



PHILJA Bulletin



April to June 2004

Volume VI, Issue No. 22

From the Chancellor's Desk *Ben*

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Early in April, the Academy was pleased to welcome our newly appointed thirteen (13) Shari'a Circuit Court Judges, who joined the regular RTC, MeTC, MTCC, MTC, MCTC new Judges in the 33rd Orientation Seminar Workshop, making for a total of 36 participants. While still far short of the vacancies that have to be filled, they can surely help expedite the dispensation of justice.

For this quarter, the 7th, 8th and 9th RJCEPs, Level 3, were held, with high profitability ratings from participants. Special Focus Seminars were inter-disciplinary in character and focused on Trafficking in Persons, and on the CARP and Agrarian Reform.

JACOPHIL, PACSWI, and CLERAP held their respective Convention Seminars, which were well attended by their members.

All educational offerings included discussions and exercises on the new Code of Judicial Conduct and the new Code of Conduct for Court Personnel, both of which were made effective by the Supreme Court in June, 2004. The full texts of both Codes appear in this issue.

The 3rd Faculty Advancement Program for PHILJA lecturers and officials was held in June to apprise them of the latest teaching techniques and strategies.

Court-annexed mediation activities also dominated the period, particularly the training courses for the JURIS ADR Model Courts Project in Bacolod City and in the City of San Fernando, Pampanga. JURIS is a joint project of the Canadian and Philippine Governments. It aims to test and refine Mediation and Judicial Dispute Resolution

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PHILJA ACADEMIC PROGRAMS

33RD ORIENTATION OF NEWLY APPOINTED JUDGES

The 33rd Orientation Seminar-Workshop for Newly Appointed Judges was held on April 12 to 23, 2004, at the PHILJA Development Center, Tagaytay City. In attendance were thirty-three (33) newly appointed Judges and three (3) promoted Judges, a total of thirty-six (36) participants.

A. New Appointments:

REGIONAL TRIAL COURTS

1. Hon. Angelo M. Albano
Reg. 1, Br. 17, Batac, Ilocos Norte
2. Hon. Virgilio V. Macaraig
Reg. 1, Br. 18, Batac, Ilocos Norte
3. Hon. Ma. Cecilia Austria-Chua
Reg. 4, Br. 11, Balayan, Batangas
4. Hon. Bayami Isamu Y. Ilano
Reg. 4, Br. 71, Antipolo City
5. Hon. Edgar L. Armes
Reg. 5, Br. 4, Legaspi City, Albay
6. Hon. Ledelia Aragona-Biliran
Reg. 6, Br. 2, Kalibo, Aklan
7. Hon. Ramon E. San Agustin, Jr.
Reg. 7, Br. 39, Dumaguete City
8. Hon. Rexel M. Pacuribot
Reg. 10, Br. 27, Gingoog City, Misamis Oriental

METROPOLITAN TRIAL COURTS

1. Hon. Divina Gracia P. Lopez-Peliño
NCJR, Br. 68, Pasig City
2. Hon. Ofelia L. Calo
NCJR, Br. 59, Mandaluyong City

MUNICIPAL TRIAL COURTS IN CITIES

1. Hon. Jonathan A. Asuncion
Reg. 1, Laoag City, Ilocos Norte
2. Hon. Ma. Clarita Casuga Tabin
Reg. 1, Br. 4, Baguio City

MUNICIPAL TRIAL COURTS

1. Hon. Marlon S. Meneses
Reg. 1, Malasigui, Pangasinan
2. Hon. Beda B. Ruiz
Reg. 1, Bani, Pangasinan
3. Hon. Miguel B. Cagurangan
Reg. 2, Peñablanca, Cagayan

4. Hon. Ramon Florencio M. Perez
Reg. 4, San Juan, Batangas

MUNICIPAL CIRCUIT TRIAL COURTS

1. Hon. Felix G. Salvador
Reg. 1, 4th MCTC, Piddig-Casari-Solsona, Ilocos Norte
2. Hon. Camilo B. Asuncion
Reg. 1, 7th MCTC, Asingan-San Manuel, Pangasinan
3. Hon. Victor G. Manalo
Reg. 1, 2nd MCTC, Labrador-Sual, Pangasinan
4. Hon. Beverly S. Beja
Reg. 10, 7th MCTC, Opol-El Salvador, Misamis Oriental

SHARI'A CIRCUIT COURTS

1. Hon. Bensaudi A. Arabani, Jr.
Reg. 9, 4th SCC, Maimbung, Sulu
2. Hon. Mariño M.B. Salapuddin
Reg. 9, 1st SCC, Bongao, Tawi-Tawi
3. Hon. Uyag P. Usman
Reg. 9, 2nd SCC, Pagadian City
4. Hon. Osop M. Ali
Reg. 12, 4th SCC, Iligan City
5. Hon. Ali M. Alonto
Reg. 12, 9th SCC, Lumbatan, Lanao del Sur
6. Hon. Datukaka P. Camsa
Reg. 12, 2nd SCC, Dinaig-Talayan, Maguindanao
7. Hon. Montano K. Kalimpo
Reg. 12, 1st SCC, Cotabato City
8. Hon. Nacio M. Mamaton
Reg. 12, 8th SCC, Tacurong, Sultan Kudarat
9. Hon. Abdilah K. Nul
Reg. 12, 4th SCC, Datu Piang, Maguindanao
10. Hon. Sonny Boy M. Pendatun
Reg. 12, 7th SCC, Upi-South Upi, Maguindanao
11. Hon. Abdulhalim L. Saumay
Reg. 12, 11th SCC, Molundo, Lanao del Sur
12. Hon. Mutalib S. Tagtagan
Reg. 12, 6th SCC, Buluan, Maguindanao
13. Hon. Zailon L. Wahab
Reg. 12, 15th SCC, Kidapawan City

B. Promotions:

REGIONAL TRIAL COURTS

1. Hon. Jose S. Jacinto, Jr.
Reg. 4, Br. 45, San Jose, Occidental Mindoro
2. Hon. Rosita L. Lalwani
Reg. 5, Br. 20, Naga City
3. Hon. Dennis Z. Alcantar
Reg. 10, Br. 44, Initao, Misamis Oriental



PHILJA ACADEMIC PROGRAMS

PHILJA's 7th, 8th AND 9th RJCEPs IN ILOILO, LEGASPI AND CEBU CITIES

PHILJA conducted its 7th *Regional Judicial Career Enhancement Program (Level 3) for Judges, Clerks of Court, and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region VI*, on April 28 to 30, 2004, at the Amigo Terrace Hotel, Iloilo City. Two hundred seventy-nine (279) participants attended the seminar, composed of sixty-three (63) Regional Trial Court Judges, sixty-four (64) First Level Court Judges, and one hundred fifty-two (152) Clerks of Court.

The 8th *Regional Judicial Career Enhancement Program (Level 3) for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region V* was held on June 2 to 4, 2004, at the Casablanca Hotel, Legaspi City. Two hundred forty (240) participants attended the seminar, composed of fifty-one (51) Regional Trial Court Judges, thirty-seven (37) First Level Court Judges, and one hundred fifty-two (152) Clerks of Court.

The 9th *Regional Judicial Career Enhancement Program (Level 3) for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Courts of Region XII* was held on June 23 to 25, 2004, at the Mango Park Hotel, Cebu City. In attendance were seventeen (17) Regional Trial Court Judges, thirty-five (35) First Level Court Judges, and eighty-six (86) Clerks of Court, or a total of one hundred thirty-eight (138) participants.

Erratum

January to March 2004, Issue No. 21

The following also attended the
31ST ORIENTATION OF NEWLY APPOINTED JUDGES:

1. Hon Agapito K. Laoagan, Jr.
Reg. 1, Br. 64, Buguias, Benguet
2. Hon. Bernabe B. Mendoza
Reg. 2, Br. 23, Roxas, Isabela
3. Hon. Ruben A. Galvez
Reg. 4, Br. 3, Batangas City
4. Hon. Rodolfo D. Obnamia, Jr.
Reg. 4, Br. 64, Mauban, Quezon
5. Hon. Ma. Teresa C. San Gabriel
Reg. 4, Br. 80, Morong, Rizal



SPECIAL FOCUS PROGRAMS

REGIONAL SYMPOSIUM ON THE ROLE OF THE JUDICIARY IN PROMOTING SUSTAINABLE DEVELOPMENT IN BANGKOK

Justice Lucenito Tagle, Court of Appeals; **Judge Ramon S. Caguioa**, Regional Trial Court, Branch 74, Olongapo City; **Judge Josefina D. Farrales**, Regional Trial Court, Branch 69, Iba, Zambales; and **Prof. Dante B. Gatmaytan**, Professorial Lecturer I of PHILJA's Department of Legal Methods and Research, attended the *Regional Symposium on the Role of the Judiciary in Promoting Sustainable Development: Case Studies from Japan and Developing Countries in East Asia*, on June 21 to 23, 2004, Bangkok, Thailand. The symposium's general objective was to help strengthen the capacity of the judicial system to carry out its important role of supporting improvements in governance and to provide alternative channels for the presentation of issues and the resolution of conflicts in the protection of environment. Prof. Gatmaytan, who has an extensive background in Environmental Law practice in the Philippines, lectured on "*Crafting the Philippine Judiciary's Role in Sustainable Development.*"

SEMINAR ON TRAFFICKING IN PERSONS

PHILJA, in partnership with the WomenLEAD Foundation, Inc., conducted the *National Inter-Disciplinary Seminar on Trafficking in Persons*, on June 24 to 25, 2004, at the South Sea Resort Hotel, Bantayan, Dumaguete City. Thirty (30) participants attended the two-day seminar, composed of nine (9) judges, ten (10) prosecutors, five (5) court social workers, five (5) law-enforcers, and one (1) observer. Justice Ameurfina A. Melencio Herrera, PHILJA Chancellor, commended the WomenLEAD for the active and effective role they have played in the advocacy for women's rights.

