From the Chancellor’s Desk

During this last quarter of the year, as we settled down in anticipation of the holidays and the end of yet another year, the Academy began wrapping up its activities for 2012.

Two orientation seminar-workshops were accomplished at this time, one each for newly appointed judges and clerks of court. Two Judicial Career Enhancement Programs for Regional Trial Court judges were also delivered, one in Region II and the other in Region VII.

Clerks of Court in the National Capital Judicial Region also participated in the Career Enhancement Program (Batch 3) for this quarter. Four batches of orientation seminar-workshops were likewise held for Executive and Vice Executive Judges in Luzon, NCR, Visayas, and Mindanao. Court Legal Researchers also had their turn with the delivery of the Career Development Program for those assigned in Region IV. The Continuing Legal Education Program for Court Attorneys in the Supreme Court and the Court of Appeals (three batches and two batches, respectively) were held at the PHILJA Training Center in Tagaytay.

Roundtable Discussions on two timely concerns were also conducted— “Competition Policy and Law” (in partnership with the Department of Justice–Office for Competition) and “Knowledge Sharing on the Protection of the Rights of the LGBT Sector.” A Seminar-Workshop for the National Commission on Indigenous Peoples Lawyers and Legal Officers was also mounted.

On November 12, your Chancellor delivered a presentation entitled, The Writ of Amparo: The Philippine Experience So Far for the First Founding Chancellor Emeritus Justice Amurfina Melencio Herrera Award Lecture at the PHILJA Training Center in Tagaytay.

A number of seminar-workshops for the benefit of judges and other court personnel in different regions were likewise carried out as follows: Capacity Building on Environmental Laws and Rules of Procedure for Environmental Cases (ARMM, 18th Multi-Sectoral) and Court of Appeals Justices; Increasing Judicial Efficiency: Seminar-Workshop for Judges on the Effective Use of the Benchbook for Philippine Trial Courts (Revised and
From the Chancellor’s Desk
(Continued from page 1)

Expanded) for Regions X, XI, and XII (2 batches); Seminar-Workshop on CEDAW and Gender Sensitivity for Court of Appeals Employees in the Visayas and Mindanao Stations; Competency Enhancement Training for Judges and Court Personnel Handling Cases Involving Children in Regions IV and VII; Personal Security Training for Judges of Region VII and Mindanao; Seminar-Workshop on Intellectual Property Rights Protection and Enforcement for Clerks of Court of Special Commercial Courts in the NCJR and other Stakeholders; Seminar-Workshop on Various Laws Relating to Court Technology for Judges in the Regions VI, VII, and VIII; Seminar-Workshop on Deposit Insurance, Banking Practices, and Bank Conservatorship, Receivership, and Liquidation and the Seminar-Workshop on Dangerous Drugs Law for Judges, Prosecutors and Law Enforcers of Region VIII.

Also closing the year were Information Dissemination through Dialogues among Barangay Officials and Court Officials — one in Quezon City and another in the Province of Cotabato.

The Academy, through the Philippine Mediation Center Office, also rounded up its calendar with the holding of several activities on Alternative Dispute Resolution such as Refresher/Advanced Courses for Court-Annexed Mediators under the Metro Manila, Zamboanga, and Cebu Mediation Programs, respectively. Three major convention-seminars were also accomplished, namely, the Philippine Judges Association Midterm Convention and Seminar with the theme PJA: Upholding and Strengthening Judicial Independence; the 19th National Convention-Seminar of the Philippine Trial Judges League, Inc., the theme of which was Integrity, Transparency, and Accountability—Hallmarks of the Philippine Trial Judges League, Inc.; and that of the Judiciary Association of Clerks of the Philippines on the theme JACOPHIL Continuing Commitment to the Pursuit of Excellence in Judicial Service.

Thank you and congratulations to our officials and staff for making 2012 one of our most fruitful years. Your dedication and love for your work are much appreciated.

Thank you, too, to our development partners for their constant support for and confidence in the Academy.

Finally, I wish to thank the Honorable Supreme Court and the Chief Justice and Associate Justices for the sustaining encouragement given to PHILJA and all its undertakings.

All the best.

ADOLFO S. AZCUNA
Chancellor
Trainings, Programs and Activities

Roundtable Discussion on Competition Policy and Law

On November 7, 2012, PHILJA conducted a Roundtable Discussion on Competition Policy and Law at the Sofitel Philippine Plaza Hotel in cooperation with the Department of Justice–Office for Competition (DOJ-OFC). The first-time PHILJA activity was in response to the proposal of Assistant Secretary Geronimo L. Sy of DOJ-OFC for the conduct of a capacity building program for the judiciary to promote knowledge and understanding on competition policy and law and emerging competition issues.

Resource persons who are authorities in law, economics, and business led the discussions in four plenary sessions on topics such as: Competitive Standing of the Philippines in the Global Scene; State of Enforcement of Laws on Competition, Restraint of Trade and Monopolies and Problems in relation thereto; Effects of the Proposed House Bill No. 4835 (An Act Penalizing Anti-Competitive Agreements, Abuse of Dominant Position and Anti-Competitive Mergers, Establishing the Philippine Fair Competition Commission and Appropriating Funds Therefor and For Other Purposes) and Senate Bill No. 3098 (The Competition Act) on the Existing Laws on Competition, Restraint of Trade and Monopolies. Asec. Sy underscored the important role of the judiciary in the implementation of competition policy and law; i.e., for the courts to bring economic policy under the rule of law and for specialized training to be made available to judges.

The RTD was attended by 25 participants comprising selected judges; members of the PHILJA Department of Commercial Law; and representatives of the Tariff Commission, Securities and Exchange Commission, Bureau of Internal Revenue, Department of Trade and Industry, and DOJ-Office for Competition.

Chancellor Receives the Founding Chancellor Emeritus Ameurfina A. Melencio Herrera Most Outstanding Professorial Lecturer Award

On November 12, 2012, retired Supreme Court Justice and PHILJA Chancellor Adolfo S. Azcuna, first recipient of the Founding Chancellor Emeritus Ameurfina A. Melencio Herrera Award for the Most Outstanding Professorial Lecturer, delivered the lecture “The Writ of Amparo: The Philippine Experience So Far,” at the auditorium of the PHILJA Training Center in Tagaytay. In attendance were the family of Justice Herrera, led by her son Atty. Florentino M. Herrera III and daughters Dr. Victoria Lourdes M. Herrera-Ruiz and Dr. Milagros M. Herrera-Arroyo; Justices of the Supreme Court, the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals; representatives from the Office of the Court Administrator; officials of the Supreme Court, PHILJA, and the Court of Appeals; selected judges from the first and second level courts of Cavite; a few retired justices of the Supreme Court; members of the academe, representatives of PHILJA’s development partners, and a number of private practitioners and law students.

Earlier, the PHILJA Board of Trustees headed by Madam Chief Justice Maria Lourdes P. A. Sereno approved the proposal by the children of Justice Herrera to donate funds for the annual award to the Most Outstanding Professorial Lecturer, in honor of their mother Justice Herrera on the occasion of her 90th birthday on May 11, 2012. Nominees shall come from the Academic Council for the final selection of the awardee by the Chancellor.
Continuing Legal Education Program for Court Attorneys

In November 2012, the Philippine Judicial Academy conducted a series of Continuing Legal Education (CLE) Programs for Supreme Court and Court of Appeals Attorneys. The program was designed to update court attorneys on developments in various important legal subjects, and to enable those who have served the court for at least two years to qualify for exemption from the Mandatory Continuing Legal Education (MCLE) compliance requirements under Bar Matter No. 850.

The CLE Programs for SC Attorneys were held in three batches – on November 5-6 (86 participants); November 8-9 (129 participants); and November 15-16 (112 participants). The CLE Program for CA Attorneys was conducted on November 19-20 and attended by 100 participants. All programs were held at the PHILJA Training Center, Tagaytay City.

Among the topics discussed during the sessions were International Human Rights Laws; Marital Property Relations and Succession; Updates in Criminal and Civil Procedure; Recent Cases on Evidence; Writ of Kalikasan and Continuing Mandamus; Current Problems in Legal Ethics and the Code of Conduct for Court Personnel; and Writing for the Court: Techniques, Issues and Concerns.

Twenty-three CLE programs for lawyers have already been conducted since 1999.

Seminar-Workshop on Various Laws Relating to Court Technology

On October 29-30, 2012, the PHILJA conducted a seminar-workshop on Various Laws Relating to Court Technology for judges in the Sixth, Seventh and Eighth Judicial Regions. Its goal was to equip judges with knowledge on how to properly handle and decide cybercrime cases. Thirty-one judges, selected by the Office of the Court Administrator for their experience in handling cybercrime and electronic evidence cases, participated in the activity held at the Marco Polo Plaza in Cebu.

The two-day seminar covered a range of topics on various laws relating to court technology such as laws on cybercrime, electronic evidence, electronic commerce, and wiretapping. A panel discussion capped the seminar where the participants were given opportunity to ask questions and air their concerns and recommendations. The participants’ main recommendation was the provision of computers with internet connection and the necessary training to all courts and court personnel.

The activity is the second in the series following the Focus Group Discussion on Problem Areas in Handling Cybercrime Cases held in August 2012.

PHILJA Conducts Seminar-Workshop for NCIP Lawyers and Legal Officers

On December 4-6, 2012, PHILJA conducted the second seminar-workshop for the lawyers and legal officers of the National Commission on Indigenous Peoples (NCIP); the first one held in November 2011. Pursuant to its mandate to include quasi-judicial agencies in its programs for continuing judicial education, PHILJA has supported this activity with the intent to boost the adjudicative and administrative functions of NCIP, as the enforcer of RA No. 8371 or the Indigenous Peoples Rights Act of 1997.

A total of 66 participants, including sociologists, listened to the PHILJA and NCIP lecturers who are authorities in IPRA, Customary Law, Customary Law in Relation to the Rules of Court, Case Law, Trial Technique on Quasi-Judicial Bodies, and Quasi-Judicial Bodies Case Management.

