



# PHILJA Bulletin



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## From the Chancellor's Desk

Regular programs, interspersed with novel projects, characterized the first quarter of 2002.

In partnership with The Asia Foundation, PHILJA pioneered in Tele-Video Conferencing as a new mode of distance education. It was a half-day session interconnecting three live-sites – Makati, Cebu and Davao. Fifteen (15) judges per site interacted among themselves and with the lecturers on the Rules on Electronic Evidence. The new technology was well received and promises bright prospects for E-learning.

A “Dialogue on TROs and Government Projects” was held, in collaboration with US-AID AGILE, having as major participants the Supreme Court, Court of Appeals, OSG and OCA. The perceived indiscriminate/improvident issuances of TROs was candidly discussed.

The U.S. Embassy in Manila, through its Cultural Affairs Office, hosted a Digital Video-Conference on “E-filing and Document Management for the Courts.” Representative from the OCA, MISO, PMO, and PHILJA attended. The objective was to acquire knowledge on electronic case files capabilities and a new case management system. E-filing may be too advanced for now, but practical to be aware of in this electronic age as we envision the courtroom of the future.

PHILJA and IJA jointly facilitated a round-table discussion on “The Court of Appeals, the NLRC, and Labor Justice between Division Chairmen of the Court of Appeals and the Chair and Members of the NLRC.” Issues were predefined and zeroed in on the problem of finality of NLRC decisions vis-à-vis the filing of Certiorari petitions before the Appellate Court with requests for TROs.

Seminars on the Indigenous Peoples’ Rights Act will be conducted in four (4) batches throughout the country. It is designed to enable judges to make the pertinent legal provisions more accessible to indigenous peoples whose access to justice is also crucial to the country’s stability and growth.

With the first quarter as varied and interesting, the rest of the year promises to be exciting.

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## CORPORATE REHABILITATION SEMINAR IN PAMPANGA

The Philippine Judicial Academy (PHILJA), with the cooperation of the RVR-AIM Center For Corporate Responsibility, conducted the *Seminar on Philippine Corporate Culture: The Law and Dynamics of Insolvency and Rehabilitation*, on November 12 to 16, 2001, at Holiday Inn Hotel, Clark Economic Zone, Angeles, Pampanga. Forty-five (45) judges designated to handle corporate cases attended the said activity and were greeted by Justice Ameurfina A. Melencio Herrera; Ms. Claire Wee, Senior Counsel of the Asian Development Bank; and Juan Miguel Luz, Executive Director of the RVR-AIM Center for Corporate Responsibility. Justice Jose C. Vitug gave the Inspirational Message.



*Participants with Justice Ameurfina A. Melencio Herrera, PHILJA Chancellor, posed for their group picture. Seminar on Philippine Corporate Culture: The Law and Dynamics of Insolvency and Rehabilitation, 12-16 November 2001, Holiday Inn Hotel, Clark Economic Zone, Angeles, Pampanga*



## SEMINAR FOR IP COURTS

Fifteen (15) judges of Intellectual Property (IP) Courts, designated in Administrative Order Nos. 113-95 and 104-96, attended the first *Competence Seminar on Intellectual Property*, held on November 20 to 21, 2001, at PHILJA Tagaytay City. This pilot activity, conducted by the Philippine Judicial Academy (PHILJA) with USAID-AGILE, has the following objectives: (1) to foster a firmer grasp of substantive and procedural intellectual property law; (2) to introduce judges to developments in intellectual property law in other jurisdictions; (3) to confront them with contemporary problems in intellectual property law; and (4) to provide a forum for dialogue on the disposal of intellectual property cases between members of the relevant publics.



## 3<sup>rd</sup> METJAP CONVENTION IN BACOLOD

The Metropolitan and City Court Judges Association of the Philippines (METJAP), in coordination with the Philippine Judicial Academy, held its 3<sup>rd</sup> Convention and Seminar on November 21-23, 2001, at L'Fisher Hotel, Bacolod City. Chief Justice Hilario G. Davide, Jr. gave the keynote address to eighty (80) Metropolitan and City Court Judges who attended the said activity, which was opened by the association's incumbent president, Judge K. Casiano P. Anunciacion, Jr. On the last day of the activity, Justice Presbitero J. Velasco, Jr. was the guest speaker, and with him were newly appointed DCA Christopher Lock and ACA Carlos de Leon. The Convention's theme was: *"But let justice run its course like water, and righteousness be like an overflowing river."* (Amos 5: 24)

## 10<sup>th</sup> REGIONAL SEMINAR IN DAP

Justice Bernardo P. Abesamis of the Court of Appeals inspired the five hundred eighty-eight (588) participants who attended the 10<sup>th</sup> Regional Seminar for Judges, Clerks of Court, Branch Clerks of Court, Legal Researchers and Sheriffs of the Regional Trial Courts and First Level Courts of Region IV, held at the Development Academy of the Philippines, Tagaytay City, on November 27 to 29, 2001. Among the participants were 144 Judges, 232 Clerks of Court/Branch Clerks of Court, 90 Legal Researchers, and 122 Sheriffs.



*Justice Bernardo P. Abesamis of the Court of Appeals delivered an inspirational speech during the 10th Regional Seminar for the Court Personnel of RTC and First Level Courts of Region IV. 27-29 November 2001, DAP Tagaytay City.*

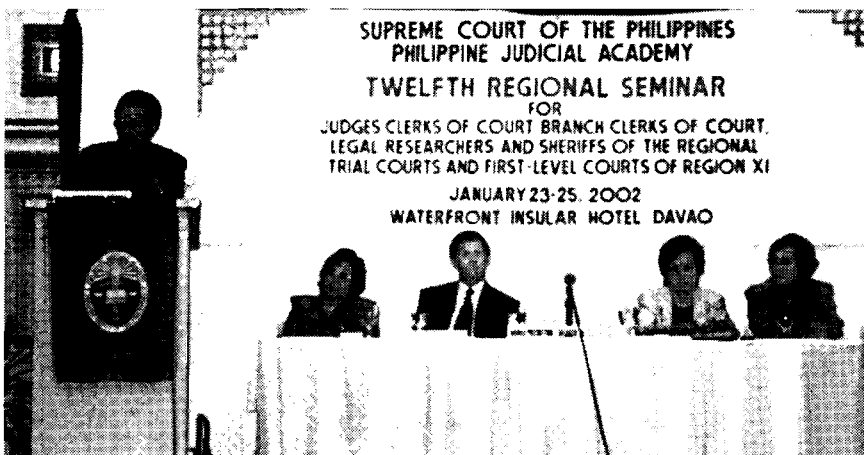


## 2002 BEGINS WITH 11<sup>th</sup> REGIONAL SEMINAR

Three hundred sixty-three (363) participants, consisting of eighty-three (83) Judges, one hundred thirty-eight (138) Clerks of Court / Branch Clerks of Courts, sixty-one (61) Legal Researchers, and eighty-five (85) Sheriffs attended the 11<sup>th</sup> Regional Seminar for Regional Trial Courts & First Level Courts of Region V. The seminar, conducted by the Philippine Judicial Academy, was held at Casablanca Hotel, Legazpi City, on January 9 to 11, 2002.



