



PHILJA Bulletin



October to December 2003

Volume V, Issue No. 20

From the Chancellor's Desk *Ben*

Excellence in the Judiciary

We have had a pro-active year, with many firsts.

Judicial Education, Values and Skills, Court-Annexed Mediation, Research and Publications and External Linkages, were the principal fields in which we functioned. We participated actively in the implementation of the judicial education and reforms aspects of the APJR and have submitted several proposals for reform to the Supreme Court. We conducted our core programs regularly and interspersed them with current topical activities. We inaugurated special focus seminars for specialized courts, with fresh topics aimed at providing our judges with a holistic understanding of their specific tasks. We assessed professionally the training needs of judges and court personnel, and continue to gather inputs. We branched out into multi-sectoral seminars, finding the need for, and benefits derived from, interaction between and among the components of the justice system, particularly in Family Court cases. We continued to conduct educational programs for quasi-judicial offices. We started a series of career enhancement programs for court attorneys in the higher courts. In partnership with ADB and The Asia Foundation, we have experimented with distance education delivery through tele-video-conferencing, and are working towards distance learning on-line with instructional materials in CDs. Judges have welcomed the incorporation of computer training sessions into our RJCEPs. Average profitability rating from judicial educational program evaluations was at a high of 98.29%. For independent assessments, impact studies of courses and seminars given, including the use of live-link television in some of our Family Courts, have been conducted in an effort at continued improvement and refinement.

As the mediation arm of the Court, and with the cooperation of The Asia Foundation, the OCA and the PMFI, we have established Mediation Center units in Metro Manila, Cebu and Davao, and are targeting its institutionalization nationwide. Our focus is on court-annexed mediation.

In partnership with US-AID, and as a means of improving judicial administration, we are pilot-testing Casflow Management in the Pasay City Courts, including its electronic component that facilitates the encoding of all database.

(Continued on page 7)

Table of Contents

From the Chancellor's Desk.....	1		
PHILJA News.....	2	Admin. Matter No. 03-03-18-SC	
New Rulings of the Supreme Court.....	9	Fixing the Lifetime of Bond.....	14
Doctrinal Reminders.....	10	Office of the Court Administrator	
Resolutions, Orders and Circulars		OCA Cir. No. 170-2003	
Supreme Court		Remittance of Legal Fees.....	15
Admin. Order No. 136-2003		Cir. No. 172-2003	
Newly-Appointed Executive Judges.....	13	Giving of Performance Rating.....	15
Memorandum Order No. 49-2003		Upcoming PHILJA Events.....	16
Use of Bundy Clock in all Courts.....	13		



PHILJA ACADEMIC PROGRAMS

1ST RJCEP LEVEL 3 in TUGUEGARAO

The 1st 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 II was held on September 24 to 26, 2003, at the Ivory Lodge Hotel, Tuguegarao City, Cagayan Valley. This RJCEP marked the start of the third round, and was attended by thirty (30) RTC Judges, twenty-five (25) First Level Court Judges, and a total of one hundred seven (107) Clerks of Court and Branch Clerks of Court. The Opening Remarks, for the first time, was delivered by a religious in the person of the Most Reverend Diosdado A. Talamayan, D.D., Metropolitan Archbishop of Tuguegarao.

The RJCEP now has separate, but parallel, sessions for participants of first level trial courts and courts of general jurisdiction. Topics in this level included Environmental Laws, R.A. 3019 and Crimes in Relation to Public Office, Clearing House on Criminal Law and Procedure, Contempt of Court, and Cadastral and Land Registration Cases, among others, as proposed by the judges themselves.

30TH ORIENTATION OF NEWLY APPOINTED JUDGES

The Academy conducted its 30th Orientation Seminar-Workshop for Newly Appointed Judges on October 13 to 17, 2003, at the PHILJA Development Center, Tagaytay City. Among the twenty-six (26) participants who attended, eighteen (18) were newly appointed, seven (7) were promoted to the Regional Trial Court, and one (1) was laterally transferred.

A. New Appointments:

REGIONAL TRIAL COURT

1. Hon. Edgardo B. Diaz de Rivera
Reg. 1, Br. 10, Trinidad, Benguet
2. Hon. Ester P. Flor
Reg. 2, Br. 34, Banawe, Ifugao
3. Hon. Antonio T. Manzano
Reg. 4, Br. 37, Calamba, Laguna
4. Hon. Gerardo A. Paguio, Jr.
Reg. 7, Br. 40, Dumaguete City
5. Hon. Allen R. Abubakar
Reg. 9, Br. 3, Jolo, Sulu

6. Hon. Merlyn P. Cañedo
Reg. 10, Br. 29, Bislig City, Surigao Del Sur

METROPOLITAN TRIAL COURT

1. Hon. Donato H. de Castro
NCJR, Br. 77, Parañaque City

MUNICIPAL TRIAL COURT IN CITIES

1. Hon. Cynthia A. Falcotelo
Reg. 5, Br. 2, Sorsogon City
2. Hon. Salve Eva V. Dimabayao
Reg. 5, Br. 2, Iriga City

MUNICIPAL TRIAL COURT

1. Hon. Jacqueline O. Cortel
Reg. 4, Tanay, Rizal
2. Hon. Katherine A. Go
Reg. 4, Los Baños, Laguna
3. Hon. Elpidia J. Itoc
Reg. 4, Tanza, Cavite
4. Hon. Wilfredo V. Timola
Reg. 4, Taytay, Rizal
5. Hon. Divinagracia G. Penafiel
Reg. 5, Vinzons, Camarines Norte

MUNICIPAL CIRCUIT TRIAL COURT

1. Hon. Domingo R. Joaquin
Reg. 1, 5th MCTC, Gerona-Ramos-Pura, Tarlac
2. Hon. Timoteo A. Panga, Jr.
Reg. 5, 9th MCTC, Nabua-Bato, Camarines Sur
3. Hon. Constantino DC. Tubilleja
Reg. 6, 1st MCTC, Jordan Buenavista-Nueva, Valencia, Guimaras
4. Hon. Peter M. Montojo
Reg. 11, 4th MCTC, Cajidiocan-Magdiwang, San Fernando, Romblon

B. Promotions

REGIONAL TRIAL COURT

1. Hon. Alejandro G. Bijasa
NCJR, Br. 2, Manila
2. Hon. Noli C. Diaz
NCJR, Br. 39, Manila
3. Hon. Pedro B. Corales
NCJR, Br. 118, Pasay City
4. Hon. Lerio Castigador
Reg. 4, Br. 15, Naic, Cavite
5. Hon. William B. Volante
Reg. 5, Br. 16, Tabaco, Albay
6. Hon. Evelyn G. Nery
Reg. 10, Br. 19, Cagayan de Oro
7. Hon. Justino G. Aventurado
Reg. 11, Br. 2, Tagum, Davao del Norte