In her Statement of Purpose and Orientation, NCIP Chairperson Zenaida Brigida H. Pawid mentioned that the IPRA has been in effect for 14 years, yet its effect on the NCIP’s quasi-judicial functions has not been really felt; thus, the challenge is posed to the participants. In the same light, former Court Administrator Zenaida Elepaño stressed in her closing remarks that the genuine commitment to honor and articulate the basic human and legal rights of ICCs and IPs is expected from the participants.
Orientation

Seminar for Executive Judges and Vice Executive Judges
Date: October 23 to 25, 2012
Venue: Century Park Hotel, Manila
Participants: 33 RTC, MeTC, MTCC, MTC and MCTC judges of Luzon and the NCJR

Date: November 27 to 28, 2012
Venue: Radisson Blu Hotel, Cebu City
Participants: 41 RTC and MTCC judges of Visayas and Mindanao

63rd Orientation Seminar-Workshop for Newly Appointed Judges
Date: October 2 to 11, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 31 newly appointed judges and 19 promoted judges, namely:

A. NEW APPOINTMENTS

REGIONAL TRIAL COURTS

REGION VI
Hon. Domingo L. Casiple, Jr.
RTC, Br. 7, Kalibo, Aklan
Hon. Vicente V. Go
RTC, Br. 68, Dumangas, Iloilo
Hon. Raymond Joseph G. Javier
RTC, Br. 52, Bacolod City, Negros Occidental
Hon. Eduardo S. Sayson
RTC, Br. 54, Bacolod City, Negros Occidental

REGION VIII
Hon. Emelinda R. Maquilan
RTC, Br. 13, Carigara, Leyte
Hon. Carlos O. Arguelles
RTC, Br. 14, Baybay, Leyte

REGION IX
Hon. Dennis P. Vicoy
RTC, Br. 20, Pagadian City, Zamboanga del Sur

REGION X
Hon. Isobel G. Barroso
RTC, Br. 8, Malaybalay City, Bukidnon
Hon. Ma. Theresa A. Camannong
RTC, Br. 9, Malaybalay City, Bukidnon

REGION XI
Hon. Edwin M. Malazarte
RTC, Br. 27, Tandag, Surigao del Sur
Hon. Lorenzo F. Balo
RTC, Br. 24, Koronadal, South Cotabato

MUNICIPAL TRIAL COURTS IN CITIES

REGION VI
Hon. Eunice T. Cuansing
MTCC, Silay City, Negros Occidental
Hon. Raul F. Facon
MTCC, Br. 4, Iloilo City, Iloilo
Hon. Montano C. Medel, Jr.
MTCC, Br. 2, Bacolod City, Negros Occidental
Hon. Karen Joy J. Tan-Gaston
MTCC, Br. 6, Bacolod City, Negros Occidental
Hon. Joanne Frances G. Nifras
MTCC, Cadiz City, Negros Occidental

REGION VII
Hon. Albie Carmelo R. Pescadero*
MTCC, Toledo City, Cebu

REGION IX
Hon. Joel G. Vercide
MTCC, Br. 1, Pagadian City, Zamboanga del Sur

REGION X
Hon. Maria Luna Llena G. Lanticse-Saba
MTCC, Br. 5, Cagayan de Oro City, Misamis Oriental
Hon. Edmundo V. Raagas
MTCC, Malaybalay City, Bukidnon

REGION XI
Hon. Marie Estrellita S. Tolentino-Rojas
MTCC, Br. 2, Davao City, Davao del Sur

MUNICIPAL TRIAL COURTS

REGION VI
Hon. Leticia B. Trigue
MTC, Binalbagan, Negros Occidental

REGION VIII
Hon. Jeanette N. Loreto
MTC, Palo, Leyte

MUNICIPAL CIRCUIT TRIAL COURTS

REGION VI
Hon. Rodolfo S. Convocar
13th MCTC: Sta. Barbara-Pavia, Iloilo

REGION VII
Hon. Rodrigo T. Eguia
4th MCTC: Talibon-Jetafe, Bohol
Hon. Raul P. Barbarona
14th MCTC: Davis-Panglao, Bohol

* Incomplete Attendance
Hon. Christine M. Tabasuares-Aba
7th MCTC: Valencia-Bacong, Negros Oriental

REGION VIII
Hon. Divino Niño P. Polo
12th MCTC: Abuyog-Javier, Leyte
Hon. Roselyn C. Fallorina
11th MCTC: Villaba-Tabango, Leyte

REGION X
Hon. Robert B. Gonzaga
1st MCTC: Malimono-San Francisco, Surigao del Norte
Hon. Francis L. Rafil
2nd MCTC: Tubay-Santiago, Agusan del Norte

B. PROMOTION

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Hon. Sarah Alma M. Lim
RTC, Br. 2, Manila
Hon. Madonna C. Echiverri
RTC, Br. 81, Quezon City
Hon. Arthur O. Malabaguio
RTC, Br. 93, Quezon City
Hon. Alfonso C. Ruiz II
RTC, Br. 216, Quezon City
Hon. Caridad M. Walse-Lutero
RTC, Br. 223, Quezon City
Hon. Maria Gracia C. Casaclang
RTC, Br. 155, Pasig City
Hon. Maria Cheryl L. Ceguera
RTC, Br. 268, Pasig City
Hon. Edison F. Quintin
RTC, Br. 121, Caloocan City

REGION VI
Hon. Bienvenido P. Barrios, Jr.
RTC, Br. 3, Kalibo, Aklan

REGION VII
Hon. Jennifer L. Chavez-Marcos
RTC, Br. 2, Tagbilaran City, Bohol

REGION IX
Hon. Victoriano D.L. Lacaya, Jr.
RTC, Br. 9, Dipolog City, Zamboanga del Norte

REGION XI
Hon. Rufo U. Naragas
RTC, Br. 40, Tandag, Surigao del Sur
Hon. Renato V. Tampac
RTC, Br. 25, Koronadal City, South Cotabato

REGION XII
Hon. Arvin Sadiri B. Balagot
RTC, Br. 17, Kidapawan City, North Cotabato
Hon. Ali M. Balindong
RTC, Br. 21, Kapatagan, Lanao del Norte
Hon. Alberto P. Quinto
RTC, Br. 1, Iligan City, Lanao del Norte

24th Orientation Seminar-Workshop for Newly Appointed Clerks of Court for Regions VI to XII

Date: November 20 to 23, 2012
Venue: VIP Hotel, Cagayan de Oro City
Participants: 26 newly appointed clerks of court namely:

REGIONAL TRIAL COURTS

REGION VI
Atty. Apollo V. Roldan
RTC, Br. 5, Kalibo, Aklan
Atty. Sharmen Dizon Gallanero
RTC, Br. 18, Roxas City, Capiz
Atty. Larnie Fleur Palma Kim
RTC, Br. 37, Iloilo City, Iloilo
Atty. Imee Conn A. Diamante
RTC, Br. 36, Iloilo City, Iloilo
Atty. Ria Divina Fajardo
RTC, Br. 7, Kalibo, Aklan

REGION VII
Atty. Angie M. Ucat-Logarta
RTC, Br. 3, Tagbilaran City, Bohol

REGION VIII
Atty. Jose Ruther P. Robredillo
RTC, OCC, Borongan, Eastern Samar
Atty. Zoraida P. Quiloña
RTC, Br. 3, Guiuan, Eastern Samar
Atty. Clarence G. Cherreguine
RTC, Br. 42, Balangiga, Eastern Samar
Atty. Kareen May E. Argenio
RTC, Br. 19, Catarman, Northern Samar
Atty. Julius Pacayra Babalcon
RTC, Br. 28, Catbalogan, Samar

REGION IX
Atty. Lory Jean G. Duños
RTC, Br. 20, Pagadian City, Zamboanga del Sur
Atty. Arnold Pasa Arceno
RTC, Br. 22, Pagadian City, Zamboanga del Sur
Atty. Roman Apawao Muyargas III
RTC, Br. 31, Imelda, Zamboanga del Sur

REGION XI
Atty. Apollo V. Roldan
RTC, Br. 40, Tandag, Surigao del Sur
Hon. Renato V. Tampac
RTC, Br. 25, Koronadal City, South Cotabato

REGION XII
Hon. Arvin Sadiri B. Balagot
RTC, Br. 17, Kidapawan City, North Cotabato
Hon. Ali M. Balindong
RTC, Br. 21, Kapatagan, Lanao del Norte
Hon. Alberto P. Quinto
RTC, Br. 1, Iligan City, Lanao del Norte

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Date: November 20 to 23, 2012
Venue: VIP Hotel, Cagayan de Oro City
Participants: 26 newly appointed clerks of court namely:

REGIONAL TRIAL COURTS

REGION VI
Atty. Apollo V. Roldan
RTC, Br. 5, Kalibo, Aklan
Atty. Sharmen Dizon Gallanero
RTC, Br. 18, Roxas City, Capiz
Atty. Larnie Fleur Palma Kim
RTC, Br. 37, Iloilo City, Iloilo
Atty. Imee Conn A. Diamante
RTC, Br. 36, Iloilo City, Iloilo
Atty. Ria Divina Fajardo
RTC, Br. 7, Kalibo, Aklan

REGION VII
Atty. Angie M. Ucat-Logarta
RTC, Br. 3, Tagbilaran City, Bohol

REGION VIII
Atty. Jose Ruther P. Robredillo
RTC, OCC, Borongan, Eastern Samar
Atty. Zoraida P. Quiloña
RTC, Br. 3, Guiuan, Eastern Samar
Atty. Clarence G. Cherreguine
RTC, Br. 42, Balangiga, Eastern Samar
Atty. Kareen May E. Argenio
RTC, Br. 19, Catarman, Northern Samar
Atty. Julius Pacayra Babalcon
RTC, Br. 28, Catbalogan, Samar

REGION IX
Atty. Lory Jean G. Duños
RTC, Br. 20, Pagadian City, Zamboanga del Sur
Atty. Arnold Pasa Arceno
RTC, Br. 22, Pagadian City, Zamboanga del Sur
Atty. Roman Apawao Muyargas III
RTC, Br. 31, Imelda, Zamboanga del Sur
REGION X
Atty. Mylen Charlon Geroy
RTC, Br. 24, Cagayan de Oro City, Misamis Oriental
Atty. Dick Carlo J. Cabanlas
RTC, OCC, Cagayan de Oro City, Misamis Oriental

REGION XI
Atty. Julius Acampado Espina
RTC, Br. 4, Panabo, Davao del Norte
Atty. Lalaine Toledo Gaturian-Javing
RTC, Br. 26, Surallah, South Cotabato
Atty. Arnan Amor Plaza Salilin
RTC, Br. 28, Lianga, Surigao del Sur
Atty. Jean Mae L. Gallego
RTC, Br. 39, Polomok, South Cotabato

REGION XII
Atty. Caryl Caramba Alaban
RTC, Br. 5, Iligan City, Lanao del Norte
Atty. Sittie Aleah Caunda Macagaan
RTC, Br. 8, Marawi City, Lanao del Sur
Atty. Danieza Julaidah Jamil Padate
RTC, OCC, Malabang, Lanao del Sur

MUNICIPAL TRIAL COURT

REGION XI
Ms. Socorro T. Digal
MTC, Maco, Compostela Valley

MUNICIPAL CIRCUIT TRIAL COURTS

REGION X
Mr. Julius C. Badilles
4th MCTC: Mabini-Pantukan, Compostela Valley

REGION XI
Ms. Alicia Princesa B. Opiana
1st MCTC: Carmen-Sto. Tomas-Braulio E. Dujali, Davao del Norte

Continuing Legal Education

Continuing Legal Education for Court Attorneys
Supreme Court
Date: November 5 to 6, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 86 SC lawyers
Date: November 8 to 9, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 129 SC lawyers
Date: November 15 to 16, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 112 SC lawyers

Court of Appeals
Date: November 19 to 20, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 100 CA lawyers
Date: November 28 to 29, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 94 CA lawyers

Career Development Program

Career Development Program for Court Legal Researchers
Date: October 29 to 30, 2012
Venue: Century Park Hotel, Manila
Participants: 50 RTC and MTCC court legal researchers of Region IV (Batch 2)

Career Enhancement Program

Career Enhancement Program for Clerks of Court
Date: October 17 to 19, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 98 RTC and MeTC clerks of court of NCJR (Batch 3)

Judicial Career Enhancement Program (JCEP)

JCEP for Regional Trial Court Judges
Date: October 17 to 19, 2012
Venue: Apo View Hotel, Davao City
Participants: 25 RTC judges of Region XI
Date: November 14 to 16, 2012
Venue: Amigo Terrace Hotel, Iloilo City
Participants: 50 RTC judges of Region VI

Special Focus Programs

18th Multi-Sectoral Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases
Date: October 3 to 5, 2012
Venue: Marco Polo Hotel, Davao City
Participants: 87 comprising RTC, MTCC and MCTC judges, clerks of court, prosecutors, PAO and PMCO lawyers, representatives from BFAR, DENR, AILTF, NCIP, NGO, PCG and PNP of ARMM
Competency Enhancement Training for Judges and Court Personnel Handling Cases Involving Children

