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GUIDELINES ON THE SELECTION AND APPOINTMENT OF EXECUTIVE JUDGES AND DEFINING THEIR POWERS, PREROGATIVES, AND DUTIES



Republic of the Philippines
Supreme Court
Manila

Gentlemen:

Quoted hereunder, for your information, is a resolution of the Court En Banc, dated 27 January 2004.

"A.M. No. 03-8-02-SC- Re: Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties. - The Court Resolved to APPROVE the Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties, to wit:

GUIDELINES ON THE SELECTION AND DESIGNATION OF EXECUTIVE JUDGES AND DEFINING THEIR POWERS, PREROGATIVES, AND DUTIES

Chapter I. The Executive Judge

SECTION 1. *The Executive Judge.* - The Executive Judge shall take charge of the administrative work of the Supreme Court in all first and second level courts. The Executive Judge derives his/her powers and prerogatives through delegation by the Supreme Court.

Chapter II. Executive Judges for the First and Second Level Courts

SECTION 1. *Designation of Executive and Vice-Executive Judges; Regional Trial Courts (RTCs).* -

- (a) In stations where there is only a single RTC branch, the Presiding Judge thereof shall automatically be the Executive Judge of the first level courts within his administrative area.
- (b) In stations where there are more than two (2) RTC branches, the Supreme Court or whoever it may authorize to do so, shall select and designate Executive Judges and Vice-Executive Judges on the basis of administrative qualifications, experience, ability, and seniority in the station, unless otherwise provided herein.

Any judge who has been found guilty in an administrative case shall be disqualified from designation as either Executive Judge or Vice-Executive Judge within a period of four (4) years after his receipt of a copy of the decision or resolution in the administrative case.

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- (c) The Executive Judges of multiple-branch RTCs shall act as Executive Judges of single-branch Metropolitan Trial Courts (MeTCs) and Municipal Trial Courts in Cities (MTCCs), as well as of all Municipal Trial Courts (MTCs) and Municipal Circuit Trial Courts (MCTCs) within their respective administrative areas.

SEC. 2. *Number of Vice-Executive Judges; Regional Trial Courts.* -Vice-Executive Judges shall be designated to multiple-branch RTCs in accordance with the following rules:

- (a) RTCs with three (3) to ten (10) branches shall have one (1) Vice-Executive Judge;
- (b) RTCs with eleven (11) to twenty-one (21) branches shall have two (2) Vice-Executive Judges; and
- (c) RTCs with twenty-two (22) branches or more shall have three (3) Vice-Executive Judges.

RTCs with only two (2) branches shall have no Vice-Executive Judge.

SEC. 3. *Acting Executive Judge; Absence of RTC Executive Judge.* - Whenever the Executive Judge is on official leave of absence or is not physically present in the station, the following shall automatically act as Executive Judge:

- (a) In single-branch RTC stations, the Executive Judge of the RTC of the nearest station in the province.
In case there is only one (1) RTC judge in the province, the Executive Judge of the nearest RTC station as determined in Annex "A" of these Guidelines.
- (b) In two-branch stations, the remaining judge in the station, and in default of both for the same reasons, the Executive Judge of the same level of the court in the nearest station in the province. The RTC of the nearest station in the province shall be determined in accordance with Annex "A" of these Guidelines.
- (c) In multiple-branch stations with three (3) or more branches, the 1st Vice-Executive Judge, and in default for the same reasons, the 2nd Vice-Executive Judge, shall act as Executive Judge. In default of these three (3) judges for the same reasons, as above-mentioned, the 3rd Vice-Executive Judge shall act as Executive Judge.

Whenever the Executive Judge and all the Vice-Executive Judges are on official leave of absence or are not physically present in the station, the judge who is the most senior in tenure among the permanent judges in the station shall automatically act as Executive Judge. Should there be two (2) or more judges of equal seniority in the station, the judge who is the most senior in the judiciary shall act as Executive Judge. Should there be two (2) or more judge of equal seniority in the judiciary, the judge who is the most senior in age in the station shall act as Executive Judge.

In all the above instances, the Acting Executive Judge shall so act until the Executive Judge returns or until the detail by the Supreme Court of another judge who will act as Executive Judge.

