



PHILJA Bulletin



January to March 2004

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Excellence in the Judiciary

From the Chancellor's Desk

We greet our readers heartily and warmly this brand new year. We have set our targets for Y2004 and aim to reach them. Among them are continued institutional capacity-building; formulation of a distance education plan that can reach target audience even in their workplace; production of educational materials for the use of judges and court personnel; expansion and institutionalization of court-annexed mediation nationwide; development of the physical plant and facilities at the PHILJA Development Center in Tagaytay City; and work for a yearly budget.

Activities will continue to vie for priority. No let-up appears in the offing. The climate continues to be positive for judicial education, judicial reforms, and external linkages. Within this environment we will work with professionalism and commitment, welcoming collaborative efforts but ever safeguarding the key role of the Academy.

We will aim for growth, always moving, moving forward, as we ask everyone to give us their collective support.


AMEURFINA A. MELENCIO HERRERA
Chancellor

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Supplement to the PHILJA Bulletin:

A.M. No. 03-8-02-SC - Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties



PHILJA
ACADEMIC PROGRAMS

CEP FOR SC AND CA ATTORNEYS

The *Career Enhancement Program for Attorneys of the Supreme Court and Court of Appeals (MCLE Compliant)* was held on January 7 to 8, 2004, at the Manila Pavilion Hotel. Fifty (50) Supreme Court Lawyers and thirteen (13) Court of Appeals Lawyers attended the program. Justice Hilarion L. Aquino, Chair of the PHILJA Department of Ethics and Judicial Conduct, delivered the Opening Remarks, highlighting the importance and usefulness of the course to clear the negative feedback from lawyers who had not yet attended the program. Justice Ameurфина A. Melencio Herrera, PHILJA Chancellor, gave the Closing Remarks, emphasizing that the program is not only in compliance with the Academy's mandate to provide continuing legal education to lawyers in the courts, but also in response to requests from court lawyers themselves.

4TH RJCEP IN BAGUIO CITY

The 4th *Regional Judicial Career Enhancement Program (RJCEP), Level 3 for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region I* was held at the Elegant Hotel and Restaurant, Baguio City, on January 14 to 16, 2004. There were one hundred ninety-eight (198) Clerks and Branch Clerks of Courts, forty-seven (47) Regional Trial Court Judges and fifty-one (51) First Level Judges, a total of two hundred ninety-six (296) participants who attended the seminar. Justice Hilarion L. Aquino, Chair of the PHILJA Department of Ethics and Judicial Conduct, delivered the Opening Remarks, citing the unfortunate events that adversely affected the Judiciary in the past and the efforts of the Academy to provide continuing legal education to judges and court personnel to upgrade the quality of justice being administered. He also urged everyone to keep an open mind and perform his/her task with utmost fidelity to improve the image of the Judiciary. Judge Priscila S. Agana, PHILJA Executive Secretary, stressed the great responsibility that the judges have in deciding the fate of an individual and that of the nation in her Closing Remarks.

31ST ORIENTATION OF NEWLY APPOINTED JUDGES

The 31st *Orientation Seminar-Workshop for Newly Appointed Judges* was held on January 26 to February 6, 2004, at the PHILJA Development Center, Tagaytay City. In attendance were thirty (33) newly appointed Judges, eleven (11) Judges promoted to the Regional Trial Courts, one (1) Judge laterally transferred to Regional Trial Court, and another Judge to the Municipal Trial Court in Cities.

**A. New Appointments:
REGIONAL TRIAL COURTS**

1. Hon. Rolando G. Mislang
Reg. 1, Br. 42, Dagupan City
2. Hon. Bienvenido C. Blancaflor
Reg. 4, Br. 95, Roxas, Palawan
3. Hon. Toribio E. Ilaog, Jr.
Reg. 4, Br. 52, Puerto Princesa City, Palawan
4. Hon. Ramon Paul L. Hernando
Reg. 4, Br. 29, San Pablo City, Laguna
5. Hon. Mary Ann E. Corpus-Mañalac
Reg. 4, Br. 28, Sta. Cruz, Laguna
6. Hon. Franco T. Falcon
Reg. 5, Br. 44, Labo, Camarines Norte
7. Hon. Jose C. Sarcilla
Reg. 5, Br. 31, Pili, Camarines Sur
8. Hon. Pazlinda A. Villamor-Joaquin
Reg. 5, Br. 44, Masbate, Masbate
9. Hon. Eugenio G. de la Cruz
Reg. 8, Br. 21, Laoang, Northern Samar
10. Hon. Apolinario M. Buaya
Reg. 8, Br. 35, Ormoc City, Leyte
11. Hon. Reynaldo B. Clemens
Reg. 8, Br. 31, Calbayog City, Samar
12. Hon. Leo Jay T. Principe
Reg. 9, Br. 1, Isabela City, Basilan
13. Hon. Cader P. Indar
Reg. 12, Malabang, Lanao Del Sur

MUNICIPAL TRIAL COURTS IN CITIES

1. Hon. Socrates A. Erasmo
Reg. 4, San Pablo City, Laguna
2. Hon. Ma. Rowena P. Socrates
Reg. 4, Puerto Princesa City, Palawan
3. Hon. Joselito P. Tamaray
Reg. 4, Br. 2, Lucena City, Quezon
4. Hon. Marvel C. Clavecilla
Reg. 5, Br. 2, Naga City, Camarines Sur
5. Hon. Florentino L. Labis, Jr.
Reg. 6, Himamaylan City, Negros Occidental
6. Hon. Roncesvalles B. Filoteo
Reg. 9, Isabela City, Basilan

MUNICIPAL TRIAL COURTS

1. Hon. Victor O. Concepcion
Reg. 1, Balaoan, La Union
2. Hon. Wilfred L. Pascasio
Reg. 3, San Felipe, Zambales
3. Hon. Renato P. Marpuri
Reg. 5, Bula, Camarines Sur
4. Hon. Marites Filomena R. Bernales
Reg. 10, Medina, Misamis Oriental

MUNICIPAL CIRCUIT TRIAL COURTS

1. Hon. Cynthia M. Florendo
Reg. 1, 9th MCTC Tayug-San Nicolas, Pangasinan
2. Hon. Teodora R. Gonzales
Reg. 3, 5th MCTC Apalit-San Simon, Pampanga
3. Hon. Maria V. Espineli
Reg. 4, 1st MCTC Maragondon-Ternate-Magallanes, Cavite
4. Hon. David P. Ramos
Reg. 4, 6th MCTC Lemery-Agoncillo, Batangas
5. Hon. Orlando S. Ayeng
Reg. 6, 3rd MCTC Murcia-Salvador-Benedicto, Negros Occidental
6. Hon. Eva Vita T. Tejada
Reg. 6, 6th MCTC Altavas, Balete, Aklan
7. Hon. Victorino O. Maniba, Jr.
Reg. 6, 13th MCTC Sta. Barbara-Pavia, Iloilo
8. Hon. Helen T. Cabatos
Reg. 7, 2nd MCTC Tubigon-Clarín, Bohol
9. Hon. Manuel T. Sabillo
Reg. 9, 1st MCTC Lamitan-Tipo-Tipo, Misamis Oriental
10. Hon. Nanette Michote E. Lao
Reg. 10, 2nd MCTC Catarman-Sagay, Camiguin

B. Promotions:**REGIONAL TRIAL COURTS**

1. Hon. Selma P. Alaras
NCJR, Br. 62, Makati City
2. Hon. Rommel O. Baybay
NCJR, Br. 132, Makati City
3. Hon. Zenaida G. Laguilles
NCJR, Br. 143, Makati City
4. Hon. Benjamin T. Pozon
NCJR, Br. 139, Makati City
5. Hon. Cesar O. Untalan
NCJR, Br. 149, Makati City
6. Hon. Dionisio M. Buduhan
Reg. 1, Br. 15, Alfonso Lista, Ifugao

Participants of the 31st Orientation Seminar-Workshop for Newly Appointed Judges with Justice Hilarion L. Aquino and PHILJA Executive Secretary Priscila S. Agana

**C. Laterally Transferred:
REGIONAL TRIAL COURT**

1. Hon. Reubin L. Maraon
Reg. 9, Br. 24, Ipil, Zamboanga del Norte

MUNICIPAL TRIAL COURT IN CITIES

2. Hon. Jose P. Nacional
Reg. 5, Br. 1, Naga City, Camarines Sur

**CEP FOR SC, CA, SANDIGANBAYAN,
AND CTA ATTORNEYS**

The 4th batch of the *Career Enhancement Program (CEP) for Attorneys of the Supreme Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals* was held on February 11 to 12, 2004, at the Manila Pavilion Hotel. A total of eighty-two (82) attorneys attended the training, comprising: fifty-five (55) Lawyers from the Supreme Court, eight (8) Lawyers from the Court of Appeals, sixteen (16) Lawyers from Sandiganbayan, and three (3) Lawyers from the Court of Tax Appeals.