Date: October 16 to 18, 2012
Venue: The Oriental Leyte, Palo, Leyte
Participants: 45 RTC judges, clerks of court, court interpreters, prosecutors, PAO lawyers and observers of Region VII

Seminar-Workshop on Intellectual Property Rights Protection and Enforcement for Clerks of Court of Special Commercial Courts in the National Capital Judicial Region and Other Stakeholders

Date: October 22-25, 2012
Venue: CSB Hotel International Conference Center, Manila
Participants: 31 RTC clerks of court of NCJR and representatives from IPO and PHILJA

Seminar-Workshop for Judges on Various Laws Relating to Court Technology

Date: October 29 to 30, 2012
Venue: Marco Polo Plaza Cebu, Cebu City
Participants: 31 RTC judges of Regions VI, VII and VIII

Fifth Seminar-Workshop on Deposit Insurance, Banking Practices, and Bank Conservatorship, Receivership, and Liquidation

Date: November 13 to 14, 2012
Venue: Century Park Hotel, Manila
Participants: 39 selected RTC judges of Regions I and III

Information Dissemination on Women and Children’s Rights for Barangay Officials of Quezon City

Date: November 9, 2012
Venue: Quezon City Hall, Quezon City
Participants: 302 barangay officials of Quezon City

Seminar-Workshop on Dangerous Drugs Law for Judges, Prosecutors and Law Enforcers

Date: November 20 to 22, 2012
Venue: The Oriental Leyte, Palo, Leyte
Participants: 73 RTC judges, prosecutors, and law enforcers of Region VIII
Information Dissemination Through a Dialogue Between Barangay Officials of the Province of Cotabato and Court Officials

Date: November 26, 2012
Venue: Provincial Capitol Gymnasium, Kidapawan City
Participants: 369 barangay officials of Cotabato Province

Roundtable Discussion

Roundtable Discussion on Competition Policy and Law

Date: November 7, 2012
Venue: Sofitel Philippine Plaza Hotel, Manila
Participants: 25 selected RTC judges of NCJR, members of PHILJA Department of Commercial Law, and representatives from Tariff Commission, SEC, BIR, DTI, and Office for Competition-DOJ

Roundtable Discussion: Knowledge Sharing on the Protection of the Rights of the LGBT Sector

Date: November 28, 2012
Venue: Diamond Hotel, Manila
Participants: 25 RTC judges of NCJR and representatives from the DOJ and NGOs

Program for Quasi-Judicial Agencies

Seminar-Workshop for National Commission on Indigenous Peoples Lawyers and Legal Officers

Date: December 4 to 6, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 66 NCIP lawyers, legal officers and representative from the UNDP

On ADR/Mediation/JDR

Refresher/Advanced Course for Court-Annexed Mediators

Date: October 11 to 12, 2012
Venue: Bayview Park Hotel, Manila
Participants: 56 mediators of the Metro Manila Mediation Program

Date: November 5 to 6, 2012
Venue: Garden Orchid Hotel, Zamboanga City
Participants: 15 mediators of the Zamboanga Mediation Program

Date: November 8 to 9, 2012
Venue: Harolds Hotel, Cebu City
Participants: 20 mediators of the Cebu Mediation Program

Convention-Seminar

Philippine Judges Association (PJA) Midterm Convention and Seminar

Theme: PJA: Upholding and Strengthening Judicial Independence
Date: October 10 to 12, 2012
Venue: L’Fisher Hotel, Bacolod City
Participants: 398 RTC judges

19th National Convention Seminar of the Philippine Trial Judges League, Inc. (PTJLI)

Theme: Integrity, Transparency, and Accountability – Hallmarks of the Philippine Trial Judges League, Inc.
Date: November 22 to 24, 2012
Venue: Fort Ilocandia Hotel, Laoag City
Participants: 304 MTCC, MTC, MCTC and SHCC judges

8th Convention and Seminar of the Judiciary Association of Clerks of the Philippines (JACOPHIL)

Theme: JACOPHIL Continuing Commitment to the Pursuit of Excellence in Judicial Service
Date: December 4 to 6, 2012
Venue: Supreme Hotel and Convention Center, Baguio City
Participants: 872 RTC, MeTC, MTCC, MTC, and MCTC clerks

Special Lecture

Founding Chancellor Emeritus Justice Ameurfina A. Melencio Herrera Award for the Most Outstanding Professorial Lecturer

Date: November 12, 2012
Venue: PHILJA Training Center, Tagaytay City
Participants: 259 SC, CA, SB, and CTA justices, SC and PHILJA officials and employees, CA lawyers and staff, SC and appellate courts retired officials, RTC, MeTC, MTCC, MTC and MCTC judges and clerks of court, and other guests
PHILJA Professor and former CA Zenaida N. Elepaño (seated left) with participants in the 24th Orientation Seminar-Workshop for Newly Appointed Clerks of Court for Regions VI to XII held on November 20-23, 2012, at the VIP Hotel, Cagayan de Oro City.

PHILJA Chief of Office for Administration Judge Thelma A. Ponferrada (ret.) (seated right) with Resource Persons (to left), Assistant Secretary Geronimo L. Sy, Office for Competition, Department of Justice; Director Cielito F. Habito, Ateneo Center for Economic Research and Development; Dean Pacifico A. Agabin, Chair, Department of Constitutional Law, PHILJA; and Attorney Richard Leo Baldueza, Supervising Legislative Officer, Office of House Committee on Trade and Industry, during the RTD on Competition Policy and Law held on November 7, 2012, at the Sofitel Philippine Plaza Hotel, Manila.

PHILJA Chancellor Adolfo S. Azcuna with participants in the 63rd Orientation Seminar-Workshop for Newly Appointed Judges held on October 2-11, 2012, at the PHILJA Training Center, Tagaytay City.
PHILIPPINE ASSOCIATION
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Residency requirement for a candidate; residence synonymous with domicile.

The Local Government Code requires a candidate seeking the position of provincial governor to be a resident of the province for at least one year before the election. For purposes of the election laws, the requirement of residence is synonymous with domicile, meaning that a person must not only intend to reside in a particular place but must also have personal presence in such place coupled with conduct indicative of such intention.

There is no hard and fast rule to determine a candidate’s compliance with residency requirement since the question of residence is a question of intention. Still, jurisprudence has laid down the following guidelines: (a) every person has a domicile or residence somewhere; (b) where once established, that domicile remains until he acquires a new one; and (c) a person can have but one domicile at a time.

It is inevitable under these guidelines and the precedents applying them that Jalosjos has met the residency requirement for provincial governor of Zamboanga Sibugay.

One. The COMELEC appears hasty in concluding that Jalosjos failed to prove that he successfully changed his domicile to Zamboanga Sibugay. The COMELEC points out that, since he was unable to discharge the burden of proving Zamboanga Sibugay to be his rightful domicile, it must be assumed that his domicile is either Quezon City or Australia.

But it is clear from the facts that Quezon City was Jalosjos’ domicile of origin, the place of his birth. It may be taken for granted that he effectively changed his domicile from Quezon City to Australia when he migrated there at the age of eight, acquired Australian citizenship, and lived in that country for 26 years. Australia became his domicile by operation of law and by choice.

On the other hand, when he came to the Philippines in November 2008 to live with his brother in Zamboanga Sibugay, it is evident that Jalosjos did so with intent to change his domicile for good. He left Australia, gave up his Australian citizenship, and renounced his allegiance to that country. In addition, he reacquired his old citizenship by taking an oath of allegiance to the Republic of the Philippines, resulting in his being issued a Certificate of Reacquisition of Philippine Citizenship by the Bureau of...
Immigration. By his acts, Jalosjos forfeited his legal right to live in Australia, clearly proving that he gave up his domicile there. And he has since lived nowhere else except in Ipil, Zamboanga Sibugay.

To hold that Jalosjos has not establish a new domicile in Zamboanga Sibugay despite the loss of his domicile of origin (Quezon City) and his domicile of choice and by operation of law (Australia) would violate the settled maxim that a man must have a domicile or residence somewhere.

Two. The COMELEC concluded that Jalosjos has not come to settle his domicile in Ipil since he has merely been staying at his brother’s house. But this circumstance alone cannot support such conclusion. Indeed, the Court has repeatedly held that a candidate is not required to have a house in a community to establish his residence or domicile in a particular place. It is sufficient that he should live there even if it be in a rented house or in the house of a friend or relative. To insist that the candidate own the house where he lives would make property a qualification for public office. What matters is that Jalosjos has proved two things: actual physical presence in Ipil and an intention of making it his domicile.

Jalosjos presented the affidavits of next-door neighbors, attesting to his physical presence at his residence in Ipil. These adjoining neighbors are no doubt more credible since they have a better chance of noting his presence or absence than his other neighbors, whose affidavits Erasmo presented, who just sporadically passed by the subject residence. Further, it is not disputed that Jalosjos bought a residential lot in the same village where he lived and a fish pond in San Isidro, Naga, Zamboanga Sibugay. He showed correspondences with political leaders, including local and national party-mates, from where he lived. Moreover, Jalosjos is a registered voter of Ipil by final judgment of the Regional Trial Court of Zamboanga Sibugay.

Three. While the Court ordinarily respects the factual findings of administrative bodies like the COMELEC, this does not prevent it from exercising its review powers to correct palpable misappreciation of evidence or wrong or irrelevant considerations. The evidence Jalosjos presented is sufficient to establish Ipil, Zamboanga Sibugay, as his domicile. The COMELEC gravely abused its discretion in holding otherwise.

Four. Jalosjos won and was proclaimed winner in the 2010 gubernatorial race for Zamboanga Sibugay. The Court will respect the decision of the people of that province and resolve all doubts regarding his qualification in his favor to breathe life to their manifest will.

document” in paragraph (f) refers to reliable documents of the kind described in the preceding enumerations and that the documents referred to in Section 2(f) may be resorted to only in the absence of the preceding documents in the list. Therefore, the party praying for the reconstitution of a title must show that he had, in fact, sought to secure such documents and failed to find them before presentation of “other documents” as evidence in substitution is allowed. Thus, we stated in Holazo that:

When RA No. 26, Section 2(f), or 3(f) for that matter, speaks of “any other document,” it must refer to similar documents previously enumerated therein or documents ejusdem generis as the documents earlier referred to. The documents alluded to in Section 3(f) must be resorted to in the absence of those preceding in order. If the petitioner for reconstitution fails to show that he had, in fact, sought to secure such prior documents (except with respect to the owner’s duplicate copy of the title which it claims had been, likewise, destroyed) and failed to find them, the presentation of the succeeding documents as substitutionary evidence is proscribed. (citation omitted)

Furthermore, in a more recent case, this Court enumerated what should be shown before an order for reconstitution can validly issue, namely: (a) that the certificate of title had been lost or destroyed; (b) that the documents presented by petitioner are sufficient and proper to warrant reconstitution of the lost or destroyed certificate of title; (c) that the petitioner is the registered owner of the property or had an interest therein; (d) that the certificate of title was in force at the time it was lost or destroyed; and (e) that the description, area and boundaries of the property are substantially the same and those contained in the lost or destroyed certificate of title.