SEC. 4. *Executive Judges of Groups of Single-Branch RTCs.* - The Executive Judge of a multiple-branch RTC may be designated by the Supreme Court to act as Executive Judge of a grouping of single-branch RTCs. The Executive Judge so designated shall have the same powers, prerogatives, and duties as the Executive Judges mentioned in Section I of this Chapter over the single-branch RTCs comprising the grouping determined by the Supreme Court. However, the Presiding Judges of the single-branch RTCs shall continue to be the Executive Judges of the first level courts within their respective administrative areas.

SEC. 5. *Executive Judges of Shari'a District Courts.* - The Presiding Judge of a Shari'a District Court shall automatically be the Executive Judge thereof. He shall serve as Executive Judge of the Shari'a Circuit Courts within his district.

SEC. 6. *Executive Judges of Multiple-Branch Metropolitan Trial Courts (MeTCs) and Municipal Trial Courts in Cities (MTCCs).* -Multiple-branch MeTCs and MTCCs shall have their own Executive Judges and Vice-Executive Judges who shall be designated and shall discharge their duties in accordance with the pertinent provisions of these Guidelines. In MeTCs and MTCCs with only two (2) branches, only an Executive Judge shall be designated.

SEC. 7. Number of Vice-Executive Judges in MeTCs and MTCCs. - Vice-Executive Judges shall be appointed to multiple-branch MeTCs and MTCCs in accordance with the following rules:

- (a) MeTCs and MTCCs with three (3) to ten (10) branches shall have one (1) Vice -Executive Judge;
- (b) MeTCs and MTCCs with eleven (11) to twenty-one (21) branches shall have two (2) Vice-Executive Judges; and
- (c) MeTC and MTCCs with twenty-two (22) branches or more shall have three (3) Vice-Executive Judges.

However, no Vice-Executive Judge shall be designated in MeTCs and MTCCs with only two (2) branches.

Chapter III. Common Provisions

SECTION 1. Term of Office of Executive Judges and Vice-Executive Judges. - The Executive Judges and Vice-Executive Judges shall serve for a term of two (2) years, unless their designations are revoked earlier by the Supreme Court. They may subsequently be re-designated to the same positions.

SEC. 2. Vice-Executive Judges; Succession to Position of Executive Judge. - Unless the Supreme Court designates another judge as Executive Judge, the following shall automatically become the Executive Judge in case of the death, retirement, permanent disability, removal from office, the imposition of administrative penalty as provided for in Section 5 of this Chapter, resignation, or expiration of the term of office of the Executive Judge:

- (a) The Vice-Executive Judge in stations with only one (1) Vice-Executive Judge.
- (b) The 1st Vice-Executive Judge in stations with two (2) or more Vice-Executive Judges. Should the 1st Vice-Executive Judge become the Executive Judge pursuant to this Section, the 2nd Vice-Executive Judge shall, in turn, also automatically become the 1st Vice-Executive Judge, and so on, unless the Supreme Court appoints other judges as 1st, 2nd, or 3rd Vice-Executive Judges.

SEC. 3. Entitlement to Expense Allowances. - All Executive Judges shall be entitled to an expense allowance at the rates prescribed in Section 4 of this Chapter. Any Vice-Executive Judge, who acts as Executive Judge whenever the latter is on official leave of absence or is not physically present in the station, shall be entitled to the expense allowances of the Executive Judge corresponding to the period when he/she served as Acting Executive Judge.

SEC. 4. Rates of expense allowances. - Executive Judges shall each be entitled to monthly expense allowances at the following rates:

- (a) RTCs:
 - (1) Executive Judges of courts with forty (40) or more branches - P4,000.00;
 - (2) Executive Judges of courts with twenty (20) or more, but less than forty (40) branches - P3,000.00;
 - (3) Executive Judges of courts with ten (10) or more, but less than twenty (20) branches - P2,250.00;
 - (4) Executive Judges of courts with two (2) or more, but less than ten (10) branches - P1,500.00; and
 - (5) Executive Judges of single-branch courts - P1,000.00
- (b) Shari'a District Courts: Executive Judges of Shari' a District Courts - P 1,000.00
- (c) MeTCs and MTCCs:
 - (1) Executive Judges of courts with twenty (20) or more branches - P2,250.00;
 - (2) Executive Judges of courts with ten (10) or more, but less than twenty (20) branches - P1,500.00; and
 - (3) Executive Judges of courts with two (2) or more, but less than ten (10) branches - P1,000.00;

The Chief Justice may, from time to time as the needs arise, review the rules herein prescribed and increase them.