5TH RJCEP IN CEBU CITY

The 5th *Regional Judicial Career Enhancement Program (RJCEP) Level 3 for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region VII* was held on February 25 to 27, 2004, at the Golden Peak Hotel, Cebu City. This was attended by fifty-three (53) Regional Trial Court Judges, fifty-seven (57) First Level Court Judges, and one hundred fifty-one (151) Clerks of Court, a total of two hundred sixty-one (261) participants.





PHILJA ACADEMIC PROGRAMS

32ND ORIENTATION FOR NEWLY APPOINTED JUDGES

The 32nd Orientation Seminar-Workshop for Newly Appointed Judges was held on March 1 to 12, 2004, at the PHILJA Development Center, Tagaytay City. In attendance were forty-nine (49) newly appointed Judges, eight (8) promoted and one (1) laterally transferred.

A. New Appointments: REGIONAL TRIAL COURTS

1. Hon. Bartolome V. Flores
Reg. 3, Br. 4, Mariveles, Bataan
2. Hon. Joselito C. Villarosa
Reg. 3, Br. 39, San Jose City, Nueva Ecija
3. Hon. Jocelyn S. Dilig
Reg. 4, Br. 47, Puerto Princesa, Palawan
4. Hon. Fe Gallon-Gayanilo
Reg. 6, Br. 35, Iloilo City
5. Hon. Joseph Cedrick O. Ruiz
Reg. 6, Br. 39, Iloilo City
6. Hon. Mario O. Trinidad
Reg. 7, Br. 64, Guihulngan, Negros Oriental
7. Hon. Candelario V. Gonzales
Reg. 7, Br. 45, Bais City, Negros Oriental
8. Hon. Juliana A. White
Reg. 8, Br. 5, Taft, Eastern Samar
9. Hon. Hermes B. Montero
Reg. 8, Br. 26, San Juan, Southern Leyte
10. Hon. Porferio E. Mah
Reg. 9, Br. 8, Dipolog City, Zamboanga del Norte
11. Hon. Godofredo B. Abul, Jr.
Reg. 10, Br. 4, Butuan City, Agusan del Norte
12. Hon. Edmundo P. Pintac
Reg. 10, Br. 15, Ozamis City, Misamis Occidental
13. Hon. Dante Luz N. Viacrusis
Reg. 10, Br. 6, Prosperidad, Agusan del Sur
14. Hon. Loida S. Posadas-Kahulugan
Reg. 11, Br. 21, Bansalan, Davao del Sur
15. Hon. Jose B. Lopez
Reg. 11, Br. 7, Baganga, Davao Oriental
16. Hon. Nino A. Batingana
Reg. 11, Br. 6, Mati, Davao Oriental
17. Hon. Isaac Alvero V. Moran
Reg. 11, Br. 38, Gen Santos City

METROPOLITAN TRIAL COURTS

1. Hon. Gina M. Bibat-Palmos
NCJR, Br. 47, Pasay City

2. Hon. Liwliwa Santiago Hidalgo-Bucu
NCJR, Br. 76, Marikina City

MUNICIPAL TRIAL COURTS IN CITIES

1. Hon. Francisco S. Donato
Reg. 1, Br. 1, Tuguegarao City
2. Hon. Carolina Faustino de Jesus
Reg. 3, Br. 3, San Fernando City
3. Hon. Veronica Alonzo Vicente-de Guzman
Reg. 3, Br. 2, San Fernando City
4. Hon. Antonio Murillo Olivete
Reg. 4, Br. 1, Antipolo City
5. Hon. Rolando G. Sandigan
Reg. 4, Masbate City
6. Hon. Elias A. Conlu
Reg. 6, Br. 2, Roxas City, Capiz
7. Hon. Reginald M. Fuentebella
Reg. 6, Sagay City, Negros Occidental
8. Hon. Jose Rene G. Dondoyano
Reg. 9, Dapitan City, Zamboanga del Norte
9. Hon. Victoriano D. Lacaya, Jr.
Reg. 9, Br. 2, Dipolog City

MUNICIPAL TRIAL COURTS

1. Hon. Amor Macaraig Dimatatac-Romero
Reg. 3, Br. 1, Guagua, Pampanga
2. Hon. Noel M. Lindog
Reg. 4, Balayan, Batangas
3. Hon. Lorenza Bordios-Paculdo
Reg. 4, Br. 1, San Pedro, Laguna
4. Hon. Ricky C. Begino
Reg. 5, Lagonoy, Camarines Sur
5. Hon. Renato Noel C. Echague
Reg. 8, Can-Avid, Eastern Samar
6. Hon. Chita Arellano Umil
Reg. 8, Taft, Eastern Samar

MUNICIPAL CIRCUIT TRIAL COURTS

1. Hon. Hugh Perry A. Gayman
Reg. 1, Besao-Sagada, Mt. Province
2. Hon. Antonio L. Baldos
Reg. 4, Bansud-Gloria, Mindoro Oriental
3. Hon. Hannibal R. Patricio
Reg. 6, Pres. Roxas, Capiz
4. Hon. Anacleto G. Debalucos
Reg. 7, Dumanjug-Ronda, Cebu
5. Hon. Wilson T. Ibones
Reg. 7, Tuburan-Tabuelan, Cebu
6. Hon. Vidal A. Gella
Reg. 7, Pinamungajan, Aloguinsan, Cebu
7. Hon. Federico R. Huñamayor
Reg. 8, Balangiga-Lawaan, Eastern Samar
8. Hon. Hermelino M. Piola
Reg. 8, Maydolong-Balangkay, Eastern Samar

9. Hon. Enrique C. Dala
Reg. 8, Dolores-Maslog, Eastern Samar
10. Hon. Jimmy A. Umil
Reg. 8, Oras-Jipapad, Eastern Samar
11. Hon. Carlos J. Chua
Reg. 8, Guiuan-Mercedes, Eastern Samar
12. Hon. Cesar R. Abit
Reg. 8, Llorente-Hernani, Eastern Samar
13. Hon. Juan Gabriel Hizon Alano
Reg. 9, Maluso-Lantawan, Basilan
14. Hon. Primitivo B. Geralde
Reg. 11, Bansalan-Magsaysay, Davao del Sur
15. Hon. Dominga Garado Aguaviva
Reg. 12, Kolambungan-Tangcal, Lanao del Norte

**B. Promotions:
REGIONAL TRIAL COURTS**

1. Hon. Calixtro O. Adriatico (Multiple Sala)
NCJR, Br. 22, Caloocan City
2. Hon. Henri Jean Paul B. Inting (Multiple Sala)
NCJR, Br. 95, Quezon City
3. Hon. Hermogenes de la Cuesta Fernandez
Reg. 1, Br. 56, San Carlos City
4. Hon. Guilljie Diva Delfin-Lim
Reg. 6, Br. 22, Iloilo City
5. Hon. Loida Diestro Maputol
Reg. 6, Br. 28, Iloilo City
6. Hon. Moises G. Nifras, Sr.
Reg. 6, Br. 58, San Carlos City
7. Hon. Elvie P. Lim
Reg. 8, Br. 1, Borongan, Eastern Samar
8. Hon. Oscar P. Noel, Jr.
Reg. 11, Br. 35, Gen. Santos City

**C. Laterally Transferred:
REGIONAL TRIAL COURT**

1. Hon. Thelma Canlas Trinidad-Pe Aguirre
NCJR, Br. 129, Caloocan City

6TH RJCEP IN ZAMBOANGA CITY

The 6th Regional Judicial Career Enhancement Program (RJCEP) Level 3 for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region IX was held on March 23 to 25, 2004, at the Golden Orchid Hotel, Zamboanga City. This was attended by nineteen (19) Regional Trial Court Judges, twenty (20) First Level Court Judges, and seventy-eight (78) Clerks of Court, a total of one hundred seventeen (117) participants.