In the case at bar, the respondents were unable to discharge the burden of proof prescribed by law and jurisprudence for the reconstitution of lost or destroyed Torrens certificate of title. First, respondents failed to prove that the owner’s duplicate copy of OCT No. 3980 was indeed eaten by termites while in the custody of respondent Concepcion Lorenzo and her late husband Pedro Fontanilla who, inexplicably, did not execute an affidavit of loss as required by Section 109 of Presidential Decree No. 1529. Second, the Certification dated April 23, 2001 issued by the Register of Deeds of Ilagan, Isabela did not categorically state that the original copy of OCT No. 3980, which respondents alleged to be on file with said office, was among those destroyed by the fire that gutted the premises of said office on December 4, 1976. The document only stated that said office “could not give any information/data involving the existence of Original/Transfer Certificate of Title No. Lot No. 18, area 770 sq. m., located at Taggapan, Echague, Isabela.” Third, a comparison between the aforementioned certification and the technical description and sketch plan will reveal that there was a discrepancy in the land area of the lot allegedly covered by OCT No. 3980. What was reflected on the former was a land area of 770 sq. m. while the latter two documents pertained to a land area of 811 sq. m. Furthermore, respondents were not able to show adequate proof that a Torrens certificate of title was issued covering the subject parcel of land or that the same piece of land is what is covered by the allegedly lost or destroyed OCT No. 3980. The Certification dated December 3, 2001 issued by the Land Registration Authority (LRA) which indicates that Decree No. 650254 issued on September 1, 1937 is not among the salvaged decrees on file in the LRA and is presumed to have been lost or destroyed as a consequence of World War II does not support respondents’ assertion that OCT No. 3980 did exist prior to its loss or destruction because said document failed to show a connection between Decree No. 650254 and OCT No. 3980. From the foregoing, it is apparent that the conclusion of the Court of Appeals that “(t)he enumeration of the preferential documents to be produced as provided under Section 2 of Republic Act 26 had been substantially complied with” had no foundation based on the evidence on record.

Likewise, the deed of sale purportedly between Antonia Pascau, as seller, and Pedro Fontanilla, as buyer, which involves OCT No. 3980 cannot be relied upon as basis for reconstitution of Torrens certificate of title. An examination of the deed of sale would reveal that the number of the OCT allegedly covering the subject parcel of land is clearly indicated, however, the date when said OCT was issued does not appear in the document. This circumstance is fatal to respondents’ cause as we have reiterated in Republic v. El Gobierno de las Islas Filipinas that the absence of any document, private or official, mentioning the number of the certificate of title and the date when the certificate of title was issued, does not warrant the granting of a petition for reconstitution.

Questions concerning the issuance of a search warrant and suppression of evidence seized under it can be raised only with the issuing court; nature of a search warrant proceeding.

Section 14 of Rule 126 is clear. Questions concerning both 1) the issuance of the search warrant and 2) the suppression of evidence seized under it are matters that can be raised only with the issuing court if, as in the present case, no criminal action has in the meantime been filed in court. Thus:

Sec. 14. Motion to quash a search warrant or to suppress evidence; where to file. — A motion to quash a search warrant and/or to suppress evidence obtained thereby may be filed in and acted upon only by the court where the action has been instituted. If no criminal action has been instituted, the motion may be filed in and resolved by the court that issued the search warrant. However, if such court failed to resolve the motion and a criminal case is subsequently filed in another court, the motion shall be resolved by the latter court. (emphasis supplied)

Although passed off as a petition for injunction, the action that Mendoza, et al. filed with the Muntinlupa RTC, the object of which is to prohibit the three agencies from using the items seized under the search warrant, is actually an action to suppress their use as evidence. Consequently, Mendoza, et al. should have filed it with the Makati RTC that issued such warrant.

It might be pointed out of course that since Mendoza, et al. were not parties to the issuance of the search warrant, they had no standing to question the same or seek the suppression of evidence taken under it. Consequently, since they had reasons for questioning government use of the seized items against them, they had the right to bring the injunction action before the Muntinlupa RTC where they resided.

But the rules do not require Mendoza, et al. to be parties to the search warrant proceeding for them to be able to file a motion to suppress. It is not correct to say that only the parties to the application for search warrant can question its issuance or seek suppression of evidence seized under it. The proceeding for the issuance of a search warrant does not partake of an action where a party complains of a violation of his right by another. The Court clearly explained in United Laboratories, Inc. v. Isip, the nature of a search warrant proceeding.

[A] search warrant proceeding is, in no sense, a criminal action or the commencement of a prosecution. The proceeding is not one against any person, but is solely for the discovery and to get possession of personal property. It is a special and peculiar remedy, drastic in nature, and made necessary because of public necessity. It resembles in some respect with what is commonly known as John Doe proceedings. While an application for a search warrant is entitled like a criminal action, it does not make it such an action.

A search warrant is a legal process which has been likened to a writ of discovery employed by the State to procure relevant evidence of crime. It is in the nature of a criminal process, restricted to cases of public prosecutions. A search warrant is a police weapon, issued under the police power. A search warrant must issue in the name of the State, namely, the People of the Philippines.

A search warrant has no relation to a civil process. It is not a process for adjudicating civil rights or maintaining mere private rights. It concerns the public at large as distinguished from the ordinary civil action involving the rights of private persons. It may only be applied for in the furtherance of public prosecution.

Clearly, although the search warrant in this case did not target the residence or offices of Mendoza, et al., they were entitled to file with the Makati RTC a motion to suppress the use of the seized items as evidence against them for failure of the SEC and the NBI to immediately turn these over to the issuing court. The issuing court is the right forum for such motion given that no criminal action had as yet been filed against Mendoza, et al. in some other court.

Parenthetically, it appears from its investigation report that the SEC kept the seized documents and articles for months rather than immediately turn them over to the Makati RTC. Justifying its action, the SEC said that it still needed to study the seized items. Evidently, it wanted to use them to build up a case against the respondents, unmindful of its duty to first turn them over to the court. Clearly, SEC’s arbitrary action compromised the integrity of the seized documents and articles.

Fresh period rule applicable in criminal cases.

The pivotal question is whether the "fresh period rule" is applicable to appeals from conviction in criminal cases governed by Sec. 6 of Rule 122 which pertinently provides:

Sec. 6. When appeal to be taken. – An appeal must be taken within 15 days from promulgation of the judgment or from notice of the final order appealed from. This period for perfecting an appeal shall be suspended from the time a motion for new trial or reconsideration is filed until notice of the order overruling the motion has been served upon the accused or his counsel at which time the balance of the period begins to run. (emphasis supplied)

While Neypes was silent on the applicability of the "fresh period rule" to criminal cases, the issue was squarely addressed in Yu v. Tatad, which expanded the scope of the doctrine in Neypes to criminal cases in appeals of conviction under Sec. 6, Rule 122 of the Revised Rules of Criminal Procedure. Thus, the Court held in Yu:

While Neypes involved the period to appeal in civil cases, the Court’s pronouncement of a “fresh period” to appeal should equally apply to the period for appeal in criminal cases under Section 6 of Rule 122 of the Revised Rules of Criminal Procedure x x x.

Verily, the application of the statutory privilege of appeal must not prejudice an accused who must be accorded the same statutory privilege as litigants in civil cases who are granted a fresh 15-day period within which to file an appeal from receipt of the denial of their motion for new trial or reconsideration. It is indeed absurd and incongruous that an appeal from a conviction in a criminal case is more stringent than those of civil cases. If the Court has accorded litigants in civil cases — under the spirit and rationale in Neypes — greater leeway in filing an appeal through the “fresh period rule,” with more reason that it should equally grant the same to criminal cases which involve the accused’s “sacrosanct right to liberty, which is protected by the Constitution, as no person should be deprived of life, liberty, or property without due process of law.”

Laches; elements of laches must be proven positively.

The established rule, as reiterated in Heirs of Tomas Dolleton v. Fil-Estate Management, Inc., is that “the elements of laches must be proven positively. Laches is evidentiary in nature, a fact that cannot be established by mere allegations in the pleadings x x x.” Evidence is of utmost importance in establishing the existence of laches because, as stated in Department of Education, Division of Albay v. Oñate, “there is “no absolute rule as to what constitutes laches or staleness of demand; each case is to be determined according to its particular circumstances.” x x x Verily, the application of laches is addressed to the sound discretion of the court as its application is controlled by equitable considerations.

In this case, respondents (defendants-appellants below) did not present any evidence in support of their defense, as they failed to take advantage of all the
remedial law (continued)

opportunities they had to do so. The Court stressed in *Heirs of Anacleto B. Nieto v. Municipality of Meycauayan, Bulacan*, that:

**x x x** laches is not concerned only with the mere lapse of time. The following elements must be present in order to constitute laches:

1. conduct on the part of the defendant, or of one under whom he claims, giving rise to the situation of which complaint is made for which the complaint seeks a remedy;

2. delay in asserting the complainant’s rights, the complainant having had knowledge or notice, of the defendant’s conduct and having been afforded an opportunity to institute a suit;

3. lack of knowledge or notice on the part of the defendant that the complainant would assert the right on which he bases his suit; and

4. injury or prejudice to the defendant in the event relief is accorded to the complainant, or the suit is not held to be barred.

In this case, there is no evidence on record to prove the concurrence of all the aforementioned elements of laches. The first element may indeed be established by the admissions of both parties in the Complaint and Answer – i.e., that petitioner is the registered owner of the subject property, but respondents had been occupying it for sometime and refuse to vacate the same – but the crucial circumstances of delay in asserting petitioner’s right, lack of knowledge on the part of defendant that complainant would assert his right, and the injury or prejudice that defendant would suffer if the suit is not held to be barred, have not been proven. Therefore, in the absence of positive proof, it is impossible to determine if petitioner is guilty of laches.

At this juncture, it is best to emphasize the Court’s ruling in *Labrador v. Perlas*, to wit:

**x x x** As a registered owner, petitioner has a right to eject any person illegally occupying his property. This right is imprescriptible and can never be barred by laches. In *Bishop v. Court of Appeals*, we held, thus:

As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners’ occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches.

**x x x** Social justice and equity cannot be used to justify the court’s grant of property to one at the expense of another who may have a better right thereto under the law. These principles are not intended to favor the underprivileged while purposely denying another of his right under the law.

To rule that herein petitioner is guilty of laches even in the absence of evidence to that effect would truly run afoul of the principle of justice and equity.


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**2013 Upcoming PHILJA Events**  
(Continued from page 32)

- Seminar-Workshop on Strengthening Judicial Integrity and Rule of Law for Executive Judges and Single Sala Court Judges of Regions X, XI and XII (Mindanao)  
  **February 27-28, Cagayan de Oro City**

- Competency Enhancement Training (CET) for Judges and Court Personnel Handling Cases Involving Children  
  **March 5-7, Manila**

- 18th National Convention-Seminar of the Philippine Women Judges Association (PWJA)  
  **March 6-8, Palo, Leyte**

- Orientation and Screening of Prospective Mediators and PMC Unit Staff  
  **March 7, Talibon, Bohol**

- PHILJA Anniversary  
  **March 12, Tagaytay City**

- Competency Enhancement Training (CET) for Judges, Prosecutors, Social Workers and Law Enforcement in Investigators Handling Trafficking in Persons Cases  
  **March 19-21, Cebu City**

- 25th Orientation Seminar for Newly Appointed Clerks of Court  
  **March 19-22, Tagaytay City**

- Judicial Settlement Conference for Judges on Judicial Dispute Resolution  
  **March 19-22, Tagaytay City**
EFFICIENT USE OF PAPER RULE

WHEREAS, to produce 500 reams of paper, 20 trees are cut and 100,000 liters of water are used, water that is no longer reusable because it is laden with chemicals and is just released to the environment to poison our rivers and seas;

WHEREAS, there is a need to cut the judicial system’s use of excessive quantities of costly paper, save our forests, avoid landslides, and mitigate the worsening effects of climate change that the world is experiencing;

WHEREAS, the judiciary can play a big part in saving our trees, conserving precious water, and helping mother earth;

NOW, THEREFORE, the Supreme Court En Banc hereby issues and promulgates the following:

Sec. 1. Title of the Rule. – This rule shall be known and cited as the Efficient Use of Paper Rule.