SEC. 5. *Effect of Administrative Penalty.* - The imposition upon an Executive Judge or Vice-Executive Judge of an administrative penalty of at least a reprimand shall automatically operate to divest him of his position as such.

Chapter IV. General Powers, Prerogatives, and Duties of Executive Judges

SECTION 1. *Executive Judges; General Powers, Prerogatives, and Duties.* - Executive Judges shall, within their respective area of administrative supervision:

- (a) Provide leadership in, and coordinate with the management of the first and second level courts;
- (b) Exercise supervision over the judges and personnel;
- (c) Balance the workload among the courts and maintain equitable distribution of cases in accordance with relevant existing issuances;
- (d) Recommend and implement policies concerning court operations;
- (e) Identify, address, and resolve problems in court administration, which do not require any intervention by the Supreme Court or the Court Administrator;
- (f) Direct, through the Clerk of Court, the undertaking of staff support activities to improve judiciary services in accordance with relevant existing issuances;
- (g) Initiate, propose, and supervise the implementation of professional development programs for judicial personnel that the Philippine Judicial Academy, in coordination with the Office of the Court Administrator, may undertake;
- (h) Exercise such other powers and prerogatives as may be necessary or incidental to the performance of their functions in relation to court administration; and
- (i) Perform such other functions and duties as may be assigned by the Supreme Court or the Court Administrator.

Chapter V. Specific Powers, Prerogatives, and Duties of Executive Judges in Judicial Supervision

SECTION 1. *Designation of Judges of the First Level Courts to Try Cases.* -

- (a) The Executive Judge of the RTC shall have authority to designate a municipal judge within his/her area of administrative supervision to try cases of other courts of the first level within said area of administrative supervision in case of official leave of absence, inhibition, disqualification, or preventive suspension of the municipal judge concerned, or of permanent or temporary vacancy in the position. Such designation shall be effective immediately, unless revoked by the Supreme Court.

The Executive Judge shall furnish the Office of the Court Administrator with copies of the orders of designation effected under this Section within five (5) days from the date of such designation.

- (b) The Executive Judge of the RTC may recommend to the Supreme Court the assignment of judges of the MeTCs, MTCCs, MTCs and MCTCs to hear and determine cadastral or land registration cases in accordance with the provisions of Section 4 of Republic Act No. 7691, entitled "An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the " Judiciary Reorganization Act of 1980."

SEC. 2. *Raffle of Cases.* - All cases filed with the first and second level courts in stations with two (2) or more branches shall be assigned or distributed to the different branches by raffle. No case shall be assigned to any branch of a multiple-branch court without being raffled. Raffling of cases shall be regularly conducted at two o'clock in the afternoon (2:00 p.m.) every Monday and/or Thursday as warranted by the number of cases to be raffled.

SEC. 3. Supervision Over the Raffle of Cases; Creation of the Raffle Committee. - The Executive Judge shall constitute the Raffle Committee and shall personally supervise the raffling and assignment of cases. All members of the Raffle Committee must be personally present before the Committee can transact business. No delegation to any personnel shall be made by any of the member of the Raffle Committee.

- (a) In two-branch courts, the Raffle Committee shall be composed of the Executive Judge and the Presiding Judge of the other branch.
- (b) In multiple-branch courts, the Raffle Committee shall be composed of the Executive Judge, the Vice-Executive Judges, and two (2) other judges designated by the Executive Judge. The designation shall be effected strictly on rotation basis. Should any of the judges designated as member of the Raffle Committee be absent, his pairing judge shall personally attend the raffle.
- (c) In both instances, the Raffle Committee shall be assisted by the Clerk of Court and two (2) stenographers.

SEC. 4. Procedure in the Raffle of Cases. - The following procedure shall be observed in the conduct of the raffle of cases:

- (a) *Notice of day and hour of the raffle.* - Notice of the day and hour of the raffle shall be posted prominently:
 - (1) On the bulletin boards of the Hall of Justice or courthouse;
 - (2) At a conspicuous place at the main door of the session hall of the Executive Judge; and
 - (3) On the bulletin board of the Office of the Clerk of Court.
- (b) *Filing of Cases with the Office of the Clerk of Court.* - When a case is filed with the Office of the Clerk of Court, the date and time of filing, as well as the date/s and number/s of the official receipt/s for the legal fees paid, and the amount of such fees shall be indicated on the cover, as well as on the first page of the pleading, together with its assigned docket number. The docket number shall follow a sequential order corresponding to the date and time of the filing of the case. The docket number and the date/s and number/s of the official receipt/s for the legal fees paid, as well as the amount of the said fees, shall be entered in the Docket Record.