C. Lateral Transfers

REGIONAL TRIAL COURT

1. Hon. Antonio M. Rosales
NCJR, Br. 52, Manila



PHILJA ACADEMIC PROGRAMS

CAREER ENHANCEMENT PROGRAM FOR COURT PERSONNEL

On November 5 to 6, 2003, PHILJA successfully completed the *Career Enhancement Program for Court Attorneys of the Supreme Court, Court of Appeals and Court of Tax Appeals* at the Manila Pavilion Hotel. One hundred four (104) Court Attorneys from the following offices attended this two-day CEP, as follows: thirty-nine (39) from the Supreme Court, sixty-one (61) from the Court of Appeals, and four (4) from the Court of Tax Appeals. Justice Antonio M. Martinez, Vice-Chancellor of PHILJA, delivered the Opening and Statement of Purpose.

The lectures were presented in eight (8) parallel sessions with two (2) topics discussed in each session. A different methodology was adopted in this particular program wherein parallel sessions were incorporated, dividing the group into two. Topics presented were: The Theory and Practice of Mediation, Legal Ethics for Government Lawyers, Frequently Committed Fallacies in Judicial Reasoning, Public Office, Qualification for Public Office, Election and Appointment, Writing and Writing Style, Appeals and Review, Reform in Family and Domestic Relations Law, and Updates in Criminal Law. After the lectures, a written evaluative examination were given to the participants as part of the training feedback mechanism.

RJCEP in TACLOBAN

In support of the continuing development program of the Supreme Court for its personnels, PHILJA once again offered the *"3rd 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 8,"* on November 26 to 28, 2003, at the Leyte Park Hotel, Tacloban City. Hon. Galicano C. Arriego, Sr., PHILJA's Training Liason Officer for the Visayas and Mindanao, delivered the Opening Remarks, while Hon. Leonilo B. Apita, Executive Judge, Regional Trial Court of Tacloban

City, welcomed his colleague participants in the region as well as the lecturers and staff of the Academy, in behalf of the host city.

The program was attended by a total of seventy-one (71) Judges and one hundred nineteen (119) Clerks of Court or a grand total of one hundred ninety participants, broken down as follows: twenty-seven (27) Judges from RTC; twenty-two (22) from MTC; eighteen (18) from MCTC, four (4) from MTCC, while there were thirty-eight (38) Clerks of Court from RTC; thirty-two (32) from MTC; forty-three (43) from MCTC, and six (6) from MTCC.

Highlights of the three day program are the highly interactive lecture of Court of Appeals Justice Hilarion Aquino on "The Media Management Guide," where he gave pointers to the Judges on how to address queries or comments of the media on matters pertaining to their court or the Judiciary in general; Caseflow Management focused on the basic principles of "Total Quality Management," a lecture by Hon. Zenaida N. Elepaño, which the audience clamored for replication in Tacloban City, and other interesting topics and activities designed specifically for the Judges and Clerks of Court of Region 8.

SC AND CA ATTORNEYS CAREER ENHANCEMENT PROGRAM

PHILJA successfully conducted another Career Enhancement Program for Attorneys of the Supreme Court and Court of Appeals last December 3 to 4, 2003 at the Manila Pavilion, Manila. A total of one hundred twenty-nine (129) participants comprising seventy-four (74) court attorneys from the Supreme Court and fifty-five (55) from the Court of Appeals.

Like any other CEP for Court Attorneys, the same topics were covered except the topics of Commissioner Samilo N. Barlongay who lectured on "Public Office, Election and Appointment" and Professor Alfredo F. Tadiar who discussed "The Theory and Practice of Mediation."





PROGRAMS OF SPECIAL FOCUS

FORUM FOR PAROLE AND PROBATION OFFICERS

The Philippine Judicial Academy, in collaboration with the Parole and Probation Administration and its Employees Association, National Capital Region, conducted the Forum on *"The Role of Parole and Probation Officers in the Administration of Justice,"* on September 1, 2003, at the Session Hall of the Manila City Council. One hundred and forty (140) participants attended the Forum.

Lecturers included: Justice Jesus M. Elbinias, Retired Presiding Justice of the Court of Appeals and Former Member of the Board of Pardons and Parole, discussed the Rules of Court in Relation to Parole and Probation; Justice Diosdado M. Peralta of the Sandiganbayan lectured on Trial Courts and Probation and Parole Officers; and Fr. Luis S. David, S.J., Ph.D., Professor at the Ateneo de Manila University and the University of the Philippines, talked about Restorative Justice, Parole and Probation, and Criminal Justice.

PHILJA ADDRESSES ISSUES ON FISHERIES MANAGEMENT

Once again, the Philippine Judicial Academy embarked on another endeavor, this time, exploring the role of courts in Fisheries Management. To address the issues that arise therein, the Academy, through the collaborative efforts of the Department of Justice, Department of Agriculture, Bureau of Fisheries and Aquatic Resources, Fisheries Resource Management Project, Japan Bank for International Cooperation, Overseas Agro-fisheries Consultants Co. Ltd., and Pacific Rim Innovation and Management Exponents, Inc., conducted a two-series *Conference Seminar on Fisheries and Environmental Laws for Judges and Prosecutors in Fisheries Resource Management Project (FRMP)*. The seminar for cluster one, composed of thirty-one (31) judges and eight (8) prosecutors from Regions 1 to 5 & 7 to 8, was held on October 8 to 10, 2003, at the Forest Hills Village Resort SMBA Zambales, while the seminar for cluster two, held on October 28 to 30, 2003, at the Marco Hotel Cagayan De Oro City, was attended by twenty-one (21) judges and eleven (11) prosecutors from Regions 6, and 9 to 13.

This three-day activity aimed not only to familiarize judges and prosecutors in FRMP areas with fisheries and aquatic resources laws and implementing rules and regulations, but also to enhance the effectiveness of prosecutors in prosecuting cases for fisheries law violations. The program was also designed to enable judges to effectively and judiciously adjudicate criminal cases for violations of fisheries laws, rules, and regulations. To top it all, this conference program is optimistic to contribute to the overall record of enforcement of all fisheries laws, rules and regulations.