Sec. 2. Applicability. – This rule shall apply to all courts and quasi-judicial bodies under the administrative supervision of the Supreme Court.

Sec. 3. Format and Style.

a. All pleadings, motions, and similar papers intended for the court and quasi-judicial body’s consideration and action (court-bound papers) shall be written in single space with a one-and-a-half space between paragraphs, using an easily readable font style of the party’s choice, of 14-size font, and on a 13-inch by 8.5-inch white bond paper; and

b. All decisions, resolutions, and orders issued by courts and by quasi-judicial bodies under the administrative supervision of the Supreme Court shall comply with these requirements. Similarly covered are the reports submitted to the courts and transcripts of stenographic notes.

Sec. 4. Margins and Prints. – The parties shall maintain the following margins on all court-bound papers: a left hand margin of 1.5 inches from the edge; an upper margin of 1.2 inches from the edge; a right hand margin of 1.0 inch from the edge; and a lower margin of 1.0 inch from the edge. Every page must be consecutively numbered.

Sec. 5. Copies to be Filed. – Unless otherwise directed by the court, the number of court-bound papers that a party is required or desires to file shall be as follows:

a. In the Supreme Court, one original (properly marked) and four copies, unless the case is referred to the Court En Banc, in which event, the parties shall file ten additional copies. For the En Banc, the parties need to submit only two sets of annexes, one attached to the original and an extra copy. For the Division, the parties need to submit also two sets of annexes, one attached to the original and an extra copy. All members of the Court shall share the extra copies of annexes in the interest of economy of paper.

Parties to cases before the Supreme Court are further required, on voluntary basis for the first six months following the effectivity of this Rule and compulsorily afterwards unless the period is extended, to submit, simultaneously with their court-bound papers, soft copies of the same and their annexes (the latter in PDF format) either by email to the Court’s e-mail address or by compact disc (CD). This requirement is in preparation for the eventual establishment of an e-filing paperless system in the judiciary.

b. In the Court of Appeals and the Sandiganbayan, one original (properly marked) and two copies with their annexes;

c. In the Court of Tax Appeals, one original (properly marked) and two copies with annexes. On appeal to the En Banc, one original (properly marked) and eight copies with annexes; and

d. In other courts, one original (properly marked) with the stated annexes attached to it.

Sec. 6. Annexes Served on Adverse Party. – A party required by the rules to serve a copy of his court-bound paper on the adverse party need not enclose copies of those annexes that based on the record of the court such party already has in his possession. In the event a party requests a set of the annexes actually filed with the court, the party who filed the paper shall comply with the request within five days from receipt.

Sec. 7. Date of Effectivity. – This rule shall take effect on January 1, 2013 after publication in two newspapers of general circulation in the Philippines.

Manila, November 13, 2012.

(Sgd.) SERENO, CJ, CARPIO, VELASCO, Jr., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, ABAD, VILLARAMA, Jr., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, JJ.
Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION

ASTORGA AND REPOL LAW OFFICES, represented by ATTY. ARNOLD B. LUGARES,
Complainant,
- versus -
ACTING CHAIRPERSON, BERSAMIN, DEL CASTILLO, and VILLARAMA, JR., JJ.
Respondent.

LEODEL N. ROXAS, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 66, MAKATI CITY,
Promulgated: 15 AUG 2012

DECISION

LEONARDO-DE CASTRO, J.:

This is an administrative complaint filed by complainant Astorga and Repol Law Offices, represented by Atty. Arnold B. Lugares (Atty. Lugares), against respondent Leodel N. Roxas, Sheriff IV of the Regional Trial Court (RTC), Branch 66, Makati City, for willful neglect of duty, relative to Civil Case No. 01-1002, entitled FGU Insurance Corporation v. NEC Cargo Services, Inc. and Albert T. Tamayo, Third Party Defendant.

Civil Case No. 01-1002 is a case for damages instituted by FGU Insurance Corporation (FGU) against NEC Cargo Services, Inc. (NEC) before the RTC. FGU was represented by complainant.

After several years of litigation, the RTC rendered a Decision in favor of FGU, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff [FGU] and against the defendant NEC Cargo Services, Inc., ordering the latter to pay the plaintiff the following:

1. the amount of P1,942,285.91 with legal interest thereon from June 21, 2001 until the whole amount is fully paid;
2. attorney’s fees amounting to P70,000.00; and
3. costs of suit.

* Per Special Order No. 1284 dated August 6, 2012.
** Per Special Order No. 1226 dated May 30, 2012.
With regard to the third party complaint of defendant NEC Cargo Services Inc., the third party defendant Alberto Tamayo, doing business under the name and style of Patriot Cargo Movers, is hereby ordered to reimburse defendant/third party plaintiff for all the sums the latter would pay plaintiff.\(^3\)

The aforementioned Decision became final and executory on September 24, 2004.\(^2\)

FGU filed a Motion for Execution which was granted by the RTC and the Writ of Execution was accordingly issued on July 10, 2006.\(^3\)

On July 11, 2006, respondent served a copy of the Writ of Execution upon NEC at Block 15, Lot 9, Tulip Street, Camella Homes I, Putatan, Muntinlupa City, which was received by Mr. Narciso E. Catalon (Catalon). On even date, respondent levied upon the personal properties, consisting of office equipment, found inside the NEC office.

An auction sale was set on July 19, 2006 at 10:30 a.m. at the Main Entrance of the Hall of Justice of Makati City. Copies of the Notice of Sale were sent to all concerned parties and posted on the bulletin boards at the City Hall, Hall of Justice, and Post Office of Makati City.

However, Catalon filed on July 17, 2006 an Affidavit of Third Party Claim, asserting ownership over the levied properties.

Respondent personally furnished complainant, through Atty. Lugas, on July 18, 2006 a copy of the Notice of Third Party Claim, together with a copy of Catalon’s Affidavit of Third Party Claim.

Since FGU failed to post an indemnity bond in favor of third party claimant Catalon, respondent did not proceed with the scheduled auction sale on July 19, 2006.

The Sheriff’s Report dated August 7, 2006, prepared by respondent, declared the levy upon the personal properties in the NEC office lifted, cancelled, and without effect; and stated that the same personal properties were released to Catalon and the original copy of the Writ of Execution and all pertinent papers were temporarily returned to the RTC unsatisfied.

Since then, there appears to have been no further development in the execution of the RTC Decision dated January 16, 2006 in Civil Case No. 01-1002.

Thus, complainant filed the instant Complaint-Affidavit\(^4\) dated April 29, 2008 against respondent, alleging, among other things, that:

3. The truth of which is that by virtue of the Writ of Execution dated July 10, 2006, on July 11, 2006, [respondent] levied [the] personal properties of defendant Corporation (NEC Cargo Services, Inc.) but was lifted in view of the Affidavit of Third-Party Claim filed.

4. Contrary to the unfounded allegation of non-filing of periodic reports, [respondent], in compliance with the Rules of Court, prepared and submitted the corresponding Sheriff’s Report/

5. \(\text{Id. at 6-7.}\)

6. \(\text{Id. at 14-15.}\)
Return dated August 7, 2006, (Annex “A”) setting forth therein the whole proceedings undertaken and filed with the Court. And a copy thereof was furnished to Atty. Arnold Lugares, received on August 28, 2006 (proof of receipt is attached to the case record).


6. Contrary to the allegation of “repeated follow-ups,” [respondent] suggested to Atty. Arnold Lugares to notify the Court relative to his allegation of [NEC’s] leviable assets in the form of unpaid subscription. Respondent Sheriff opines that the unpaid subscription of the incorporators are not leviable assets and there is a need to determine and show proof that the subscriptions are declared delinquent through the filing of an appropriate Motion addressed to the Court. It is a fundamental legal axiom that a Writ of Execution must conform strictly to the dispositive portion of the decision sought to be executed. (Banquerigo v. C.A., 498 SCRA 169). As to the directive in the Writ of Execution in light of the dispositive portion being executed, the Respondent Sheriff acted with prudence and caution especially where the alleged unpaid subscriptions are sought by Atty. Arnold Lugares, counsel of the prevailing party, is not specified in the judgment.

7. Lastly, respondent Sheriff is not remiss in the performance of his duties and does not have the slightest intention to neglect his duty as executing sheriff in the implementation of his duties and does not have the slightest intention to neglect his duty as executing sheriff in the implementation of the Writ relative to the said Civil Case No. 01-1002. 7

Consequently, respondent prayed that he be absolved from any administrative liability.

On November 9, 2011, the Office of the Court Administrator (OCA) submitted its report with the following recommendations:

RECOMMENDATION: In view of the foregoing, we respectfully submit for the consideration of the Honorable Court the following recommendations:

1. The administrative complaint against Leodel N. Roxas, Sheriff IV, Regional Trial Court, Branch 66, Makati City be REDOCKETED as a regular administrative matter;

2. Sheriff Roxas be found GUILTY of simple neglect of duty; and

3. Sheriff Roxas be SUSPENDED FOR ONE MONTH and ONE DAY WITHOUT PAY and STERNLY WARNED that the commission of the same or similar acts in the future shall be dealt with more severely.9

In a Resolution dated January 18, 2012, the Court redocketed the administrative complaint against respondent as a regular administrative matter and required the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

Complainant and respondent submitted their Manifestations dated March 12, 2012 and April 27, 2012, respectively, stating that they were submitting the case for resolution based on the pleadings filed.

Hence, we now resolve the present administrative matter, completely agreeing with the findings and recommendations of the OCA.

Rule 39, Section 14 of the Rules of Court provides:

Sec. 14. Return of writ of execution. – The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within 30 days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every 30 days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties. (emphasis ours)

The aforesaid provision clearly mandates the sheriff or other proper officer to file a return and when necessary, periodic reports, with the court which issued the writ of execution. The writ of execution shall be returned to the court immediately after the judgment had been partially or fully satisfied. In case the writ is still unsatisfied or only partially satisfied 30 days after the officer’s receipt of the same, said officer shall file a report with the court stating the reasons therefor. Subsequently, the officer shall periodically file with the court a report on the proceedings taken to enforce the writ every 30 days until said writ is fully satisfied or its effectivity expires. The officer is further required to furnish the parties with copies of the return and periodic reports.

Herein respondent had undeniably failed to file periodic reports on the Writ of Execution dated July 10, 2006. Respondent received a copy of said Writ also on July 10, 2006 and he filed a Sheriff’s Report on August 7, 2006. According to his Report respondent had to lift and cancel the levy on the office equipment found inside the NEC office given Catalon’s third-party claim over said properties and

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7 Id.
8 Id. at 20-23.
9 Id. at 23.
10 Id. at 25.
11 Id. at 27-28.
12 Id. at 32.
the failure of FGU to post an indemnity bond in Catalon’s favor, thus, the Writ of Execution dated July 10, 2006 was returned to the RTC unsatisfied. The Sheriff’s Report dated August 7, 2006 was the first and last filed by respondent in connection with the Writ of Execution dated July 10, 2006, until the instant administrative complaint dated April 29, 2008 was filed against him. For almost two years, respondent was completely remiss in filing the mandated periodic reports on the Writ of Execution dated July 10, 2006. Consequently, for the same period of time, FGU, the prevailing party in Civil Case No. 01-1002, was left unaware of any steps taken by respondent to satisfy the Decision dated January 16, 2006. Ultimately, it is apparent that respondent did not file any periodic report because he had nothing to state therein as he failed to take any further action to satisfy the Decision dated January 16, 2006 and implement the Writ of Execution dated July 10, 2006.