AGRARIAN REFORM SEMINAR IN NEGROS

The Philippine Judicial Academy (PHILJA), in collaboration with the Department of Agrarian Reform (DAR) and the Canadian International Development Agency (CIDA), conducted the *Agrarian Reform Seminar-Workshop for Judges and CARP*

(Continued on page 6)



ON MEDIATION

JURIS PROJECT'S JUDGES' AND MEDIATORS' TRAININGS

The month of April was a very busy month for the National Judicial Institute course leaders and faculty, PHILJA training coordinators, and JURIS administrator. The group conducted one (1) judge's training and two (2) mediators' trainings.

Course on Court-Annexed Mediation and Judicial Settlement Conference for Judges, Clerks of Court and Branch Clerks of Court

This training is the first of a three-part series of the JURIS project aimed at enhancing the practice of court-annexed mediation in the country. It was held on April 14 to 16, 2004, at the L' Fisher Hotel, Bacolod City. In attendance were thirty-two (32) Judges and thirty-eight (38) Clerks of Court and Branch Clerks of Court, or a total of seventy (70) participants.

Mediators' Training Course on Court-Annexed Mediation and Judicial Settlement Conference (The Canada-Philippines JURIS ADR Model Courts Project for Bacolod City and San Fernando, Pampanga)

Two (2) mediators' trainings were held: the first one on April 20 to 23, 2004, at the L' Fisher Hotel, Bacolod City, attended by six (6) Judges, twenty-eight (28) Lawyers, and twenty-nine (29) Stakeholders; and the second one on April 27 to 30, 2004, at the Holiday Inn Resort, Clark Field, Angeles City, Pampanga, attended by twenty-eight (28) Lawyers and twenty-nine (29) Stakeholders.

TRIAL COURT MEDIATION EVALUATION WORKSHOPS

The Asia Foundation (TAF) funded three (3) evaluation workshops held in Manila, Cebu, and Davao Cities. To date, there are about seventeen (17) PMC units in Metro Manila, three (3) PMC units in Metro Cebu, and four (4) PMC units in Metro Davao. The project aims to arrive at a comprehensive assessment of court-annexed mediation in the

Philippines, starting from its initial operation, by gathering the observations of the different stakeholders. The results that will be generated from the series of workshops, together with the survey simultaneously conducted by the Social Weather Stations (SWS), will be used for the Action Planning Workshop to be held in July 2004.

For the first round, the Philippine Mediation Center (PMC) conducted the *Evaluation Workshop on the Trial Court Mediation Project*, on April 20 to 21, 2004, at the Marco Polo Hotel, Davao City. Participants comprised of the following: twenty-four (24) Regional Trial Court and Metropolitan Trial Court Judges; twenty-one (21) Clerks of Court, Branch Clerks of Court, and Court Personnel; eleven (11) Litigants; thirteen (13) Lawyers; and twenty-one (21) Mediators, or a total of ninety (90) stakeholders.

TRIAL COURT MEDIATION EVALUATION WORKSHOPS IN MANILA

The Philippine Judicial Academy (PHILJA) and the Philippine Mediation Center (PMC), in partnership with The Asia Foundation (TAF), held the third and last round of the *Evaluation Workshops on the Mediation Project in Trial Courts in Manila*, on June 23 to 24, 2004, at the Manila Pavilion Hotel, Manila, with the objectives of evaluating the strengths and weaknesses of trial court mediation and the operation of the PMC units in Metro Manila.

Participants of the workshop on the first day session consisted of: eleven (11) Regional Trial Court Executive Judges, sixteen (16) Metropolitan Trial Court Executive Judges, seventeen (17) Regional Trial Court Personnel, eighteen (18) Municipal Trial Court Personnel, four (4) Litigants, eight (8) Lawyers, and fifty (50) Mediators.

The second day session was attended by (17) Regional Trial Court Personnel, eighteen (18) Municipal Trial Court Personnel, and fifty (50) Mediators. The group discussed the PMC Implementing Rules and Regulations (IRR), the filling-up of PMC Form 7 (Mediator's Daily Report), and the solution to a sample problem in relation to the form.



CONVENTIONS

PHILACI's 3RD GENERAL ASSEMBLY

The Philippine Association of Court Interpreters (PHILACI) held its third general assembly and seminar on April 15 to 17, 2004, at the Great Eastern Hotel, Quezon City, with the theme: "Court Interpreters: Vital Role Players in Dispensing Justice Towards a Continuing Pursuit of Judicial Excellence." This was attended by five hundred forty-seven (547) Court Interpreters, and the PHILACI officials were quite overwhelmed as it went beyond the expected number of participants.

In his message, Atty. Emil Ibañez, former Court Interpreter and currently Legal Researcher, but soon to be appointed Clerk of Court of Regional Trial Court, Br. 142, Makati City, assured the PHILACI members that wherever he goes, he will always be a Court Interpreter at heart.

Justice Presbitero J. Velasco, Jr., Court Administrator, in his Keynote Address, encouraged the 547 Court Interpreters to keep on working, notwithstanding difficulties they face, and to work together as a team to achieve more. Furthermore, he advised them to render the best judicial services to the people, the stakeholders, and to improve their knowledge by reading administrative circulars, orders, and resolutions issued by the Supreme Court. He also mentioned the Office of the Court Administrator's project on registering several Court Interpreters in a foreign language school and to undergo advanced trainings for capacity building and professional enhancement.

During the open forum, the interpreters brought out their problems encountered with the GSIS, which Justice Velasco promised to take up at committee meetings. Another problem met by one of the Court Interpreters concerning a deaf-mute witness, which requires a sign language interpreter, was also cited. On this particular issue, Justice Velasco stressed that the interpreters are needed to be trained further.

JACOPHIL's 4TH CONVENTION

The 4th Convention-Seminar of the Judiciary Association of the Clerks of the Philippines (JACOPHIL) was held on April 21 to 23, 2004, at the Lipa Youth and

Cultural Center, Lipa City, Batangas. A total of 1,097 Clerks all over the country attended the convention-seminar.

The convention was opened by JACOPHIL National President, Ms. Melita Salinas, who commended and thanked the JACOPHIL National Board and the Batangas Chapter Members for meeting the challenge of hosting this year's convention. Chief Justice Hilario G. Davide, Jr. delivered the Keynote Address. In his speech, he reminded the Clerks of their indispensable role in the administration of justice and asked them to continue their support for impartial and swift justice. He further stressed that the quality of their work forms part of the general perception of the public on the Judiciary and made mention of the Code of Conduct for Court Personnel (2004), which should guide the court personnel in the proper performance of their duties.

Court Administrator Presbitero J. Velasco, Jr. delivered the Inspirational Message. He called on the members of JACOPHIL to focus on the ways and means of forming a judicial service team, so that everybody participates in the effective, efficient, and expeditious dispensation of justice.

PACSWI's 4TH CONVENTION

PACSWI or the Philippine Association of Court Social Workers, Inc., conducted its fourth convention and seminar on April 26, 2004, at the Villa Caceres Hotel, Naga City. One hundred and one (101) Court Social Workers attended the convention, majority of whom came from the National Capital Judicial Region.

Judge Marino O. Bodiao, Sr., Family Court Judge of Naga City, and Assistant Court Administrator Antonio H. Dujua, commended the Court Social Workers and encouraged them to take a more active role in advancing the interests of children in conflict with the law and in preventing the victimization of women.

CLERAP's 5TH CONVENTION

The 5th Convention and Seminar of the Court Legal Researchers Association of the Philippines (CLERAP) was held on April 28 to 30, 2004, at the SeaFront Restaurant, SBMA, Olongapo City. The convention's theme was: "Development of Values in Improving

Public Confidence in the Judicial System." Chief Justice Hilario G. Davide, Jr., in his Keynote Address, reminded the 288 Legal Researchers present of the New Code of Conduct for Court Personnel, stressing that the Code is considered to be the bible of their profession. Justice Presbitero J. Velasco, Jr., Court Administrator, in his Inspirational Message, encouraged the Legal Researchers to work as a team with other court personnel to ensure efficient, effective, and expeditious dispensation of justice. The three-day convention ended with the closing message of Justice Antonio, M. Martinez, PHILJA Vice-Chancellor, who emphasized that whether lawyers or not, Legal Researchers are tasked with the study of cases and researching for judges. Thus, he encouraged them to strive for competence, to be updated in law, to keep their moral values, and to uphold the Rule of Law.