OCA CIRCULAR No. 49-2003

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4. The "official business" status entitles the official / personnel concerned to his salary, per diems and allowances granted under COA rules. "Official time" status entitles the official concerned to his salary for the duration of his travel and period of travel shall not be deducted to his leave credits.

B. VACATION LEAVE TO BE SPENT ABROAD

Pursuant to the resolution in A.M. No. 99-12-08-SC, dated 06 November 2000, all foreign travels of judges and court personnel, regardless of the number of days, must be with prior permission from the Supreme Court through the Chief Justice and the Chairmen of the Divisions.

1. Judges and court personnel who wish to travel abroad must secure a travel authority from the Office of the Court Administrator. The judge or court personnel must submit the following:

(a) For Judges:

- ◆ Application or letter-request addressed to the Court Administrator stating the purpose of the travel abroad;
- ◆ Application for leave covering the period of the travel abroad, favorably recommended by the Executive Judge;
- ◆ Certification from the Statistics Division, Court Management Office, OCA as to the condition of the docket.

(b) For Court Personnel:

- ◆ Application or letter-request addressed to the Court Administrator stating the purpose of the travel abroad;
- ◆ Application for leave covering the period of the travel abroad, favorably recommended by the Presiding Judge or Executive Judge;
- ◆ Clearance as to money and property accountability;
- ◆ Clearance as to pending criminal and administrative case filed against him/ her, if any;
- ◆ For court stenographer, clearance as to pending stenographic notes for transcription from his/her court and from the Court of Appeals;
- ◆ Supreme Court clearance.

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SPECIAL FOCUS PROGRAMS

TWO BATCHES OF HEINOUS CRIMES COURTS SEMINARS

The Academy conducted two (2) batches of *Special Focus Seminars for Heinous Crimes Courts* on January 7 to 8 and January 22 to 23, 2004, at the PHILJA Development Center, Tagaytay City. A total of twenty-seven (27) Judges attended the first batch, while thirty-six (36) Judges attended the second batch.

SKILLS ENHANCEMENT ON CASE MANAGEMENT FOR FAMILY COURT SOCIAL WORKERS

PHILJA, in cooperation with UNICEF, conducted another *Skills Enhancement Seminar on Case Management for Family Court Social Workers*, at The Pearl Manila Hotel, on February 1 to 5, 2004. Thirty-six (36) Court Social Workers attended the seminar-workshop. Prof. Sedfrey M. Candelaria, Head of the Research and Linkages Office and Chair of the Department of Special Areas of Concern, delivered the Opening Remarks. He stressed the importance of Social Workers in Family Courts and how this seminar-workshop will further develop the skills and techniques they need in the performance of their jobs. Attorney Alberto Muyot, UNICEF Project Officer, gave the Welcome Message. Justice Ameurfina A. Melencio Herrera, PHILJA Chancellor, delivered the Inspirational Message. She highlighted the Court Social Workers' progress from their first seminar in 1997 to today, with their problem of non-delineation of duties and functions now ironed out, and their niche established within the judicial structure. She added that the autonomy and expanded authority

now enjoyed by court social workers entail greater responsibilities, and thus, they must possess the necessary academic preparation and motivation for social work action.

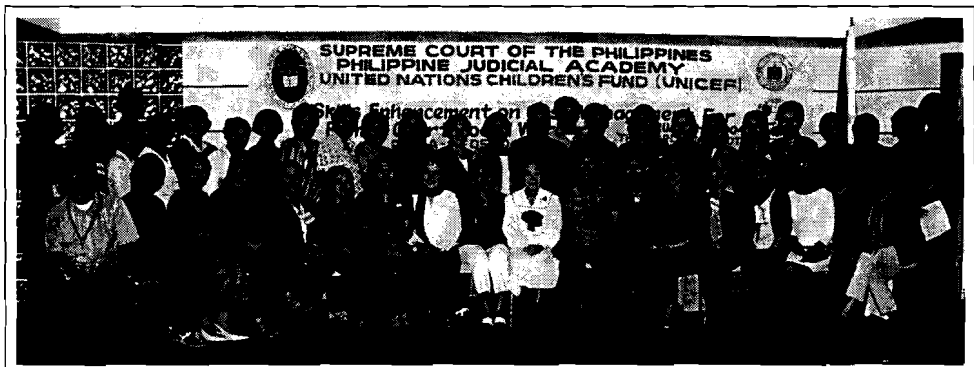
SEMINAR ON PETITIONS FOR INCLUSION OR EXCLUSION PROCEEDINGS

The *Seminar on Petitions for Inclusion or Exclusion Proceedings for First Level Court Judges* was held on February 6, 2003, at the 4th Flr., Multi-Purpose Bldg., Supreme Court, Manila. This seminar was conducted upon the request of the City Court Judges of Manila, who have been plagued with cases on petitions for inclusion or exclusion. In attendance were twenty-four (24) City Court Judges and six (6) COMELEC Officers of the City of Manila. Commissioner Teresita Dy-Liacco Flores, PHILJA Professor, discussed the different laws on the matter, including relevant COMELEC resolutions and the prevailing jurisprudence on the subject.

SEMINAR ON THE NEW TREND IN UNDERSTANDING WOMEN AND CHILDREN

PHILJA, in cooperation with University Partnership and Cooperation Development (UPCD), conducted the *Seminar on the New Trend in Understanding Women and Children*, on February 13, 2004, at Balibago, Angeles City. This was attended by twelve (12) Judges from Municipal Circuit Trial Courts (MCTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs) and Regional Trial Courts (RTCs). The seminar was formally opened by Hon. Irin Zenaida Buan, Executive Judge, Municipal Trial Court in Cities, Angeles City.

Participants of the Skills Enhancement Seminar on Case Management for Family Court Social Workers with Justice Ameurfina A. Melencio Herrera, PHILJA Chancellor, Prof. Sedfrey M. Candelaria and PHILJA Staff.





ON MEDIATION

80% SETTLEMENT RATE FOR MEDIATION CENTER

Justice Ameurfina A. Melencio Herrera, in her letter to Chief Justice Hilario G. Davide Jr., dated January 26, 2004, reported that the twenty-four (24) Mediation Center Units in Metro Manila, Cebu and Davao Cities have shown an average 80% rate of settlement. This could still be improved if judges religiously comply with A.C. No. 20-2002 of the Chief Justice, dated April 24, 2002, requiring the immediate referral of cases to Mediation upon appearance of the parties at pre-trial.

FOCUS GROUP DISCUSSION FOR STAKEHOLDERS IN MEDIATION

The *Focus Group Discussion for Stakeholders in Mediation* was held on January 9, 2004, at The Pearl Manila, Manila. This was attended by five (5) Judges, seventeen (17) Court Personnel, three (3) Lawyers, and fourteen (14) Mediators, or a total of thirty-nine (39) participants.

WORKSHOP ON THE INSTITUTIONALIZATION OF MEDIATION IN CA

PHILJA, in coordination with the Court of Appeals, the Philippine Mediation Center, Philippine Mediation Foundation, Inc. (PMFI), and in partnership with the United States Agency for International Development (USAID) and the Economic Governance and Technical Assistance (EGTA), conducted the *Workshop on the Institutionalization of Mediation in the Court of Appeals* at The Pearl Manila Hotel, Manila, on January 22 to 23, 2004. Thirty (30) participants attended the workshop, composed of five (5) Court of Appeals Justices, six (6) Court of Appeals Clerks of Court and Deputy Clerks of Court, three (3) Alternative Dispute Resolution Sub-Committees, four (4) Court of Appeals Personnel, five (5) Court of Appeals Mediators, one (1) USAID Representative, four (4) EGTA Representatives, and two (2) PMFI Representatives. Highlighted in the workshop were the results of the pilot-testing of mediation in the Court of Appeals showing a success rate percentage of approximately sixty-seven percent (67%).

WORKSHOP ON MEDIATION FEES

The *Workshop on the Court of Appeals and Trial Courts Mediation Fees* was held on January 29 to 30, 2004, at The Pearl Manila Hotel, Manila.