In his defense, respondent claimed that there is no other NEC property which he could levy or garnish to satisfy the Decision dated January 16, 2006. Respondent averred that he could not garnish the unpaid subscriptions of NEC incorporators, as complainant wished, because the unpaid subscriptions were not specified in the dispositive portion of the judgment to be implemented. Respondent’s reasoning is unacceptable. Difficulties or obstacles in the satisfaction of a final judgment and execution of a writ do not excuse respondent’s total inaction. Neither the Rules nor jurisprudence recognizes any exception from the periodic reports of sheriffs. If only respondent submitted such periodic reports, he could have brought his predicament to the attention of the RTC and FGU and he could have given the RTC and FGU the opportunity to act and/or move to address the same.

It is almost trite to say that execution is the fruit and end of the suit and is the life of law. A judgment, if left unexecuted, would be nothing but an empty victory for the prevailing party.\(^\text{13}\)

Therefore, sheriffs ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch. When writs are placed in their hands, it is their ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate. Unless restrained by a court order, they should see to it that the execution of judgments is not unduly delayed. Accordingly, they must comply with their mandated ministerial duty as speedily as possible. As agents of the law, high standards are expected of sheriffs.\(^\text{14}\)

In \textit{Añonuevo v. Rubio},\(^\text{15}\) we stressed the reminder to all court personnel to perform their assigned tasks promptly and with great care and diligence considering the important role they play in the administration of justice. With respect to sheriffs, they are to implement writs of execution and similar processes mindful that litigations do not end merely with the promulgation of judgments. Being the final stage in the litigation process, execution of judgments ought to be carried out speedily and efficiently since judgments left unexecuted or indefinitely delayed are rendered inutile and the parties prejudiced thereby, condemnatory of the entire judicial system. This admonishment is now enshrined as Canon IV, Section 1 of the Code of Conduct for Court Personnel that reads, “[c]ourt personnel shall at all times perform official duties properly and with diligence. x x x”

Evidently, respondent displayed conduct short of the stringent standards required of court employees. Respondent’s long delay in the execution of the final judgment in favor of FGU and failure to submit the required periodic reports constitute simple neglect of duty, defined as the failure of an employee to give one’s attention to a task expected of him, and signifies a disregard of a duty resulting from carelessness or indifference. Civil Service Commission Memorandum Circular No. 19 classifies simple neglect of duty as a less grave offense, punishable by suspension without pay for one month and one day to six months, for the first offense. This being respondent’s first offense, the penalty recommended by the OCA of one month and one day is appropriate.

WHEREFORE, respondent Leodel N. Roxas, Sheriff IV of the Regional Trial Court, Branch 66, Makati City, is found GUILTY of simple neglect of duty and is SUSPENDED for one month and one day counted from his receipt of this Decision. He is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely.

Let a copy of this Decision be furnished the Office of the Court Administrator, which is instructed to circulate the Decision to the clerk of court of all trial courts for dissemination to all concerned court personnel.

SO ORDERED.

\textit{(Sgd.) TERESITA J. LEONARDO-DE CASTRO}
\textit{Associate Justice}
\textit{Acting Chairperson, First Division}

WE CONCUR:

\textit{(Sgd.) ANTONIO T. CARPIO}
\textit{Senior Associate Justice}

\textit{(Sgd.) LUCAS P. BERSAMIN}
\textit{Associate Justice}

\textit{(Sgd.) MARIANO C. DEL CASTILLO}
\textit{Associate Justice}

\textit{(Sgd.) MARTIN S. VILLARAMA, JR.}
\textit{Associate Justice}

\[^{13}\text{Garcia v. Yared, 447 Phil. 444, 453 (2003).}\]

\[^{14}\text{Pesongco v. Estoya, 519 Phil. 226, 241 (2006).}\]

\[^{15}\text{479 Phil. 336, 340 (2004).}\]
OCA Circular No. 106-2012


SUBJECT: JUDICIAL AFFIDAVIT RULE

For your information and guidance, the Supreme Court En Banc has issued and promulgated the Judicial Affidavit Rule in A.M. No. 12-8-8-SC dated September 4, 2012, in order to fully address the “case congestion and delays that have plagued most courts in cities, given the huge volume of cases filed each year and the slow and cumbersome adversarial system that the judiciary has in place.”

In view of the foregoing, you are hereby DIRECTED to OBSERVE faithfully the pronouncements in the abovementioned Judicial Affidavit Rule dated September 4, 2012, appended herewith as Annex “A”.

This Judicial Affidavit Rule (A.M. No. 12-8-8-SC) was published in newspapers of general circulation particularly in the Philippine Daily Inquirer and the Manila Times on September 8, 2012 and September 10, 2012, respectively, and ACCORDINGLY, will TAKE EFFECT on January 1, 2013.

Strict compliance is hereby enjoined.

October 15, 2012.

(Sgd.) JOSE MIDAS P. MARQUEZ
Court Administrator

ANNEX “A”

A.M. No. 12-8-8-SC
JUDICIAL AFFIDAVIT RULE

WHEREAS, case congestion and delays plague most courts in cities, given the huge volume of cases filed each year and the slow and cumbersome adversarial system that the judiciary has in place;

WHEREAS, about 40 percent of criminal cases are dismissed annually owing to the fact that complainants simply give up coming to court after repeated postponements;

WHEREAS, few foreign businessmen make long-term investments in the Philippines because its courts are unable to provide ample and speedy protection to their investments, keeping its people poor;

WHEREAS, in order to reduce the time needed for completing the testimonies of witnesses in cases under litigation, on February 21, 2012, the Supreme Court approved for piloting by trial courts in Quezon City the compulsory use of judicial affidavits in place of the direct testimonies of witnesses;

WHEREAS, it is reported that such piloting has quickly resulted in reducing by about two-thirds the time used for presenting the testimonies of witnesses, thus speeding up the hearing and adjudication of cases;

WHEREAS, the Supreme Court Committee on the Revision of the Rules of Court, headed by Senior Associate Justice Antonio T. Carpio, and the Subcommittee on the Revision of the Rules on Civil Procedure, headed by Associate Justice Roberto A. Abad, have recommended for adoption a Judicial Affidavit Rule that will replicate nationwide the success of the Quezon City experience in the use of judicial affidavits; and

WHEREAS, the Supreme Court En Banc finds merit in the recommendation;

NOW, THEREFORE, the Supreme Court En Banc hereby issues and promulgates the following:

SECTION 1. Scope.

a. This Rule shall apply to all actions, proceedings, and incidents requiring the reception of evidence before:

1. The Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, the Municipal Circuit Trial Courts, and the Shari’a Circuit Courts but shall not apply to small claims cases under A.M. 08-8-7-SC;

2. The Regional Trial Courts and the Shari’a District Courts;

3. The Sandiganbayan, the Court of Tax Appeals, the Court of Appeals, and the Shari’a Appellate Courts;

4. The investigating officers and bodies authorized by the Supreme Court to receive evidence, including the Integrated Bar of the Philippines (IBP); and

5. The special courts and quasi-judicial bodies, whose rules of procedure are subject to disapproval of the Supreme Court, insofar as their existing rules of procedure contravene the provisions of this Rule.¹

¹ By virtue of the Supreme Court’s authority under Section 5(5), Article VIII, of the 1987 Constitution to disapprove rules of procedure of special courts and quasi-judicial bodies.
b. For the purpose of brevity, the above courts, quasi-judicial bodies, or investigating officers shall be uniformly referred to here as the “court.”

Sec. 2. Submission of Judicial Affidavits and Exhibits in lieu of Direct Testimonies.

a. The parties shall file with the court and serve on the adverse party, personally or by licensed courier service, not later than five days before pre-trial or preliminary conference or the scheduled hearing with respect to motions and incidents, the following:

1. The judicial affidavits of their witnesses, which shall take the place of such witnesses’ direct testimonies; and
2. The parties’ documentary or object evidence, if any, which shall be attached to the judicial affidavits and marked as Exhibits A, B, C, and so on in the case of the complainant or the plaintiff, and as Exhibits I, 2, 3, and so on in the case of the respondent or the defendant.

b. Should a party or a witness desire to keep the original document or object evidence in his possession, he may, after the same has been identified, marked as exhibit, and authenticated, warrant in his judicial affidavit that the copy or reproduction attached to such affidavit is a faithful copy or reproduction of that original. In addition, the party or witness shall bring the original document or object evidence for comparison during the preliminary conference with the attached copy, reproduction, or pictures, failing which the latter shall not be admitted. This is without prejudice to the introduction of secondary evidence in place of the original when allowed by existing rules.

Sec. 3. Contents of Judicial Affidavit. – A judicial affidavit shall be prepared in the language known to the witness and, if not in English or Filipino, accompanied by a translation in English or Filipino, and shall contain the following:

a. The name, age, residence or business address, and occupation of the witness;

b. The name and address of the lawyer who conducts or supervises the examination of the witness and the place where the examination is being held;

c. A statement that the witness is answering the questions asked of him, fully conscious that he does so under oath, and that he may face criminal liability for false testimony or perjury;

d. Questions asked of the witness and his corresponding answers, consecutively numbered, that:

1. Show the circumstances under which the witness acquired the facts upon which he testifies;

2. Elicit from him those facts which are relevant to the issues that the case presents; and

3. Identify the attached documentary and object evidence and establish their authenticity in accordance with the Rules of Court;

e. The signature of the witness over his printed name; and

f. A jurat with the signature of the notary public who administers the oath or an officer who is authorized by law to administer the same.

Sec. 4. Sworn Attestation of the Lawyer.

a. The judicial affidavit shall contain a sworn attestation at the end, executed by the lawyer who conducted or supervised the examination of the witness, to the effect that:

1. He faithfully recorded or caused to be recorded the questions he asked and the corresponding answers that the witness gave; and

2. Neither he nor any other person then present or assisting him coached the witness regarding the latter’s answers.

b. A false attestation shall subject the lawyer mentioned to disciplinary action, including disbarment.

Sec. 5. Subpoena. – If the government employee or official, or the requested witness, who is neither the witness of the adverse party nor a hostile witness, unjustifiably declines to execute a judicial affidavit or refuses without just cause to make the relevant books, documents, or other things under his control available for copying, authentication, and eventual production in court, the requesting party may avail himself of the issuance of a subpoena ad testificandum or duces tecum under Rule 21 of the Rules of Court. The rules governing the issuance of a subpoena to the witness in this case shall be the same as when taking his deposition except that the taking of a judicial affidavit shall be understood to be ex parte.

Sec. 6. Offer Of and Objections to Testimony in Judicial Affidavit. – The party presenting the judicial affidavit of his witness in place of direct testimony shall state the purpose of such testimony at the start of the presentation of the witness. The adverse party may move to disqualify the witness or to strike out his affidavit or any of the answers found in it on ground of inadmissibility. The court shall promptly rule on the motion and, if granted, shall cause the marking of any excluded answer by placing it in brackets under the initials of an authorized court personnel, without
OCA Circular No. 106-2012 (continued)

prejudice to a tender of excluded evidence under Section 40 of Rule 132 of the Rules of Court.