Upon its filing, the case shall be immediately encoded in the standby diskette prepared for cases to be raffled to avoid delay in the preparation of the raffle list.

- (c) *Listing of Cases.* - The cut-off period for the inclusion of cases in the list shall be twelve o'clock noon (12:00 nn) of the day of their filing to allow sufficient time for the preparation of a complete raffle list for posting and distribution of copies to all judges before the raffle. The Clerk of Court shall furnish each judge in the court with a copy of the raffle list at least thirty (30) minutes before the scheduled raffle.

The list of cases to be raffled shall be arranged according to the sequence of their docket numbers.

There shall be a list for criminal cases and another for civil cases.

The list of criminal cases shall first enumerate those exclusively cognizable by special courts designated as heinous crimes courts, followed by those cases cognizable by family courts, special courts for drug cases, special commercial courts, and other special courts in that order.

The list of civil cases shall first enumerate the cases cognizable by the courts designated as family courts, followed by those cognizable by special commercial courts, and other special courts.

The raffle list shall be prominently posted:

- (1) At the main entrance of the session hall of the Executive Judge; and
 - (2) On the bulletin board of the Office of the Clerk of Court.
- (d) *Conduct of the Raffle.* - The raffle shall be undertaken with the use of a roulette or a bingo *tambolo*; if the former is not available, in open court in the presence of lawyers and the public. The raffle shall be conducted at the lawyers' table, by the Executive Judge personally and with the attendance of the members of the Raffle Committee. Under no circumstance shall any raffle be made in chambers.

The members of the Raffle Committee shall each confirm in open court the branch to which a case is raffled before the next draw is made.

The two (2) stenographers shall record accurately the raffle proceedings and shall state in the minutes thereof, among other things, the names of all those required to be present and the parties attending, if any. The stenographers shall immediately, but not later than twenty-four (24) hours thereafter, transcribe, duly accomplish, and sign the minutes of the raffle proceedings.

- (e) *Indication of Case Assignment.* - Immediately after the raffle of each case, the Executive Judge shall indicate the particular branch to which the case is assigned, the same to be written in words and in figures on the upper left hand corner of the first page of the original complaint or information, and initialed by the Executive Judge and all members of the Raffle Committee.
- (f) *Verification of Accuracy of Assignment of Cases.* - Every judge sitting in the Raffle Committee shall then affix his initials on the upper left hand corner of the first page of the initial pleading, but only after a thorough verification of the accuracy of the assignment of the cases to the branches drawn in the raffle. The Executive Judge shall be the last to affix his initials as herein required and only after proper verification of the accuracy of the entries in the minutes.
- (g) *Review and Countercheck of Entries in the Minutes.* - Every judge sitting in the Raffle Committee shall review the entries in the minutes and countercheck them with his/her own entries in his/her list before signing on every page thereof. He/she shall not affix his/her signature thereon unless he/she has thoroughly verified the accuracy of the entries in the minutes.
- (h) *Immediate Distribution of Records of Raffled Cases.* - After the raffle, the Clerk of Court shall immediately distribute the case records to the branches to which the cases have been raffled.
- (i) *Posting and Distribution of Copies of the Minutes.* - A copy of the minutes of the raffle proceedings showing the case numbers and the branches to which they have been assigned, duly certified by the Executive Judge and signed by the members of the Raffle Committee, shall immediately be posted on the bulletin boards of the Executive Judge and the Clerk of Court. Each branch of the court shall be furnished with copies of the minutes. A copy of the minutes shall also be sent to the Court Management Office of the Office of the Court Administrator.

SEC. 5. Exclusion of Vacant Branches from Raffle. - All vacant branches without regular judges shall be excluded from the raffle. However, once the vacancies are filled, the Executive Judge shall ensure that newly-filed cases shall be raffled to all the branches on a 6:2:1 ratio as follows: six (6) newly-filed cases to each of the newly-filled branches; two (2) newly-filed cases to the existing branch or branches; and one (1) newly-filed case to the branch of the Executive Judge, until such time when the newly-filled branches in the station shall have been assigned such number of cases as will be equivalent to the number of cases raffled to the other branches during the period of vacancy.