In attendance were five (5) Court of Appeals Justices, five (5) Court of Appeals Clerks of Court and Court of Appeals Division Clerks of Court, five (5) Alternative Dispute Resolution Sub-Committees, one (1) Supreme Court Official, one (1) Supreme Court Finance Officer, one (1) PHILJA Official, one (1) PHILJA Staff, four (4) Trial Court Judges, one (1) Clerk of Court, four (4) Court of Appeals Fiscal Management and Internal Audit Officers, five (5) Court of Appeals and Trial Court Mediators, one (1) Economic Governance and Technical Assistance (EGTA) Representative, and three (3) Philippine Mediation Foundation, Inc. (PMFI) Representatives, a total of thirty-seven (37) participants.

FACULTY DEVELOPMENT PROGRAM ON COURT-ANNEXED MEDIATION AND JUDICIAL SETTLEMENT CONFERENCE

The *Faculty Development Program on Court-Annexed Mediation and Judicial Settlement Conference: The Canada - Philippines JURIS ADR Model Courts Project* was conducted on February 16 to 20, 2004, at the Discovery Suites, Ortigas Center. The objective of the seminar was to develop a JURIS Faculty of Trainers for the training of judges, lawyers, and mediators throughout the life of the JURIS Project. Participants included nine (9) members of the JURIS Design and Management Committee (JDMC), four (4) Judges of the model court sites, the Field Director of the National Judicial Institute (NJI), the Clerk of Court of Bacolod Regional Trial Court, the President of the Integrated Bar of the Philippines (IBP) Pampanga Chapter, four (4) trainers for the judges' course, nine (9) trainers for the mediators' course, and seven (7) trainers for the lawyers' course, a total of thirty-six (36) participants. Lecturers from Canada included Ms. Brettel Dawson, Course Leader; Dr. Elizabeth de Castro; Justice Lynn Macdonald; Mr. John Manwaring; Ms. Leslie Macleod; and Mr. Richard Moore, Leader of the Faculty Development Training.

(Continued on next page)

TWO BATCHES OF LAWYERS' COURSE ON MEDIATION AND JUDICIAL SETTLEMENT CONFERENCE

PHILJA, in collaboration with the Philippine Mediation Center (PMC), the Justice Reforms Initiatives Support System (JURIS) Project, and the National Judicial Institute (NJI) of Canada, conducted two batches of the *Lawyers' Course on Mediation and Judicial Settlement Conference*. The first batch was held at the L' Fisher Hotel, Bacolod City, on February 23 to 24, 2004, attended by sixty-eight (68) Lawyers, and the second batch at the Days Hotel, Paskuhan Village, San Fernando, Pampanga, on February 26 to 27, 2004, attended by forty-eight (48) Lawyers.

FORUM ON BEST PRACTICES AND PRACTICAL SOLUTIONS IN MEDIATION

PHILJA, in coordination with the Philippine Mediation Center (PMC), The Asia Foundation (TAF), and the Singapore Mediation Center, conducted a *Forum on Best Practices and Practical Solutions in Mediation and Tele-Conference Linking Cebu and Davao Mediators*, on February 27, 2004. The forum and tele-conference were simultaneously held at the Balagtas Balmori Room, Manila Peninsula Hotel in Manila, Office of the Clerk of Court and Hall of Justice in Davao City, and the Office of the Vice President of the Cebu Institute of Technology in Cebu City. There were eighty-six (86) participants, comprising seven (7) Appellate Mediators, twelve (12) Cebu Mediators, and twenty-two (22) Davao Mediators. Mr. Loon Seon Onn, Executive Director of the Singapore Mediation Centre, lectured on "Breaking the Impasse."



ON PHILJA

PRE-JUDICATURE PROGRAM OF PHILJA NOW PART OF THE RULES OF THE JBC

The Academy's Pre-Judicature Program, aside from being compliant of the Mandatory Continuing Legal Education or MCLE, is now part of the rules of the Judicial and Bar Council (JBC) in determining the competence of an applicant or recommendee for appointment in the Judiciary, effective December 1, 2003. Rule 3, Section 1, Par. 1 of the Rules of the Judicial and Bar Council states that in determining the competence of the applicant or recommendee for appointment, the Council shall consider his educational preparation, experience, performance and other accomplishments, including the completion of the Pre-Judicature Program of the Academy; provided, however, that in places where the number of applicants or recommendees is insufficient and the prolonged vacancy in the court concerned will prejudice the administration of justice, strict compliance with the requirement of completion of the Pre-Judicature Program shall be deemed directory.

Newly Appointed CA Justices

- 1st row- *Presiding Justice Cancio C. Garcia*
 2nd row- *(From left to right) Justices Zenarosa, Lontok, Flores, Bernabe, Leagogo, Peralta and Castillo*
 3rd row- *(From left to right) Justices Yap, Dimaampao, Bato, Ranada, Abarintos, Lim, Dicdican and Tagle*
 4th row- *(From left to right) Justices Tayag and Villon*





JUDICIAL MOVEMENTS

Court of Appeals

- Associate Justice Magdangal M. de Leon
appointed as of February 9, 2004
- Associate Justice Aurora S. Lagman
appointed as of February 9, 2004
- Associate Justice Fernanda L. Peralta
appointed as of February 9, 2004
- Associate Justice Vicente Q. Roxas
appointed as of February 9, 2004
- Associate Justice Vicente Sofronio E. Veloso
appointed as of February 9, 2004
- Associate Justice Sesinando D. Villon
appointed as of March 12, 2004
- Associate Justice Pampio A. Abarintos
appointed as of March 15, 2004
- Associate Justice Ramon M. Bato, Jr.
appointed as of March 15, 2004
- Associate Justice Estela M. Perlas-Bernabe
appointed as of March 15, 2004
- Associate Justice Romulo V. Borja
appointed as of March 15, 2004
- Associate Justice Edgardo A. Camello
appointed as of March 15, 2004
- Associate Justice Mariflor Punzalan Castillo
appointed as of March 15, 2004
- Associate Justice Isaias P. Dicdican
appointed as of March 15, 2004
- Associate Justice Rodrigo F. Lim, Jr.
appointed as of March 15, 2004
- Associate Justice Arcangelita Romilla Lontok
appointed as of March 15, 2004
- Associate Justice Santiago J. Ranada, Jr.
appointed as of March 15, 2004
- Associate Justice Arturo G. Tayag
appointed as of March 15, 2004
- Associate Justice Monina Arevalo Zenarosa
appointed as of March 15, 2004
- Associate Justice Japar B. Dimaampao
appointed as of March 18, 2004

Associate Justice Celia C. Librea-Leagogo
appointed as of March 19, 2004

Associate Justice Vicente L. Yap
appointed as of March 19, 2004

Associate Justice Teresita Dy-Liacco Flores
appointed as of March 23, 2004

Associate Justice Lucenito N. Tagle
appointed as of April 1, 2004

Sandiganbayan

Associate Justice Jose R. Hernandez
appointed as of March 30, 2004

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(continued from page 5)

2. Complete requirements should be submitted to and received by the Office of the Court Administrator at least two (2) weeks before the intended period. No action shall be taken on requests for travel authority with incomplete requirements. Likewise, applications for travel abroad received less than two (2) weeks of the intended travel shall not be favorably acted upon.
3. Applications or requests for the extension of the period to travel/ stay abroad should be submitted and received by the Office of the Court Administrator ten (10) working days before the expiration of the period covered by the original or previous permission or authority. Requests for extension of travel/ stay abroad received after the said period had already lapsed shall not be entertained. The leave spent shall then be considered as unauthorized leave of absence.
4. Judges and personnel who shall leave the country without travel authority issued by Office of the Court Administrator shall be subject to disciplinary action.
5. Any violation of the leave laws, rules or regulations, or any misrepresentation or deception in connection with an application for leave shall be a ground for disciplinary action (Sec. 67, Omnibus Rules on Leave).

This circular shall take effect immediately.

20 May, 2003

(Sgd.) PRESBITERO J. VELASCO, JR.
Court Administrator

REMEDIAL LAW

Petition for review is the appropriate mode of appeal from decisions of special agrarian courts.

