



PHILJA Bulletin



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Executive
Judiciary

From the Chancellor's Desk

It is heartening to note that the *PHILJA Bulletin* has been well received. We have also welcomed suggestions that have come our way. Likewise, we will try and accommodate requests for inclusion in our regular mailing list.

PHILJA Bulletin's first issue allowed us at the Academy to review our editorial policy and to improve on it. We continue to hope that this publication will be of help to our judges and court personnel, particularly, those in distant stations. The end in view is improvement in the administration of justice and the enhancement of the professional competence of the ladies and gentlemen of the Bench.

In many ways, the Academy still has to grow. But much has already been done. In fact, we believe that it is almost ready to carry out all the tasks the law creating the Academy entrusts to it. At the heart of our concerns, however, is the education and the formation of the Judge. We endeavor to keep our Judges informed of developments in law and in judicial doctrine. But as important as informing them is forming them according to the values of which members of the Bench ought to be exemplars.

In this issue

	Page		Page
From the Chancellor's Desk.....	1	Resolutions, Orders and Circulars	7
Editor's Note	2	Supreme Court	
Gender Sensitivity Seminar.....	2	A.M. 99-2-01-SC.....	7
Opening Remarks of		A.M. 99-3-101-RTC	7
Chief Justice Hilario G. Davide, Jr.	3	Office of the Court Administrator	
Closing Remarks of		Circular No. 21-99	7
Justice Ameurфина A. Melencio-Herrera	4	Circular No. 25-99	8
New Rulings of the Supreme Court	5	Office Order No. 2-99a	9
Doctrinal Reminders	9	PHILJA Events	12
Judicial Excellence	10		
Readers' Comments.....	11	Supplement	
Acknowledgment	11	List of Executive Judges	

In this second issue of the *PHILJA Bulletin*, we are introducing new features, namely, "Readers' Comments," which will facilitate exchange of ideas and information among readers, and "From the Chancellor's Desk" which will contain relevant messages/ announcements and policy statements. Letters from Associate Justice Artemio V. Panganiban, Judge Adolf Encomienda, Shari'a Judge Casim S. Bailan and Sheriff Wilmer Beltejar give us the welcome feedback on the maiden issue of the *PHILJA Bulletin*. We also received verbal comments which are appreciated for their useful suggestions.

A first for PHILJA was the "Gender Sensitivity Seminar for the Philippine Judiciary" held on June 7 to 9, 1999 at Sulo Hotel in Quezon City. The Opening Remarks of Chief Justice Hilario G. Davide, Jr. and Justice Ameurfina Melencio Herrera's Closing Remarks on this occasion indicate the future direction for PHILJA on gender sensitivity for judges, and as such these are printed here in full.

Finally, *PHILJA Bulletin* takes this occasion to congratulate the 1999 awardees for Judicial Excellence. We, likewise, salute all nominees, especially those chosen finalists, and we wish to commend the organizers and sponsors of the Judicial Excellence Awards for their significant contribution toward promoting the basic values of integrity, honesty, competence and dedication in the administration of justice. May their tribe increase.

Watch for the supplement — "List of Executive Judges."

Gender Sensitivity Seminar

The Philippine Judicial Academy (PHILJA) in cooperation with the Institute of Judicial Administration (IJA), Harnessing Self-reliant and Initiative Knowledge (HASIK, Inc.) and Friedrich Ebert Stiftung (FES) held the first Gender Sensitivity Seminar-Workshop for twenty eight judges, eleven males and seventeen females and one Justice of the Court of Appeals. The following topics were discussed: "Gender Concepts, Expectations, Manifestation: Social and Cultural Context" by Ms. Remedios I. Rikken, "Human Rights and International Standards and Norms on Gender" by Dr. Purificacion V. Quisumbing, "Gender, Justice and Development: Philippine Standards and Norms" by Prof. Myrna S. Feliciano, and "The Philippine Justice System and Gender Equality" by DCA Zenaida N. Elepaño. Led by Justice Mariano M. Umali, participants themselves organized a most interesting Demonstration Trial to illustrate what they learned. In the critiquing that followed, they also analyzed the gender biases and insensitivities that, as a matter of habit, came through in the exercise.

Participants were unanimous in recommending the following: review laws and rules to ferret out gender in-

sensitive provisions; increase judges' awareness of gender biases in their behavior, language, and especially in their appreciation of evidence; and, in general, foster a court environment that is non-hostile to children and women, and to men as well. They urged PHILJA to undertake gender sensitivity workshops for all judges; to have a mix of male and female participants and to include in all programs the gender-relevant "ice-breakers" which were conducted by HASIK as these were found to be effective and enjoyed by everyone.