From the Chancellor's Desk (Continued from page 1)

mechanisms through an enhanced pre-trial proceeding. Evaluation Workshops were likewise conducted to assess the strengths and weaknesses of the mediation program as well as the operation of PMC units.

Mediation is becoming increasingly visible. Requests for Mediation Center Units are pouring in. The ADR Law (R.A. No. 9285) that deals with voluntary or private mediation before disputes enter the court system is in effect. On the other hand, court-annexed mediation is the alternative approach that has been adopted by, and being implemented by the Supreme Court, through PHILJA, once courts have acquired jurisdiction over the dispute. Mediators for court-annexed mediation are accredited by the Supreme Court.

We trust that you will enjoy this issue that has its usual selection of relevant information to keep our readers abreast of the past, the current, and the future.

AGRARIAN REFORM SEMINAR IN NEGROS

(Continued from page 3)

Implementors in Negros Provinces, on June 28 to 30, 2004, at the Sugarland Hotel, Bacolod City. A total of eighty-one (81) participants attended the seminar, composed of sixty (60) judges and twenty-one (21) CARP Implementors (DAR officials/employees and representatives from the Alternative Law Group).



ON PHILJA

APPOINTMENTS OF PHILJA PROFESSORS

As per approved Resolution No. 04-04 of A.M. No. 04-3-15-SC-PHILJA, the following were appointed as PHILJA professors for a term of two (2) years, beginning on 11 April 2004, without prejudice to subsequent re-appointments:

CORPUS OF PROFESSORS

Constitutional Law

Chair: Dean Pacifico A. Agabin
Professorial Lecturer II

Vice-Chair: Prof. Carmelo V. Sison
Professorial Lecturer II

Members: 1. Fr. Joaquin G. Bernas, S.J.
Professorial Lecturer II
2. Atty. Marvic F. Leonen
Professorial Lecturer II

Special Lecturer: Justice Reynato S. Puno
Professorial Lecturer II

Civil Law

Chair: Justice Ricardo C. Puno
Professorial Lecturer II

Vice-Chair: Prof. Ruben F. Balane
Professorial Lecturer II

Members: 1. Judge Ed Vincent S. Albano
Professorial Lecturer I
2. Dean Eduardo de los Angeles
Professorial Lecturer II

Special Lecturer: Justice Jose C. Vitug
Professorial Lecturer II

Remedial Law

Chair: Justice Oscar M. Herrera, Sr.
Professorial Lecturer II

Vice-Chair: Justice Ricardo P. Galvez
Professorial Lecturer II

Members: 1. Justice Jose Y. Feria
Professorial Lecturer II
2. Justice Nicolas P. Lapeña, Jr.
Professorial Lecturer II
3. Atty. Francis Ed Lim
Professorial Lecturer I

Criminal Law

Chair: Justice Edilberto G. Sandoval
Professorial Lecturer II

Members: 1. Justice Rodolfo G. Palattao
Professorial Lecturer II
2. Justice Francis E. Garchitorena
Professorial Lecturer II
3. Justice Diosdado M. Peralta
Professorial Lecturer II

Special Lecturer: Justice Romeo J. Callejo, Sr.
Professorial Lecturer II

Commercial Law

Chair: Dean Cesar L. Villanueva
Professorial Lecturer II

- Members: 1. Judge Sixto C. Marella, Jr.
Professorial Lecturer I
2. Atty. Hector A. Martinez
Professorial Lecturer I
3. Atty. Jose Claro S. Tesoro
Professorial Lecturer I
4. Atty. Jose Salvador Y. Mirasol
Professorial Lecturer I
5. Prof. Roman F. Mabanta
Professorial Lecturer I

International and Human Rights Law

Chair: Dr. Purificacion V. Quisumbing
Professorial Lecturer II

Vice-Chair: Atty. Carlos P. Medina, Jr.
Professorial Lecturer II

- Members: 1. Dean Raul C. Pangalangan
Professorial Lecturer II
2. Atty. Rene V. Sarmiento
Professorial Lecturer I
3. Comm. Linda Malenab-Hornilla
Professorial Lecturer I
4. Atty. Amparita Sta. Maria
Professorial Lecturer I

Special Lecturer: Justice Ma. Alicia Austria-Martinez
Professorial Lecturer II

Jurisprudence and Legal Philosophy

Chair: Fr. Ranhilio C. Aquino
Part-time Professor II

- Members: 1. Justice Camilo D. Quiason
Professorial Lecturer II
2. Prof. Monserrat G. Babaran
Professorial Lecturer II
3. Atty. Pedro P. Perez, Jr.
Professorial Lecturer I
4. Atty. Emmanuel Q. Fernando
Professorial Lecturer I
5. Fr. Luis S. David, S.J.
Professorial Lecturer I

Ethics and Judicial Conduct

Chair: Justice Hilarion L. Aquino
Professorial Lecturer II

Vice-Chair: Justice Hector A. Hofileña
Professorial Lecturer II

- Members: 1. Justice Wenceslao L. Agnir, Jr.
Professorial Lecturer II
2. Justice Jose L. Sabio, Jr.
Professorial Lecturer II
3. Justice Edgardo L. Cruz
Professorial Lecturer II

Court Management

Chair: Justice Presbitero J. Velasco, Jr.
Professorial Lecturer II

Vice-Chair: Justice Ruben T. Reyes
Professorial Lecturer II

- Members: 1. Justice Roberto A. Barrios
Professorial Lecturer II
2. DCA Jose P. Perez
Professorial Lecturer II
3. DCA Christopher O. Lock
Professorial Lecturer I
4. Justice Martin Villarama
Professorial Lecturer II

Legal Method and Research

Chair: Prof. Myrna S. Feliciano
Professorial Lecturer II

Vice-Chair: DCA Zenaida N. Elepaño
Professorial Lecturer II

- Members: 1. Dean Merlin M. Magallona
Professorial Lecturer II
2. Prof. Dante B. Gatmaytan
Professorial Lecturer I

Special Areas of Concern

Chair: Prof. Sedfrey M. Candelaria
Part-time Professor II

Vice-Chair: Justice Teresita Dy-Liacco Flores
Professorial Lecturer II

- Members: 1. Atty. Jose Maria A. Ochave
Professorial Lecturer II
2. Prof. Melencio S. Sta. Maria, Jr.
Professorial Lecturer II
3. Prof. Angela P. Sarile
Professorial Lecturer II

Court Technology

Chair: Atty. Ivan John E. Uy
Professorial Lecturer II

Member: 1. Atty. Emmanuel L. Caparas
Professorial Lecturer I

PROFESSORS

1. DCA Bernardo T. Ponferrada (ret.)
Full-time Professor II
2. Fr. Ranhilio C. Aquino
Part-time Professor II
3. Prof. Sedfrey M. Candelaria
Part-time Professor II
4. Dean Reynaldo L. Suarez
Part-time Professor II
5. Dean Eulogia M. Cueva
Part-time Professor II
6. Atty. Jose Maria A. Ochave
Part-time Professor II

PROFESSORIAL LECTURERS

1. Justice Isagani A. Cruz
Professorial Lecturer II

2. Justice Hugo Gutierrez
Professorial Lecturer II
3. Justice Bernardo P. Pardo
Professorial Lecturer II
4. Solicitor General Alfredo L. Benipayo
Professorial Lecturer II
5. Justice Delilah V. Magtolis
Professorial Lecturer II
6. Justice Regalado E. Maambong
Professorial Lecturer II
7. Justice Lucas P. Bersamin
Professorial Lecturer II
8. Justice Jesus M. Elbinias
Professorial Lecturer II
9. ACA Ismael G. Khan
Professorial Lecturer I
10. Judge Nimfa C. Vilches
Professorial Lecturer I
11. Judge Jaime N. Salazar
Professorial Lecturer I
12. Comm. Samilo N. Barlongay
Professorial Lecturer I
13. Dean Froilan M. Bacungan
Professorial Lecturer I
14. Dr. Fortunato Gupit, Jr.
Professorial Lecturer I
15. Prof. Ma. Lourdes A. Sereno
Professorial Lecturer I
16. Atty. Katrina Legarda
Professorial Lecturer I
17. Atty. Cheselden George V. Carmona
Professorial Lecturer I
18. Atty. Arturo V. Noblejas
Professorial Lecturer I
19. Dr. Bernadette J. Madrid
Professorial Lecturer I
20. Dr. Evangeline de la Fuente
Professorial Lecturer I
21. Atty. Ma. Carina M. Cunanan
Professorial Lecturer I
22. Atty. Edwin R. Sandoval
Professorial Lecturer I

SPECIAL LECTURERS

1. Senior Associate Justice Josue N. Bellosillo (*ret.*)
Professorial Lecturer II
2. Justice Reynato S. Puno
Professorial Lecturer II
3. Justice Jose C. Vitug (*ret.*)
Professorial Lecturer II
4. Justice Artemio V. Panganiban
Professorial Lecturer II
5. Justice Ma. Alicia Austria-Martinez
Professorial Lecturer II
6. Justice Romeo J. Callejo, Sr.
Professorial Lecturer II



ON PHILJA

PHILJA AND SAN BEDA CONSORTIUM

The Court *En Banc*, in its Resolution (A.M. No. 04-3-15-SC-PHILJA) dated March 23, 2004, approved the PHILJA and San Beda Consortium Agreement. The Court approved PHILJA to enter into a Consortium Agreement with the San Beda Graduate School of Law for a Master's Program in Law, Major in Jurisprudence (L.I.M. degree).