## 12<sup>th</sup> REGIONAL SEMINAR IN DAVAO



*The Judges, Clerks of Court and Sheriffs' session on "Dialogue with the Court Administrator" (fr. L-R, on the podium) Court Administrator Presbitero J. Velasco, Jr.; Mrs. Antonina Soria of the Fiscal Management Office; DCA Christopher O. Lock; Mrs. Corazon Molo of the Administrative Services; and Atty. Thelma Bahia of the Court Management Office.*

PHILJA conducts its 12<sup>th</sup> Regional Seminar for Judges, Clerks of Court / Branch Clerks of Court, Legal Researchers, and Sheriffs of the Regional Trial Courts and First Level Courts of Region XI at Waterfront Insular Hotel, Davao City, on January 23 to 25, 2002. A total of two hundred sixty-nine (269) participants, consisting of 67 Judges, 96 Clerks of Court / Branch Clerks of Court, 43 Legal Researchers, and 63 Sheriffs, attended the seminar. Executive Judge Virginia H. Europa of RTC, Davao City gave the inspirational speech.

### 3<sup>rd</sup> PRE-JUDICATURE PROGRAM CONCLUDED

A total of seventy-three (73) participants completed the 2<sup>nd</sup> phase of the 3<sup>rd</sup> Pre-judicature Program conducted by the Philippine Judicial Academy, on January 14 to 28, 2002, at the Court of Appeals Auditorium, Court of Appeals Centennial Building, Manila. Newly appointed Supreme Court Justice Antonio T. Carpio delivered the closing address.

*(L-R): Justice Ricardo C. Puno, Associate Justice Antonio T. Carpio, Justice Buenaventura Guerrero, Justice Ameurфина A. Melencio Herrera. Closing Ceremonies of the 3rd Pre-Judicature Program, Phase II, 14-28 January 2002, Court of Appeals Auditorium.*



### TELE VIDEO-CONFERENCING IN MAKATI, CEBU AND DAVAO

In partnership with the Asia Foundation, PHILJA conducted the Tele Video-Conferencing on Rules on Electronic Evidence. This project launched a new mode of distance education for judges and court personnel. MosCom, a service provider, provided the facilities at three sites, namely, Makati, Cebu and Davao. Among the 41 judges who participated, 10 were from Metro Manila, 16 from Cebu, and 15 from Davao. Atty. Francis Lim, Member of the Supreme Court Committee in E-Commerce, gave the lecture on the legal aspect in Makati, while Atty. Ivan John Uy, Chair of PHILJA's Department of Court Technology, expounded on the technical aspect. Justice Presbitero J. Velasco, Jr. delivered the closing remarks.



### E-FILING AND DOCUMENT MANAGEMENT FOR THE COURTS

On January 31, 2002, a digital video-conference on "E-filing and Document Management for the Courts" was held at the U.S. Embassy in Manila. This was the third of a series sponsored by the Cultural Affairs Office for the PHILJA. Mr. Edward Papps, Senior Court Technology Associate for the National Center for State Courts, U.S.A., lectured on the subject. Officials and staff from the Office of the Court Administrator (OCA), Project Management Office (PMO), Management Information Systems Office (MISO) and PHILJA attended the said activity. Its objective was to acquire knowledge on electronic case files capabilities and a new case management system. With the E-filing system, attorneys practicing in courts will be able to file the case directly with the court over the Internet.



### 1<sup>st</sup> JUDICIAL SEMINAR ON INDIGENOUS PEOPLES' RIGHTS ACT

The Philippine Judicial Academy, in partnership with the Asia Foundation, conducted the 1<sup>st</sup> Judicial Seminar on Indigenous Peoples' Rights Act, on February 18-19, 2002, at the Philippine Judicial Academy, Tagaytay City. In attendance were sixty (60) judges from Regions III and IV. Experts in indigenous peoples' rights were invited to lecture - Justice Oscar M. Herrera, Sr., Professor Sedfrey M. Candelaria, Professor Marvic Leonen and Atty. Evelyn Dunuan, Chairperson of the National Commission on Indigenous Peoples. Ambassador Howard Dee, former Presidential Adviser on Indigenous Peoples' Rights and currently the President of the Assisi Foundation, gave the Inspirational Message.



## PHILJA WELCOMES NEW EDITOR-IN-CHIEF AND HEAD OF THE RLO



The Philippine Judicial Academy welcomes Professor Sedfrey M. Candelaria as Head of the Research and Linkages Office (RLO) and the new Editor-in-Chief of its publications, the **PHILJA Bulletin** and **The PHILJA Judicial Journal**. The former Head of the RLO was Dr. Purificacion Valera Quisumbing who is now appointed Commissioner of the Commission of Human Rights (CHR).

Professor Candelaria is likewise the Associate Dean of the Ateneo Law School and a Senior lawyer at the Ateneo Human Rights Center.



### **LABOR LAW** *continued from page 11*

men who thirst for immediate and dynamic response cannot be realized."

'We are presented in this case the golden opportunity to transform our lavish praises and promises into an inspiring and meaningful action. It would be **beyond just doing charity at home** or promulgating a **hometown decision**; rather, at the core lies the **option**, to paraphrase then U.S. Chief Justice Edwin Marshall, to do complete justice or justice by halves."