SEC. 6. Special Raffle and Action on Urgent Matters. - As a rule, there shall be no special raffle of any case except in petitions for the writ of habeas corpus, application for bail in cases where the complaint or information has not yet been filed with the court, applications for the issuance of a Temporary Restraining Order (TRO), cases involving foreign tourists, cases with motions for special raffle accompanied by a motion for reduction of bail, and applications for the issuance of search warrants subject to the provisions of Section 11 of this Chapter.

The special raffle shall be conducted upon the written application of a party. A certification granting or denying the application and citing the reason/s therefor shall be issued accordingly. Such certification shall be attached to the record of the case or expediente immediately after the initial pleading, and shall form part of the record of the case. For expediency, the Executive Judge shall be allowed to write his action on the application if there are no other reasons aside from those mentioned in the application.

If the application is granted, the special raffle shall be held in the session hall of the Executive Judge in the presence of the members of the Raffle Committee scheduled to sit on the date of raffle, or, if not available, the members of the Raffle Committee of the next regular raffle. The phrase "special raffle" shall be written on the upper left-hand corner of the complaint or information in the same manner provided for in Section 4 (e) and (f)

of this Chapter. A certification to the effect that a special raffle was duly held and that the case was assigned to the branch drawn in the process shall be issued and signed by all the members of the Raffle Committee.

The date and time of the raffle shall be written on the front cover of the record of the case or *expediente* and on the first page of the initial pleading, and signed by the members of the Raffle Committee.

In the preparation of the list of cases to be included in the next regular raffle, the Clerk of Court shall include the cases especially raffled prior to the scheduled regular raffle, indicating therein the branch to which these cases have been assigned. Except as stated above, all other procedures outlined above shall be observed.

If the application for special raffle is denied, the case shall be included in the list of cases for the next regular raffle.

SEC. 7. Raffle of Cases Involving the Issuance of Temporary Restraining Orders (TRO). - When an application for a TRO is included in a complaint or any initiatory pleading, the case, if filed in a multiple-branch court, shall be raffled only after notice to the adverse party. Such notice shall be preceded, or contemporaneously accompanied, by service of summons, together with a copy of the complaint or initiatory pleading and the applicant's affidavit, upon the adverse party in the Philippines.

However, where the summons could not be served personally or by substituted service despite diligent efforts, or the adverse party is a resident of the Philippines, but is temporarily absent therefrom, or is a non-resident thereof, the requirement of prior or contemporaneous service of summons shall not apply.

The application for a TRO shall be acted upon only after all parties have been given the opportunity to be heard in a summary hearing conducted within twenty-four (24) hours after the sheriff's return of service and/or the records are received by the branch selected by raffle. The records shall be transmitted immediately after raffle to the branch involved.

Should the matter be of extreme urgency and the applicant will suffer grave injustice and irreparable injury, the Executive Judge of the multiple-branch court may issue *ex-parte* a TRO effective only for seventy-two (72) hours from issuance, but he/she shall immediately comply with the requirements as to service of summons and the documents to be served therewith and forthwith raffle the case in the presence of the parties. Thereafter, before the expiration of the seventy-two (72) hours, the Presiding Judge of the branch to which the case is assigned shall conduct a summary hearing to determine whether or not 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.

SEC. 8. Raffle and Re-assignment of Cases in Ordinary Courts Where Judge is Disqualified or Voluntarily Inhibits Himself/ Herself from Hearing the Case. -

- (a) Where a judge in a multiple-branch court is disqualified or voluntarily inhibits himself/herself, the records shall be returned to the Executive Judge and the latter shall cause the inclusion of the said case in the next regular raffle for re-assignment. A newly-filed case shall be assigned by raffle to the disqualified or inhibiting judge to replace the case so removed from his/her court.
- (b) Where the judge in a single-branch first level court is disqualified or voluntarily inhibits himself/herself, the Order of Inhibition shall be forwarded to the Executive Judge who shall, by raffle, designate another judge within his/her area of administrative supervision to hear and decide the case, taking into consideration the accessibility of the courts involved. The Executive Judge shall immediately furnish the Court Administrator with a copy of the designation within five (5) days from the issuance thereof.
- (c) Where the judge in a single-branch RTC is disqualified or voluntarily inhibits himself/herself, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case. The determination of the pairing judge shall be in accordance with Annex "A" hereof.