Judges enjoying gender-sensitivity "ice-breakers"



Gender Sensitivity: Towards Fuller Equality*

The subject of this seminar tempts me to recall the story of creation. We read in verses 18 to 23 of Chapter 2 of Genesis the following:

It is not good for man to be alone. I will make a suitable partner for him . . . So the Lord God cast a deep sleep on the man, and while he was asleep, he took out one of his ribs and closed up its place with flesh. The Lord God then built up into a woman the rib that he had taken from the man. When he brought her to the man, the man said:

This one, at last, is bone of my bones and flesh of my flesh;

This one shall be called woman for out of 'her man' this one has been taken.

The woman was Eve; the man was Adam. Since they ate the forbidden fruit, God punished them. To Eve God said:

. . . Yet your urge shall be your husband, and he shall be your master.

Then many husbands came; and many women, too. Probably invoking this portion of Genesis, the men started to claim supremacy because they are "masters."

Gender sensitivity then has roots in the story of creation. We know, of course, that in the Old Testament there were exemplary women who received special favors from God to change the course of the History of His beloved people. These women are now memorialized in the Old Testament Books of Ruth, Judith and Esther.

Gender sensitivity moved on with, and was fought during the past centuries. Yet, even as our twentieth century is about to end, the struggle to attain total gender equality remains persistently constant.

The passage of time, the progress towards full democracy, and rapid economic growth have not diminished inequalities between the sexes.

There can be no doubt, however, that genuine consciousness over inequality and gender-related issues is, very fortunately, gaining profound and inspiring momentum in our country. In the field of civil and political rights the Filipina has gone a long way. In the 1935 Constitution, although she was not at once accorded the right of suffrage because Section 1 of Article V thereof required yet a plebiscite for the purpose of her enjoying the right, she won the issue at the plebiscite subsequently held.

The 1987 Constitution, in addition to the equal protection of law clause, explicitly announces as one of the State policies the following in Section 14 of Article II:

SEC. 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

This should be read together with the United Nations Declaration of Human Rights which guarantees "the right of every individual not to be discriminated against on the

basis of sex." This equality is, at bottom, equality of men and women in dignity and worth as human beings and in rights, opportunities and responsibilities.

In recent years, a significant number of legislation has addressed gender-related concerns. Among these are:

1. R.A. 6725 amending Article 135 of the Labor Code by strengthening the prohibition on discrimination of women with respect to terms and conditions of employment;
2. R.A. 6955 banning the export of Filipinas to foreign countries as brides including the advertisement, publication, distribution of brochures and other propaganda;
3. R.A. 7192 or the Women in Nation Building Act, which establishes opportunities for women to participate in economic development by according equal opportunities for appointment, admission and training in all military or similar schools in the country;
4. The Anti-Sexual Harassment Act or R.A. 7877, which defines and provides penalties for sexual harassment in the workplace and in education and training settings;
5. R.A. 7882 providing credit assistance to women engaged in micro and cottage business enterprise;
6. R.A. 8171 stipulating the repatriation of Filipinas who lost their citizenship by marriage to aliens; and
7. R.A. 8253 which expands the definition of rape as a crime against persons.

I have been informed that there are pending bills in Congress which further seek to give teeth to Sec. 14 of Art. II of the Constitution. These are the Women Empowerment Act; the bill allowing the selection of women to engage in combat duties; the bill penalizing employers who favor male employees over similarly qualified female employees whether in the hiring process, assignment or retrenchment of personnel; and the Magna Carta for Women which provides mechanisms for the political and economic empowerment of women and the protection of their human rights.

It must be emphasized that eliminating gender discrimination is simpler said than done. Gender discrimination can be cloaked in law or exist in practice. It ranges from the denial of equal rights to women, like in the workplace, to women's inability to enjoy their formally recognized rights because they are prevented from doing so. A study by the National Census Office and the Bureau of Women and Young Workers bared that women tend to occupy lower positions and predominantly low-skilled jobs, and generally earn less than their male counterparts.

As arbiters and interpreters of the law, we in the judiciary have our work cut out. In every case or matter before us we are to live and give meaning to every word of the

Continued on page 4

* Opening remarks delivered by Chief Justice Hilario G. Davide, Jr. during the First "Gender Sensitivity" Seminar for the Philippine Judiciary held on 7-9 June 1999 at Sulo Hotel, Quezon City.

CLOSING REMARKS OF JUSTICE AMEURFINA MELENCIO HERRERA

On Gender Sensitivity in the Courts

The Philippine Judicial Academy (PHILJA) is happy, indeed, that another first has been successfully concluded. This is the first time that the Supreme Court through PHILJA, in partnership with the Institute of Judicial Administration (IJA), the "Harnessing Self-Reliant Initiatives and Knowledge (HASIK) Movement, and the Friedrich Ebert Stiftung (FES), conducts a Seminar that deals with the issue of gender-sensitivity directly.