This case in sum boils down to an appeal to our sense of fairness and will to render justice – "complete justice and not justice in halves." This is an attribute of our "genuflection to a century of judicial devotion." Let us go beyond lip service and, for the record, place the taxpayers' money where justice ought to be served. It is here where we can find the firm resolve to keep the judicial torch alive. (*Bellosillo, J., Neeland v. Villanueva*, AM No. P-99-1316, August 31, 2001)



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## CIVIL LAW

**Deed of Donation; Effect of lack of acknowledgment by donee before notary public; requirement that signatures of contracting parties should be on the left-hand margin.**

The lack of an acknowledgment by the donee before the notary public does not render the donation null and void. The instrument should be treated in its entirety. It cannot be considered a private document in part and a public document in another part. The fact that it was acknowledged before a notary public converts the deed of donation in its entirety a public instrument. The fact that the donee was not mentioned by the notary public in the acknowledgment is of no moment. It is the conveyance that should be acknowledged as a free and voluntary act. The requirement that the contracting parties and their witnesses should sign on the left-hand margin of the instrument is not absolute. The intendment of the law merely is to ensure that each and every page of the instrument is authenticated by the parties. (*Ynares-Santiago, J., Ricky Quilala v. Gliceria Alcantara, et al*, G.R. 132681, December 3, 2001)

**Validity of divorce decree obtained abroad by an alien must be proved according to our law on evidence.**

A divorce obtained abroad by an alien may be recognized in our jurisdiction provided such decree is valid according to the national law of the foreigner. However, the divorce decree and the governing personal law of the alien spouse who obtained the divorce must be proven. Our courts do not take judicial notice of foreign laws and judgments; hence, like any other facts, both the divorce decree and the national law of the alien must be alleged and proven according to our law on evidence. Therefore, before a foreign divorce decree can be recognized by our courts, the party pleading it *must prove the divorce as a fact and demonstrate its conformity to the foreign law allowing it*. Presentation solely of the divorce decree is insufficient. (*Panganiban, J., Grace Garcia v. Rederick Recio*, G.R. 138322, October 2, 2001)

**Property Regime of Unions Without Marriage.**

Property regime of unions without marriage under Article 148 of the Family Code refers to the property regime of bigamous marriages, adulterous relationships, relationships where both man and woman are married to other persons, multiple alliances of the same married man. In this property regime, the properties acquired by the parties through their *actual joint contribution* shall belong to the co-ownership. Wages and salaries earned by each party belong to him or her exclusively. Contributions in the form of care of the home, children and household or spiritual or moral inspiration, are excluded in this regime (*Ynares-Santiago, J., Susan Micdao Cariño v. Susan Yee Cariño*, G.R. 132529, February 2, 2001)

## REMEDIAL LAW

**An order of direct contempt is not immediately executory or enforceable.**

An order of direct contempt is not immediately executory or enforceable. The contemner must be afforded a reasonable remedy to extricate or purge himself of the contempt. Thus, in the Rules of Civil Procedure as amended, the Court introduced a new provision granting a remedy to a person adjudged in direct contempt by any court. Such person may not appeal therefrom but may avail himself of certiorari or prohibition. In such case the execution of the judgment shall be suspended pending resolution of such petition provided the contemner files a bond fixed by the court which rendered the judgment and conditioned that he will abide by and perform the judgment should the petition be decided against him. Under Rule 65, 1997 Rules of Civil Procedure as amended, petitioner has sixty (60) days within which to file his petition. (*Pardo, J., Conchito Oclarit v. Hon. Maximo Paderanga*, G.R. 139519, January 24, 2001)



## REMEDIAL LAW *continued*

### Applicability of Article 222 of the Civil Code, now Article 151 of the Family Code.

Article 222 of the Civil Code, now Article 151 of the Family Code re: suit between members of a family is applicable only to ordinary civil action. This is clear from the term "suit" that it refers to an action by one person or persons against another or others in a court of justice in which the plaintiff pursues the remedy which the law affords him for the redress of an injury or the enforcement of a right, whether at law or in equity. An excerpt from the Report of the Code Commission unmistakably reveals the intention of the Code Commission to make the legal provision applicable only to civil actions which are essentially adversarial and involve members of the same family. (*De Leon, Jr. J., Pilar vda. De Manalo v. Court of Appeals*, G.R. 129242, January 16, 2001).

## ADMINISTRATIVE LAW

### DILG Memorandum Circular 97-193 authorizing petition for review of the decision of the Board of Election Supervisors of the Liga ng mga Barangay with the regular courts is of doubtful constitutionality.

In authorizing the filing of the petition for review of the decision of the BES with the regular courts, the DILG Secretary in effect amended and modified the guidelines promulgated by the National Liga Board and adopted by the Liga which provides that the decision of the BES shall be subject to review by the National Liga Board. The amendment of the guidelines is more than an exercise of the power of supervision but is an exercise of the power of control which the President does not have over the Liga. Although the DILG is given the power to prescribe rules and regulations and other issuances, the Administrative Code limits its authority to merely "monitoring compliance" by local government units of such issuance. The respondent judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in not dismissing the respondents petition for review for failure to exhaust all administrative remedies and for lack of jurisdiction. (*Gonzaga-Reyes, J., Joel Bito Onon v. Judge Nelia Yap Fernandez*, G.R. 139813, January 31, 2001)

**Office logbook not the best evidence to prove absences, it's a mere locator; Daily Time Record (CSC Form 48) duly certified by the employee, verified by supervisor and authenticated by the head of the office is the best evidence to prove attendance.**

The Court held that the Civil Service Commission and the Court of Appeals proceeded in disposing of the case on a wrong premise. Both assumed that the logbook alone would be the best evidence of an employee's attendance in his office. This assumption is erroneous and baseless. Ordinarily, the logbook is used as a mere locator for those employees who now and then are required to render service or sent on official business outside the office premises, or to record events or unusual happenings in the office, unless otherwise specified or required in an office memorandum or circular x x x. If an employee is sent on official business, he does not have to go to the office before departure time to sign the logbook especially if he arrives after office hours as it would be impractical, unreasonable and absurd. In such case, the office can only rely on his DTR which is not only certified correct by him but also by his Chief of Office. x x x the employee concerned certifies or attests to the truthfulness of the entries made in the DTR. Moreover, the person in charge verifies the entries as to the prescribed hours. No such certification or attestation and verification are required in a logbook. (*Bellosillo, J., Ofelia Certuz v. Court of Appeals, Civil Service Commission, and Rene Bornales*, G.R. 142444, September 13, 2001)

## CRIMINAL LAW

### Modification of penalty imposed by the lower court favors accused who did not appeal.

Although Nonale did not appeal the decision thereby accepting the verdict of guilt, Section 11 of Rule 122 of the Rules of Court provides that an appeal taken by one or more of several accused shall not affect those who did not appeal, *except in so far as the judgment of the appellate court is favorable and applicable to the latter*. Accordingly, the penalty imposed by the trial court on him could be modified, so that like appellant he can be declared guilty not of murder but only of homicide. (*Quisumbing, J., People v. Jose Reapor et al*, G.R. 130962, October 5, 2001).