In affirming the dismissal by the appellate court of Landbank of the Philippines' or LBP's ordinary appeal, the Supreme Court held that Section 60 of R.A.6657 (The Comprehensive Agrarian Reform Law) is clear in providing petition for review as the appropriate mode of appeal from decisions of Special Agrarian Courts. Section 61 (the provision on which LBP bases its argument that ordinary appeal is the correct mode of appeal from decisions of Special Agrarian Courts) merely makes a general reference to the Rules of Court and does not categorically prescribe ordinary appeal as the correct way of questioning decisions of Special Agrarian Courts. (*Corona, J., Landbank of the Philippines v. Arlene de Leon and Bernardo de Leon, G.R. No. 143275, September 10, 2003*)



Promulgation of judgment; presence of counsel not always required; Code of Judicial Conduct; compliance therewith.

Section 6 of Rule 120 of the Rules of Court provides that the judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or is outside the province or city, the judgment may be promulgated by the Clerk of Court.

If the accused is confined or detained in another province or city, the judgment may be promulgated by the executive judge of the Regional Trial Court having jurisdiction over the place of confinement or detention upon the request of the court which rendered the judgment. The court promulgating the judgment shall have authority to accept the notice of appeal and to approve the bail bond pending appeal; provided, that if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed and resolved by the appellate court.

The proper clerk of court shall give notice to the accused personally or through his bondsman or

warden and counsel, requiring him to be present at the promulgation of the decision. If the accused was tried *in absentia* because he jumped bail or escaped from prison, the notice to him shall be served at his last known address.

In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or through his counsel.

If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these Rules against the judgment and the court shall order his arrest. Within fifteen (15) days from promulgation of the judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of these remedies within fifteen (15) days from notice.

Respondent violated Rule 3.04, Canon 3 of the Code of Judicial Conduct, which provides that a judge should be patient, attentive, and courteous to lawyers, especially the inexperienced, to litigants, witnesses and others appearing before the court, and that a judge should avoid consciously falling into the attitude of mind that the litigants are made for the courts, instead of the courts for the litigants.

Judges should respect all people appearing before their courts, be they lawyers or litigants. Respondent ordered complainant's arrest and incarceration without according him the elementary right to challenge the order to be present during the promulgation of judgment, and despite complainant's satisfactory explanation of his absence in the scheduled promulgation. Respondent should have first directed the complainant to show cause, why he should not be punished for indirect contempt of court and reset the promulgation of the decision to some other time at the convenience of the court. If the explanation is not satisfactory to the court, then and only then should a penalty be imposed upon the contemner. (*Puno, J., Atty. Antonio Seludo v. Judge Antonio J. Fineza, A.M. RTJ-03-1813, November 21, 2003*)

ADMINISTRATIVE LAW

Exhaustion of administrative remedy; HLURB as appellate body over decisions and actions of local and regional planning and zoning bodies.

What were devolved to local government units were only the powers and responsibilities specifically stated in Section 1 of E.O. No. 71, as well as the authority of the HLURB to issue locational clearance for locally significant projects as provided in Section 3 of E.O. No. 72. The power to act as appellate body over decisions and actions of local and regional planning and zoning bodies and deputized official of the board was retained by the HLURB and remained unaffected by the devolution under the Local Government Code.

Considering that the law provides for an administrative remedy of appeal to the HLURB from decisions of the City Zoning Board Adjustment and Appeals (CZBAA) of Iloilo, and that respondent failed to exhaust the same, the petition for mandamus should have been dismissed by the trial court. (*Yñares-Santiago, J., Iloilo City Zoning Board of Adjustment and Appeals, et al. v. Gegato-Abecia Funeral Homes, Inc.*, G.R. No. 57118, December 8, 2003)



Grant of Representaion and Transportation Allowance (RATA) to judges by local government units is allowed.

The prohibition in NCC No. 67 is only against the dual or multiple collection of RATA by a national official from the budgets of two or more national agencies. Stated otherwise, when a national official is detailed in another national agency, he should get his RATA only from his parent national agency and not from the other national agency.

Since the other source referred in the controversial prohibition is another national agency, said prohibition clearly does not apply to LGUs like the municipality of Naujan. xxx an LGU is obviously not a national agency. Its annual budget is fixed by its own legislative council, and not by Congress.

By no stretch of the imagination can NCC No. 67 be construed as nullifying the power of LGUs to grant allowances to judges under the Local Government Code.

To rule against the power of LGUs to grant allowance to judges, as what respondent COA would like, will subvert the principle of local autonomy guaranteed by the Constitution. (*Corona, J., Judge Thomas Leynes v. COA*, G.R. No. 143596, December 11, 2003)



ELECTION LAW

Outright exclusion of election returns during canvassing disenfranchises the voters.

Outright exclusion of election returns on the ground that they were fraudulently prepared by some members or non-members of the Board of Election Inspectors disenfranchises the voters. Hence, when election returns are found to be spurious or falsified, Section 235 of the Omnibus Election Code provides the procedure which enables the COMELEC to ascertain the will of the electorate.

The COMELEC gravely abused its discretion when it excluded outright the subject election returns after finding that they were fraudulent returns. Instead, the COMELEC should have followed the procedure laid down in Section 235 of the Omnibus Election Code: "xxx The Commission shall then, after giving notice to all candidates concerned and after satisfying itself that nothing in the ballot box indicates that its identity and integrity have been violated, order the opening of the ballot box, and likewise after satisfying itself that the integrity of the ballots therein has been duly preserved, shall order the Board of Election Inspectors to recount the votes of the candidates affected and prepare a new return, which shall then be used by the Board of Canvassers as basis of the canvass."

Nevertheless, if the integrity of the ballots has been violated, the COMELEC need not recount the ballots, but should seal the ballot box and order its safekeeping in accordance with Section 237 of the Omnibus Election Code. (*Azcuna, J., Salipongan L. Dagloc v. COMELEC*, G.R. No. 154442-47, December 10, 2003)

CIVIL LAW

Novation; modes of substituting the person of debtor; kinds of novation.

In general there are two modes of substituting the person of the debtor: 1. *expromision* and 2. *delegacion*. In *expromision*, the initiative for the change does not come from and may even be made without the knowledge of the debtor since it consists of a third person's assumption of the obligation. As such, it logically requires the consent of the third person and the creditor. In *delegacion*, the debtor offers and the creditor accepts a third person who consents to the substitution and assumes the obligation; thus, the consent of these three persons are necessary. Both modes of substitution by the debtor require the consent of the creditor.

Novation may also be extinctive or modificatory. It is extinctive when an old obligation is terminated by the creation of a new one that takes the place of the former. It is merely modificatory when the old obligation subsists to the extent that it remains compatible with the amendatory agreement. Whether extinctive or modificatory, novation is made either by changing the objects or the principal conditions referred to as objective or real novation, or by substituting the person of the debtor or subrogating a third person to the rights of the creditor, an act known as subjective or personal novation. For novation to take place, the following requisites must concur:

1. There must be a previous valid contract;
2. The parties concerned must agree to a new contract;
3. The old contract must be extinguished;
4. There must be a valid new contract.

Novation may also be expressed or implied. It is expressed when the new obligation declares in unequivocal terms that the old obligation is extinguished. It is implied when the new obligation is incompatible with the old one on every point. The test of incompatibility is whether the two obligations can stand together, each one with its own independent existence. (*Panganiban, J., Romeo Garcia v. Dionisio Llamas*, G.R. No. 154127, December 8, 2003)

CRIMINAL LAW

Out-of-court identification of suspects; totality of circumstances test; suggestive identification by witness.

In *People v. Teehankee, Jr.*, the Supreme Court held that corruption of out-of-court identification contaminates the integrity of in-court identification during the trial.

In resolving the admissibility of and relying on out-of-court identification of suspects, courts have adopted the totality of circumstances test where they considered the following factors, *viz*:

1. The witness' opportunity to view the criminal at the time of the crime;
2. The witness' degree of attention at that time;
3. The accuracy of any prior description given by the witness;
4. The level of certainty demonstrated by the witness at the identification;
5. The length of time between the crime and the identification; and
6. The suggestiveness of the identification procedure.

The totality of circumstances test has been fashioned to assure fairness, as well as compliance, with constitutional requirements of due process in out-of-court identification.

A show-up, such as what was undertaken by the police in the identification of the appellant by the witness, has been held to be an underhanded mode of identification for being pointedly suggestive, generating confidence where there was none, activating visual imagination, and subverting their reliability as an eyewitness.