Actually, it was HASIK that initiated the idea, in line with one of its objectives to mainstream gender-sensitive policies and programs. Thereafter, collaboration among the three sponsoring organizations came easily. PHILJA, after all, concerns itself not only with the schooling of judges in law and procedure but also with the appreciation and cultivation of desirable knowledge, values and attitudes in all members of the Bench.

Gender sensitivity is certainly more than being concerned merely with "politically correct" language. It has to do more importantly with a perspective that allows one to think of and deal with others who belong to a different sex with the regard, respect and consideration due them. It is certainly not fair that women and the way they think, deal with issues, and process events should be merely incidental considerations. Humankind had to reach a certain level of maturity to realize this, but it is a fact that till now, many of the laws and regulations that govern social relations were crafted by men with men in mind - or without women in mind! Much the same can be said of prevailing social structures.

There is a relation between gender sensitivity and gender equality. Both are fundamentally issues of human rights. It is violative of human rights for women to be discriminated against because they are women. We must help ourselves and the world community liberate those women still suffering from gender-based discrimination, violence, and maltreatment. It is likewise a violation of women's rights that the fact that they are women should be trivialized and ignored. Because these twin issues are human rights issues, they are direct concerns of judges and the courts. They are concerns that should also permeate their attitudes and find expression in their resolution of legal controversies.

But it is not only from the perspective of human rights that gender issues should be considered. There is the broader aspect of human development, two of the indices of which are "gender-related development" and "gender-empowerment." A country's human progress is also measured by "gender-inequities." In the mainstream is a Philippine Plan for Gender-Responsive Development. So it must be, for the Philippines should continue to strive to rank high in the global ranking of countries measured by the mentioned indices of Human Development.

We trust therefore that this Seminar has aroused sensitivity to gender issues not only in the human rights context but also from the perspective of human development. The human development progress in our country must continue to be gender-sensitized and the discrepancies in human progress between genders must continue to be addressed. The devastating effects of poverty extend to all individuals in society: men, women and children. Visible employment opportunities and property interests must be available for all, including the elderly and disabled, regardless of gender. To be cognizant of these considerations should be a continuing effort in the evolution of a communitarian society like ours. To this end, the Philippine Judicial Academy stands committed.

The Chief Justice, in his Opening Remarks, spoke of the Genesis and the story of the creation.

The spiritual reading from the Corinthians day before yesterday dealt with the similes of salt and light. Jesus himself taught that salt spices food and that without it, food would be tasteless. On the other hand, light illumines and overcomes darkness. Jesus then called his disciples the salt of the earth and the light of the world.

It strikes me that you are the first selected chosen few. We like to expect that you will be the salt to give spice to gender-sensitivity. You will also be the light to spread awareness of its ramifications and implications.

Go forth then and spread knowledge of the need for gender-responsive development, free from violence and respectful of human rights.

God bless our efforts and collective commitments.

Opening Remarks of the Chief Justice (Cont. from page 3)

Constitutional guaranty that no person shall be deprived of life, liberty or property without due process of law, denied the equal protection of the law. In promoting and realizing true gender equality in the courtroom, we can do no less. The challenge is in recognizing what laws and acts foster discrimination and how our prejudices hinder heightened awareness.

Gender sensitivity finds its ultimate expression in breaking down obsolescent notions about differentiation based on cultural biases. It is in promoting a harmonious arrangement in which men and women take complementary roles that the demands of a just society will be met.

May this seminar breed an exchange of ideas that will result in a better understanding of issues on gender inequality and discrimination and, perforce, to a more informed judgment in appropriate cases.

Finally, let me congratulate the PHILJA, IJA, HASIK and FES for this joint effort. May you have more seminars on Gender Sensitivity.

Good day!

CRIMINAL PROCEDURE**Plea of Guilty to a Capital Offense; Duty of Trial Judge**

Under Sec. 3, Rule 116 of the Revised Rules on Criminal Procedure, when the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea. It must also require the prosecution to prove his guilt and the precise degree of his culpability. If the accused so desires, he may also present evidence in his behalf. This procedure is mandatory and a judge who fails to observe it commits grave abuse of discretion. (*Bellosillo, J., People v. Paulino Sevileno y Villamor alias Tamayo*, GR 129058, March 29, 1999)

OMNIBUS ELECTION LAW (R.A. 7166)**COMELEC disposal of pre-proclamation controversies;**

Presentation of Evidence before the COMELEC is not at all indispensable in order to satisfy the demands of due process.