## CIVIL LAW

### **Mortgages; right of mortgagee in good faith.**

The prevailing jurisprudence is that a mortgagee has a right to rely in good faith on the certificate of title of the mortgagor of the property given as security and in the absence of any sign that might arouse suspicion has no obligation to undertake further investigation. Hence, even if the mortgagor is not the rightful owner of, or does not have a valid title to, the mortgaged property, the mortgagee in good faith is nonetheless entitled to protection. (*Ynares Santiago, J., Flordeliza Cabuhat v. Court of Appeals, G.R. 122425, September 28, 2001*)

### **Principle of *damnum absque injuria*; cases where the principle is not applicable.**

Under the principle, the legitimate exercise of a person's right, even if it causes loss to another does not automatically result in an actionable injury. The law does not prescribe a remedy for the loss. This principle does not, however apply when there is an abuse of a person's right or when the exercise of this right is suspended or extinguished pursuant to a court order. (*Panganiban J., Sergio Amonoy v. Spouses Jose Gutierrez and Angela Fornilda, G.R. 140420, February 15, 2001*)

### **Execution of a deed of sale not a conclusive presumption of delivery of possession. Action to declare null and void deed of sale imprescriptible and not barred by laches.**

Nowhere in the Civil Code does it provide that execution of a deed of sale is a conclusive presumption of delivery of possession. The code merely said that the execution shall be equivalent to delivery. The presumption can be rebutted by clear and convincing evidence. Presumptive delivery can be negated by the failure of the vendee to take actual possession of the land sold. In *Danguilan v. Intermediate Appellate Court, 168 SCRA 22*, the Court held that for the execution of a public instrument to effect tradition, the purchaser must be placed in control of the thing sold. When there is no impediment to prevent the thing sold from converting to tenancy of the purchaser by the sole will of the vendor, symbolic delivery through the execution of a public instrument is sufficient. But if notwithstanding the execution of the instrument, the purchaser cannot have the enjoyment and material tenancy nor make use of it himself or through another in his name, then delivery has not been effected.

In *Lacsamana v. Court of Appeals, 288 SCRA 287*, the Court also held that the right to file an action for reconveyance on the ground that the certificate of title was obtained by means of a fictitious deed of sale is virtually an action for the declaration of its nullity, which does not prescribe. Neither is the action barred by laches. (*Quisumbing, J., Zenaida Santos v. Calixto Santos, et al, G.R. 133895, October 2, 2001*)

### **Obligations under option to buy are reciprocal obligations.**

Obligations under option to buy are reciprocal obligations. The performance of one obligation is conditioned on the simultaneous fulfillment of the other obligation x x x the payment of the purchase price by the creditor is contingent upon the execution and delivery of a deed of sale by the debtor. When private respondents opted to buy the property mortgaged, their obligation was to advise petitioners of their decision and their readiness to pay the price. They were not yet obliged to make actual payment. Only upon petitioners actual execution and delivery of the deed of sale were they required to pay. (*Quisumbing, J., Heirs of Luis Bacus, et al v. Court of Appeals, G.R. 127695, December 3, 2001*)

### **Forcible entry and unlawful detainer distinguished; mandatory allegation in forcible entry cases.**

The distinctions between forcible entry and unlawful detainer are: (1) In an action for forcible entry, the plaintiff must allege and prove that he was in prior physical possession of the premises until deprived thereof, while in illegal detainer, the plaintiff need not have been in prior physical possession; and (2) in forcible entry the possession by the defendant is unlawful *ab initio* because he acquires possession by force, intimidation, threat, strategy, or stealth while in unlawful detainer, possession is originally lawful but becomes illegal by reason of the termination of his right of possession under his contract with the plaintiff. In pleadings filed in courts of special jurisdiction, the special facts giving the court jurisdiction must be specially alleged and set out. Otherwise, the complaint is demurrable. Hence, in actions for forcible entry, two allegations are mandatory for the municipal court to acquire jurisdiction: *First*, the plaintiff must allege his prior physical possession of the property; *Second*, he must also allege that he was deprived of his possession by any of the means provided for in Section 1, Rule 70 of the Rules of Court, namely: force, intimidation, threats, strategy and stealth. (*Quisumbing, J., Spouses Ma. Cristina D. Tirona et al v. Hon. Floro Alejo, Judge, RTC Valenzuela et al, G.R. 129313, October 10, 2001*)



**CIVIL LAW** *continued***Marriage; judicial declaration of nullity of a previous marriage necessary for purposes of remarriage.**

Under Article 40 of the Family Code, the absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis *solely* of a final judgment declaring such previous marriage void. Meaning, where the absolute nullity of a previous marriage is sought to be invoked for purposes of contracting a second marriage, the sole basis acceptable in law for said projected marriage to be free from legal infirmity, is a final judgment declaring the previous marriage void. However, for purposes other than remarriage, no judicial action is necessary to declare a marriage an absolute nullity. For other purposes, such as, but not limited to the determination of heirship, legitimacy or illegitimacy of a child, settlement of estate, dissolution of property regime, or a criminal case for that matter the Court may pass upon the validity of marriage even after the death of the parties thereto, and even in a suit not directly instituted to question the validity of said marriage, so long as it is essential to the determination of the case. In such instances, evidence must be adduced, testimonial or documentary to prove the existence of grounds rendering such a previous marriage an absolute nullity. These need not be limited solely to an earlier final judgment of a court declaring such previous marriage void. (*Ynares Santiago, J., Susan Nicdao Cariño v. Susan Yee Cariño*, G.R. 132529, February 2, 2001)

**REMEDIAL LAW****Law of the case and *res judicata* compared.**

Law of the case does not have the finality of the doctrine of *res judicata* and applies only to that one case whereas *res judicata* forecloses parties or privies in one case by what has been done in another case. In the case of *Comilang v. Court of Appeals*, a further distinction was made in this manner: The doctrine of law of the case is akin to that of former adjudication but is more limited in its application. It relates entirely to question of law and is confined in its operation to subsequent proceedings in the same case. The doctrine of *res judicata* differs therefrom in that it is applicable to the conclusive determination of issues of fact, although it may include questions of law, and although

**REMEDIAL LAW** *continued*

it may apply to collateral proceedings in the same action or general proceeding, it is generally concerned with the effect of an adjudication in a wholly independent proceeding. (*De Leon, Jr., J., Veronica Padillo v. Court of Appeals and Tomas Averia, Jr.*, G.R. 119707, November 29, 2001).