In *People v. Acosta*, G.R. No. 70133, July 2, 1990, the Supreme Court rejected the identification by a witness of the accused while the latter was alone in his detention cell. The identification of the suspect which was tainted by the suggestiveness of having the witness identify him while he was incarcerated with no one else with him, or with whom he might be compared by the witness, was less than objective, thus, impairing the trustworthiness of their identification. (*Carpio-Morales, J., People v. Ruel Bacongus y Irson*, G.R. No. 149889, December 2, 2003)

CRIMINAL LAW (continued)**Corrupt practices; elements thereof; defective information.**

The elements of the offense of corrupt practice under Section 3(e) of R.A. 3019, as decided by the Supreme Court in a number of cases, are the following:

1. The accused are public officers or private persons charged in conspiracy with them;
2. The public officers committed the prohibited acts during the performance of their official duties or in relation to their public positions;
3. They caused undue injury to any party, whether the government or a private party;
4. That such injury was caused by giving unwarranted benefits, advantage or preference to such parties;
5. The public officers acted with manifest partiality, evident bad faith, or gross inexcusable negligence.

The information failed to allege that petitioners, in causing undue injury to the government x x x, did the same through "manifest partiality, evident bad faith, or gross inexcusable negligence," an essential element of the crime charged. Neither did the information embodied words which would have characterized the elements, such as "partiality" or "bias," which excite a disposition to see and report matters as they are wished for rather than as they are; "bad faith," which connotes not only bad judgment or negligence, but also a dishonest purpose or conscious wrongdoing; or "gross negligence," which is negligence characterized by the want of even slight care, or acting or omitting to act in a situation where there is a duty to act willfully and intentionally, with a conscious indifference to consequences as far as other persons are concerned.

It is not enough to allege that the acts were willfully, unlawfully or criminally caused without stating that the same were done in a manner by which the accused could be held liable for the specific offense charged. The Supreme Court has ruled that in order that one may be held criminally liable under Section 3 (e) of R.A. 3019, the act of the accused, which caused undue injury, must have been done with evident bad faith or with gross inexcusable negligence. This is significant considering that good faith and regularity are always presumed in the performance of official duties by public officers.

Therefore, manifest partiality, evident bad faith or gross inexcusable negligence must be alleged with particularity in the information, sufficiently to inform the accused of the charge against him and to enable the court to properly render a decision. (*Azcuna, J., Graciano P. de la Chica, Municipal Mayor, and Evan Aceveda, Municipal Engineer, Baco, Oriental Mindoro v. Sandiganbayan and People, G.R. No. 144823, December 8, 2003*)

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

For immediate compliance.

13 November 2003.

(Sgd.) PRESBITERO J. VELASCO, JR.
Court Administrator

SUPREME COURT**ADMINISTRATIVE CIRCULAR NO. 4-2004**

TO: ALL JUDGES AND CLERKS OF COURT/BRANCH CLERKS OF COURT AND OFFICERS-IN-CHARGE OF THE OFFICES OF THE CLERK OF COURT OR BRANCH CLERKS OF COURT OF THE COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, AND SHARI'A CIRCUIT COURTS

SUBJECT: REVISED FORM, RULES, GUIDELINES AND INSTRUCTIONS IN ACCOMPLISHING THE MONTHLY REPORT OF CASES

In the interest of effective administrative supervision of lower courts, it is imperative that the Supreme Court be provided with a broader scope of information not only on the movement or flow of cases, but also on the specific types of cases filed in court. Hence, the form of the Monthly Report of Cases (*Administrative Order No. 61-2001, dated 10 December 2001*) currently used by the lower courts is hereby revised to conform with the needs of the Supreme Court in the monitoring of cases.

The revised Monthly Report of Cases, hereafter known as the *Revised SC Form No. 1-2004*, a copy of which is hereto attached as Annex "A" and is made a part hereof.

In the accomplishment of the *Revised SC Form No. 1-2004*, hereafter referred to as the *Form*, the following rules, guidelines, and instructions shall be strictly observed:

RULES:

1. The *Form* shall henceforth be the official form to be used by all lower courts in the submission of their monthly report of cases.
2. The Clerk of Court, Branch Clerk of Court or the Officer-in-Charge of the Office of the Clerk of Court or of the Branch Clerk of Court shall accomplish the *Form* in triplicate at the end of each month. The Clerks in charge of criminal, civil, and other cases shall assist the former in the preparation and accomplishment of the *Form*.
3. The original copy of the *Form* shall be submitted to the Supreme Court through-

The Chief
Statistical Reports Division

Court Management Office
Office of the Court Administrator
Supreme Court
Taft Avenue, Ermita, Manila 1000

The court which submits the *Form* shall retain the second copy thereof. The third copy shall be submitted to the Executive Judge for the latter's information, appraisal, and compilation.

4. The Clerk of Court, Branch Clerk of Court or the Officer-in-Charge of the Office of the Clerk of Court or of the Branch Clerk of Court of a court with an assisting Judge, shall prepare separate *Forms* for the Presiding Judge and for the Assisting Judge. The monthly report of cases of the Presiding Judge shall be limited to cases which are assigned to him for hearing and those submitted to him for decision. The monthly report of cases of the Assisting Judge shall be limited to the cases assigned to him for hearing and those submitted or assigned to him for decision.
5. The *Form* shall be signed and certified under oath both by the Presiding Judge/Acting Presiding Judge/ Assisting Judge and the Clerk of Court/Branch Clerk of Court/Officer-in-Charge concerned.
6. The *Form* provides two (2) spaces for the following information:
 - a. Judge (*indicate whether presiding, acting or assisting*);
 - b. Clerk of Court (*indicate whether clerk of court, branch clerk of court or officer-in-charge*); and
 - c. If the Judge submitting the form is an acting or assisting judge, he shall likewise indicate the source of his authority, such as an Administrative Order or Resolution of the Supreme Court with the number and date of its issuance.
7. The following shall be attached to the *Form* which shall not be submitted separately or in batches, to wit:
 - a. List of cases that have been newly filed or newly raffled;
 - b. List of cases that have been revived/reinstated, or those received from other salas;
 - c. List of cases that have already been decided or resolved, archived or transferred to other salas;
 - d. List of cases with suspended proceedings (*refer to Administrative Circular No. 1-2001, dated 2 January 2001 for details*);

ADMINISTRATIVE CIRCULAR NO. 4-2004 (continued)

- e. Copies of orders considering cases submitted for decision; and
 - f. Copies of decisions on the merits and orders of dismissal of cases (refer to *Administrative Circular No. 67-2001, dated 8 October 2001 for details*).
8. Failure to submit the *Form*, as well as the documents required in the preceding paragraph, shall warrant the withholding of the salaries of the Judge/s and Clerk of Court/Branch Clerk of Court/Officer-in-Charge concerned, without prejudice to whatever administrative sanction the Supreme Court may impose on them or criminal action which may be filed against them. The same sanctions shall apply to those submitting reports with incomplete or inaccurate entries or attachments.
 9. In case of loss of the *Form* while in transit, the court concerned must, upon notice of non-receipt thereof by the Statistical Reports Division, Court Management Office, immediately send to such Division a copy of the lost or missing report, including its attachments. The mere submission of a proof of mailing will not relieve the Judge/s and Clerk of Court/Branch Clerk of Court/Officer-in-Charge of their obligation to submit the required monthly report of cases.
 10. The submission of the *Form* is a requirement separate and distinct from other reports required by the Supreme Court. Submission of other reports shall not justify or excuse the non-submission of the *Revised SC Form No. 1-2004*.
 11. In order to enable the courts to comply with the *Form*, the monthly report for the months of January and February 2004 shall be submitted on or before March 10, 2004. Subsequent monthly reports shall be submitted within the first ten (10) days of the succeeding month.

