

Supreme Court of the Philippines  
Philippine Judicial Academy

*PHILJA Fax/Electronic Alerts*

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**OCA CIRCULAR No. 175-2003**

**TO:** ALL CLERKS OF COURT 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:** CREATION OF PERSONNEL RECORDS (201 FILES) IN THE LOWER COURTS

Original documents pertaining to the employment of lower court officials and employees shall be filed and maintained in the Records Division, Office of Administrative Services, Office of the Court Administrator, Supreme Court. However, to enable the lower courts' to have their own employment records files, all Clerks of Court are hereby directed to create and maintain a 201 File system of their officials and personnel in their respective stations from copies of the original documents. The Clerks of Court shall be the official custodians of said 201 Files under the supervision and control of their Presiding Judges/Executive Judges.

For purposes of strict control and to maintain the confidentiality of the records, the following guidelines shall be observed:

1. Documents to be filed in the 201 file folders:
  - A. Appointment papers:
    - a. Birth Certificate
    - b. School Records (Transcript of Records, Diploma, Certifications)
    - c. Personal Data Sheet
    - d. Appointment with attestation of the Civil Service Commission
    - e. Oath of office
    - f. Certificate of assumption
    - g. Job Description
  - B. Sworn Statements of Assets, Liabilities and Net worth
  - C. Leave applications such as:
    - a. Maternity leave;
    - b. Leave for travel abroad;
    - c. Sick or vacation leave granted without pay regardless of the number of days;
    - d. Sick or vacation leave exceeding 30 days, regardless of whether approved with pay or without pay;

- e. Monetization of leave credits; and
  - f. Terminal leave
- D. Service Records and Certificates of Employment from other government agencies that will be useful for retirement or terminal leave purposes
  - E. Clearances
  - F. Performance Ratings
  - G. Memoranda, Court Resolutions, Compliance, Decision/Judgments
  - H. All personnel actions
  - I. Others
2. The document shall be placed in each 201 file folder of the official/personnel concerned properly paged and indexed (see attached form).
  3. Granting of request for copies of documents in the 201 File with the Personnel Records shall be limited to the concerned officials and employees of the lower courts or their authorized representative and Executive Judges duly authorized by the OCA/SC to conduct an investigation in connection with an administrative complaint involving lower court officials and personnel. Request coming from other court officials and personnel and parties who are not employees of the lower courts should be referred to the OCA.
  4. The request which shall state the purpose therefor shall be approved by the Presiding Judge/Executive Judge.
  5. An employee who wishes to look into his 201 file may be allowed to do so within the premises of the court/office under the supervision of the clerk of court or his officially designated representative. In no case shall any other person be allowed to look into a 201 file not pertaining to his own.

For immediate compliance.

13 November 20023

(Sgd.) **PRESBITERO J. VELASCO, Jr.**  
Court Administrator

**Judge: Gross ignorance of the law**

To constitute gross ignorance of the law, the acts complained of must not only be contrary to law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption, and a person who accuses a judge of this very serious offense must be sure of the grounds for his accusation.

Case against respondent was dismissed for lack of merit. **(AM No. RTJ-03-1760, January 15, 2004)**

A judge is presumed to know the law and when the law is so elementary, not to be aware of it constitutes gross ignorance of the law.

The respondent judge has utterly failed to live up to the standard of competence required of him. His erroneous application of the Indeterminate Sentence Law committed not just once or twice

but in at least seventeen instances is a compelling evidence of his gross ignorance of the law. He was suspended for 1 year. **(AM No. RTJ-02-1691, January 16, 2004)**

**Judge: Gross violation of constitutional right of accused to speedy trial**

The failure of a judge to act promptly on all motions and interlocutory orders violates the constitutional right of the parties to a speedy trial.

In one case it took respondent more than one year to resolve a motion for preventive suspension which was opposed by the accused.

In another case, respondent resolved an unopposed motion for reconsideration after almost four months. Respondent was suspended for one year. **(AM No. AM RTJ-02-1691, January 16, 2004)**

**Judge: Arrogance, oppressive and improper conduct**

A display of petulance and impatience in the conduct of trial is a norm of behavior incompatible with the needful attitude and sobriety of a good judge.

The behavior of respondent judge in berating a lawyer for repeating the questions already asked during the direct examination betrayed his impatience in the conduct of the hearing. Also, respondent's statement to a client that his lawyer did not deserve to be paid as he did not do anything during the trial was uncalled for. Further, respondent's act of requiring a defense counsel to take the place of the accused during the reading of the decision at the promulgation thereof was improper. Respondent was suspended for one (1) year. **(AM No. RTJ-02-1691)**

**Judge: Promulgation of decision**

In the promulgation of decisions, copies thereof should be ready for release to the parties.

The highly irregular practice of respondent judge of promulgating decisions, copies of which, were not then ready for release to the parties was frowned upon by the Supreme Court.

This is another charge against respondent who was ordered suspended for one year. **(AM No. RTJ-02-1691, January 16, 2004)**

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