To attain these objectives, PHILJA invited experts from the Bureau of Aquatic Resources, Tanggol-Kalikasan, The Law of Nature Foundation and the IBP-National Environmental Active Team to tackle pertinent and related issues along with the Academy's Professors. The topics discussed were: The Fisheries Resource Management in the Philippines, Overview of Republic Act 8550 or the Philippine Fisheries Code of 1998, Fisheries Offenses, Other Relevant Environmental Laws, Common Procedural Issues in Fisheries Cases, and Common Evidentiary Issues in Fisheries Cases. To complete the program integration, the participants were given an exposure trip on the last day of the activity.

SEMINAR WORKSHOP FOR JUDGES ON DRUG LAWS

A two-day *Seminar-Workshop for Judges on Drug Laws* was held at the PHILJA Development Center, Tagaytay City, on November 12 to 13, 2003. This was attended by eighteen (18) judges from the different judicial regions. Justice Antonio M. Martinez, Vice Chancellor of PHILJA, delivered the Opening Remarks and Statement of Purpose. Topics discussed were: Forensic Issues in Drug Cases, The Profile of the Substance Peddler and the Substance Abuser, An Analysis of the Provisions of R.A. 9165 and Its Implementing Rules and Regulations, and Criminal Procedure in Drug Cases. The lectures were combined with a case analysis workshop, group work or an open forum to further deepen the judges' understanding of the drug laws and to help them efficiently and effectively analyse and resolve problems on drug-related cases.





PROGRAMS OF SPECIAL FOCUS

FAMILY COURTS FOCUS GROUP TRAINING

PHILJA ended the year with a special focus seminar on *Family Courts Focus Group Training*, with the following topics "Situationer, Updates and New Concepts," "Selected Issues and Concerns," and "Systems, Guidelines and Processes." This was held at the Pearl Manila Hotel, on December 10 to 12, 2003. The seminar was a UNICEF funded project in cooperation with PHILJA. Justice Ameurfina A. Melencio Herrera, Retired Associate Justice, Supreme Court and Chancellor of PHILJA welcomed the seminar guests, lecturers and participants, while Dr. Nicholas K. Alipui, UNICEF Representative, officially opened the program. There were a total of sixty-nine (69) Judges from Family Courts nationwide as participants.

A highlight of the seminar was the presentation of the "Impact Study of Multi-Sectoral Seminar for Family Courts," by Dr. Mahar Mangahas, President of the Social Weather Stations (SWS). Analysis of the field survey results shall provide PHILJA and the participants with:

- 1.) A guide on how to further enhance future trainings for Family Court judges and their personnel; and
- 2.) A framework for identifying key areas of concern which Family Courts should immediately address.

Other topics covered were: Updates on New Laws and Rules on Family, Women and Children; New Jurisprudence on Family, Women and Children; Mediation in Family Courts Cases; Analysis of Psychological Incapacity; The Battered Wife Syndrome, Battered Child Syndrome and Child Sexual Abuse Accommodation Syndrome; Forensic DNA; Jurisdiction Issues; Adoption Issues: 3-in-1

Rule; Diversion Process; Caseflow Management System: Pilot Test; and An Assessment of the Second Philippine CRC Report: Challenges and Prospects.

SPECIAL FOCUS SEMINAR FOR HEINOUS CRIMES COURTS

On December 11 to 12, 2003, a two-day "Special Focus Seminar for Heinous Crimes Courts" was held at the PHILJA Development Center, Tagaytay City. This was attended by a total of forty-one (41) judges: NCJR - 10; 1st JR-6; 2nd JR-2; 3rd JR-12 and 4th JR-11. Hon. Bernardo T. Ponferrada, Retired Deputy Court Administrator and Head, Judicial Reforms Office of PHILJA, officially opened this special focus seminar. In his opening remarks, he briefly appraised the judges on the significance of the two-day seminar to improve the delivery of justice to heinous crimes cases.

Topics covered were: Understanding Heinous Crimes and their Perpetrators, Elements, Question of Evidence, and Questions of Procedure in Heinous Crimes Cases. Invited lecturers were from the judicial sector and academic institutions who handle cases on heinous crimes. Specifically, they are Hon. Jesus M. Elbinias, Retired Presiding Justice, Court of Appeals and Professorial Lecturer of PHILJA; Fr. Luis P. David, SJ., PhD, Professor, Ateneo De Manila; Dr. Raquel B. Del Rosario-Fortun, Forensic Pathologist, Professor College of Medicine-UP; Justice Diosdado M. Peralta, Associate Justice, Sandiganbayan and Member, PHILJA Department of Criminal Law; Justice Jose L. Sabio, Jr., Associate Justice, Court of Appeals and Member, Department of Ethics and Judicial Conduct and Justice Ruben T. Reyes, Associate Justice, Court of Appeals and Vice-Chair, PHILJA Department of Court Management.

Justice Reyes delivered the Closing Remarks during which he advised the judges to adhere to the law and jurisprudence in the resolution of cases on heinous crimes. Before the final closing of the seminar, the Officers of the Association of Heinous Crimes Court Judges took their oath of office before Justice Reyes.

Below are the participants of the Family Courts Focus Group Training with Supreme Court Justice Jose C. Vitug and PHILJA Professor Sedfrey M. Candelaria.





CONVENTIONS

PTJLI CONVENTION

Two hundred twenty-one (221) members of the *Philippine Trial Judges League, Inc. (PTJLI)* from the whole judicial regions attended their annual Convention and Seminar on October 23 to 25, 2003, at the Bohol Tropics Resort, Tagbilaran City. Justice Josue N. Bellosillo delivered the Keynote Address. DCA Christopher O. Lock delivered the message in behalf of Chief Justice Hilario G. Davide, Jr. who was invited by the Association as the luncheon speaker.

The topics explored in this gathering were: "Presidential or Parliamentary? Comparative Political Law," discussed by Fr. Ranhilio C. Aquino; "First Level Court and Human Rights," tackled by Prof. Amparita Sta. Maria; "Research Towards the Expeditious Trial and Disposal of Cases," by Prof. Myrna S. Feliciano; and the "Mastery of Rules on Summary Procedure (with Special Emphasis on B.P. 22 cases)," by Justice Ricardo P. Galvez.

PJA CONVENTION

"*A Strong Judiciary - Sentinel of Democracy,*" is the theme of the *Philippine Judges Association Convention and Seminar* held on October 23 to 25, 2003, at the Century Park Hotel, Manila. This event was attended by six hundred thirty (630) Judges from all over the country. At the opening ceremonies, the participants listened attentively at the speeches delivered by City Mayor Lito L. Atienza; Senate President Franklin M. Drilon; Senator Francis M. Pangilinan; Secretary of Justice Simeon A. Datumanong; and most of all to the address given by Her Excellency, President Gloria Macapagal-Arroyo. Court Administrator Presbitero V. Velasco, Jr. gave the inspirational message while Chief Justice Hilario G. Davide, Jr. gave the Keynote address.