GUIDELINES AND INSTRUCTIONS:

1. All information that are required in the upper left-hand portion of the first page of the *Form* should be stated for the proper identification of the court filing the *Form*. (The appropriate box applicable to the court filing the *Form* should be marked with an "X". The space opposite the term "MONTH / YEAR" shall indicate the month and year covered by the report.)
 2. The *Form* must be closely examined to understand and know the information required therein. Although the first and second pages of the *Form* are similar, they require information concerning different cases. The first page requires information concerning the movement of all criminal cases and the existence of detention prisoners; the second requires information concerning the movement of ordinary civil and other cases.
- Item (Row) Nos. I to V pertain to the movement or caseflow of each case type. (The columns refer to the various types of cases.)
3. Data concerning Criminal Cases - Criminal cases are evaluated in two aspects: a. the number of cases with detention prisoners; and b. the total number of criminal cases filed in court and the types of these cases.
 - 3.1 Total number of criminal cases - The data under **column nos. 1 and 2**, which contain information regarding detention prisoners, if added together, should be equal to the total number of criminal cases under **column no. 26**.
 - 3.2 **Column nos. 3, 11, 16 to 25** - The number of cases falling under these columns, if added together, should be equal to the total number of criminal cases under **column no. 26**.
 - 3.2.1 **Column no. 3** - To arrive at the total number of child and family cases, the data under column nos. 4 to 10 should be added;
 - 3.2.2 **Column no. 11** - To arrive at the total number of drugs cases, the data under column nos. 12 to 15 should be added. Drugs cases involving minors should be excluded from columns 11 to 15 as these are already reflected in columns 3 to 10;
 - 3.2.3 **Column no. 16** - Heinous crimes falling under child and family cases should be excluded from column no. 16 as these are already included in column nos. 3 to 10.
 - 3.2.4 Rape cases falling under child and family cases should not be included in column no. 22.
 4. Data concerning Civil Cases -
 - 4.1 Total number of ordinary civil and other cases - The data contained in **column nos. 27, 32, 33, 40, 41 and 42**, if added together, should be equal to the total number of ordinary civil and other cases under **column 43**.

ADMINISTRATIVE CIRCULAR NO. 4-2004 (continued)

- 4.1.1 To get the total number of ordinary civil cases under **column 27**, the data contained under **columns 28 to 31** should be added;
- 4.1.2 To get the total number of special proceedings (**column no. 33**) -
- First** - add the data under **column nos. 35 to 37** to get the total number of child and family cases under **column no. 34**.
- Second** - Thereafter, the data under **column nos. 34, 38 and 39** should be added to get the total number of special proceedings under **column no. 33**.
5. The **GRAND TOTAL** value under **column no. 44** is the **sum of the total of criminal cases under column no. 26 and the total ordinary civil and other cases under column no. 43**.
6. Applying the above instructions, the following must be observed in filling up Item Nos. I to V:

6.1 Item No. I - Number of Pending Cases at the Beginning of the Month

Fill up Columns 1 to 44 under Item No. I (Number of Pending Cases at the Beginning of the Month) based on the number of pending cases at the end of the month immediately preceding the month subject of the report.

***Note No. 1:** In instances where the number of pending cases at the beginning of the month does not tally with the pending cases at the end of the preceding month, an amended monthly report covering the preceding month shall be submitted together with the latest monthly report. Without such amended monthly report, the succeeding reports are deemed to have not been filed and Rule No. 4 (re: non-submission of reports/incomplete entries/attachments) shall be applicable.*

6.2. Item No. II - Total Number of Cases Added during the Month

The **Total Number of Cases Added during the Month** under **Item No. II**, otherwise referred to as the Case Inflow, refers to the number of cases added to those pending at the beginning of the month. These may be newly filed or raffled cases under **Item No. II-A**, revived or reopened cases under **Item II-B**, or cases received from other salas/

branches due to inhibition by judges or change of venue under **Item II-C**.

To compute the **Total Number of Cases Added during the Month (Item No. II)**, fill up the sub-categories in the following order:

Items II-A-1 (Original Jurisdiction), II-A-2 (Appealed from Lower Court) and II-A-3 (for Preliminary Investigation - applicable to MTCs and MCTCs only);

Item II-A - Number of New Cases Filed or Raffled, if Multiple-Sala (Add entries in Items II-A-1, II-A-2 and II-A-3);

Item II-B - Number of Cases Revived/ Reopened; and

Item II-C - Number of Cases Received from Other Branches.

The **TOTAL NUMBER OF CASES ADDED DURING THE MONTH** will be the **SUM of Items II-A (for emphasis: II-A is the sum of II-A-1 to II-A-3), II-B and II-C**.

6.3. Item No. III - Total Number of Cases Deducted during the Month

The **Total Number of Cases Deducted during the Month** under **Item No. III**, otherwise referred to as the Case Outflow, refers to the number of cases deducted from the total number of cases in **Item No. I** (Number of Pending Cases at the Beginning of the Month) and **Item No. II** (Total Number of Cases Added). These may be decided/resolved cases under **Item No. III-A**, archived cases under **Item III-B**, or cases transferred to other salas/branches due to inhibition of Judges or change of venue under **Item III-C**. Cases with suspended proceedings are not included in the outflow of cases.

To compute the **Total Number of Cases Deducted during the Month (Item No. II)**, fill up the sub-categories in the following order:

Items III-A-1 (decided/resolved cases after trial on the merits), III-A-2 (all other cases such as those resolved or dismissed through compromise agreement, plea of guilty by the accused, summary judgment,

ADMINISTRATIVE CIRCULAR NO. 4-2004 (continued)

judgment on the pleadings, dismissal for lack of interest or failure to prosecute the case, and the like) and **III-A-3** (number of criminal complaints that has been resolved after conducting a preliminary investigation);

Item III-A - Number of Cases Decided/ Resolved during the Month (Add entries in Items III-A-1, III-A-2 and III-A-3);

Item III-B - Number of Cases Archived; and

Item III-C - Number of Cases Transferred to Other Branches.

The **TOTAL NUMBER OF CASES DEDUCTED DURING THE MONTH** will be the **SUM of Items III-A** (for emphasis: III-A is the sum of III-A-1 to III-A-3), **III-B and III-C.**

6.4. Item No. IV - Number of Pending Cases at the End of the Month

To get the number of cases under **Item No. IV** (Number of Pending Cases at the End of the Month), **deduct** the cases under the columns of **Item No. III** (Total Number of Cases Deducted during the Month) **from the sum of** the cases under the corresponding columns of **Item No. I** (Total Number of Pending Cases at the Beginning of the Month) **and Item No. II** (Total Number of Cases Added during the Month).

6.5. Item No. V - Number of Cases with Proceedings Suspended

Fill up Item No. V (Number of Cases with Proceedings Suspended) if at the end of the month there are cases where the proceedings were suspended due to petitions for review on certiorari, petitions for reinvestigation, prejudicial question, mental examination or rehabilitation of an accused, and other similar causes. Include all cases which were suspended prior to the month being reported. Note that these cases should not be deducted from the total cases pending at the end of the month.

7. To sum up computations, refer to Column Numbers and Item Numbers. Thus, the computation shall be as follows.

ROW-WISE COMPUTATION:

Column 3 = Columns 4 + 5 + 6 + 7 + 8 + 9 + 10
 Column 11 = Columns 12 + 13 + 14 + 15
 Column 26 = Columns 3 + 11 + 16 + 17 + 18 + 19 + 20 + 21 + 22 + 23 + 24 + 25 (must also equal to Columns 1+2)
 Column 27 = Columns 28 + 29 + 30 + 31
 Column 33 = Columns 34 + 38 + 39
 Column 34 = Columns 35 + 36 + 37
 Column 43 = Columns 27 + 32 + 33 + 40 + 41 + 42
 Column 44 = Columns 26 + 43

COLUMN-WISE COMPUTATION:

Item No. II-A = Item Nos. II-A-1 (+) II-A-2 (+) II-A-3
 Item No. II = Item Nos. II-A (+) II-B (+) II-C
 (for emphasis: Item No. II-A is the sum of Item Nos. II-A-1 to II-A-3)
 Item No. III-A = Item Nos. III-A-1 (+) III-A-2 (+) III-A-3
 Item No. III = Item Nos. III-A (+) III-B (+) III-C
 (for emphasis: Item No. III-A is the sum of Item Nos. III-A-1 to III-A-3)
 Item No. IV = [Item No. I (+) Item No. II] (-) Item No. III

8. **Item No. VI** (List of Cases Submitted for Decision, But Not Yet Decided at the End of the Month) covers all cases submitted for decision, but not yet decided at the end of the month, including those submitted prior to the month covered by the report under preparation. Likewise included are cases with unresolved motions which may determine the disposition of the cases, such as Motions to Dismiss or Demurrer to Evidence. **Patent non-indication of undecided cases or unresolved motions may constitute falsification of official document. All columns provided therein must be properly filled up. Incomplete entries, as well as the use of another format not conforming with the prescribed form, shall warrant the application of Rule No. 4 on withholding of salaries and other disciplinary measures.**

Note No. 2: Emphasis is given on the date the case was submitted for decision and the respective date when the reglementary period shall expire/have expired. The due date should be computed based on the 90- or 30-day period, whichever is applicable. Judges are further reminded that neither incomplete transcript of stenographic notes nor the non-submission of memoranda does not suspend the running of the period within which to decide a case.