**Denial of motion to dismiss complaint; Recourse to *certiorari*; general rule; exceptions.**

The general rule is that the denial of a motion to dismiss a complaint is an interlocutory order and, hence, cannot be appealed or questioned via a special civil action of *certiorari* until a final judgment on the merits of the case is rendered. The remedy of the aggrieved party is to file an answer and interpose as defenses the objections raised in his motion to dismiss, proceed to trial and in case of an adverse decision to appeal. However, the rule is not ironclad. Under certain situations, recourse to *certiorari* or mandamus is appropriate, that is, (a) when the trial court issued the order without or in excess of jurisdiction; (b) where there is patent grave abuse of discretion by the trial court; (c) appeal would not prove to be a speedy and adequate remedy as when an appeal would not promptly relieve a defendant from the injurious effect of the patently mistaken order maintaining the plaintiff's baseless action and compelling the defendant needlessly to go through a protracted trial and clogging the court dockets by another futile case. (*Pardo, J., Emergency Loan Pawnshop Inc. v. Court of Appeals*, G.R. 129184, February 28, 2001)

**Preliminary Investigation not a court proceeding.**

A preliminary investigation, notwithstanding its judicial nature, is not a court proceeding. The holding of a preliminary investigation is a function of the Executive Department and not of the Judiciary. Thus the rule on service provided for in the Rules of Court cannot be made to apply to the service of resolutions by public prosecutors especially as the agency concerned, that is, the Department of Justice, has its own procedural rules governing said service. (*Quisumbing, J., Tam Wing Tak v. Hon. Ramon Makasiar*, G.R. 122452, January 29, 2001)

*Continued on next page*

**REMEDIAL LAW** *continued***Abatement of action on ground of *litis pendencia*.**

There is no hard and fast rule in determining which of the actions should be abated on the ground of *litis pendencia* but the Court laid down certain criteria to guide lower courts. As a rule, preference is given to the first action filed to be retained. This is in accordance with the maxim *Qui prior est tempore, potior est jure* (priority in time gives preference in law). There are, however, limitations to this rule. Hence, the first action may be abated if it was filed merely to pre-empt the late action or to anticipate its filing and lay the basis for its dismissal. Thus the bona fides or good faith of the parties is a crucial element. A later case shall not be abated if not brought to harass or vex, and the first case can be abated if it is merely an anticipatory action, an anticipatory defense against an expected suit – a clever move to steal the morals from the aggrieved party. Another exception is the criterion of the more appropriate action. Thus, an action although filed later, shall not be dismissed if it is the more appropriate vehicle for litigating the issues between the parties. (*De Leon, Jr., J., Campaña General de Tabacos de Filipinas et al v. Court of Appeals*, G.R. 130326 and G.R. 137868, November 29, 2001)

**Right to Preliminary Investigation is substantive, not merely formal or technical; filing of bail bond does not constitute waiver of right to preliminary investigation; when to invoke right.**

Citing *Go v. Court of Appeals*, the Court held that the right to preliminary investigation is waived when the accused fails to invoke it before or at the time of entering a plea at arraignment; if the accused invokes it before arraignment, the right is not waived. Neither does the filing of a bail bond constitute a waiver of petitioner's right to preliminary investigation. Under Section 26, Rule 114 of the Revised Rules of Criminal Procedure, an application for or admission to bail shall not bar the accused from challenging the validity of his arrest or the legality of the warrant issued therefor, or from assailing the regularity or questioning the absence of a preliminary investigation of the charge against him provided that he raises them before entering his plea. x x x the right to preliminary investigation is substantive, not merely formal or technical. To deny it to petitioner would deprive him of the full measure of his right to due process. (*Panganiban, J., Alvarez Aro Yusop v. Sandiganbayan*, G.R. 138859-60, February 22, 2001)

**Supplemental pleadings; purposes and propriety of supplemental pleadings.**

There is no question that parties may file supplemental pleadings to supply deficiencies in aid of an original pleading but which should not entirely substitute the latter. They must be with reasonable notice and it is discretionary upon the court to allow the same or not. A supplemental pleading must state transactions, occurrences or events which took place since the time the pleading sought to be supplemented was filed. In the instant case, petitioner alleged fraud and irregularities that supposedly occurred contemporaneously to the execution of the appointments which should have been raised at the very first opportunity. To consider the alleged facts raised belatedly in the supplemental pleading to the appeal would amount to trampling on the basic principles of fair play, justice and due process. (*Ynares Santiago, J., Conrado de Rama v. Court of Appeals, Civil Service Commission, et al*, G.R. 131136, February 28, 2001)

**Injunction; limitations in the grant thereof.**

The well-settled principle is that injunctions will not be granted to take property out of the possession or control of one party and place it into that of another whose title has not been clearly established by law. The preliminary prohibitory and mandatory injunction issued by the trial court practically granted the main relief prayed for even before the hearing of the case on the merits and solely on the basis of a narrative report the accuracy and validity of which are seriously questioned. (*Bellosillo, J., Maximo Savellano v. Court of Appeals*, G.R. 134343, January 30, 2001)

**CRIMINAL LAW****Civil liability in criminal prosecutions; filing fees for damages claimed.**

Our law recognizes two kinds of acquittal, with different effects on the civil liability of the accused. First is an acquittal on the ground that the accused is not the author of the act or omission complained of. This instance close the door to civil liability. The second instance is an acquittal based on reasonable doubt on the guilt of the accused. In this case even if the guilt of the accused has not been satisfactorily established, he is not exempt from civil liability which may be proved by preponderance of evidence only.