In the agreement, San Beda College will credit courses offered by the Academy for incumbent members of the Bench, provided that those who opt to pursue L.I.M. degree are certified for admission by the PHILJA Chancellor on the basis of their performance in the programs of the Academy. A total of (15) units from PHILJA may be credited by San Beda College for purposes of completion of the L.I.M. program.

NEW PHILJA OFFICIALS AND PERSONNEL

The Court *En Banc* approved on June 22, 2004 the appointments of the following PHILJA Professors:

Justice Jose C. Vitug
Full-time Professor II
effective 15 July 2004

Justice Alicia V. Sempio-Diy
Full-time Professor II
Member, Department of Civil Law
effective 22 June 2004

Justice Rodolfo G. Palattao
Vice-Chair, Department of Criminal Law

Dean Reynaldo L. Suarez
Full-time Professor II
effective 1 June 2004

Professor Thelma L. Mendoza
Professorial Lecturer II
Member, Department of Special Areas of Concern



REMEDIAL LAW

Written motions must be set for hearing by the applicant.

The Rules mandate that except for motions that the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant. The notice of hearing shall be addressed to the defendants therein and shall specify the time and date of the hearing, which must not be later than ten (10) days after the filing of the motion. The motion and notice shall be served at least three (3) days before the date of hearing. Without proof of its service, the court cannot act upon it. (*Panganiban, J., Atty. Vilma Hilda Villanueva, et al. v. Judge Ralph Lee, et al., A.M. No.-MTJ-04-1518, January 15, 2004*)

LEGAL CONSTRUCTION

(continued from page 9)

the GAAs, as the respondents contend, would be to give Congress the unbridled authority to unduly infringe the fiscal autonomy of the LGUs and, thus, put the same in jeopardy every year. (*Callejo, Sr., J., The Province of Batangas v. Hon. Alberto Romulo, Executive Secretary and Chairman, Oversight Committee on Devolution, et al., G.R. No. 152774, May 27, 2004*)

LEGAL ETHICS

Existence of attorney-client relationship.

As a rule, an attorney-client relationship is said to exist when a lawyer voluntarily permits or acquiesces with the consultation of a person, who, in respect to a business or trouble of any kind, consults a lawyer with a view of obtaining professional advice or assistance. It is not essential that the client should have employed the attorney on any previous occasion or that any retainer should have been paid, promised, or charged for. Neither is it material that the attorney consulted did not afterward undertake the case about which the consultation was had, for as long as the advice and assistance of the attorney is sought and received, in matters pertinent to his profession.

Considering the attendant peculiar circumstances, said rule cannot apply to the present case. Evidently, the facts alleged in the complaint for "Estafa Through Falsification of Public Documents" filed by respondent lawyer against

CRIMINAL LAW

Option to deposit cash in lieu of a surety bond belongs to the accused.

While cash bail is authorized under our rules, the option to deposit cash in lieu of surety bond primarily belongs to the accused, as can be gleaned from the language of Section 14, Rule 114 of the 1985 Rules on Criminal Procedure, as amended.

The respondent judge grossly erred in converting Serrano's surety bond to cash bond and in demanding that De la Cruz post a cash bond to obtain their provisional liberty. (*Davide, Jr., CJ, Victory Liner, Inc. v. Judge Reynaldo Bellosillo, A.M. MTJ-00-1321, March 10, 2004*)

complainant were obtained by respondent due to his personal dealings with complainant. Respondent volunteered his service to hasten the issuance of the certificate of title of the land he has redeemed from complainant. Respondent's immediate objective was to secure the title of the property that complainant had earlier bought from his son. Clearly, there was no attorney-client relationship between respondent and complainant. The preparation and proposed filing of the petition was only incidental to their personal transaction.

The alleged "secrets" of complainant were not specified by him in his affidavit-complaint. Whatever facts alleged by respondent against complainant were not obtained by respondent in his professional capacity, but as redeptioner of a property originally owned by his deceased son and, therefore, when respondent filed the complaint for estafa against herein complainant, which necessarily involved alleging facts that would constitute estafa, respondent was not, in any way, violating Canon 21 of the Code of Professional Responsibility. There is no way we can equate the filing of the affidavit-complaint against herein complainant to a misconduct that is wanting in moral character, in honesty, probity and good demeanor, or that renders him unworthy to continue as an officer of the court. To hold otherwise would be precluding any lawyer from instituting a case against anyone to protect his personal or proprietary interests. (*Austria-Martinez, J., William S. Uy v. Attorney Fermin L. Gonzales, Administrative Case No. 5280, March 30, 2004*)

CIVIL LAW

Role of prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the State in annulment of marriage cases.

The Court, in the case of *Malcampo-Sin v. Sin*, reiterated its pronouncement in *Republic v. Court of Appeals* regarding the role of the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the State in annulment of marriage cases.

The task of protecting marriage as an inviolable social institution requires vigilant and zealous participation and not mere *pro-forma* compliance. The protection of marriage as a sacred institution requires not just the defense of a true and genuine union, but the exposure of an invalid one as well.

A grant of annulment of marriage or legal separation by default is fraught with the danger of collusion. Hence, in all cases for annulment, declaration of nullity of marriage and legal separation, the prosecuting attorney or fiscal is ordered to appear on behalf of the State for the purpose of preventing any collusion between the parties and to take care that their evidence is not fabricated or suppressed. If the defendant-spouse fails to answer the complaint, the court cannot declare him or her in default, but instead should order the prosecuting attorney to determine if collusion exists between the parties. The prosecuting attorney or fiscal may oppose the application for legal separation or annulment of marriage through the presentation of his own evidence if, in his opinion, the proof adduced is dubious and fabricated. (*Callejo, Sr., J., Marietta B. Ancheta v. Rodolfo Ancheta*, G.R. No. 145370, March 4, 2004)

Temperate or moderate damages; its concept; when it is allowed.

When the court finds that some pecuniary loss has been suffered, but the amount cannot, from the nature of the case, be proved with certainty, temperate damages may be recovered. Temperate damages may be allowed in cases where from the nature of the case, definite proof of pecuniary loss cannot be adduced, although the court is convinced that the aggrieved party suffered some pecuniary loss.

The Code Commission, in explaining the concept of temperate damages under Article 2224, makes the following comment:

xxx There are cases where from the nature of the case, definite proof of pecuniary loss cannot be offered, although the court is convinced that there has been such loss. For instance, injury to one's commercial credit or to the goodwill of a business firm is often hard to show with certainty in terms of money. Should damages be denied for that reason? The judge should be empowered to calculate moderate damages in such cases rather than that the plaintiff should suffer without redress from the defendant's wrongful act.

(*Yñares-Santiago, J., Premiere Development Bank v. Court of Appeals, Panacor Marketing Corporation and Arizona Transport Corporation*, G.R. 159352, April 14, 2004)



LEGAL CONSTRUCTION

A General Appropriations Act cannot amend a substantive law.

The Local Government Code of 1991 is a substantive law. And while it is conceded that Congress may amend any of the provisions therein, it may not do so through appropriation laws or GAAs. Any amendment to the Local Government Code should be done in a separate law, not in the appropriation law because Congress cannot include in a general appropriations bill matters that should be more properly enacted in a separate legislation.

A general appropriation bill is a special type of legislation, whose content is limited to specified sums of money dedicated to a specific purpose or a separate fiscal unit. Any provision therein, which is intended to amend another law, is considered an "inappropriate provision." The category of "inappropriate provisions" includes unconstitutional provisions and provisions which are intended to amend other laws because, clearly, these kinds of laws have no place in an appropriation bill.

Increasing or decreasing the IRA of the LGUs or modifying their percentage sharing therein, which are fixed in the Local Government Code of 1991, are matters of general and substantive law. To permit Congress to undertake these amendments through

(Continued on page 9)

SUPREME COURT

RESOLUTION of the COURT *EN BANC*, dated 20 January 2004, on A.M. No. 04-1-12-SC

"A.M. No. 04-1-12-SC.- Re: Proposed Guidelines for the Implementation of An Enhanced Pre-Trial Proceeding Through Conciliation and Neutral Evaluation.- The Court Resolved to (a) NOTE the Letter, dated 19 January 2004, of Chancellor Ameurfina A. Melencio Herrera, Philippine Judicial Academy, and (b) APPROVE the Proposed Guidelines for the Implementation of an Enhanced Pre-Trial Proceeding thru Conciliation and Neutral Evaluation, as amended, to wit:

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

TO: THE REGIONAL TRIAL COURTS OF PAMPANGA IN SAN FERNANDO AND OF NEGROS OCCIDENTAL IN BACOLOD, AND THE MUNICIPAL TRIAL COURTS IN THE CITIES OF SAN FERNANDO AND BACOLOD

SUBJECT: **REVISED GUIDELINES FOR THE IMPLEMENTATION OF AN ENHANCED PRE-TRIAL PROCEEDING THROUGH CONCILIATION AND NEUTRAL EVALUATION**

I. Background

The Justice Reform Initiatives Support Project (JURIS) is a five-year bilateral project funded by the Canadian International Development Agency (CIDA), which seeks to support the implementation by the Supreme Court of the Philippines' Action Program for Judicial Reform (APJR)

The goals of JURIS are to strengthen and promote more effective use of alternative dispute resolution (ADR) mechanisms, improve access to justice, and support advocacy for reform. In connection with the effective use of ADR, the approach which JURIS has adopted to strengthen ADR involves a bold and ambitious plan to showcase new ADR approaches in up to 14 model court sites in the Philippines. There will initially be 2 model court sites set up in Pampanga and Bacolod by November 2003.