ON MEDIATION

REFRESHER COURSE ON MEDIATION

A *Refresher Course on Mediation* for PHILJA Mediators via teleconference was conducted by PHILJA and the Philippine Mediation Center (PMC), in coordination with the Philippine Mediation Foundation, Inc. (PMFI), the Confederation of Accredited Mediators of the Philippines-Cebu (CAMP), and Moscom, and with the assistance of The Asia Foundation, on September 6, 2003. Venues of the teleconference were the RCBC Plaza, Makati City (Luzon); Waterfront Hotel, Lahug, Cebu City (Visayas); and Hotel Mandaya, Davao City (Mindanao).

The course, attended by a total of 137 participants (92 mediators in Makati, 22 mediators in Cebu, and 23 mediators in Davao), was specifically intended for PHILJA mediators as a requirement for their re-accreditation. It aimed to provide mediators advanced lectures and topics so as to further improve their skills and performance on court-annexed mediation. The topics in the course included: Filipino Family Values and Cultures; Updates on ADR Concepts and Mechanisms; PMC Organization: Functions and Its Relationship with the Courts; Procedure on Mediatable Civil Aspects on Criminal Cases; Court-Annexed Mediation of Mediatable Civil Cases; Mediation Ethics; and Writing of Compromise Agreements. Indeed, the participants requested that refresher courses such as this be conducted twice a year.

ADVOCATES' FORUM

The Philippine Judicial Academy successfully conducted two batches of the *Advocates' Forum for Stakeholders on Court-Annexed Mediation and Judicial Settlement Conference* (The Canada-Philippines JURIS ADR Model Courts Project).

The first batch was held on November 14, 2003, at the L'Fisher Hotel, Bacolod City. Attendees to the said forum are seventeen (17) Judges from the Regional Trial Courts, ten (10) Judges from the Municipal Trial Courts, three (3) Judges from the Municipal Circuit Trial Courts, ninety (90) participants from the Clerks of Court and Branch of Clerks of

Court, and seventy (70) stakeholders a total of 160 participants. Hon. Pepito B. Gellada, Executive Judge, Regional Trial Court of Bacolod City, formally opened the forum. Speakers to this advocates' forum were DCA Jose P. Perez, DCA Bernardo T. Ponferrada (ret.), Dean Eduardo D. de los Angeles, Dean Pacifico A. Agabin, and Atty. Hector Soliman.

The second of its kind was held last November 20, 2003 at the Executive House, Capitol Provincial Building, San Fernando, Pampanga. In attendance

were 78 participants consisting of: seven (7) Judges from the Regional Trial Courts, five (5) Judges from the Municipal Trial Court in Cities, twenty-one (21) participants from the Clerk of Courts and Branch Clerks of Court, and forty-five (45) Stakeholders. Hon. Adelaida A. Medina was invited to open the forum. DCA Bernardo T. Ponferrada (ret.), Atty. Hector D. Soliman, Chairman Alfredo F. Tadiar, and Dean Pacifico A. Agabin served as resource speakers.

From the Chancellor's Desk (Continued from page 2)

We continue to strengthen linkages with local and foreign partners. With the National Judicial Institute of Canada (NJI), we are implementing JURIS, a bilateral project of the Canadian and Philippine Governments, and will soon pilot-test it in San Fernando, Pampanga, and Bacolod City, Negros Occidental. The project presents new approaches to ADR and Judicial Dispute Resolution. We have also been invited to join the JED-NET, a network composed of judicial education centers in Canada, Chile, and the Philippines that will eventually branch out internationally. For the APJEF, we have published the APJEF Newsletter, and with the Centre of Democratic Institutions (CDI) taking the lead, a workshop will be held in Sydney, Australia, early next year for selected core countries in the region aimed at strengthening the skills of judicial educators in delivering appropriate education programs of high quality.

With EINSHAC, we conducted the Conference Workshop on Bioscience and Biotechnology, and discussed the interaction between Science and the Law. With ADB, we held a Judges' Forum on Environmental Protection. It was also ADB that presented to the Supreme Court a Report on Judicial Education in the Philippines, with recommendations given.

We published four (4) quarterly issues of the PHILJA Bulletin; four (4) issues of the PHILJA Judicial Journal; monthly issues of the Fax/Electronic Alerts; and monthly updates of the PHILJA Website. We have also published, as professional reference materials, the Benchbook on Primary Jurisdiction, and the Manual for Sheriffs. We also now have a PHILJA Anthem, composed by our talented Fr. Ranhilio C. Aquino, Head of the Academic Affairs Office.

Pursuant to Court Resolutions directing judicial education as its primary purpose, we have taken over the operation and management of the PHILJA Development Center, Inc., in Tagaytay City (formerly, the Ridge Resort and Convention Center).

For these strides, the credit lies squarely upon the shoulders of the PHILJA officials, staff, and the Corps of Professors, who have all acted with professionalism, commitment to performance, and loyalty. The staff has always elicited positive feedback from evaluative assessments by participants. By way of HRD, they, too, received training from different sources to enhance their professional skills and develop personal attributes.

Words can neither express our deep appreciation for the sustained support of our policies and programs by the Chief Justice and his unwavering leadership, the Supreme Court, the Board of Trustees, the Academic Council, the Corps of Professors, the Judicial Reforms Groups, and our invaluable partners in the international community, all of whom have given generously of their time, resources, and expertise.

As PHILJA enters its eighth year of service, we reiterate our vision of pursuing excellence in judicial performance, and pledge continuing and selfless commitment to the discharge of our mandated tasks.

We extend to our readers our most cordial Greetings this Holiday Season and the fervent wish that we may all enjoy peace and goodwill in our land!



JUDICIAL MOVES

Supreme Court

Associate Justice Josue N. Bellosillo
retired as of December 11, 2003

Sandiganbayan

Associate Justice Rodolfo G. Palattao
retired as of December 14, 2003

Associate Justice Efren De la Cruz
appointed on October 30, 2003

Associate Justice Teresita V. Diaz-Baldos
appointed on October 28, 2003

Associate Justice Roland B. Jurado
appointed on October 28, 2003



OBITUARY

**IN HONOR OF THE LATE
CHIEF JUSTICE PEDRO L. YAP**



December 9, 2003 was declared as a memorial day in honor of the late Chief Justice Pedro L. Yap. Honorable Yap died on November 20, 2003 in the United States of America. He was one the Associate Justices appointed to the Supreme Court after the EDSA - 1 and on April 18, 1988 as appointed Chief Justice by then President Corazon C. Aquino, serving until his compulsory retirement in July 1988. He was a paragon of honesty, integrity, competence, probity and independence, who served the Court with distinction and left behind a legacy of opinions that have become jurisprudential classics.