Under the amendment introduced by R.A. No. 7166, particularly Section 18 thereof, all that is required now is that the COMELEC shall dispose of pre-proclamation controversies on the basis of the records and evidence elevated to it by the board of canvassers. This is but in keeping with the policy of the law that cases of this nature should be summarily decided and the will of the electorate as reflected on the election returns be determined as speedily as possible. What exactly those records and evidence are upon which the COMELEC based its resolution and how they have been appreciated in respect of their sufficiency are beyond this Court's scrutiny. (*Romero, J., Joseph Peter S. Sison v. Commission on Elections*, GR 134096, March 3, 1999)

SOCIAL LEGISLATION

Compulsory Membership in the GSIS of Qualified Reserve Officers of the AFP; January 7, 1987, Effectivity of Executive Order No. 79

Qualified reserve officers were covered by compulsory membership in the GSIS under Executive Order No. 79 effective January 7, 1987 regardless of whether or not the premiums were paid. x x x the unpaid premium, if any, may be deducted from the proceeds of the policy. (*Pardo, J., GSIS v. Commission on Audit*, GR 125982, January 22, 1999)

CONSTITUTIONAL LAW**Constitutionality of E.O. 97 - A. No violation of the Equal Protection Clause**

We rule in favor of the constitutionality and validity of the assailed Executive Order. Said order is not violative of the equal protection clause; neither is it discriminatory. Rather, we find real and substantive distinction between the circumstances obtaining inside and those outside the Subic Naval Base, thereby justifying a valid and reasonable classification.

The fundamental right of equal protection of the laws is not absolute, but is subject to reasonable classification.

If the groupings are characterized by substantial distinctions that make real differences, one class may be treated and regulated differently from another. The classification must also be germane to the purpose of the law and must apply to all those belonging to the same class. (*Panganiban, J., Conrado L. Tiu v. Court of Appeals*, GR 127410, January 20, 1999)

Erroneous Order or Decision of Judge; Absence of Malice

A judge may not be held administratively accountable for every erroneous order or decision he renders. To unjustifiably hold otherwise, assuming that he has erred, would make his position doubly unbearable, for no one called upon to try the facts or interpret the laws in the process of administering justice can be infallible in his judgment. The error must be gross or patent, malicious, deliberate or in evident bad faith.

As a matter of public policy then, the acts of a judge in his official capacity are not subject to disciplinary action, even though such acts are erroneous. Good faith and absence of malice, corrupt motives or improper consideration are sufficient defenses in which a judge charged with ignorance of the law can find refuge. (*Quisumbing, J.*, Annabelle R. Gutierrez v. Hon. Rodolfo Palatao, A.M. RTJ-95-1326, July 8, 1998)

Indivisible Penalty of Reclusion Perpetua

Notwithstanding the provision of R.A. 7659 specifying the duration of *reclusion perpetua* from 20 years and 1 day to 40 years, *reclusion perpetua* remains as an indivisible penalty without minimum, medium, and maximum periods even after the operation of the law on December 31, 1997. (*Regalado, J.*, People v. Rodel Fuertes y Ocampo, G.R. No. 126285, September 29, 1998)

Indemnity Different from Damages

Indemnity is different from other damages. Civil indemnity is automatically granted to the offended party or his/her heirs in case of the former's death, without need of further evidence other than the fact of the commission of the crime and the appellant's culpability therefor. Actual or moral damages may be additionally granted upon sufficient proof that the private complainant is legally entitled thereto. Exemplary damages may also be awarded if the crime was committed with one or more aggravating circumstances duly proven. (*Panganiban, J.*, People v. Gerry Sumalpong, et al., G.R. No. 124705, January 20, 1998)

Damages Distinguished from Damage

Damages refer to the sum of money which the law awards or imposes as pecuniary compensation for an injury done or a wrong sustained as a consequence of either a breach of a contractual obligation or a tortuous or illegal act; while damage pertains to the actionable loss, harm or hurt which results from the unlawful act, omission or negligence of another. In fine, damages are the amounts recoverable for the damage done or sustained.

Actual or compensatory damages requires actual proof of pecuniary loss except damages for death caused by a crime or

quasi-delict which can be awarded forthwith by proof alone of such fact of death pursuant to Article 2206 of the Civil Code.

No proof of pecuniary loss is likewise necessary in order that moral, nominal, temperate, liquidated or exemplary damages may be adjudicated under Article 2216 of the Civil Code, and it is quite enough that proof of damage or injury is adduced. Being incapable of exact pecuniary estimation, the assessment of such damages, except for liquidated damages which the parties themselves fix, is left to the sound discretion of the Court.