II. Concept

The Project intends to strengthen conciliation at the pre-trial stage as a means of expediting the resolution of cases and decongesting court dockets, after court-annexed mediation has failed by utilizing the following models:

- (1) The use of the pre-trial judge who will conciliate between the parties;
- (2) The use of the pre-trial judge as early neutral evaluator;
- (3) The use of the pre-trial judge as mediator;
- (4) A combination of any of the above;
- (5) Such other systems as the Design and Management Committee may find adaptable to the local set-up.

II.1 Concept of Conciliator Judge

Despite the priority position in the Rules of Court for settlement and referral to ADR during pre-trial proceedings, most judges go through the function perfunctorily for various reasons, including fear of being disqualified if he goes into the process more intensively and the possible failure of his efforts. It is the intention of this Project to restore the importance of this priority and at the same time to remove such apprehension.

II.2 Concept of Judge as Neutral Evaluator

After mediation has failed and the case is returned to the court, the pre-trial judge, pursuant to the parties' pre-trial briefs, will define and simplify the issues, inquire into the necessity or desirability of amendments to the pleadings, strongly urge the parties to make stipulations and admissions of fact and documents, require the presentation and marking of all documentary exhibits, disclose the number and names of witnesses and the substance of their respective testimonies, and determine the propriety of rendering judgment on the pleadings or summary judgment. After the judge has gone through these aspects of the pre-trial, he will ask the parties or their counsel to present a summary or brief of their case to him as they wish, but under a time limit. Thereafter, he will assess the relative strengths and weaknesses of each party's case and make a non-binding and impartial evaluation or assessment of the chances of each party's success in the case. On the basis of his neutral evaluation, he will persuade the parties to reconsider their prior reluctance to use mediation towards a compromise agreement.

II.3 Concept of Judge as Mediator

In the event that the parties agree to reconsider their initial reluctance to mediate, the judge shall facilitate settlement using all his skills as mediator.

RESOLUTION dated 20 January 2004 (continued)

III. Procedure and Need for Pairing System

Under the above concepts, judicial proceedings are divided into two stages – (1) from the filing of a complaint to the pre-trial stage (pre-mediation and post mediation stages), and (2) trial and judgment stage. The judge to whom the case has been raffled presides over the pre-trial and the pairing judge presides over the trial stage. The pairing system shall be provided for in existing Court Orders/Circulars.

In situations where there is no pairing judge due to inhibitions, retirement, vacancy or any other cause, the trial judge shall be determined by a second raffle among the judges excluding the pre-trial judge. In these, instances, the pre-trial judges shall, upon termination of pre-trial, immediately forward the records to the Office of the Clerk of Court for second raffle under existing procedures, within seventy-two (72) hours from receipt of such records.

The judge presiding over the first stage (pre-trial judge) shall observe Section 2(a) of Rule 18 of the Rules of Court. In issuing an order to file a pre-trial brief, he shall also require a statement of undisputed facts, the proposed issues for resolution, and a synopsis of the law and jurisprudence relied upon, and in cases covered under Section IV herein below, order the parties to appear for mediation at the PMC for mediation proceedings. If mediation fails and the case is referred back to the pre-trial judge, he shall act as a conciliator, neutral evaluator and mediator, as explained above.

If settlement is still not reached, a pre-trial order shall be issued to include a referral of the case to the pairing judge for trial (trial judge). It is believed that the parties will be freer and more spontaneous once they are assured that the conciliator judge/neutral evaluator will not be the one to try the case.

III.1 Confidentiality

The pre-trial judge is bound to observe the confidentiality of proceedings and shall not pass on any information obtained in the course of conciliation, early neutral evaluation, or mediation to the trial judge or to any other person.

IV. Coverage

This pilot-test shall apply to the following cases:

- (1) All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised;

- (2) Cases cognizable by the *Lupong Tagapamayapa* and those cases that may be referred to it by the judge under Section 408, Chapter 7 of Republic Act No. 7160, otherwise known as the 1991 Local Government Code;
- (3) The civil aspect of BP 22; and
- (4) The civil aspect of quasi-offenses under Title 14 of the Revised Penal Code.

V. Sanctions

A party who does not appear for mediation or pre-trial in violation of the order of the pre-trial judge or in accordance with the scheduled mediation conferences, shall be imposed the appropriate sanctions as provided for in Rule 18 of the Rules of Court by said judge. In addition, the pre-trial judge may require the non-appearing party to reimburse not exceeding treble the costs incurred by the appearing party, including attorney's fees for that day.

A party who appears without the required authorization may similarly be sanctioned.

VI. Settlement

If settlement is reached at the post-mediation pre-trial stage, the pre-trial judge shall ask the parties, with the assistance of their counsel, to draft the compromise agreement for submission to and approval by the court for a judgment upon a compromise.

However, the parties may submit to the Court a satisfaction of claims and mutual withdrawal of the complaint and counterclaim upon which the Court shall enter an order dismissing the case.

Very truly yours,

LUZVIMINDA D. PUNO
Clerk of Court

By:

(Sgd.) MA. LUISA D. VILLARAMA
Assistant Clerk of Court



RESOLUTION of the COURT EN BANC, dated 13 April 2004, on A.M. No. 03-03-03-SC

"A.M. No. 03-03-03-SC.- Re: Proposal to Consolidate Intellectual Property Courts with Commercial Courts.- The Court Resolved, upon the recommendation of the Office of the Court Administrator, to:

RESOLUTION dated 13 April 2004 (continued)

- (a) **REVOKE** the designation of RTC, Branch 142, Makati City, as a special commercial court per Court *En Banc* Resolution, dated 17 June 2003, issued in A.M. No. 03-03-03-SC; and
- (b) **DESIGNATE** RTC, Branch 61, Makati City, presided over by Judge Romeo F. Barza, as a special commercial court, vice Branch 142.

Upon the effectivity of this designation, all commercial cases (SEC and IPR cases) pending before Branch 142 shall be transferred to RTC, Branch 61, Makati City, except those which have already reached the pre-trial stage in civil cases or those in which any of the accused in a criminal case had already been arraigned, which cases shall be continuously tried and decided at Branch 142, same court. Thereafter, the Executive Judge shall see to the equitable distribution by raffle of commercial cases between Branches 61 and 138."

Very truly yours,

LUZVIMINDA D. PUNO
Clerk of Court

By:

(Sgd.) MA. LUISA D. VILLARAMA
Assistant Clerk of Court



MEMORANDUM ORDER NO. 19-2004

TO: ALL TRIAL JUDGES

SUBJECT: IMMEDIATE ISSUANCE OF RELEASE
ORDERS OF PRISONERS

WHEREAS, the Constitution safeguards the right of all persons to a speedy disposition of their cases before all courts;

WHEREAS, despite the dismissal of their cases or their acquittal, a number of accused remain detained for days, if not for weeks, or even months, because of the delay in the preparation, signing, or delivery to the Bureau of Jail Management and Penology (BJMP) of an Order for their release; and

WHEREAS, prisoners have the right to be released when (1) their cases are dismissed for any valid reason; (2) they are acquitted by the courts; or (3) they have undergone preventive imprisonment for a period equal to or more than the possible maximum imprisonment penalty for the offense charged to which they may be sentenced, but their cases are not yet terminated (Article 29, last paragraph, Revised Penal Code).

MEMORANDUM ORDER NO. 19-2004 (continued)

NOW, THEREFORE, all trial judges are directed:

1. To be ready with an Order of Release on the date set for the promulgation of a decision acquitting the accused, or dismissing the case, and the dismissal amounts to an acquittal;
2. To sign the Order of Release immediately after the promulgation of the decision of acquittal or of the order of dismissal amounting to an acquittal; and
3. To direct the Sheriff or Process Server to forthwith serve in open court a copy of the Release Order to the BJMP escort of the prisoner. The escort shall be under strict orders to deliver the Release Order to the Jail Warden, who, in turn, shall immediately enforce it subject to the routinary verification of the prisoner's other pending cases, as well as the processing and recording of the prisoner's release.

This Memorandum shall take effect immediately. The Clerk of Court shall cause its publication in the newspaper of general circulation in the Philippines. The Court Administrator shall ensure compliance therewith by all concerned.

Issued this 2nd day of April 2004.