ON PHILJA

RE-APPOINTMENT

DCA Bernardo T. Ponferrada (ret.) was re-appointed as PHILJA Professor II and Head of the Judicial Reforms Office for another term of two (2) years commencing on September 6, 2003.

Dean Pacifico A. Agabin, incumbent Chair of PHILJA's Department of Constitutional Law, was appointed as Professor II, effective September 5, 2003, also for a term of two (2) years.

PHILJA GOES TO PILILLA

On December 17, 2003, the PHILJA staff gathered at Prof. Sedfrey Candelaria's Ancestral Vacation House in Pililla, Rizal. The Academy held its second Team-Building activity and its first Christmas Party held outside the vicinity of the Supreme Court. Ninety-five percent of PHILJA's personnel attended the said Team-Building activity and Christmas Party. Parlor games were incorporated to develop camaraderie, bridge the gap and harmonize relationships among and between PHILJA's management and the rank and file staff. The activity was very successful. Everyone enjoyed and participated in the activities prepared by the different committees coming from the Administrative, Research & Linkages, Training and other offices who devoted their time and effort in organizing this particular human resource development activity.

Chancellor Ameurfina A. Melencio Herrera delivered the opening remarks, thanking the Candelaria Family for the warmth reception given to the PHILJA family. Prof. Sedfrey Candelaria delivered his heart warming closing remarks, summarizing what the academy and the judicial system had gone through for the past month and were able to overcome.



REMEDIAL LAW

Practice of law; party's right to conduct litigation personally.

A party's right to conduct litigation personally is recognized by law. Section 34 of Rule 138 of the Rules of Court provides that in the court of justice of peace, a party may conduct his litigation in person with the aid of an agent or friend appointed by him for that purpose, or with the aid of an attorney. In any other court, a party may conduct his litigation personally or by aid of an attorney, and his appearance must be either personal or by a duly authorized member of the Bar.

This provision means that in a litigation, parties may personally do everything during its progress from its commencement to its termination. When they, however, act as their own attorneys, they are restricted to the same rules of evidence and

procedure as those qualified to practice law; otherwise, ignorance would be unjustifiably rewarded. Individuals have long been permitted to manage, prosecute and defend their own actions; and when they do so, they are not considered to be in the practice of law. One does not practice law by acting for himself any more than he practices medicine by rendering first aid to himself.

The practice of law, though impossible to define exactly, involves the exercise of a profession or vocation usually for gain, mainly as attorney by acting in a representative capacity and as counsel by rendering legal advice to others. (*Panganiban, J., Imelda Maderada v. Judge Ernesto Mediadea*, A.M. No. MTJ-62-1459, October 14, 2003)

OCA CIRCULAR NO. 172-2003

(continued from page 15)

concerned should be dropped from the rolls attaching thereto all the pertinent documents, including the abovementioned notice to and written explanation of the official or employee concerned.

2. IN CASE OF POOR PERFORMANCE

2.1 Notice must be:

- 2.1.1 In writing;
- 2.1.2 Issued by the supervisor (rater);
- 2.1.3 Served upon the official or employee concerned not later than the 4th month of that rating period;
- 2.1.4 Sufficient as to contain the following:
 - 2.1.4.1 Information on the status of his performance;
 - 2.1.4.2 Warning that failure to improve his performance within the remaining period of the semester shall warrant his separation from the service; and
 - 2.1.4.3 Information which shall enable the employee to prepare an explanation.

- 2.2 If the official or employee concerned failed to improve his performance and was given a "Poor" rating, the Presiding Judge/ Executive Judge shall inform the Office of the Court Administrator of the matter with his recommendation on whether the said official or employee concerned should be dropped from the rolls attaching thereto all the pertinent documents, including the above-mentioned notice to and written explanation of the official or employee concerned.

3. LIABILITY IN CASE OF FAILURE TO GIVE DUE NOTICE

Failure on the part of the supervisors to comply with the required notices to their subordinates for their unsatisfactory or poor performance during a rating period shall be *a ground for an administrative offense of neglect of duties* (M.C. No. 13, Series 1999).

For strict compliance.

2 December 2003

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

REMEDIAL LAW

Judge; authority of a permanent judge to act on cases in his station.

A permanent presiding judge has full authority over all cases pending in his official station. Thus, par. 2 of Supreme Court Administrative Circular 5-98 should not be construed as to deprive a permanent presiding judge of his authority to rule on motions for new trial and reconsideration of decisions rendered by the former acting/assisting judge. Rather, the aforesaid circular should be interpreted only as a grant of authority to acting/assisting judges to decide motions for reconsideration and new trial in the event that the permanent presiding judge, who returns to his branch or who is permanently appointed thereat, as the case may be, decides not to act on such motions for some reason or other, *e.g.*, his unfamiliarity with the factual antecedents of the decision, order, or resolution sought to be reopened or reconsidered. Even then, the authority may apply only with the prior conformity of the permanent presiding judge who feels that the acting/assisting judge who earlier heard the case may have better knowledge of the facts.

However, once the permanent presiding judge has acted on a case or has ruled on an incident which pertains to the case, the acting/assisting judge loses such authority. Moreover, the latter cannot issue an order contrary to that already issued by the former. The decision on who between the permanent presiding judge or the acting/assisting judge would rule on a pending motion for reconsideration or new trial is lodged in the hands of the permanent presiding judge to whom it properly belongs.

Case against respondent judge was dismissed, but complainant was severely reprimanded. (*Bellosillo, J.*, Judge Pablo Francisco v. Judge Hilario Corcuera, A.M. RTJ-03-1790, July 31, 2003)



Judge; disqualification to try cases.

The rule on disqualification of judges is laid down in Rule 137, Section 1 of the Rules of Court. The second paragraph thereof says that a judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just and valid reasons other than those mentioned in the first paragraph.

While the second paragraph does not expressly enumerate the specific ground for inhibition and leaves it to the sound discretion of the judge, such should be based on just and valid reasons. The import of the rule on voluntary inhibition is that the decision to inhibit is left to the sound discretion and conscience of the judge based on his rational and logical assessment of the circumstances prevailing in the case brought before him. Outside of pecuniary interest, relationship, etc., there might be other causes that could erode the trait of objectivity, thus calling for inhibition.