**CRIMINAL LAW** *continued*

Where the civil action is impliedly instituted together with the criminal action, the actual damages claimed by the offended parties are not included in the computation of the filing fees. Filing fees are to be paid only if other items of damages such as moral, nominal, temperate, or exemplary damages are alleged in the complaint or information, or if they are not so alleged shall constitute a first lien on the judgment. (*Quisumbing, J., George Monantan v. Court of Appeals, G.R. 107125, January 20, 2001*)

**Conspiracy; proofs of its existence.**

To establish conspiracy it is not essential that there be previous agreement to commit the crime; it is sufficient that there be a common purpose and design, concerted action and concurrence of interests and the minds of the parties meet understandingly so as to bring about a deliberate agreement to commit the offense charged notwithstanding the absence of a formal agreement. The agreement may be deduced from the manner in which the offense was committed, or from the acts of the accused before, during or after the commission of the crime indubitably pointing to and indicating a joint purpose, a concert of action and a community of interest. It is not essential that there be a proof of the previous agreement to commit the crime. It is sufficient that the form and manner in which the attack was accomplished clearly indicate unity of action and purpose. (*Pardo, J., People v. George Bayod, G.R. 122664, February 5, 2001*)

**Absence of preliminary investigation does not impair validity of information or render it defective; does not affect jurisdiction of court or a ground for quashing information.**

The absence of a preliminary investigation does not impair the validity of the information or otherwise render it defective. Neither does it affect the jurisdiction of the court or constitute a ground for quashing the information. The trial court, instead of dismissing the information should hold in abeyance the proceedings and order the public prosecutor to conduct a preliminary investigation. (*Panganiban, J., Gian Paulo Villafior v. Dindo Vivar, G.R. 134744, January 16, 2001*)

**Penalties; Life imprisonment distinguished from *reclusion perpetua*.**

Life imprisonment and *reclusion perpetua* are distinct penalties. The penalty of *reclusion perpetua* entails

an imprisonment of at least 30 years after which the convict becomes eligible for pardon. It carries with it accessory penalties. Life imprisonment does not have a fixed duration and does not carry with it accessory penalties. (*Quisumbing, J., People v. Erlinda Gonzales, G.R. 121877, September 12, 2001*)

**LABOR LAW****A reinstated court employee is entitled to back salaries and other withheld benefits**

In modifying its resolution of 29 October 1999 dismissing respondent from the service, and finding him liable to pay a fine only, the Supreme Court in granting respondents' request for back salaries and release of withheld benefits ruled thus:

To deny him the back salaries and other economic benefits for the period he was forced out of work by our 29 October 1999 Resolution dismissing him from the service would be to revalidate this egregious penalty that we have since reversed, and effectively impose upon him another penalty — now estimated to be P300,000.00 more or less — in addition to the singular sentence of fine that he has to suffer.

We bear in mind that respondent was forced by us out of his job — without leaving him any choice—even before he could file a motion for reconsideration. It is unfair that the other civil service employees are given the benefit of stay of execution of penalties involving dismissal from work, or even mere suspension, and how we have for several times affirmed such stay of execution to be a matter of due process. Yet, for our own employees whom we pay tribute during anniversaries to show our profound gratefulness we have been truly unkind in immediately affecting their dismissal from work, and worse, of unwittingly punishing them with more by depriving them of their back salaries and other economic benefits, even after they have been found liable only for acts that warrant the imposition of a mere fine.

"Our first task is to ensure that justice is done to our selfless workers in our own turf — for an efficient and wholesome administration of justice. For, without the massive support and dedicated service of our more than twenty-five thousand men and women in the judiciary who toil day in and day out, even at night when necessary, the swift delivery of justice to our country-

*Continued on page 5*

**SUPREME COURT**

Supreme Court of the Philippines  
Taft Avenue, Ermita, Manila 1000

**ADMINISTRATIVE CIRCULAR NO. 61-2001**

**TO: ALL JUDGES, CLERKS OF COURT, BRANCH CLERKS OF COURT, AND OFFICERS-IN-CHARGE OF THE COURT OR TAX APPEALS, 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: REVISED RULES, GUIDELINES AND INSTRUCTIONS ON ACCOMPLISHING MONTHLY REPORT OF CASES**

In the interest of effective administrative supervision of lower courts and to enable the Supreme Court to have a better information on the movement of cases in specific courts, it is imperative to enhance the present court reporting system by revising or modifying the existing Monthly Report of Cases being submitted by the lower courts per Administrative Circular No. 4-95 dated 16 January 1995.

In the accomplishment of the revised Monthly Report of Cases, hereafter known as Revised SC Form No. 1, copy of which is hereto attached as integral part hereof, the following rules, guidelines and instructions are required to be strictly observed by all concerned:

**RULES**

1. The revised SC Form No. 1 shall be the official form for the use by the lower courts in the submission of their monthly statistical reports of cases.

2. At the end of each month and with the assistance of the clerks in charge of criminal, civil and other cases, the Revised SC Form No. 1 must be accomplished in triplicate and certified under oath as true and correct by the Clerk of Court, Branch Clerk of Court or Officer-in-Charge. The Presiding Judge must also certify to the correctness of the report and indicate in the space provided for whether he is the regular judge or acting/pairing judge.

3. The duplicate of the report should be kept on file by the concerned court, and the triplicate is to be submitted to the Executive Judge for his appraisal and compilation. The original copy of the report, together with lists of cases filed, raffled, disposed of, archived, transferred or re-raffled, or those with suspended proceedings per Administrative Circular No. 1-2001 dated 2 January 2001, must be filed with, or sent by registered mail to the Supreme Court on or before the tenth (10th) calendar day of the succeeding month, addressed to :

The Chief  
Statistical Report Division  
Court Management Office  
Office of the Court Administrator

4. Failure to submit the Revised SC Form No. 1 as required in the preceding paragraph shall warrant the withholding of salaries of those concerned without prejudice to whatever administrative sanction the Supreme Court may impose on them. Mere submission of proof of mailing does not relieve those concerned of their obligation to comply herewith.

5. In case of loss of the Revised SC Form No. 1 while in transit, the court concerned must, upon notice by the Statistical Reports Division, CMO, of non-receipt thereof, send immediately to the said division a certified copy of the lost or missing report, including its annexes.

6. Submission of the Revised SC Form No. 1 is a requirement separate and distinct from other reports required by the Supreme Court.

**GUIDELINES AND INSTRUCTIONS**

1. Mark "X" the box which is applicable to the court accomplishing the report.

2. Indicate the particular branch, station or province and the month and year.

3. Fill in Columns 1 to 9 of Item No. 1 (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 being prepared.

**Note No. 1:** In computing the GRAND TOTAL of cases under Column 9, add only the number of cases under Columns 1, 2, 3, 4, 5, 6, 7 and 8. **EXCLUDE** from the said computation the following: (a) cases under the Columns 1-2-A, 1-2-B, 1-2-C, 1-2-D, 1-2-E, 1-2-F and 1-2-G, since they form part of the number of criminal cases under Columns 1 and 2; (b) cases under Columns 3-A being part of the total number of ordinary civil cases under Column 3; and (c) the cases under Columns 5-A and 5-B, as they are part of the total number of special proceedings under Column 5.