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



MEMORANDUM CIRCULAR NO. 04-2004

ANNOUNCING THE LAUNCHING OF THE SEARCH FOR THE 2004 CHIEF JUSTICE AWARDEES FOR OUTSTANDING SERVICE IN THE JUDICIARY

WHEREAS, in his Amended Memorandum Order No. 31-2002, the Chief Justice created a Task Force to formulate the guidelines for the annual Chief Justice awards for outstanding employees, more specifically those holding positions below that of Chief of Office in the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, and all Lower Courts, including Shari'a Courts;

WHEREAS, the Task Force, composed of Court Administrator Presbitero J. Velasco, Jr., as Chairman; Chief Administrative Officer, Eden T. Candelaria, as Vice Chairman; and Chief Attorney Edna E. Diño, Deputy Court Administrator Christopher O. Lock, Asst. Court Administrator Ismael G. Khan, Jr., and Chief Justice's Staff Head Joseph Bryan Hilary P. Davide as Members, submitted the guidelines for the awards, which read in full as follows:

MEMORANDUM CIRCULAR NO. 04-2004 (continued)

I. OBJECTIVE

To give recognition and award to workers in the Philippine Judiciary as an impetus for efficient, effective and expeditious administration of justice in pursuit of excellence through service rendered with integrity, industry and innovativeness.

II. ELIGIBILITY FOR AWARD

The Chief Justice Award for Outstanding Service in the Judiciary shall be open to all employees of the Supreme Court and Lower Courts, including Shari'a Courts, Court of Appeals, Sandiganbayan and Court of Tax Appeals.

III. CATEGORIES

The awards for excellence will be given to the following:

1. Outstanding personnel of the 1st level courts, including Shari'a Circuit Courts;
2. Outstanding personnel of the 2nd level courts, including Shari'a District Courts;
3. Outstanding Supreme Court personnel, (below position of Chief of Office); and
4. Outstanding employee of the Court of Appeals, Sandiganbayan, Court of Tax Appeals (below Chief of Office).

IV. NOMINATIONS FOR THE AWARD

Nominations may be made by any individual, group or organization by submitting to the Nominations Committee a duly accomplished nomination form. In addition, the Committee may *motu proprio* include candidates based on the records of the Office of the Court Administrator and the offices of Administrative Services of the Supreme Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals:

The following are disqualified from nominating:

- (a) A litigant/party, including his spouse, parents and children, who has a pending civil, criminal or administrative case in the court/office of the nominee;
- (b) The relatives of prospective nominees up to the 4th degree of affinity or consanguinity; and
- (c) Organizations of which the prospective nominee is an officer.

V. QUALIFICATIONS OF PROSPECTIVE NOMINEES

- (a) Nominee must have been appointed to his present position for at least three (3) years;
- (b) Nominee must not have been administratively sanctioned for less grave and grave offenses within the 3-year period preceding the nomination;
- (c) Nominee must not have been convicted of any crime involving moral turpitude;
- (d) Previous awardees are disqualified for nomination for at least two (2) years from receipt of the award;
- (e) Nominee must have a performance rating of at least very satisfactory for the last two (2) years immediately preceding the nomination;
- (f) Must have reported for work regularly and punctually for the last two (2) years unless on approved leave; and
- (g) Must have regularly attended the weekly flag ceremony.

VI. GENERAL REQUIREMENTS FOR NOMINEES

The nominee shall submit ten (10) copies each of the following:

- (a) Latest colored photo, size 2x2;
- (b) Copies of citations or recommendations or certification for specific accomplishments;
- (c) Performance ratings for the last two (2) years;
- (d) Personal Data Sheet; and
- (e) Written conformity of nominee.

VII. PERIOD OF AWARD

Frequency - The awards shall be given annually.

Period Covered - From the start of the employment in the Judiciary up to August 31 of the current year.

VIII. PRESENTATION OF AWARDS

- (a) Date and Place. - The awards shall be held in December at the Session Hall of the Supreme Court of the Philippines.
- (b) Trophy and Certificate of Recognition. - Each awardee shall receive a trophy and a certificate of recognition.

MEMORANDUM CIRCULAR NO. 04-2004 (continued)

(c) Monetary Award. - Each awardee is entitled to a cash award.

(d) Other Benefits. - The awardee will be given preference in promotion, entitlement to study grants and training courses, and other benefits.

IX. FINANCING THE AWARD

Chief Justice Hilario G. Davide, Jr. has set aside a substantial portion of the monetary award he received as 2002 Ramon Magsaysay Awardee for Government Service as a trust fund to finance the Annual Awards.

X. The **EXECUTIVE COMMITTEE** shall supervise the administration and conduct of the Awards.

The Executive Committee shall be composed of the following:

Chairperson - The Court Administrator

Members - The three (3) Deputy Court Administrators

Secretariat - PRAISE Committee

XI. The **NOMINATIONS COMMITTEE** shall nominate deserving court employees and accept nominations from any individual, group or organization.

The Committee shall consist of the following:

Chairperson - Asst. Court Administrator (In charge of the Office of Administrative Services)

Members - The Chief of Office, Office of Administrative Services, Supreme Court; Officers-in-Charge of the Office of Administrative Services and Court Management Office, Office of the Court Administrator; Clerks of Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals or their representatives.

Secretariat - PRAISE Committee

XII. The **SCREENING COMMITTEE** shall take charge of the evaluation of nominations and documents and submission of the final list per category.

The Screening Committee shall be composed of the:

Chairman - A Deputy Court Administrator to be appointed by the Executive Committee.

Vice-Chairman - The *En Banc* Assistant Clerk of Court

Members - 1. Chairman of the PRAISE Committee
2. President of the SCEA
3. President of the SCALE
4. President of the PACE
5. President of the Court of Appeals employee organization
6. President of the Sandiganbayan employee organization
7. Executive Clerk of Court II, Court of Tax Appeals

Secretariat - PRAISE Committee

XIII. SUBMISSION OF NOMINATIONS

Date for Submission of Nominations - Nominations for all the categories of the awards must be received by the Nominations Committee on or before September 15. The deadline for submission of all the requirements is on September 30.

XIV. CRITERIA FOR SELECTION

General Criteria:

- (1) Innovative projects or activities implemented to promote effective, efficient and expeditious dispensation of justice;
- (2) Exemplary leadership in the Judiciary and in the community;
- (3) Honesty, diligence, integrity and dedication to work;
- (4) Exemplary rapport and effective working relations with co-employees established by the nominee. This would also include work attitude or overall disposition of the nominee towards work;
- (5) Initiative to learn job-related skills; and
- (6) Proper decorum towards lawyers, litigants, witnesses, and the public in general.

XV. The **BOARD OF JUDGES** shall be responsible for the selection of Awardees.

The Board of Judges shall be composed of the following:

Chairman - The Senior Associate Justice of the Supreme Court

MEMORANDUM CIRCULAR NO. 04-2004 (continued)

Members - The Chairman of the Third Division of the Supreme Court

Presiding Justice of the Court of Appeals

Presiding Justice of the Sandiganbayan

Presiding Judge of the Court of Tax Appeals

XVI. PROCEEDINGS ON FINAL SELECTIONS

The deliberations of the Board of Judges on the final selection shall not be made public or otherwise revealed.

XVII. PROTEST

Any selection made by the Board shall be deemed final and irrevocable. No protest against any award shall be considered.

WHEREAS, the Chief Justice had earlier deposited in a special account the sum of Seven Hundred Fifty Thousand Pesos (P750,000) he had earmarked from his Ramon Magsaysay Award for the annual awards for excellence for outstanding judicial employees; and with the interest therefrom, it is now most appropriate to start with the search for the 2004 awardees.

NOW, THEREFORE, the Chief Justice hereby formally launches the search for the 2004 most outstanding judicial employees holding positions below that of Chief of Office in the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, and lower courts, including Shari'a courts and more specifically the following:

- (1) 2004 Chief Justice Award for Service - First Level Courts and Shari'a Circuit Courts;
- (2) 2004 Chief Justice Award for Service - Second Level Courts and Shari'a Circuit Courts;
- (3) 2004 Chief Justice Award for Service - Court of Tax Appeals;
- (4) 2004 Chief Justice Award for Service - Sandiganbayan;
- (5) 2004 Chief Justice Award for Service - Court of Appeals;
- (6) 2004 Chief Justice Award for Service - Supreme Court;

Each awardee shall receive a cash prize of Forty Thousand Pesos (P40,000), a trophy and a certificate of recognition.

(Continued on page 20)

SUPREME COURT

A.M. NO. 03-05-01-SC

ADOPTING THE NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY

WHEREAS, at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, on 25-26 November 2002, at which the Philippine Supreme Court was represented by the Chief Justice and Associate Justice Reynato S. Puno, the Bangalore Draft of the Code of Judicial Conduct adopted by the Judicial Group on Strengthening Judicial Integrity was deliberated upon and approved after incorporating therein several amendments;

WHEREAS, the Bangalore Draft, as amended, is intended to be the Universal Declaration of Judicial Standards applicable in all Judiciaries;

WHEREAS, the Bangalore Draft is founded upon a universal recognition that a competent, independent and impartial Judiciary is essential if the courts are to fulfill their role in upholding constitutionalism and the Rule of Law; that public confidence in the judicial system and in the moral authority and integrity of the Judiciary is of utmost importance in a modern democratic society; and that it is essential that judges, individually and collectively, respect and honor judicial office as a public trust, and strive to enhance and maintain confidence in the judicial system;

WHEREAS, the adoption of the universal declaration of standards for ethical conduct of judges embodied in the Bangalore Draft, as revised at the Round Table Conference of Chief Justices at The Hague, is imperative not only to update and correlate the Code of Judicial Conduct and the Canons of Judicial Ethics adopted for the Philippines, but also to stress the Philippines' solidarity with the universal clamor for a universal code of judicial ethics.