Akin to, but not exactly in the same category as actual or compensatory damages, is the civil indemnity *ex delicto* particularly so referred to in paragraph 3 of Article 104, in relation to Article 100 of the Revised Penal Code as "indemnification for consequential damages." These two species of damages differ basically in that civil indemnity *ex delicto* can be awarded without need of further proof than the fact of commission of the felony itself while actual or compensatory damages to be recoverable must additionally be established with reasonable degree of certainty (except as aforesaid, in the case of indemnity for death under Article 2206 of the Civil Code). In fine, the first species merely requires proof of damage or injury (similar to that needed in an award of moral damages) to be recoverable; the second kind requires, in addition, proof of damages or pecuniary loss in order to warrant recovery. (*Vitug, J.*, People v. Romeo Dianos, G.R. No. 119311, October 7, 1998)

Summary Procedure; Motion for Extension of Time; Prohibited Motion

A motion for extension of time to file pleadings, affidavits or any other paper is one of the prohibited pleadings and motions under the Revised Rule on Summary Procedure. (*Per Curiam*, Marcelo Cuenca v. Judge Oliver T. Villanueva MCTC, Mabalacat, Pampanga, A.M. No. 98-10-135-MCTC, March 29, 1999)

Failure of Judges to Act upon Majority of the Cases in his Sala

While we take note of Judge Apostol's seeming dedication to duty, we cannot simply overlook his failure to act upon majority of the cases in his sala. xxx Section 15 (1) of Article VIII of the Constitution provides that all cases filed before lower courts after the effectivity of the Constitution must be decided within three (3) months. The Code of Judicial Conduct provides that a judge "should administer justice without delay" and directs a judge to "dispose of the court's business promptly and decide cases within the required periods." (*Quisumbing, J.*, Re: Report on the Audit Conducted in the RTC of Ipil, Zamboanga Del Sur, A.M. 98-1-12-RTC, February 17, 1999)

SUPREME COURT

A.M. NO. 99-2-01-SC

IN RE: DISMISSAL OF SPECIAL CIVIL ACTIONS IN
NLRC CASES

In light of the decision in *St. Martin Funeral Homes v. NLRC* (G.R. No. 130866, 16 September 1998), all special civil actions arising out of any decision or final resolution or order of the National Labor Relations Commission filed with the Court after 01 June 1999 shall no longer be referred to the Court of Appeals, but shall forthwith be DISMISSED.

Let this resolution be published in two newspapers of general circulation in the Philippines and copies thereof furnished the Integrated Bar of the Philippines and the National Labor Relation Commission.

Promulgated this 9th day of February 1999.

(SGD.) DAVIDE, JR. (C.J.), ROMERO, BELLOSILLO,
MELO, PUNO, VITUG, KAPUNAN, MENDOZA,
PANGANIBAN

A.M. No. 99-3-101-RTC

Quoted hereunder, for your information, is a resolution of the
Court En Banc dated 27 April 1999

"A.M. No. 99-3-101-RTC. — Re: Request of Ms Olympia Elena O. Dacanay to attend the Bar Review Classes and the 1999 Bar Examinations on official time.— Acting on the letter, dated 20 January 1999, of Officer-in-Charge Olympia O. Dacanay, Regional Trial Court, Branch 26, San Fernando City, La Union, requesting permission to take the Bar Review Classes and the 1999 Bar Examinations beginning April 1999 to September 1999, the Court Resolved to:

- (1) NOTE said request;
- (2) ESTABLISH the Educational Support Program for the employees of the lower courts and the Office of the Court Administrator who wish to take the bar examinations, so as to allow them to go on official study leave for six (6) months, subject to the following conditions:
 - (a) The employee must be a holder of permanent item in the judiciary;
 - (b) He/She must have rendered at least three (3) years of government service;
 - (c) Prior to the months of intended leave, he/she should have at least a performance rating of VERY SATISFACTORY;

- (d) Only one employee from every office, division/branch must be recommended by his/her immediate supervisor for study leave each year;
- (e) After taking the bar examinations, said employee must render at least three (3) years of service in the judiciary, otherwise he shall reimburse all the salaries/benefits received during the six (6) month period;
- (f) This privilege can be availed of by the bar examinee only once in every three years;
- (g) In case the applicant is a stenographer, the branch clerk of court shall issue a certification attesting that he/she has no pending untranscribed transcript of stenographic notes; and
- (h) All applications must be filed at least two (2) months before the start of the official six (6) months study leave.

(3) DIRECT the Court Administrator to constitute an Educational Support Program Committee of three (3) members which Committee shall (a) draft the application form and the contract to be signed by the employee-applicant; (b) evaluate applications of employees under the Educational Support Program; and (c) submit recommendations to the Court Administrator;

(4) AUTHORIZE the Court Administrator or any of the Deputy Court Administrators whom he designates to approve the applications under the said Program; and

(5) ISSUE a circular to inform the employees in the lower courts about the aforementioned privilege and the conditions attached thereto." (107)

LUZVIMINDA D. PUNO, Clerk of Court By: (SGD.) MA.
LUISA D. VILLARAMA, Assistant Clerk of Court

OFFICE OF THE COURT ADMINISTRATOR**CIRCULAR NO. 21-99**

TO: All Judges of the Regional Trial Courts, the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial courts and the Municipal Circuit Trial Courts

SUBJECT : Effectivity of the Provisions of Section 5 of Republic Act No. 7691 Further Increasing the Jurisdictional Amount Prescribed by Certain Provisions of *Batas Pambansa Blg. 129*, as Amended.