4. CASE INFLOW refers to the movement of cases added to the pending cases at the beginning of the month which are classified as new cases filed or raffled; revived or reopened cases; or cases received from other salas or branches due to inhibition by judges or change of venue.

**Note No. 2:** Before filling in Item No. II-A (Number of New Cases Filed or Raffled), the specific branch or sala should indicate under the appropriate Columns of Item No. II-A-1 which of the new cases are within its original jurisdiction. The RTC as an appeal

*Continued on next page*

ADMINISTRATIVE CIRCULAR NO. 61-2001 *continued*

late court should indicate under the proper Columns of Item No. II-A-2 which of the new cases filed or raffled are appealed from first level courts. The municipal judge as investigating officer must indicate under the relevant Columns of Item No. II-A-3 which of new criminal cases filed or raffled are for preliminary investigation.

(4-a) The number of cases to be filed in Item No. II-A (Number of New Cases Filed or Raffled) under Columns 1 to 8 are the respective sum totals of the cases falling within the court's original jurisdiction as indicated in Item No. II-A-1 plus the appealed cases as shown in Item No. II-A-2 (*if an appellate court*) and the criminal complaints for preliminary investigation appearing in Item No. II-A-3 (*for some municipal judges only*). For example: the figure to be indicated under Column 1 of Item No. II-A is the sum total of the cases in Item Nos. II-A-1, II-A-2 and II-A-3, same Column. Following the guidelines set forth in **Note No. 1**, indicate the subtotal of the new cases filed and raffled under Column (9).

(4-b) Fill in Columns 1 to 8 of Item No. II-B (Number of Cases Revived or Reopened) and Item No. II-C (Number of Cases Received from the Other Salas or Branches), then indicate the respective subtotals thereof under Column 9. *Cases subject of Item No. II-B are those cases which have been decided or resolved but reopened for re-trial and those cases retrieved from the archives due to the apprehension of the accused or the filing of the Answer by defendant. Cases subject of Item No. II-C are those cases transferred from co-equal courts due to inhibition of judges or change of venue.* The guidelines set forth in **Note No. 1** should be observed.

(4-c) Fill in Columns 1 to 8 of Item No. II (Total Number of Cases Added) by summing up all the number of cases under the respective Columns of Item Nos. II-A, II-B and II-C, and then indicate the GRAND TOTAL thereof under Column 9. *For example: the figure to be indicated under Column 1 of Item No. II is the sum total of the cases of Item Nos. II-A, II-B and II-C, same Column.* The guidelines set forth in **Note No. 1** should be followed.

5. **CASE OUTFLOW** refers to the movement of cases deducted from the total of the 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) which are classified as cases decided or resolved, dismissed, or with judgment rendered on the pleadings, and the like; cases archived; and cases transferred to their salas or branches due to the inhibition of the presiding judge or change of venue.

Cases with suspended proceedings are not included in the outflow of cases.

**Note No. 3:** Before filling Item No. III-A, the following should be indicated under the respective Columns:

Item No. III-A-1: the number of cases that were decided or resolved after trial on the merits;

Item No. III-A-2: the cases that were resolved or dismissed through compromise agreement of the parties, plea of guilty by the accused, summary judgment, judgment on the pleadings, dismissal for lack of interest or failure to prosecute the case, and the like;

Item No. III-A-3: the number of criminal complaints that has been resolved after conducting a preliminary investigation.

(5-a) The number of cases to be filled in Item No. III-A (Number of Cases Decided or Resolved) under Columns 1 to 8 are the respective sum totals of the cases decided or resolved after trial on the merits as indicated in Item No. III-A-1 plus the cases resolved or dismissed through other dispositions such as compromise agreement of parties and judgment on the pleadings appearing in Item No. III-A-2, and the number of criminal complaints resolved or dismissed after conducting the preliminary investigation as shown in Item No. III-A-3 (*for some municipal judges*). *For example: the figure to be entered under Column 1 of Item No. III-A is the sum total of the cases of Item Nos. III-A-1, III-A-2 and III-A-3, same Column.* Observing the guidelines set forth in **Note No. 1**, indicate the subtotal of the number of decided or resolved cases under Column 9.

(5-b) Fill in Columns 1 to 8 of Item No. III-B (Number of Cases Archived) and Item No. III-C (Numbers of Cases Transferred to Other Salas or Branches), and then indicate the respective subtotals thereof under Column 9. The number of cases to be filled in the said columns are the corresponding sums of archived cases and cases transferred to other salas or branches due to inhibition or change of venue. The guidelines set forth in **Note No. 1** should be followed.

(5-c) Fill in Columns 1 to 8 of Item No. III (Total Number of Cases Deducted) by summing up all the cases under the respective columns of Item Nos. III-A, III-B and III-C, and then indicate the GRAND TOTAL thereof under Column 9. *For example: the figure to be entered under Column 1 of Item No. III is the sum total of the cases of Item Nos. III-A, III-B and III-C, same Column.* The guidelines set forth in **Note No. 1** should be observed.

6. In obtaining the number of cases under Columns 1 to 8 of Item No. IV (Number of Pending Cases at the End of the Month), subtract the cases under the Columns of Item

*Continued on next page*



**ADMINISTRATIVE CIRCULAR NO. 61-2001** *continued*

guidelines indicated in *Note No. 1*, indicate the GRAND TOTAL thereof under Column 9.

*N.B.:* To check the correctness of the GRAND TOTAL of pending cases at the end of the month appearing in Item No. IV under Column 9, ADD the number of cases under the same Column of Item No. I to the number of cases in Item No. II. SUBTRACT the number of cases under Column 9 of Item No. III from the sum of the cases in Item Nos. I and II. The difference must be the same as the number of cases appearing under Column 9 of Item No. IV.

7. Fill in Item No. V (Number of Cases with Proceedings Suspended) if at the end of the month there are cases wherein the proceedings were suspended due to petition for review on certiorari, petition for reinvestigation, prejudicial question, mental examination or rehabilitation of an accused, the like. Include all cases which were suspended prior to the month being reported, but these cases should not be deducted from the total cases pending at the end of the month.

8. In filling up Item No. VI (List of Cases Submitted for Decision But Not Yet Decided at the End of the Month) where all the data needed must be indicated, include all cases with unresolved motions which may determine the disposition of the cases, *e.g.*, Motion to Dismiss on Demurrer to Evidence, Patent non-indication of undecided cases or unresolved motions is tantamount to falsification of official document.

9. **AGING OF PENDING CASES** (Item No. XI) refers to the period a case has been pending from the time of its filing or raffling up to the end of the month being reported. The total pending cases should tally with the GRAND TOTAL of cases indicated in Item No. IV under Column 9.