Respondent cannot be held liable for inhibiting himself from trying the case of complainant. It was within his discretion to do so. Case against him was dismissed. (*Yñares-Santiago, J.*, Avelina Madula v. Judge Ruth Cruz Santos, A.M. No. RTJ-02-1742, September 11, 2003)



Criminal actions are prosecuted under the direction and control of the prosecutor; legal custody of seized items.

All criminal actions are prosecuted under the direction and control of the prosecutor. The seized items ordered to be released by respondent judge have not yet been offered in evidence, hence, the prosecution, not the court, could still be deemed to be in the legal custody and to have the responsibility over such items. In *Viasons Enterprises Corporation v. Court of Appeals*, the court pronounced that the outcome of the criminal action will dictate the disposition of the seized property. If found to be contraband, *i.e.*, articles the possession of which constitute a crime and the repossession of which would subject defendant to criminal penalties and frustrate the express policy against the possession of such objects, they will not be returned, but shall be confiscated in favor of the State or destroyed as the case may be. If not contraband, the property shall be returned without undue delay to the person who appears from the evidence to be the owner or rightful possessor. (*Vitug, J.*, Special Prosecutor Romeo Senson v. Judge Heriberto Pangilinan, A.M. No. MTJ-02-1430, September 8, 2003)



REMEDIAL LAW (continued)**Forcible entry and unlawful detainer cases governed by the Rule on Summary Procedure.**

The Rules of Court clearly provide that actions for forcible entry and unlawful detainer, regardless of the amount of damages or unpaid rentals sought to be recovered shall be governed by the Rule on Summary Procedure to disencumber the courts from the usual formalities of ordinary actions. Accordingly, technicalities or details of procedure that may cause unnecessary delays should be carefully avoided. The actions for forcible entry and unlawful detainer are designed to provide expeditious means of protecting actual possession or the right to possession of the property involved. Both are "time procedures" designed to bring immediate relief. (*Panganiban, J., Imelda Maderada v. Judge Ernesto Mediadea*, A.M. No. MTJ-02-1459, October 14, 2003)

**Counterclaim; when compulsory.**

In *Intestate Estate of Dalisay v. Hon. Marasigan*, we held that a counterclaim is compulsory where: (1) it arises out of, or is necessarily connected with the transaction or occurrence that is the subject matter of the opposing party's claim; (2) it does not require the presence of third parties of whom the court cannot acquire jurisdiction; and (3) the trial court has jurisdiction to entertain the claim. To determine whether a counterclaim is compulsory or not, we have devised the following tests: (1) Are the issues of fact or law raised by the claim and the counterclaim largely the same? (2) Would *res judicata* bar a subsequent suit on defendant's claims absent the compulsory counterclaim rule? (3) Will the same evidence support or refute substantially plaintiff's claim as well as the defendant's counterclaim?

In *Quintanilla v. Court of Appeals*, we said a "compelling test of compulsoriness" is whether there is "a logical relationship between the claim and counterclaim, that is, where conducting separate trials of the respective claims of the parties would entail a substantial duplication of effort and time by the parties and the court." (*Quisumbing, J., Carlo Tan v. Kaakbay Finance Corporation, Dennis Lazaro and Roldan Noybay*, G.R. No. 146595, June 20, 2003)

When application for TRO is included in complaint; procedures.

Administrative Circular No. 20-95 provides that:

1. Where an application for temporary restraining order (TRO) or writ of preliminary injunction is included in a complaint or any initiatory pleading filed with the trial court, such complaint or initiatory pleading shall be raffled only after notice to the adverse party and in the presence of such party or counsel.
2. The application for TRO shall be acted upon only after all parties are heard in a summary hearing conducted within twenty-four (24) hours after the records are transmitted to the branch selected by raffle. The records shall be transmitted immediately after raffle.
3. If the matter is of extreme urgency, such that unless a TRO is issued, grave injustice and irreparable injury will arise, the Executive Judge shall issue the TRO effective only for seventy-two (72) hours from issuance, but shall immediately summon the parties for conference and immediately raffle the case in their presence. Thereafter, before the expiry of the seventy-two (72) hours, the Presiding Judge to whom the case is assigned shall conduct a summary hearing to determine whether the TRO can be extended for another period until a hearing in the pending application for preliminary injunction can be conducted. In no case shall the total period of the TRO exceed twenty (20) days, including the original seventy-two (72) hours, for the TRO issued by the Executive Judge.
4. With the exception of the provisions which necessarily involve multiple-sala stations, these rules shall apply to single-sala stations especially with regard to immediate notice to all parties of all applications for TRO.

Respondent judge erred when she issued a TRO without conducting the required summary hearing. There is no showing that it falls under the exceptional circumstances enumerated by the aforementioned administrative circular where a TRO may be issued by the Executive Judge before assignment by raffle to a judge without first conducting a summary hearing. (*Austria-Martinez, J., Rosa Borja v. Judge Zoraida Salcedo*, A.M. No. RTJ-03-1746, September 26, 2003)

CIVIL LAW

Divorce decree obtained by foreigners in other countries are recognizable in our jurisdiction.

As a general rule, divorce decrees obtained by foreigners in other countries are recognizable in our jurisdiction, but the legal effects thereof, *e.g.*, on custody, care and support of the children, must still be determined by our courts. Before our courts can give the effect of *res judicata* to a foreign judgment, such as the award of custody to petitioner by the German court, it must be shown that the parties opposed to the judgment had been given ample opportunity to sue on grounds allowed under Rule 39, Section 48 of the 1997 Rules of Civil Procedure.

It is essential that there should be an opportunity to challenge the foreign judgment in order for the court in this jurisdiction to properly determine its efficacy. In this jurisdiction, our Rules of Court clearly provide that with respect to *actions in personam* as distinguished from *actions in rem*, a foreign judgment merely constitutes *prima facie* evidence of the justness of the claim of a party and as such is subject to proof to the contrary. (*Quisumbing, J., Wolfgang Roehr v. Maria Carmen Rodriguez*, G.R. No. 142820, June 20, 2003)



Statute of Frauds.

The trial and appellate courts correctly refused to apply the Statute of Frauds. The Statute of Frauds provides that a contract for the sale of real property shall be unenforceable unless the contract or some note or memorandum of the sale is in writing and subscribed by the party charged or his agent. The existence of the receipt which is a memorandum of the sale removes the transaction from the provisions of the Statute of Frauds.