The provisions of Section 5 of Republic Act No.7691 prescribe that "After five years (5) from the effectivity of this Act, the jurisdictional amounts mentioned in Sec. 19 (3),¹ (4),²

¹ Under Section 19 (3) of R.A. No. 7691, the Regional Trial Courts shall exercise exclusive original jurisdiction "In all actions in admiralty and maritime jurisdiction where the demand or claim exceeds One hundred thousand pesos (P 100,000.00) or in Metro Manila, where such demand or claim exceeds Two Hundred Thousand Pesos (P200,000.00).

and (8),³ and Sec. 33(1)⁴ of *Batas Pambansa Blg. 129* as amended by this Act, shall be adjusted to Two hundred thousand pesos (P 200,000.00). Five (5) years thereafter, such jurisdictional amounts shall be adjusted further to Three hundred thousand pesos (P300,000.00); *Provided, However*, That in the case of Metro Manila, the abovementioned jurisdictional amounts shall be adjusted after (5) years from the effectivity of this Act to Four hundred thousand pesos (P400,000.00).⁵

Section 8 of the same law states that "This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) national newspapers of general circulation."

Republic Act No. 7691 was published simultaneously in the 30 March 1994 issues of the *Philippine Journal* and *Malaya*. The law took effect on 15 April 1994.

Considering the provisions of Section 31, 5 Chapter 8, Book I of the 1987 Administrative Code, Section 5 of R.A. No. 7691 took effect on 20 March 1999.

For information and guidance.

(SGD.) ALFREDO L. BENIPAYO
Court Administrator

² Under Section 19 (4) of R.A. No. 7691, the Regional Trial Courts shall exercise exclusive original jurisdiction "In all matters of probate, both testate and intestate, where the gross value of the estate exceeds One hundred thousand pesos (P 100,000.00) or, in probate matters in Metro Manila, where such gross value exceeds Two hundred thousand pesos (P 200,000.00)."

³ Under Section 19 (8) of R.A. No. 7691, the Regional Trial Courts shall exercise exclusive original jurisdiction "In all other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs or the value of the property in controversy exceeds One hundred thousand pesos (P100,000.00) or, in such other cases in Metro Manila, where the demand exclusive of the abovementioned items, exceeds Two hundred thousand pesos (P200,000.00)."

⁴ Under Section 33 (1) of R.A. No. 7691, the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts and the Municipal Circuit Trial Courts shall exercise "Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate or amount of the demand does not exceed One hundred thousand pesos (P 100,000.00) or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos (P 200,000.00), exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs, the amount of which must be specifically alleged: *Provided*, That interest, damages of whatever kind, attorney's fees, litigation expenses, and costs shall be included in the determination of the filing fees: *Provided, further*, That where there are several claims or causes of action between the same or different parties embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions."

⁵ Section 31 prescribes that " 'Year' shall be understood to be twelve calendar months; 'month' of thirty days, unless it refers to a specific calendar month in which case it shall be computed according to the number of days the specific month contains; 'day' to a day of twenty four hours; and 'night' from sunset to sunrise."

CIRCULAR NO. 25-99

TO : ALL OFFICIALS, EMPLOYEES OF THE OFFICE OF THE COURT ADMINISTRATOR (OCAD) AND, ALL JUDGES, COURT PERSONNEL OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS.

SUBJECT : COMPULSORY MEMBERSHIP COVERAGE UNDER THE NATIONAL HEALTH INSURANCE PROGRAM (NHIP), FORMERLY MEDICARE PROGRAM, OF ALL GSIS MEMBERS PURSUANT TO REPUBLIC ACT NO. 7875.

Republic Act. No. 7875, otherwise known as the National Health Insurance Act of 1995, was enacted to provide universal health insurance coverage and ensure an affordable, acceptable, available and accessible health care services for all citizens of the Philippines.

Sec. 8, Rule II, Title III of the said Act provides that all employed persons who are currently eligible members of the GSIS, SSS or OWWA under Medicare Program I shall immediately and automatically be made members of NHIP.

In view thereof, and in order to update the records of membership to the program, all officials and employees of the Office of the Court Administrator and the lower courts are required to accomplish in triplicate the attached M1 A form (Member Data record for Employed Sector) which should be submitted to the Employee Welfare and Benefits Division within seven (7) days from receipt hereof. Said forms shall be submitted to the Philippine Health Insurance Corporation and shall be the basis for the issuance of Identifications for purposes of entitlement to benefits under the NHIP.