Sec. 7. Examination of the Witness on His Judicial Affidavit.— The adverse party shall have the right to cross-examine the witness on his judicial affidavit and on the exhibits attached to the same. The party who presents the witness may also examine him as on re-direct. In every case, the court shall take active part in examining the witness to determine his credibility as well as the truth of his testimony and to elicit the answers that it needs for resolving the issues.

Sec. 8. Oral Offer Of and Objections to Exhibits.

a. Upon the termination of the testimony of his last witness, a party shall immediately make an oral offer of evidence of his documentary or object exhibits, piece by piece, in their chronological order, stating the purpose or purposes for which he offers the particular exhibit.

b. After each piece of exhibit is offered, the adverse party shall state the legal ground for his objection, if any, to its admission, and the court shall immediately make its ruling respecting that exhibit.

c. Since the documentary or object exhibits form part of the judicial affidavits that describe and authenticate them, it is sufficient that such exhibits are simply cited by their markings during the offers, the objections, and the rulings, dispensing with the description of each exhibit.

Sec. 9. Application of Rule to Criminal Actions.

a. This rule shall apply to all criminal actions:

1. Where the maximum of the imposable penalty does not exceed six years;

2. Where the accused agrees to the use of judicial affidavits, irrespective of the penalty involved; or

3. With respect to the civil aspect of the actions, whatever the penalties involved are.

b. The prosecution shall submit the judicial affidavits of its witnesses not later than five days before the pre-trial, serving copies of the same upon the accused. The complainant or public prosecutor shall attach to the affidavits such documentary or object evidence as he may have, marking them as Exhibits A, B, C, and so on. No further judicial affidavit, documentary, or object evidence shall be admitted at the trial.

c. If the accused desires to be heard on his defense after receipt of the judicial affidavits of the prosecution, he shall have the option to submit his judicial affidavit as well as those of his witnesses to the court within 10 days from receipt of such affidavits and serve a copy of each on the public and private prosecutor, including his documentary and object evidence previously marked as Exhibits 1, 2, 3, and so on. These affidavits shall serve as direct testimonies of the accused and his witnesses when they appear before the court to testify.

Sec. 10. Effect of Non-compliance with the Judicial Affidavit Rule.

a. A party who fails to submit the required judicial affidavits and exhibits on time shall be deemed to have waived their submission. The court may, however, allow only once the late submission of the same provided, the delay is for a valid reason, would not unduly prejudice the opposing party, and the defaulting party pays a fine of not less than P1,000 nor more than P5,000, at the discretion of the court.

b. The court shall not consider the affidavit of any witness who fails to appear at the scheduled hearing of the case as required. Counsel who fails to appear without valid cause despite notice shall be deemed to have waived his client’s right to confront by cross-examination the witnesses there present.

c. The court shall not admit as evidence judicial affidavits that do not conform to the content requirements of Section 3 and the attestation requirement of Section 4 above. The court may, however, allow only once the subsequent submission of the compliant replacement affidavits before the hearing or trial provided the delay is for a valid reason and would not unduly prejudice the opposing party and provided further, that public or private counsel responsible for their preparation and submission pays a fine of not less than P1,000 nor more than P5,000, at the discretion of the court.

Sec. 11. Repeal or Modification of Inconsistent Rules.— The provisions of the Rules of Court and the rules of procedure governing investigating officers and bodies authorized by the Supreme Court to receive evidence are repealed or modified insofar as these are inconsistent with the provisions of this Rule.

The rules of procedure governing quasi-judicial bodies inconsistent herewith are hereby disapproved.

Sec. 12. Effectivity.— This rule shall take effect on January 1, 2013, following its publication in two newspapers of general circulation not later than September 15, 2012. It shall also apply to existing cases.


(Sgd.) SERENO, CJ; CARPIO, VELASCO, Jr., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, ABAD, VILLARAMA, Jr., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, JJ.
OCA Circular No. 119-2012

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

SUBJECT: GUIDELINES ON THE RENDITION OF OVERTIME SERVICES IN THE JUDICIARY

Quoted hereunder is Administrative Circular No. 25-2012 dated April 11, 2012 of then Chief Justice Renato C. Corona, Re: Guidelines on the Rendition of Overtime Services in the Judiciary:

ADMINISTRATIVE CIRCULAR NO. 25-2012
GUIDELINES ON THE RENDITION OF OVERTIME SERVICES IN THE JUDICIARY

WHEREAS, the following Circulars were issued regarding rendition of overtime services:

a. Memorandum Circular No. 08-2004 (Revising the amended guidelines on the Rendition of Overtime Services to update the Amended guidelines on the Rendition of Overtime Services approved on October 19, 2001);

b. Administrative Circular No. 44-2004 (Adopting Effective Measures to Reduce Expenditures and Increase Savings in Appropriations in the Judiciary); and

c. Administrative Circular No. 18-2005 (Adopting as part of the Judiciary’s Austerity Program Joint Circular No. 2, s. 2004 of the Civil Service Commission (CSC) and Department of Budget and Management (DBM) on Non-Monetary remuneration for overtime service rendered) as well as guidelines on its implementation;

WHEREAS, in the resolution dated January 17, 2012 in A.M. No. 08-11-8-SC, the Court approved the revised draft Guidelines on the Rendition of Overtime Services in the Judiciary submitted by the FMBO and OAS.

NOW THEREFORE, the following guidelines are hereby issued to reiterate and/or update guidelines on rendition of overtime services:

1. Purpose
These guidelines shall be the basis for the:

a. payment of authorized overtime services; and

b. availment of compensatory time off in lieu of overtime pay for rendering overtime services

for uniformity and consistency in its application

2. Coverage
These guidelines shall apply to all employees of the Supreme Court up to Chiefs of Division, whether permanent, temporary, coterminous or casual, including those of the Presidential Electoral Tribunal (PET), Judicial and Bar Council (JBC), Philippine Judicial Academy (PHILJA), Mandatory Continuing Legal Education Office (MCLEO), the Court of Appeals, Sandiganbayan, Court of Tax Appeals and all courts in the first and second levels, when applicable.

3. Definition of Terms
Compensatory Overtime Credit (COC) refers to the accrued number of hours an employee earns as a result of services rendered beyond regular working hours, and/or those rendered on Saturdays, Sundays, Holidays or scheduled days off without the benefit of overtime pay.

Compensatory Time Off (CTO) refers to the number of hours or days an employee is excused from reporting for work with full pay and benefits. It is a non-monetary benefit provided to an employee in lieu of overtime pay.

4. Policy on Overtime
Overtime work should be avoided by adequate planning of work activities. It should not be resorted to in the performance of regular routine work and activities except when unforeseen events and emergency situations will result in any of the following:

4.1. Cause financial loss to the government;

4.2. Embarrass the Supreme Court due to its inability to meet its commitments; and
4.3. Negate the purpose for which the work or activity was conceived.

5. **Activities for which Overtime Services may be Authorized:**

5.1 Completion of infrastructure and other projects with set deadlines;

5.2 Work involving the preparation for and administration of Bar Examinations, where existing personnel are not adequate to handle such work during regular days;

5.3 Seasonal work such as budget preparation and rendition of annual reports to meet scheduled deadlines;

5.4 Preparation of special financial accountability reports required occasionally by central monitoring agencies like the Congress of the Philippines, the Senate, the Office of the President, Commission on Audit, Department of Budget and Management and National Economic Development Authority;

5.5 Implementation of special program/projects embodied in directives and authorizations, and with specific dates to complete which are in the nature of additional work of personnel with their regular duties;

5.6 Services rendered by drivers and other immediate staff of officials authorized to have such staff support when they are required to keep the same working hours of their superiors. Request for overtime will be renewable every 6 months;

5.7 Rendition of skeletal force on Saturdays by all officials and employees of the Judiciary under Administrative Circular No. 2-99 dated January 15, 1999 which is subject to Compensatory Time-Off;

5.8 Services rendered by Security Guards beyond their hours of duty in conventions, seminars, fora, and symposia. Certification of their overtime services shall be signed by the Head of Office/Organization who hosted/facilitated the aforesaid activity; and

5.9 Other services which the Chief Justice may deem to require overtime work.

6. **Request for Authority to Render Overtime Services**

6.1 For compensatory overtime services

All requests for compensatory overtime services shall be made by the Chief of Office and must be submitted to the Chief Justice/Presiding Justices for approval before actual service of overtime is rendered.

6.2 For non-compensatory overtime services

Pursuant to A.C. No. 18-2005 (Adopting as Part of the Judiciary’s Austerity Program Joint Circular No.2, s. 2004 of the CSC and DBM on non-monetary remuneration for overtime services rendered), the heads of offices/units shall approve the requests of their respective personnel to render non-compensatory overtime services.

For the lower courts, requests for rendition of overtime services on weekdays, scheduled workdays, Sundays or holidays as well as for those who will render skeletal force on Saturdays pursuant to AC No. 2-99, corollary with OCA Circular No. 48-2007, shall be approved by the Executive Judges.

6.3 Both requests shall state therein the following:

- Purpose for which overtime will be rendered;
- Tasks to be completed;
- Date and Time of commencement and completion; and
- List of employees who will render overtime with their corresponding work assignment and responsibilities. The number of personnel who will render overtime services shall depend upon the size and objective of the project.

Exceptions to non-compensatory overtime services. – The Chief Justice may, at his discretion and if justified by compelling reasons, authorize exceptions to the application of non-monetary remuneration for overtime services rendered.

7. **Who will be Authorized to Render Overtime Services**

All employees up to Chief of Division, whether permanent, temporary, coterminous or casual.
8. **General Provisions on Overtime Services**

Employees are required to render 40 hours of work in a week. However, they may be required to render overtime services in the exigency of the service when work has to be done beyond office hours due to compelling reasons and emergency situations.

8.1 Overtime services shall be from 5:00 p.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 4:00 p.m. on Saturdays, Sundays and Holidays.

8.2 Overtime work beyond the number of hours herein authorized for overtime services on weekdays and Saturdays, Sundays and holidays may be authorized in the interest of the service for extremely urgent reasons in connection with activities enumerated under Paragraph 5.

8.3 With respect to personnel in the Supreme Court who voluntarily extend their working hours to finish urgent tasks without overtime pay, a written authority from the Chief of Office or Judicial Staff head must be submitted to the Office of Administrative Services, copy furnished the Security Division, for information and guidance.

9. **Provisions on Compensatory Overtime Services**

9.1 Overtime work with pay shall be allowed

a. when so required by the Chief Justice or Associate Justices but only for a maximum of three personnel for each of their offices;

b. for the official drivers of the Chief Justice and Associate Justices;

c. for the drivers and other immediate staff of officials authorized to have such staff support when they are required to keep the same working hours of their superiors;

d. for security guards beyond their hours of duty in conventions, seminars, fora, symposia; and

e. at the discretion of the Chief Justice and if justified by compelling reasons.

9.2 Requests for overtime shall be renewable every six months.

9.3 Overtime pay shall not be granted unless the concerned personnel shall have rendered the regular work for the day. Hence, if the employees reported late for work on a particular day, they will not be allowed to render the extra hours of work/overtime service on that day.