The Statute of Frauds applies only to executory contracts and not to contracts whether partially or totally performed. Thus, where one party has performed one's obligation, oral evidence will be admitted to prove the agreement x x x In addition, a contract that violates the Statute of Frauds is ratified by the acceptance of benefits under the contract. (*Carpio, J., Spouses Godofredo Alfredo and Carmen Limon Alfredo, et al. v. Spouses Armanda Borrás and Adelaida Labaton Borrás*, G.R. No. 144225, June 17, 2003)

CRIMINAL LAW

Violation of B.P. Blg. 22; proof that issuer received notice of dishonor necessary for conviction.

In cases for violation of B.P. Blg. 22, it is necessary that the prosecution prove that the issuer has received a notice of dishonor. Since service of notice is an issue, the person alleging that the notice was served must prove the fact of service. Basic also is the doctrine that in criminal cases, the quantum of proof required is proof beyond reasonable doubt. Hence, there must be clear proof of service.

This requirement cannot be taken lightly because Section 2 provides for an opportunity for the drawer to effect full payment of the amount appearing on the check within five (5) banking days from notice of dishonor. The absence of notice therefore deprives an accused of an opportunity to preclude criminal prosecution. Due process demands that a notice of dishonor be actually served on petitioner.

The contention of the Solicitor General that notice is dispensable because the dishonor of the check was "Account Closed" and therefore petitioner already knew that the check will bounce anyway is without merit. (*Austria-Martinez, J., Elvira Yu Oh v. Court of Appeals and People*, G.R. No. 125297, June 6, 2003)

PHILIPPINE JUDICIAL ACADEMY ANTHEM

They ascend the dais
Our ministers of the law
At the Bench they preside
Our High Priests of Justice
To the plaint of all they must give ear
And to all who before them stand
They must render right and redress the wrong.

REFRAIN:

To imbue their hearts with a passion for justice
To set their souls ablaze with zeal for the law
To nurture them in the truth
To lead them in the path of peace
And to steel them in adversity
Thus we swear to serve at the
Philippine Judicial Academy.

Respect for the Law
In all they must impress
Confidence in its processes
They must in all inspire
With motives pure and conscience clear
Render justice as the law ordains
At the Supreme Court's Academy, this is our pledge.

SUPREME COURT

ADMINISTRATIVE ORDER NO. 136-2003

In the interest of an effective administration of justice and pursuant to Administrative Order No. 6 of this Court of 30 June 1975, the following trial court judges are hereby APPOINTED Executive Judges and Vice Executive Judges of their respective stations effective immediately and to continue until 31 December 2004, unless their appointments are sooner revoked or otherwise extended by the Court.

METROPOLITAN TRIAL COURT

MANILA

Hon. Myra Garcia Fernandez
Executive Judge
Hon. Nina Antonio Valenzuela
1st Vice Executive Judge
Hon. Tingaraan U. Guiling
2nd Vice Executive Judge
Hon. Crispin B. Bravo
3rd Vice Executive Judge

PASAY CITY

Hon. Zenaida G. Laguilles
Executive Judge
Hon. Normando T. Garcia
Vice Executive Judge

30 day of September 2003.

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

(Sgd.) JOSUE N. BELLOSILLO
Chairman, Second Division

(Sgd.) REYNATO S. PUNO
Chairman, Third Division

(per AM. No. 99-12-08-SC)

MEMORANDUM ORDER NO. 49 -2003

ENJOINING THE USE OF BUNDY CLOCK IN ALL COURTS

WHEREAS, by the mandate of the Constitution, a public office is a public trust, and so all government officials and employees must at all times be accountable to the people and exercise utmost responsibility, integrity, loyalty and efficiency;

WHEREAS, government officials and employees must give every minute of their prescribed official time in the service to the public and must work for every centavo paid to them by the government;

WHEREAS, the Chief Justice has issued circulars directing court officials and employees to strictly observe official time (Adm. Circular No. 1-99); imposing disciplinary sanction for absenteeism and tardiness (Adm. Circular No. 2-99); and reiterating the Civil Service Commission's policy on habitual absenteeism (Adm. Circular No. 14-2002);

WHEREAS, some courts are now using bundy clocks for the personnel to ensure that their official time is properly observed and that tardiness, early departure, and absences are faithfully recorded;

WHEREAS, the usual complaint of the personnel in courts with bundy clocks is the perception of unfairness vis-a-vis those in courts without bundy clocks and which rely solely on daily time records and logbooks where entries may be easily manipulated by those who come late or go home early or are absent;

WHEREAS, in light of the constitutional mandate and circulars, as well as the demand of justice and fairness to personnel of courts now using bundy clocks, all other courts must be required to use bundy clocks.

NOW, THEREFORE, effective on the first day of February 2004, all courts which are not presently using bundy clocks are hereby required to use bundy clocks. For this purpose, the Procurement Planning Committee and the Bids and Awards Committee must forthwith take the necessary steps for the acquisition of bundy clocks.

To expedite such acquisition, all judges of the lower courts are hereby directed to inform the Court Administrator not later than 20 December 2003 by telegram or other fast means of communication whether they are presently using bundy clocks.

Upon the effectivity of this Memorandum Order, all lower courts personnel holding the rank below that of a judge must use the bundy clock.

The Court Administrator, with the assistance of the Deputy Court Administrators and Assistant Court Administrators, shall be responsible in implementing this Memorandum Order.

This Memorandum Order shall take effect upon its issuance.

Issued this 1st day of December 2003.

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

SUPREME COURT**ADMINISTRATIVE MATTER No. 03-03-18-SC
FIXING THE LIFETIME OF BONDS IN CIVIL
ACTIONS OR PROCEEDINGS.**

WHEREAS, in civil actions or proceedings the filing of bonds may be required, inter alia, (a) before a writ (e.g., writ of attachment, injunction, or replevin) may be issued; (b) before a person (e.g., a guardian, receiver, executor, administrator, or trustee) may be allowed to perform his duties; or (c) before an execution of judgment pending appeal may be granted;

WHEREAS, the purposes of the bond in such cases are for, among other things, the protection of the rights and interests of the parties which may be affected by the grant of the writ, by the action of the person authorized to perform certain duties, or by the execution of judgment pending appeal;

WHEREAS, there have been instances that motions or claims filed against the bonds could not prosper for the reason that the bond had long ceased to be effective either because the premiums thereon had not been paid by the party who/which obtained the bonds, or the bonding company was no longer in business at the time;

WHEREAS, measures should be adopted to ensure that the liability on the bonds must be continuing until the final resolution or disposition of the action or proceedings or any incident therein in connection with which the bonds were issued.