Immediate compliance is hereby enjoined

May 19, 1999.

(SGD.) ALFREDO L. BENIPAYO
Court Administrator

OFFICE ORDER NO. 2-99a

SUBJECT: Allocation of Areas of Responsibility of the Deputy Court Administrators in relation to Administrative Complaints and other matters

In the interest of the public service and pursuant to the pro-

vision of existing law, the Deputy Court Administrators shall attend to and handle the following matters:

- a) Inhibition
- b) Petition for Change of Venue
- c) Request for extension of time to conduct trial
- d) Request for extension of time to decide a case

of Regional Trial Court Judges, Municipal Trial Court in Cities Judges, Municipal Trial Court Judges and Municipal Circuit Trial Court Judges falling within their assigned regions as indicated hereinafter; and

- e) administrative complaints and cases filed against Judges of the Regional Trial Courts falling within their assigned regions, as follows:
 1. DCA Reynaldo L. Suarez —
Regions 1, 3, 5 and 11
 2. DCA Zenaida N. Elepano —
Regions 4, 6, 9 and 12, the Shari'a District Courts; and the Shari'a Circuit Courts; and
 3. DCA Bernardo T. Ponferrada —
Regions 2, 7, 8 and 10

The Court Administrator shall attend to the administrative complaints and cases, inhibitions, change of venue and request with respect to the same category of judges in the National Capital Region.

The following guidelines shall be observed:

1. The Legal Office of the Office of the Court Administrator shall continue to attend to the following administrative complaints and cases:
 - a. Those filed against judges of the lower courts other than those above- indicated;
 - b. Those filed against all lower court personnel; and
 - c. All administrative cases arising from the judicial audit and fiscal audit conducted by the Court Management Office, including those filed against the category of judges subject hereof.
2. All administrative complaints against Regional Trial Court Judges, Shari'a District Court Judges and Sharia'a Circuit Court Judges already filed but still pending evaluation as of the date of this issuance shall be transmitted by the Docket & Clearance Division of the Legal Office to the Office of the Deputy Court

Administrator concerned.

3. All administrative complaints shall be filed with the Office of the Court Administrator. Complaints received by the Office of the Deputy Court Administrators or the Legal Office shall likewise be forwarded to the Office of the Court Administrator for recording/monitoring.
4. A control number will then be assigned to each complaint before the same is referred to the Deputy Court Administrator concerned and the Legal Office for appropriate action. The offices concerned shall evaluate these complaints and report to the Office of the Court Administrator the recommended action to be taken thereon within thirty (30) days from such referral.
5. If after evaluation by the DCA, the administrative complaint is determined to be patently without merit, a memorandum recommending outright dismissal shall be prepared and submitted to the Court Administrator, together with a copy of the communication informing the complainant of such action taken.
6. A complaint that appears to be prima facie meritorious shall be transmitted to the Docket and Clearance Division of the Legal Office for assignment of I.P.I. Number after which the record of the case shall be sent back to the DCA who shall require the respondent to comment thereon within ten (10) days from notice.
7. Upon receipt of the comment/s, or if no comment is submitted within the prescribed period, the DCA shall evaluate the matter and prepare an Agenda Report and Recommendation to the Court.
8. All Memoranda and Agenda Reports for submission to the Supreme Court on the administrative complaints subject hereof shall be coursed through and with the prior approval of the Court Administrator.

This Order takes effect immediately and shall remain in force until further orders. This Order amends Office Order No. 2-99 and other issuances.

March 10, 1999

(SGD.) ALFREDO L. BENIPAYO
Court Administrator

Judicial Excellence Awards

*PHILJA congratulates the 1999 Awardees
for their Judicial Excellence*

Outstanding Regional Trial Court Judges

CHIEF JUSTICE CAYETANO ARELLANO AWARDEE
Judge MARIO L. GUARIÑA III
RTC Branch 13, Manila

CHIEF JUSTICE MANUEL MORAN AWARDEE
Judge GALICANO C. ARRIESGADO
RTC Branch 18, Cebu City

JUSTICE ROMAN OZAETA AWARDEE
Judge SALVADOR S. ABAD SANTOS
RTC Branch 65, Makati City

Outstanding Metropolitan Trial Court Judge

CHIEF JUSTICE JOSE ABAD SANTOS AWARDEE
Judge MARIFLOR P. CASTILLO
Metropolitan Trial Circuit, Branch 42, Quezon City

Outstanding Public Prosecutor

SENATOR AMBROSIO B. PADILLA AWARDEE
Special Prosecution Officer ANTONIO T. MANZANO
Office of the Special Prosecutor
Office of the Ombudsman, Manila

Outstanding Public Attorney

AWARDEE FOR JUDICIAL EXCELLENCE
Atty. VICTOR R. SALUD
Public Attorney's Office, District Office
Tuguegarao, Cagayan



Chief Justice Hilario G. Davide, Jr. and Justice Jose Feria (Ret.), Chairman of the Judicial Excellence Foundation, with the 1999 recipients of the Judicial Excellence Awards.