9. **Item No. VII** (Number of Accused at the End of the Month) refers to the **ACTUAL** number of accused, regardless of the number of criminal cases under **Item No. IV**, column for Total Criminal Cases. For instance, if Mr. A is accused of three (3) counts of Murder, the figure to be entered under Item No. IV, column for Total Criminal Cases, is

ADMINISTRATIVE CIRCULAR NO. 4-2004 (continued)

"3," but in Item No. VII, the entry should only be "1" as there is only one (1) accused. Corollarily, if Mr. A, Mr. B, and Mr. C are accused of Rape, the figure to be entered under Item No. IV, column for Total Criminal Cases, should be "1," but under Item No. VII, the entry should be "3."

10. **Item No. XI** (*Aging of Pending Cases*). This item refers to the period during which a case has been pending in court from the date of its filing (if filed with a single sala court), or its raffling (if filed in a multiple-sala court), up to the date when the current monthly report is prepared. The total of the criminal cases, ordinary civil cases and total cases under this item should tally with the entries in **Item IV, column nos. 26, 27 and 44**, respectively.
11. **Item No. XII** (*Decisions/Final Orders Appealed/on Certiorari/Interlocutory Matters Elevated for Review*). This item includes all cases that have been appealed to a higher court, which are not yet fully disposed of by the latter.
12. **Item Nos. VIII to IX and XIII to XIV** are all self-explanatory.
13. The *Form* should be subscribed and sworn to by the Judge and his Clerk of Court/Branch Clerk of Court or Officer-in-Charge concerned before the Executive Judge or Vice Executive Judge, or in case of unavailability of both, before the Presiding Judge of the station nearest to his/her court. Should the distance or mode of transportation be such as to make it impractical to swear before the aforesaid judges, the declaration under oath may be done before a public prosecutor or a notary public in this order.

REPEALING CLAUSE:

Administrative Circular No. 61-2001, dated 10 December 2001, is hereby repealed and is superseded by this Administrative Circular.

EFFECTIVITY:

This Administrative Circular shall take effect on the first day of March 2004 and the Revised SC Form No. 1-2004 (Monthly Report of Cases) herein prescribed shall be used starting for the month January 2004. However, the Monthly Report of Cases for the months of January and February 2004 shall be submitted within the first ten (10) days of March 2004 to give allowance for adjustment and familiarization with the requirements/

guidelines in the accomplishment of the SC Form No. 1-2004.

FOR STRICT COMPLIANCE.

Issued this 4th day of February 2004.

(Sgd.) HILARIO G. DAVIDE, JR.
Chief Justice

MEMORANDUM ORDER NO. 09-2004

Section 25 of R.A. No. 8491, otherwise known as the *Flag and Heraldic Code of the Philippines*, and reiterated in the Rules and Regulations implementing the law, prescribes the following as the *Pledge of Allegiance to the Philippine Flag*, which shall be recited during flag-raising ceremonies right after the singing of the National Anthem:

**AKO AY PILIPINO
BUONG KATAPATANG NANUNUMPA
SA WATAWAT NG PILIPINAS
AT SA BANSANG KANYANG
SINASAGISAG
NA MAY DANGAL, KATARUNGAN AT
KALAYAAN
NA PINAKIKILOS NG SAMBAYANANG
MAKA-DIYOS
MAKA-TAO
MAKAKALIKASAN AT
MAKABANSA.**

This new *Pledge of Allegiance to the Philippine Flag* must be recited during flag-raising ceremonies in all courts.

ACCORDINGLY, at the flag-raising ceremonies on Mondays in all courts of the land, the *Pledge of Allegiance to the Philippine Flag* shall be the oath of allegiance to be recited.

The Clerks of Court of the Supreme Court, the Court of Appeals and the Sandiganbayan, and the Office of the Court Administrator shall be responsible for the proper implementation/ enforcement of this Memorandum Order in the Supreme Court, Court of Appeals, Sandiganbayan, and the Lower Courts, respectively. The Public Information Office shall assist these offices in the dissemination of this Memorandum Order.

This Memorandum Order shall take effect upon its issuance.

Issued this 28th day of January 2004.

(Sgd.) HILARIO G. DAVIDE, JR.
Chief Justice

OFFICE OF THE COURT ADMINISTRATOR**OCA CIRCULAR NO. 49-2003****TO: ALL JUDGES AND COURT PERSONNEL****SUBJECT: GUIDELINES ON REQUESTS FOR TRAVEL ABROAD AND EXTENSIONS FOR TRAVEL/STAY ABROAD**

Unless otherwise provided by the Supreme Court, the following guidelines shall apply to requests for travel or extensions for stay abroad by judges and personnel of the lower courts.

A. TRAVEL ABROAD ON OFFICIAL TIME/ OFFICIAL BUSINESS

Requests for travel abroad on official time and/ or official business shall comply with the requirements set forth in A.M. 96-3-06-0, dated 19 March 1996. These are:

1. Applicant's request for permission to travel abroad on official time/business shall be filed with the Office of the Court Administrator (OCA) at least fifteen (15) days before the date of travel and shall:
 - a. State the purpose of the trip and its duration, the itinerary and the benefits expected to be derived therefrom;
 - b. Show that the purpose of the travel is related to his work or official function;
 - c. State the number of times applicant has traveled abroad on official business/ official time, as well as the purpose and the inclusive period of said trips, within the past three (3) years of his service in the judiciary;
 - d. Verified statement of the applicant's cases submitted for decision.
2. Requests from judges of the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts shall be favorably endorsed by their Executive Judges. Likewise, requests from personnel of these courts shall be favorably endorsed by their respective Clerks of Court and approved by their Executive Judges.
3. The applicant shall submit to the Court within thirty (30) days from his return a written report about the program. Failure of official/ employee to comply with this requirement shall bar him from entitlement of this benefit.

*(Continued on page 5)***OCA CIRCULAR No. 175-2003****TO: ALL CLERKS OF COURT OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS, AND SHARI'A CIRCUIT COURTS****SUBJECT: CREATION OF PERSONNEL RECORDS (201 FILES) IN THE LOWER COURTS**

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

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

1. Documents to be filed in the 201 file folders:**A. Appointment Papers:**

- a. Birth Certificate;
- b. School Records (Transcript of Records, Diploma, Certifications);
- c. Personal Data Sheet;
- d. Appointment with attestation by the Civil Service Commission;
- e. Oath of Office;
- f. Certificate of Assumption;
- g. Job Description.

B. Sworn Statements of Assets, Liabilities and Net Worth.**C. Leave Applications such as:**

- a. Maternity Leave;
- b. Leave for Travel Abroad;
- c. Sick or vacation leave granted without pay regardless of the number of days;
- d. Sick or vacation leave exceeding thirty (30) days, regardless of whether approved with pay or without pay;
- e. Monetization of Leave Credits; and
- f. Terminal Leave.

(Continued on page 13)

3rd Floor of the Supreme Court Building
Taft Avenue, Manila

PRESIDING JUDGE

2004 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
April 12-23	33 rd Orientation Seminar-Workshop for Newly Appointed Judges	Tagaytay City
April 14-16	JURIS Project Judges' Training	Bacolod City
April 19-23	JURIS Project Mediators' Training	Bacolod City
April 20-21	Evaluation Workshop on the Trial Courts' Mediation Project	Davao City
April 21-23	4 th PACSWI Convention	Naga City
April 21-23	JACOPHIL Convention	Lipa, Batangas
April 28-30	CLERAP Convention	Subic, Zambales
April 28-30	7 th RJCEP, Level 3, Region V	Legaspi City
May 17-18	JURIS Project Court Personnel Training	San Fernando, Pampanga
May 17-28	7 th Pre-Judicature Program	Cagayan De Oro City
May 20-21	Seminar for Forestry Courts	Tagaytay City
May 20-21	JURIS Project Court Personnel Training	Bacolod City
May 26-28	8 th RJCEP, Level 3, Region XII	Mindanao

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