Now, THEREFORE, the Court hereby adopts this *New Code of Judicial Conduct for the Philippine Judiciary*:

CANON 1 INDEPENDENCE

Judicial independence is a pre-requisite to the Rule of Law and a fundamental guarantee of a fair trial. A judge shall, therefore, uphold and exemplify judicial independence in both its individual and institutional aspects.

NEW CODE OF JUDICIAL CONDUCT (continued)

SECTION 1. Judges shall exercise the judicial function independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason.

SEC. 2. In performing judicial duties, judges shall be independent from judicial colleagues in respect of decisions which the judge is obliged to make independently.

SEC. 3. Judges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.

SEC. 4. Judges shall not allow family, social or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

SEC. 5. Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer.

SEC. 6. Judges shall be independent in relation to society in general and in relation to the particular parties to a dispute which he or she has to adjudicate.

SEC. 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the Judiciary.

SEC. 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the Judiciary, which is fundamental to the maintenance of judicial independence.

CANON 2**INTEGRITY**

Integrity is essential not only to the proper discharge of the judicial office, but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SEC. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the Judiciary.

Justice must not merely be done, but must also be seen to be done.

SEC. 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

CANON 3**IMPARTIALITY**

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself, but also to the process by which the decision is made.

SECTION 1. Judges shall perform their judicial duties without favor, bias or prejudice.

SEC. 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the Judiciary.

SEC. 3. Judges shall, so far as is reasonable, so conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases.

SEC. 4. Judges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall judges make any comment in public or otherwise that might affect the fair trial of any person or issue.

SEC. 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

- (a) The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
- (b) The judge previously served as a lawyer or was a material witness in the matter in controversy;
- (c) The judge or a member of his or her family, has an economic interest in the outcome of the matter in controversy;

NEW CODE OF JUDICIAL CONDUCT (*continued*)

- (d) The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;
- (e) The judge's ruling in a lower court is the subject of review;
- (f) The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or
- (g) The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings.

SEC. 6. A judge disqualified as stated above may, instead of withdrawing from the proceeding, disclose on the records the basis of disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the reason for the inhibition is immaterial or unsubstantial, the judge may then participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceedings.

**CANON 4
PROPRIETY**

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

SEC. 3. Judges shall, in their personal relations with individual members of the legal profession who practice regularly in their court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.

SEC. 4. Judges shall not participate in the determination of a case in which any member of their family represents a litigant or is associated in any manner with the case.

SEC. 5. Judges shall not allow the use of their residence by a member of the legal profession to receive clients of the latter or of other members of the legal profession.

SEC. 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the Judiciary.

SEC. 7. Judges shall inform themselves about their personal fiduciary financial interests and shall make reasonable efforts to be informed about the financial interests of members of their family.

SEC. 8. Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

SEC. 9. Confidential information acquired by judges in their judicial capacity shall not be used or disclosed for any other purpose related to their judicial duties.

SEC. 10. Subject to the proper performance of judicial duties, judges may:

- (a) Write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
- (b) Appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
- (c) Engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

SEC. 11. Judges shall not practice law whilst the holder of judicial office.

SEC. 12. Judges may form or join associations of judges or participate in other organizations representing the interests of judges.

NEW CODE OF JUDICIAL CONDUCT (*continued*)

SEC. 13. Judges and members of their families shall neither ask for nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by him or her in connection with the performance of judicial duties.

SEC. 14. Judges shall not knowingly permit court staff or others subject to their influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with their duties or functions.

SEC. 15. Subject to law and to any legal requirements of public disclosure, judges may receive a token gift, award or benefit as appropriate to the occasion on which it is made, provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

CANON 5
EQUALITY

Ensuring equality of treatment to all before the courts is essential to the due performance of judicial office.

SECTION 1. Judges shall be aware of and understand diversity in society and differences arising from various sources, including, but not limited to, race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status, and other like causes.

SEC. 2. Judges shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

SEC. 3. Judges shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.

SEC. 4. Judges shall not knowingly permit court staff or others subject to his or her influence, direction or control to differentiate between persons concerned, in a matter before the judge, on any irrelevant ground.

SEC. 5. Judges shall require lawyers in proceedings before the court to refrain from manifesting, by words

or conduct, bias or prejudice based on irrelevant grounds, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy.

CANON 6
COMPETENCE AND DILIGENCE

Competence and diligence are prerequisites to the due performance of judicial office.

SECTION 1. The judicial duties of a judge take precedence over all other activities.

SEC. 2. Judges shall devote their professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.

SEC. 3. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking advantage for this purpose the training and other facilities which should be made available, under judicial control, to judges.

SEC. 4. Judges shall keep themselves informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms.

SEC. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

SEC. 6. Judges shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity. Judges shall require similar conduct of legal representatives, court staff and others subject to their influence, direction or control.

SEC. 7. Judges shall not engage in conduct incompatible with the diligent discharge of judicial duties.

DEFINITIONS

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

"Court staff" includes the personal staff of the judge, including law clerks.

NEW CODE OF JUDICIAL CONDUCT (*continued*)

"Judge" means any person exercising judicial power, however designated.

"Judge's family" includes a judge's spouse, son, daughter, son-in-law, daughter-in-law, and any other relative by consanguinity or affinity within the sixth civil degree, or any person who is a companion or employee of the judge and who lives in the judge's household.

This Code, which shall hereafter be referred to as the *New Code of Judicial Conduct for the Philippine Judiciary*, supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct heretofore applied in the Philippines to the extent that the provisions or concepts therein are embodied in this Code: *Provided, however*, that in case of deficiency or absence of specific provisions in this New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.

This *New Code of Judicial Conduct for the Philippine Judiciary* shall take effect on the first day of June 2004, following its publication not later than 15 May 2004 in two newspapers of large circulation in the Philippines to ensure its widest publicity.

Promulgated this 27th day of April 2004.

(Sgd.) DAVIDE, JR., CJ, PUNO, VITUG, PANGANIBAN, QUISUMBING, YÑARES-SANTIAGO, SANDOVAL-GUTIERREZ, CARPIO, AUSTRIA-MARTINEZ, CORONA (*on leave*), CARPIO-MORALES, CALLEJO, SR., AZCUNA, TINGA, JJ.

MEMORANDUM CIRCULAR NO. 04-2004

(Continued from page 16)

The Executive Committee, the Nominations Committee, the Screening Committee, and the Board of Judges are requested to meet, formally organize, and perform their functions and duties set forth in the above-mentioned guidelines.

The Office of the Court Administrator and the Public Information Office are requested to disseminate this Memorandum Circular to ensure the success of its desired goal.

This Memorandum Circular shall take effect upon its issuance. Issued this 13th day of April 2004 in Baguio City.

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

SUPREME COURT

EN BANC

A.M. No. 03-06-13-SC

CODE OF CONDUCT
FOR COURT PERSONNEL

WHEREAS, the dispensation of justice is the basic duty and responsibility of the Judiciary as enshrined in the Constitution; it is a sacred task of divine origin;

WHEREAS, the Constitution declares that a public office is a public trust, and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, loyalty and efficiency, act with patriotism and justice, and lead modest lives;

WHEREAS, court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon court personnel as part of the Judiciary;

WHEREAS, in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.

WHEREAS, while there are statutory provisions and Civil Service rules governing the ethical conduct of government officials and employees, there is a need to adopt norms of conduct that are specific to personnel in the Judiciary because of the special nature of their duties and responsibilities;

WHEREAS, at its third meeting in Colombo, Sri Lanka, in January of 2003, the Judicial Group on Strengthening Judicial Integrity, which had earlier approved the Bangalore Principles of Judicial Conduct, submitted for consideration of the participating Chief Justices, including the Chief Justice of the Philippines, a Code of Conduct for Judicial Employees;

WHEREAS, the Code of Conduct for Judicial Employees was refined through various amendments, including those introduced by the Chief Justice of the Philippines, to serve as a model Code of Conduct for judicial employees or court personnel;

WHEREAS, the Constitution of the Philippines vests in the Supreme Court administrative supervision over all courts and their personnel; thus, it has disciplinary authority over them and the power to promulgate a code of conduct for them;

CODE OF CONDUCT FOR COURT PERSONNEL (*continued*)

NOW, THEREFORE, the SUPREME COURT *En Banc* hereby PROMULGATES this:

CODE OF CONDUCT FOR COURT PERSONNEL

SCOPE

SECTION 1. This Code of Conduct for Court Personnel shall apply to all personnel in the Judiciary who are not justices or judges. Court personnel who are no longer employed in the Judiciary, but who acquired, while still so employed, confidential information as defined in the second paragraph of Section I of Canon II on Confidentiality are subject to Section 4 thereof.

CANON I

FIDELITY TO DUTY

SECTION I. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

SEC. 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

SEC. 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

SEC. 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

SEC. 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

CANON II

CONFIDENTIALITY

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the Judiciary, whether such information came from authorized or unauthorized sources.