Justice Ameurfina A. Melencio-Herrera with the judges who demonstrated Gender Sensitivity/in-sensitivity issues in a moot court during the first seminar-workshop on the topic.



Thank you for sending me a copy of the maiden issue of the *PHILJA Bulletin*.

Congratulations to you and the other officers as well as the staffmembers of the judiciary and the bar. It will also remind seminar participants that PHILJA cares for them even after they have attended the formal sessions.

Mabuhay !

(SGD.) ARTEMIO V. PANGANIBAN
Associate Justice, Supreme Court

We have received copy of the maiden issue of PHILJA Bulletin, and upon reading it, we felt duty bound to send Your Honor our most sincere congratulation for a job well done.

Indeed publication of this nature is of great help to us judges in carrying out our duties and responsibilities as dispenser of justice. As for myself, I find very helpful the List of Supreme Court Administrative Resolutions, Orders and Circulars as they are now numerous and there is a need for us to be reminded of their existence. And I also find the Reminder's section very enlightening.

Our respect and admiration.

(SGD.) ADOLFO V. ENCOMIEND
Judge. MTC Pagbilao, Quezon

I came across and just seen a copy of your Bulletin named "*PHILJA Bulletin*", Volume 1, Issue 1 of January- March 1999.

The *PHILJA Bulletin* is a prestigious magazine and for this, I would be very much interested in receiving free subscription of said bulletin. Truly it is very informative and will certainly update my information and knowledge with regard to existing policies, programs, PHILJA Events, Circulars and Resolutions which is now implemented within the ambit of the entire Judiciary, for its circulation to all Court Offices and employees, as the case may be.

Relative thereto, the undersigned City Sheriff earnestly requests your good office to send me regular copy of your Bulletin for my reading materials and still serve as my reference and guidance from day-to-day office activities.

I would highly appreciate receiving copies of your valuable Bulletin.

Hoping and looking forward for your favorable consideration and approval on my request.

(SGD.) WILMER M. BELTEJAR
Sheriff III, Cordon, Isabela

This court deeply thanks and appreciates your good office on its project - "*PHILJA Bulletin*" that provides us additional legal information and valuable ideas on current relevant issues of the Supreme Court especially fundamental judicial concerns including prevailing jurisprudence.

We look forward to the PHILJA Updates to reach our end quarterly.

Again, our endless thanks and congratulations to its Editors.

(SGD.) CASIM S. BAILAN
Judge, Third Shari'a Circuit Court
5th Shari'a Judicial District, Parang, Maguindanao

Acknowledgment

PHILJA hereby expresses its sincere appreciation and gratitude to the following who have donated to the *PHILJA* Library the following publications:

Justice Carolina G. Aquino (Ret.)

Revised Penal Code Vols. II & III

Justice Ricardo J. Francisco

Evidence — Vols. I & II

Criminal Procedure

The Revised Rules of Court — Vols. I & II

Trial Technique and Practice Court — Vol. I

Fr. Ranhilio C. Aquino

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Judge Cezar C. Peralejo (Ret.)

Ang Kodigo ng Pamahalaang Lokal ng 1991

Ang Kodigo ng Pamilya ng Pilipinas

Ang Binagong Kodigo Penal ng Pilipinas

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Ambassador Enrique P. Syquia

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PHILJA Bulletin

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PRESIDING JUDGE

RESEARCH AND LINKAGES OFFICE
PHILIPPINE JUDICIAL ACADEMY
SUPREME COURT

1999 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars</i>	<i>Venue</i>
July 19 to 23	Orientation for Newly Appointed Judges	Tagaytay City
July 28 to 30	Strengthening the Protection of Children Regions IV and V	Century Park Hotel, Manila
August 17 to 20	Seminar Workshop for Executive Judges of the Regional Trial Courts	Tagaytay City
August (Tentative)	Orientation Seminar for Court of Appeals Justices	Court of Appeals
August 25 to 27 (Tentative)	Video Teleconferencing (VTC) Workshop	Tagaytay City
September 9 to 10 (Tentative)	Convention-Seminar of MCJAP	Tagaytay City
September 15 to October 15	Shari'a Circuit Court Judges Crash Program	Cagayan De Oro City
September 27 to October 1 (Tentative)	Orientation Seminar of Newly Appointed Judges	Tagaytay City

Justice Ameurfina A. Melencio-Herrera
Chancellor

Justice Antonio M. Martinez
Vice-Chancellor

Judge Priscila S. Agana
Executive Secretary

Atty. Edwin R. Sandoval
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