staff (WOSES) – Batch 1  
*May 14–15, PTC, Tagaytay City*
- Seminar Workshop on Procedural, Substantive Law and Jurisprudence on Intellectual Property for SC and CA Lawyers  
*May 19–20, PTC, Tagaytay City*
- Career Enhancement Program for Sheriffs  
*May 19–21, PTC, Tagaytay City*
- Intensive Seminar-Workshop on Rule 22 and 24 of the Proposed Rules of Civil Procedure for Pilot Court Judges  
*May 21–22, Manila*
- Career Enhancement Program for RTC Clerks of Court  
*May 26–28, Baguio City*
- Judicial Career Enhancement Program (First Level Courts Judges of the 4<sup>th</sup> Judicial Region) Batch 1 (Rizal, Cavite, Laguna, and Quezon)  
*May 27–29, PTC, Tagaytay City*
- Orientation Seminar-Workshop for Newly Appointed Clerks of Court  
*June 2–5, PTC, Tagaytay City*
- Competency Enhancement Training for Judges and Court Personnel Handling Cases Involving Children  
*June 2–4, Cebu City*
- Orientation Conference on Court-Annexed Mediation (Palawan Mediation Program)  
*June 4, Puerto Princesa City*
- Seminar on the Rules of Procedure on Financial Rehabilitation  
*June 5, Cebu City*
- Seminar-Workshop for Judges on Financial Crimes and Money Laundering  
*June 16–17, Cebu City*
- Orientation Seminar-Workshop for Newly Appointed Judges  
*June 16–25, PTC, Tagaytay City*
- Information Dissemination through a Dialogue between Barangay Officials and Court Officials and Mobile Court-Annexed Mediation
  - BARANGAY OFFICIALS OF SAN FERNANDO, LA UNION  
*June 8, San Fernando, La Union*
  - BARANGAY OFFICIALS OF BANGUED, ABRA  
*June 19, Bangued, Abra*
  - BARANGAY OFFICIALS OF TUGUEGARAO CITY  
*June 25, Tuguegarao City*
  - BARANGAY OFFICIALS OF APARRI, CAGAYAN  
*June 26, Aparri, Cagayan*
- Refresher Course for Court-Annexed Mediation (Bohol Mediation Program)  
*June 17–18, Tagbilaran City*
- Personal Security Training for Judges  
*June 23–25, PTC, Tagaytay City*
- Seminar on the Rules of Procedure on Financial Rehabilitation  
*June 26, Manila*
- Seminar Workshop on Dangerous Drugs Law for Judges, Prosecutors and Law Enforcers  
*June 30–July 2, TBA*
- Basic Mediation Course (Mindoro Mediation Program)  
*June 30–July 3, Calapan City*

## *Second Quarter 2015 Training Programs and Activities*

- Seminar-Workshop on Procedural, Substantive Law and Jurisprudence on Intellectual Property for Clerks of Court of Special Commercial Courts from Regions II, III and V  
*April 7–8, Baguio City*
- Multi-Sectoral Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases  
*April 15–17, PTC, Tagaytay City*
- 10<sup>th</sup> Convention and Seminar of the Process Servers Association of the Philippines (PROSAPHIL)  
*April 15–17, Lingayen, Pangasinan*
- Seminar on the Rules of Procedure on Financial Rehabilitation for Executive Judges and Vice Executive Judges of Regions I and II  
*April 16, Manila*
- Seminar-Workshop on Financial Crimes and Money Laundering for Judges  
*April 21–22, Laoag City*
- 18<sup>th</sup> Convention and Seminar of the Sheriff's Confederation of the Philippines (SCOPHIL)  
*April 22–24, Pasay City*
- Information Dissemination through a Dialogue between Barangay Officials and Court Officials, and Mobile Court-Annexed Mediation  
*April 23, Tarlac City*  
BARANGAY OFFICIALS FROM TARLAC CITY
- Founding Chancellor Emeritus Justice Ameurfina A. Melencio Herrera Award for the Most Outstanding Professorial Lecturer  
*April 24, Cabanatuan City*  
BARANGAY OFFICIALS FROM CABANATUAN CITY
- Competency Enhancement Training for Judges, Prosecutors, Social Workers and Law Enforcement Investigators Handling Trafficking in Persons Cases  
*April 27, PTC, Tagaytay City*
- 2<sup>nd</sup> Annual Convention and Seminar of Association of Clerks of Court and Ex Officio Sheriffs Convention (ACCES)  
*April 28–30, Iloilo City*
- Personal Security Training for Judges  
*April 28–30, PTC, Tagaytay City*
- Orientation on Judicial Dispute Resolution for Prosecutors, PAO and IBP members in Pangasinan  
*April 29, Pangasinan*
- Orientation on Judicial Dispute Resolution for CoCs and BCoCs in Pangasinan  
*April 29, Pangasinan*
- Basic Mediation Course  
*(Continued on page 43)*

Justice Adolfo S. Azcuna  
*Chancellor*

Professor Sedfrey M. Candelaria  
*Editor in Chief*

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