NOW, THEREFORE, the Court hereby **RESOLVES** that

1. Unless and until the court directs otherwise, the lifetime or duration of the effectivity of any bond issued in civil actions or proceedings or in any incident therein shall be from its approval by the court until the action or proceedings is finally decided, resolved, or terminated. This condition must be incorporated in the contract or agreement between the party who procured the bond and the surety or bonding company and which contract or agreement shall be submitted to the court for approval. The same condition shall be deemed incorporated in the contract or agreement and shall bind the parties notwithstanding their failure to expressly state the same in the said contract or agreement.

2. The surety or bonding company shall notify the court concerned and the parties to the action or proceedings of any act, event, or circumstances that may affect its business or operations, such as corporate rehabilitation; amendment of its articles of incorporation that shortens corporate lifetime, bankruptcy; insolvency; or issuance of writs of execution, attachment, or garnishment against it. The notice, which shall be given within ten (10) days from the occurrence of the act, event, or circumstance, shall have as attachments thereto, certified true copies or authenticated documents evidencing the same act, event, or circumstance.
3. Upon the effectivity of this Resolution, no surety bond shall be approved by the court unless it complies with the conditions set forth herein.

This Resolution shall take effect on the first day of September 2003, following its publication in a newspaper of general circulation not later than 15 August 2003.

Promulgated this 5th day of August 2003.

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

OCA CIRCULAR NO. 170-2003
(continued from page 15)

5. A separate set of booklets of official receipts and cash books shall be exclusively used for SAJJ Fund for record and control purposes;
6. A separate Monthly Report shall likewise be submitted to the Chief Accountant, Office of the Court Administrator, every 10th day of the month, together with the duplicate copy of the official receipts issued and the validated copy of the deposit slips.

Strict compliance is hereby enjoined.

This Circular shall take effect immediately.

December 2, 2003

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

OFFICE OF THE COURT ADMINISTRATOR**OCA CIRCULAR NO. 170-2003**

To: All Clerks of Courts, Officer-in-Charge in the Office of the Clerks of Courts of the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Circuit Trial Courts, Municipal Trial Courts and the Shari'a Circuit Courts.

Subject: Remittance of Collections of Original Legal Fees under Rule 141 of the Rules of Court, As Amended.

The amount necessary to implement the Special Allowance, as provided for in Section 3 of Republic Act No. 9227, "shall be sourced from, and charged against, the legal fees originally prescribed, imposed and collected under Rule 141 of the Rules of Court prior to the promulgation of the Amendments under Presidential Decree No. 1949, dated July 18, 1984."

For that purpose, the following guidelines are hereby prescribed:

1. All Clerks of Courts or Officers-in-Charge in the Office of the Clerk of Court, shall stop remitting to the National Treasury all collections of original legal fees previously deposited to the account of the General Fund;
2. Henceforth, Clerks of Court or Officers-in-Charge in the Office of the Clerk of Court shall remit their collections of original legal fees to a separate account under the name of:

"Special Allowance for Justices and Judges Fund or SAJJ Fund"

 with the Landbank of the Philippines, under Savings Account No. 0591-1744-28;
3. The income or interest earned from said fund shall form part of the SAJJ Fund;
4. In localities where there are no branches of the Landbank of the Philippines, the collections for the original legal fees shall be remitted by way of Postal Money Order (PMO) payable to the Chief, Fiscal Management and Budget Office, Supreme Court;

(Continued on page 14)

OCA CIRCULAR NO. 172-2003

To: ALL JUDGES AND CLERKS OF COURT

Subject: NOTICE REQUIREMENT IN THE GIVING OF UNSATISFACTORY AND POOR PERFORMANCE RATING

Section 2.2, Rule XII of the Omnibus Rules on Appointments and Other Personnel Actions (CSC MC Number 40, Series 1998) provides that an official or employee, who is given two (2) consecutive "Unsatisfactory" ratings or who for one evaluation period is rated "Poor" in performance, may be dropped from the rolls after due notice. In order to establish a procedure on the said notice requirement, the following guidelines shall be observed:

1. IN CASE OF UNSATISFACTORY PERFORMANCE RATING

1.1 Notice must be:

- 1.1.1 In writing;
- 1.1.2 Issued by the supervisor (rater);
- 1.1.3 Served upon the official or employee concerned not less than thirty (30) days from the end of the semester;
- 1.1.4 Insufficient as to contain the following:
 - 1.1.4.1 Information that the official or employee concerned had unsatisfactory performance for a semester;
 - 1.1.4.2 Warning that failure to improve his performance within the remaining period of the semester shall warrant his separation from the service; and
 - 1.1.4.3 Information which shall enable the employee to prepare an explanation.

- 1.2 If in the next succeeding semester the official or employee concerned failed to improve and was given "Unsatisfactory" rating, the Presiding Judge/Executive Judge shall inform the Office of the Court Administrator of the matter with his recommendation on whether or not the said official or employee

(Continued on page 9)

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

PRESIDING JUDGE

2004 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
January 7 to 8	Special Focus Seminar for Heinous Crimes Courts (Batch II)	PHILJA Devt. Center, Tagaytay City
January 7 to 8	Career Enhancement Program for Attorneys of SC and CA	Manila Pavilion Hotel
January 14 to 16	4th Regional JCEP (Level 3) for Region I	Elegant Hotel, Baguio City
January 22 to 23	Special Focus Seminar for Heinous Crimes Courts (Batch III)	PHILJA Devt. Center, Tagaytay City
January 26 to February 6	Orientation for Newly-Appointed Judges	PHILJA Devt. Center, Tagaytay City
February 1 to 5	Skills Enhancement on Case Management for Family Court Social Workers	Pearl Manila Hotel
February 5 to 6 (<i>ten.</i>)	Special Focus Seminar for Commercial Courts	PHILJA Devt. Center, Tagaytay City
February 12 to 13 (<i>ten.</i>)	Career Enhancement Program for Special Tax Courts	to be announced
February 19 to 20 (<i>ten.</i>)	Special Focus Seminar for CARL Courts	to be announced
February 25 to 27	5th Regional JCEP (Level 3) for Region IX	to be announced

Chancellor, Philippine Judicial Academy
Justice Ameurfina A. Melencio Herrera

Editor-in-Chief
Professor Sedfrey M. Candelaria

Doctrines and Issuances
Atty. Orlando B. Cariño

Features and News
Melanie H. Perez
Blythe M. Lumague

Circulation and Production
Queency M. Sara

Layout and Design
Armida M. Salazar

Printing
Emmanuel C. Ignacio