10. Item Nos. VII, VIII, IX, X, XII, XIII and XIV are self-explanatory.

11. The Revised SC Form No. 1 must be subscribed and sworn to by the Clerk of Court, Branch Clerk of Court or Officer-in-Charge, as the case may be, 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. The Presiding Judge or Acting Presiding Judge shall certify the same as correct.

Strict compliance herewith is enjoined.

**REPEALING CLAUSE**

Administrative Circular No. 4-95 dated 16 January 1995 is hereby repealed and superseded by this Administrative Circular.

**EFFECTIVITY**

This Administrative Circular shall take effect on the first day of January 2002, and the revised SC Form No. 1 (Monthly Report of Cases) herein prescribed shall be used starting January 2002.

Issued this 10th day of December 2001 in the City of Manila.

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

**ADMINISTRATIVE CIRCULAR NO. 04-2002**

**TO: ALL EXECUTIVE JUDGES AND JUDGES OF REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS**

**SUBJECT: SPECIAL TREATMENT OF MINOR DETAINEES AND JAIL DECONGESTION**

WHEREAS, the 1987 Constitution affirms the duty of the State to promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth (Sec. 13, Art. II, 1987 Constitution);

WHEREAS, it has long been recognized that youthful offenders should be afforded special treatment in our judicial system;

WHEREAS, the situation of jails in cities and other highly populous areas in the country is very pathetic;

WHEREAS, an immediate solution is necessary in order to protect the interests and rights of prisoners, especially minor detainees, and to eradicate or at least minimize the congestion of jails in the country;

NOW, THEREFORE, it is hereby directed that the following guidelines be observed:

1. Effective immediately, trial judges shall hold regular dialogues, conferences, or visitations, in coordination with appropriate government agencies as well as the local chief executives, jail wardens, chiefs of police and officials from social welfare office, at least once a month with the inmates in all jails in their respective territorial jurisdiction.
2. Said dialogues, conferences, or visitations shall be for the following purposes:
  - a. To determine the sufficiency or manner of safekeeping and reformation of prisoners, especially minor detainees, as well as their proper accommodation and health;
  - b. To set limits to the number of detainees in jail, and provide for the segregation of minors from the adult prisoners;

*Continued on next page*

ADMINISTRATIVE CIRCULAR NO. 04-2002 *continued*

- c. To identify minor prisoners who are willing to plead guilty, if qualified, and to inform them of the benefits granted by the provisions of P.D. No. 603 on suspended sentence of minors; and
- d. To order the release from detention of any accused who is already entitled to be released under the last paragraph of Article 29 of the Revised Penal Code, or who has already served his sentence, as the case may be, unless the release is unwarranted by reason of any lawful ground or cause;
3. Strict compliance with the provisions of R.A. No. 8369 (An Act Establishing Family Courts) and its implementing guidelines is hereby enjoined.
4. Trial judges designated in the Family Courts shall endeavor to assign specific days for the trial of cases involving minor offenders to the exclusion of criminal cases against adult offenders.

A periodic report of such dialogues, conferences, or visitations should be submitted to the Court Administrator.

The Court Administrator shall implement this Administrative Circular.

Issued this first day of February 2002.

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

## OFFICE OF THE COURT ADMINISTRATOR

## CIRCULAR NO. 63-2001

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

**SUBJECT: STRICT OBSERVANCE OF PRESCRIBED WORKING HOURS AND SESSION HOURS AND RULES ON PUNCTUALITY AND ATTENDANCE**

To ensure the attainment by all trial courts of their mission to provide prompt and exact judicial services, the following provisions of Administrative Circulars Nos. 1-99, 2-99 and 3-99, all dated January 15, 1999, issued by Chief Justice Hilario G. Davide, Jr. on the strict observance of working hours and session hours by the trial courts and rules on absenteeism and tardiness are reiterated:

## I. Administrative Circular No. 1-99

"In inspiring public respect for the justice system, court officials and employees must xxx [s]trictly ob-

serve official time. As punctuality is a virtue, absenteeism and tardiness are impermissible."

## II. Administrative Circular No. 2-99

- A. "[A]ll courts must observe the following office hours, without, however, prejudice to the approved flexi-time of certain personnel:

Monday to Friday  
8:00 A.M. to 12:00 NN  
1:00 P.M. to 5:00 P.M."

- B. "Absenteeism and tardiness, even if such do not qualify as 'habitual' or 'frequent' under Civil Service Commission Memorandum Circular No.04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover-up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct."

## III. Administrative Circular No. 3-99

- A. "The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions, or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circulars in specified cases.

"However, in multi-sala courts in places where there are few practicing lawyers, the schedule may be modified upon request of the Integrated Bar of the Philippines such that one-half of the branches may hold their trial in the morning and the other half in the afternoon.

"Except those requiring immediate action, all motions should be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next business day. The unauthorized practice of some judges of entertaining motions or setting them for hearing on any other day or time must be immediately stopped."

Strict compliance with the foregoing provisions is hereby enjoined.

October 3, 2001.

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

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

## PRESIDING JUDGE

### 2001-2002 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
March 18-19	Seminar on Election Laws and Election	PHILJA, Tagaytay City
March 20-21	2nd Judicial Seminar on the Indigenous People's Rights Act	Baguio City
March 20-22	Regional Seminar for Judges, Clerks of Court, Branch Clerks of Court, Legal Researchers and Sheriffs of the First-Level Courts and RTCs of the NCR (4th Batch)	Manila
April 10-12	3rd Annual PACSWI Convention and Seminar	Iloilo City
April 10-12	Regional Judicial Career Enhancement Program Seminar for Region II	Tuguegarao City
April 15-16	Seminar on Election Laws and Election (2nd Batch)	DAP, Tagaytay City
April 18-20	JACOPHIL Convention and Seminar	Davao City
April 23-26	CLERAP Convention and Seminar	Iloilo City
April 24-26	NLRC Seminar	Subic International
May 2-3	3rd Judicial Seminar on the Indigenous People's Rights Act	Cebu City
May 9-10	4th Judicial Seminar on the Indigenous People's Rights Act	Davao City
May 15-17	Clerks of Court Convention-Seminar	Bacolod City
May 20-31	Pre-Judicature Seminar for Visayas and Mindanao (Phase I)	Cebu City

*Chancellor, Philippine Judicial Academy*  
**Justice Ameurfina A. Melencio Herrera**

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