Confidential information means information not yet made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any justice or judge relating to pending cases, including notes, drafts, research papers, internal

discussions, internal memoranda, records of internal deliberations, and similar papers.

The notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers that a justice or judge uses in preparing a decision, resolution or order shall remain confidential even after the decision, resolution or order is made public.

SEC. 2. Confidential information available to specific individuals by reason of statute, court rule or administrative policy shall be disclosed only by persons authorized to do so.

SEC. 3. Unless expressly authorized by the designated authority, court personnel shall not disclose confidential information given by litigants, witnesses or attorneys to justices, judges or any other person.

SEC. 4. Former court personnel shall not disclose confidential information acquired by them during their employment in the Judiciary when disclosure by current court personnel of the same information would constitute a breach of confidentiality. Any disclosure in violation of this provision shall constitute indirect contempt of court.

CANON III

CONFLICT OF INTEREST

SECTION 1. Court personnel shall avoid conflicts of interest in performing official duties. Every court personnel is required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

- (a) A conflict of interest exists when:
- (i) The court personnel's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired; or
 - (ii) The court personnel, the personnel's immediate family, or the personnel's business or other financial interest would derive financial gain because of the personnel's official act.
- (b) No conflict of interest exists if any benefit accrues to the court personnel as a member of a profession, business, or group to the same extent as any other member of such profession, business, or group who does not hold a position in the Judiciary.

CODE OF CONDUCT FOR COURT PERSONNEL (continued)

- (c) The term "immediate family" shall include the following, whether related by blood, marriage or adoption: (a) spouse, (b) children, (c) brother, (d) sister, (e) parent, (f) grandparent, (g) grandchildren, (h) father-in-law, (i) mother-in-law, (j) sister-in-law, (k) brother-in-law, (l) son-in-law, (m) daughter-in-law, (n) stepfather, (o) stepmother, (p) stepson, (q) stepdaughter, (r) stepbrother, (s) stepsister, (t) half-brother, and (u) half-sister.

SEC. 2. Court personnel shall not:

- (a) Enter into any contract with the Judiciary for services, lease or sale of property apart from the employment contract relating to the personnel's position, nor use that position to assist any member of the personnel's immediate family in securing a contract with the Judiciary in a manner not available to any other interested party;
- (b) Receive tips or other remuneration for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Judiciary;
- (c) Participate in any official action involving a party with whom either the court personnel or any member of the personnel's immediate family is negotiating for future employment;
- (d) Knowingly employ or recommend for employment any member of the court personnel's immediate family;
- (e) Solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties.

SEC. 3. Nothing in Section 2 above shall prohibit court personnel from:

- (a) Accepting a public award presented in recognition of public services;
- (b) Receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business;
- (c) Donating to the Judiciary for the benefit of a group of court personnel (e.g., all the personnel of an office or a unit of the Judiciary): *Provided*, that the value and circumstances of the donation are such that it could not be

reasonably inferred that the donation would influence the recipient in performing official duties in favor of the donor or some other party, or that such influence was the purpose of the donor.

Finally, nothing in Section 2 above shall prohibit any person, group or entity from donating cash or property of significant or historical value for the benefit of the Judiciary: *Provided*, that such donation is received on behalf of the Judiciary by the designated authority.

SEC. 4. To insure compliance with the provisions of this Canon on Conflict of Interest, court personnel who have authority to enter into or approve contracts for the Judiciary shall file a financial disclosure statement with the designated authority at the beginning and upon termination of employment in such position, and annually while so employed. The disclosure shall follow the guidelines established by the designated authority, and shall include all sources of personal and business income, including investments in personal or real property, as well as all income received by their spouses or dependent children.

SEC. 5. The full-time position in the Judiciary of every court personnel shall be the personnel's primary employment. For purposes of this Code, "*primary employment*" means the position that consumes the entire normal working hours of the court personnel and requires the personnel's exclusive attention in performing official duties.

Outside employment may be allowed by the head of office, provided that it complies with all of the following requirements:

- (a) The outside employment is not with a person or entity that practices law before the courts or conducts business with the Judiciary;
- (b) The outside employment can be performed outside of normal working hours and is not incompatible with the performance of the court personnel's duties and responsibilities;
- (c) The outside employment does not require the practice of law: *Provided, however*, that court personnel may render services as professor, lecturer, or resource person in law schools, review or continuing education centers or similar institutions;
- (d) The outside employment does not require or induce the court personnel to disclose confidential information acquired while performing official duties; and

CODE OF CONDUCT FOR COURT PERSONNEL (*continued*)

- (e) The outside employment shall not be with the legislative or executive branches of government, unless specifically authorized by the Supreme Court.

Where a conflict of interest exists, may reasonably appear to exist, or where the outside employment reflects adversely on the integrity of the Judiciary, the court personnel shall not accept the outside employment.

CANON IV**PERFORMANCE OF DUTIES**

SECTION 1. Court personnel shall, at all times, perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

SEC. 2. Court personnel shall carry out their responsibilities as public servants in as courteous a manner as possible.

SEC. 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

This provision does not prohibit amendment, correction or expungement of records or documents pursuant to a court order.

SEC. 4. In performing official duties, court personnel shall not discriminate nor manifest, by word or conduct, bias or prejudice based on race, religion, national or ethnic origin, gender or political affiliation.

SEC. 5. Court personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary.

SEC. 6. Court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.

SEC. 7. Court personnel shall not be required to perform any work or duty outside the scope of their assigned job description.

INCORPORATION OF OTHER RULES

SECTION 1. All provisions of law, Civil Service rules, and issuances of the Supreme Court governing or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code.

EFFECTIVITY

SECTION I. This Code shall take effect on the first day of June, 2004, and shall be published in a newspaper of general circulation not later than the 15th day of May, 2004.

(Sgd.) DAVIDE, JR., CJ, PUNO, VITUG, PANGANIBAN, QUISUMBING, YÑARES-SANTIAGO, SANDOVAL-GUTIERREZ, CARPIO, AUSTRIA-MARTINEZ, CORONA, CARPIO-MORALES, CALLEJO, SR., AZCUNA, TINGA, JJ.

OFFICE OF THE COURT ADMINISTRATOR**OCA CIRCULAR No. 52-2004**

TO: ALL CONCERNED EXECUTIVE JUDGES/ PRESIDING JUDGES AND CLERKS OF COURTS/ OIC's IN THE FIRST AND SECOND LEVEL COURTS

RE: RECONCILIATION OF RECORDS OF DEPOSITS WITH THE LANDBANK OF THE PHILIPPINES

As a measure to ensure that all the entire collections of the Courts are deposited with the Land Bank of the Philippines (LBP), and pursuant to the 2 February 2004 Resolution of this Court in Administrative Matter No. 03-11-671 (Re: Anomaly in the Deposit of Judiciary Development Fund in the Office of the Clerk of Court, Regional Trial Court, Pasig City), you are hereby **DIRECTED** to:

1. Prepare/cause the preparation within the first five (5) working days of each month, a list of deposits made in the immediately preceding month for the Judiciary Development Fund (JDF) and another list for the Special Allowance for the Judiciary (SAJ) Account, specifying therein the date and amount for each transaction;
2. Submit the list to the LBP with a request for the confirmation of such deposits;
3. Submit the aforementioned lists and the corresponding bank confirmation thereof on or before the 15th day of the succeeding month to the Fiscal Monitoring Division, Court Management Office, OCA, copy furnished the Accounting Division, Fiscal Management Office, OCA.

This circular shall take effect immediately.

Strict compliance is hereby enjoined.

1 April 2004

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

3rd Floor, Supreme Court Centennial Building
Padre Faura St. cor. Taft Ave., Manila, Philippines
1000

2004 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
July 21-23 July 28-30	Seminar-Workshop for Executive Judges - NCJR, 1 st Batch 10 th Regional Judicial Career Enhancement Program (RJCEP) Level 3, Region XI, 1 st Batch	PHILJA, Tagaytay City Grand Regal Hotel, Davao City
July 30 Aug. 18-20	Formal Launch of Court-Annexed Mediation Seminar-Workshop for Executive Judges Regions I, II, & III, 2 nd Batch	Pampanga Summer Place, Baguio City
Aug. 23-26	11 th Regional Judicial Career Enhancement Program (RJCEP) Level 3, Region III, 2 nd Batch	Manila Pavilion, Manila
Aug. 27 Sept. 3-4	Formal Launch of Judicial Dispute Resolution Anti-Trafficking in Persons Seminar	Bacolod City Garden Orchid Suites, Manila
Sept. 9-10	Conference on Values and Professional Development	PHINMA Training Center, Tagaytay City
Sept. 13-15	Trainers' Training: Court of Appeals Mediation Project	Pan Pacific Hotel, Manila
Sept. 21-23	Colloquium on Intellectual Property Rights Seminar-Workshop for Judges of Special Commercial Courts	Dusit Hotel, Makati City
Sept. 24-25	7 th Pre-Judicature Program	SC Training Room, Manila

Chancellor, Philippine Judicial Academy
JUSTICE AMEURFINA A. MELENCIO HERRERA

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