9.4 For all intents and purposes, except as may be authorized under par. 8.2, extra hours of work/overtime services shall be rendered for the following maximum number of hours:

a. three hours on weekdays, which shall start at 5:00 p.m. and end at 8:00 p.m., and

b. eight hours on Saturdays, Sundays, and Holidays, which shall start at 8:00 a.m. and end at 4:00 p.m.

9.5 The actual time of arrival and departure for overtime services should be indicated in the daily time record. The Chief of Office shall certify that the overtime service was actually rendered. The overtime pay for the hours rendered shall be computed on the bases of the formula provided hereunder.

9.6 Report of accomplishment. – At the end of every pay period, a report as to the extent of the work that has been accomplished/completed must support the payroll to the satisfaction of the approving authority. No overtime pay will be processed unless the report of accomplishment of every employee is attached to the payroll. Failure to submit such report may be a ground for the withdrawal or discontinuance of the previously approved authority.

9.7 Amount of overtime pay

The rate of overtime pay shall be in accordance with Budget Circular No. 10 dated March 29, 1996, computed as follows:

Hourly Rate shall be computed by the following formula:

\[
\text{Actual Hourly Rate (H.R.)} = \frac{\text{Actual Salary Per Month}}{22 \times 8}
\]

Overtime pay shall be computed as follows:

A. For ordinary working days: Plus 25% of the hourly rate (0.25 x H.R.)

\[
\text{Overtime pay} = 1.25 \times \text{H.R.} \times \text{No. of Hours Rendered}
\]

B. For rest days and holidays: Plus 50% of the hourly rate (0.50 x H.R.)
OCA Circular No. 119-2012 (continued)

Overtime pay = 1.50 x H.R. x No. of Hours Rendered

The total overtime of an employee for the year shall not exceed 50 percent of his/her annual basic salary. If overtime service is rendered on a regular basis, the total overtime pay to be received per month shall not exceed 50 percent of the monthly basic salary.

9.8 Meal allowance as a form of payment of overtime services shall no longer be allowed.

10. Funding Source

The funding source for overtime services shall come from the Maintenance and Other Operating Expenses (MOOE 969-Other Services)

11. Provisions on Non-Compensatory Overtime Service

In lieu of overtime pay, compensatory time off (CTO) corresponding to the number of hours earned as a result of services rendered beyond regular working hours, may be availed of.

11.1 Computation of Compensatory Overtime Credits (COC)

The COC is expressed in number of hours, computed as follows:

For overtime services rendered on weekdays or scheduled work days:

\[
COC = \text{number of hours of overtime services} \times 1.0
\]

For overtime services rendered on weekends, holidays or scheduled days off:

\[
COC = \text{number of hours of overtime services} \times 1.5
\]

11.2 Accrual and Use of COCs

a. each employee may accrue not more than 40 hours of COCs in a month. In no instance, however, shall the unexpended balance exceed 120 hours.

b. the COCs should be used as time-off within the year these are earned until the immediately succeeding year. Thereafter, any unutilized COCs are deemed forfeited.

11.3 Limitation on the use of COCs

a. The COCs cannot be used to offset undertime/s or tardiness incurred by the employee during regular working days.

b. The COCs earned are non-commutative and/or non cumulative

11.4 Effect on Personnel Movement

a. In cases of resignation, retirement, or separation from the service, the unutilized COCs are deemed forfeited.

b. In case of detail, secondment or transfer to another agency, the COCs earned in one agency cannot be transferred to another agency.

c. In case of promotion, except when promoted to a position not qualified to receive overtime pay under previous issuances, the employee will retain his or her accrued COC.

11.5. Issuance of Certificate of COCs Earned

An employee who has earned COC shall be granted a Certificate of COC earned duly approved and signed by the Administrative/Personnel Officer as the case may be. The certificate indicates the number of hours of earned COC by the employee in a month. The certificate would be issued at the end of each month.

11.6 Availment of CTO

a. The CTO may be availed of in blocks of four or eight hours.

b. The employee may use the CTO continuously up to a maximum of five consecutive days per single availment, or on staggered basis within the year.

c. Employees who were granted COC shall request their Chief of Office on the schedule of availment of the CTO. The said schedule shall be submitted to the Administrative Office. In the exigency of the service, however, the schedule may be recalled and subsequently rescheduled by the Chief of the Office of the employee within the year.

12. Procedures

The following procedures shall be observed in the rendition of overtime services and/or availment of compensatory time off:

a. The Administrative Office shall be furnished with a copy of the approved authority to render overtime services.

(Next page)
b. The employee renders overtime services as stipulated in the approved authority.

c. The Administrative Office through the Leave Division prepares a summary of overtime services rendered in a month, and computes the equivalent COCs, for the purpose of the issuance of the COC Certificate.

d. The Chief of Administrative Office or the duly authorized Officer issues the Certificate of COCs, specifying the number of COCs earned in a month.

e. The employees who have acquired the Certificate of COC shall request their Chiefs of Offices on the schedule of availment of the CTO. The approved request shall then be submitted to the Leave Division, Administrative Office, which shall record the availment of the CTO of the employee.

f. The employee avails of the CTO.

13. Duties and Responsibilities

a. Heads/Chiefs of Offices

1. The Heads/Chiefs of Offices shall recommend to the Chief Justice, Presiding Justice, Executive Judge, as the case may be, the employees who will be authorized to render overtime services beyond their regular working hours in accordance with these guidelines.

2. Grant certificate of COC earned, through the Administrative/Personnel Office, concurrently setting safeguard measures to prevent any form of fraud and/or duplicity.

3. Approve/disapprove schedule of CTO as requested by the employee without compromising the delivery of public service.

4. Ensure proper implementation of these guidelines and accordingly act on violations or irregularities committed.

b. Employees

1. Observe properly the procedures in earning of COC and availing of CTO.

2. Request approval from the Head/Chief of Office on the availment schedule of CTO.

3. Monitor the balance of earned COCs vis-à-vis CTOs availed of.

c. Administrative/Personnel Office Concerned

1. Reflect on the time card the application for CTO filed by employee.

2. Submit to the Head/Chief of Offices concerned a monthly report on summary of overtime services rendered and the equivalent COCs and report critical incidents or observations.

3. Recommend measures to improve the implementation of the guidelines on the grant of COCs and availment of the CTOs.

14. Certificate of Compensatory Overtime Credit (COC)

FRONT

<table>
<thead>
<tr>
<th>Certificate of COC Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>This certificate entitles Mr./Ms. ___________________________ to ____________________ of Compensatory Overtime Credits.</td>
</tr>
<tr>
<td>(number of hours)</td>
</tr>
<tr>
<td>Administrative/Personnel Officer</td>
</tr>
</tbody>
</table>

Date Issued: ________________
Valid until: ________________

BACK

<table>
<thead>
<tr>
<th>No. of Hours of</th>
<th>Date of</th>
<th>Used COCs</th>
<th>Remaining COCs</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earned COCs/Beginning Balance</td>
<td>CTO</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Approved By: ____________________________
Claimed: ____________________________

Administrative/Personnel Officer
Leave Division

Date ________________ Date ________________
This Administrative Circular shall be strictly implemented by the FMBO and OAS and by the concerned officials in the Office of the Court Administrator, the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals.

All prior administrative circulars, orders and other issuances inconsistent with this administrative circular are hereby revoked.

This Administrative Circular shall take effect upon its issuance.

Issued this 11th day of April 2012.

(Sgd.) RENATO C. CORONA
Chief Justice

For the lower court employees, the procedures in the rendition of overtime services and availment of Compensatory Time-Off (CTO) outlined in OCA Circular No. 48-2007 dated May 10, 2007 shall be maintained and the Certificate of Compensatory Overtime Credit (COC) Earned shall be:

Please be guided accordingly.

November 6, 2012.

(Sgd.) JOSE MIDAS P. MARQUEZ
Court Administrator

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SUBJECT: SUSPENSION OF THE IMPLEMENTATION OF THE JUDICIAL AFFIDAVIT RULE IN CRIMINAL PROSECUTIONS

In a Resolution dated September 4, 2012 in A.M. No. 12-8-8-SC, the Court En Banc issued and promulgated the Judicial Affidavit Rule to take effect on January 1, 2013 (Section 12) in all actions, proceedings, and incidents requiring the reception of evidence before all the courts, as provided in Section 1 thereof.

Section 9 of the said Rule provides how it shall apply to criminal actions.

However, the Prosecutors’ League of the Philippines, in a letter dated December 12, 2012 addressed to the Honorable Chief Justice and Associate Justices, has requested the deferment of the implementation of the Judicial Affidavit Rule in criminal cases for at least one year, pending the resolution of some issues raised.

On December 21, 2012, Associate Justices Diosdado M. Peralta, Lucas P. Bersamin and Roberto A. Abad met with the officers of the Prosecutors’ League of the Philippines. Thereafter, Justice Abad drafted a recommendation to the Court En Banc for the deferment of the application of the Judicial Affidavit Rule for one year from January 1, 2013 to January 1, 2014 under certain conditions.

Considering that the Court En Banc will not meet until January 8, 2013, Justice Abad is of the considered view that it may be more prudent for the justices, judges and arbiters concerned to suspend the implementation of the Judicial Affidavit Rule in criminal cases and await the resolution of the Court En Banc on the request of the Prosecutors’ League of the Philippines.

December 27, 2012.

(Sgd.) JOSE MIDAS P. MARQUEZ
Court Administrator
2013 Upcoming PHILJA Events

- Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases for the Court of Appeals
  January 9-11, Panglao, Bohol

- Seminar-Workshop for Judges on Various Laws Relating to Court Technology
  Regions I and II
  January 16-17, Laoag City
  Regions III and IV
  February 19-20, Manila
  Region V, March 19-20, Legaspi City

- Lecture Forum on the New Judicial Affidavit Rule
  January 18, Laoag City
  January 25, Palo, Leyte
  March 1, Cagayan de Oro City
  March 8, Baguio City

- Orientation Seminar-Workshop for Newly Appointed Judges
  64th, January 22-31, Tagaytay City
  65th, March 5-14, Tagaytay City

- Ninth Metrobank Foundation Professorial Chair Lecture
  Topic: Towards a More Forward-Looking Insolvency System
  Lecturer: Atty. Francis Ed. Lim
  January 25, Manila

- Refresher/Advanced Course for Mediators
  Camarines Sur Mediation Program
  January 30-31, Naga City

- Increasing Judicial Efficiency: Seminar-Workshop for Judges on the Effective Use of the Benchbook for Philippine Trial Courts (Revised and Expanded)
  Regions VII and VIII, Batch 2
  January 31, Cebu City

- Regions I and II, Batch 2
  February 12, Laoag City
  Regions VI, Batch 2
  March 14, Bacolod City

- Pre-Judicature Program
  28th, February 4-15, Manila
  29th, March 11-22, Manila

- Continuing Legal Education Program for Court Attorneys
  CA-Mindanao Station
  February 6-7, Cagayan de Oro City
  CA-Visayas Station
  February 13-14, Cebu City
  Sandiganbayan and Court of Tax Appeals
  January 27-28, Tagaytay City

- PST for Judges
  February 13-15, Tagaytay City

- E-JOW
  Province of Rizal
  February 14, Binangonan, Rizal

- Career Development Program for Court Legal Researchers
  Region V
  February 20-21, Naga City
  Region VII, March 20-21, Cebu City

- Orientation Conference with Stakeholders on Court-Annexed Mediation
  Bohol Mediation Program
  February 21, Tagbilaran City

- JCEP for RTC Judges
  Region IX, February 27-March 1
  Dapitan City
  Region III, March 13-15
  Tagaytay City

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