Where the pairing judge who sits in a single-branch RTC is also disqualified or voluntarily inhibits himself/herself, the matter shall be referred by the Clerk of Court to the Executive Judge of the nearest multiple

-branch RTC in accordance with Annex "A," or, in his/her absence, to the Vice-Executive Judge thereof for assignment by raffle among the judges in the station. The Clerk of Court shall immediately furnish the Court Administrator with a copy of the said referral within five (5) days from release thereof.

SEC. 9. Raffle and Re-assignment of Cases in Special Courts Where Judge is Disqualified or Voluntarily Inhibits Himself/ Herself from Hearing the Case. -

(a) Where a judge in a court designated to try and decide –

- (1) Cases falling within the jurisdiction of family courts;
- (2) Criminal cases involving heinous crimes;
- (3) Cases involving violations of the Dangerous Drugs Act; or
- (4) Cases falling within the jurisdiction of special commercial courts;

is disqualified or voluntarily inhibits himself/herself from hearing a case, the following guidelines shall be observed:

- (i) Where there is only one (1) special court in the station, the pairing system for multiple-branch stations subject of Circular No.7, dated 23 September 1974, as amended, shall apply; and
 - (ii) Where there are more than two (2) special courts of the same nature in the station, the Executive Judge shall immediately assign the case by raffle to the other or another special court of the same nature. In case the Presiding Judge of the other special court is also disqualified or inhibits himself/herself, the case shall be forwarded to the pairing judge of the special court, which originally handled the said case. If the pairing judge is also disqualified or inhibits himself/herself, the case shall be raffled to the other regular courts. At the next raffle, an additional case shall be assigned to the disqualified or inhibiting judge/s to replace the case so removed from his/her/their court.
- (b) In case of consolidation of cases to a branch, the cases transferred shall be replaced only by means of raffle.

SEC. 10. Issuance of Search Warrants in Ordinary Criminal Cases. - All applications for search warrants, if filed with the Executive Judge, shall be assigned by raffle to a judge within his area of administrative supervision, under whose direction the search warrant shall be issued for the search and seizure of personal property. After the application shall have been raffled and transmitted to a branch, the Judge assigned to conduct the examination of the complainant and witnesses shall immediately act on the same, bearing in mind that time and confidentiality of information are important considerations in the issuance of search warrants.

Raffling shall be strictly enforced, except only in cases where an application for search warrant is filed directly with any judge in whose jurisdiction the place to be searched is located, after office hours or during Saturdays, Sundays, and legal holidays, in which case the applicant shall be required to certify under oath the urgency of the issuance thereof after office hours, or during Saturdays, Sundays, or legal holidays.

SEC. 11. Issuance of Search Warrants in Special Criminal Cases Filed with Multiple -Branch Courts. - All applications for search warrants in criminal cases relating to crimes against public order as defined by the provisions of Chapters I to VII, Title Three, Book Two of the Revised Penal Code, as amended, illegal possession of firearms and ammunitions, violations of the Comprehensive Dangerous Drugs Act of 2002 and such similar laws as may subsequently be enacted and deemed by the Supreme Court as included herein, shall no longer be raffled and shall immediately be taken cognizance of and acted upon by the Executive Judges of multiple -branch RTCs, MeTCs, and MTCCs, under whose jurisdiction the place to be searched is located. For expediency, the Executive Judge may assign on rotation basis the Vice-Executive Judges to take cognizance of and act on such applications.

The provisions of this Section shall apply only to cases falling within the respective jurisdictions of the aforementioned courts.

Whenever the Executive Judge is on official leave of absence or is not physically present in the station, the Vice-Executive Judge shall take cognizance of and personally act on the applications for search warrants.

Whenever the Executive Judge and the Vice-Executive Judge/s are on official leave of absence or are not physically present in the station, the application may be taken cognizance of and acted upon by the judge who is the most senior in tenure among the permanent judges in the station. If there are two (2) or more Judges of equal seniority in tenure, the application may be acted upon by the judge who is the most senior in the judiciary. If there are two (2) or more judges of equal seniority in the judiciary, the application may be acted upon by the judge who is the most senior in age in the station.

SEC. 12. Issuance of Search Warrants in Special Criminal Cases by the Regional Trial Courts of Manila and Quezon City. - The Executive Judges, and whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the RTCs of Manila and Quezon City shall have authority to act on applications filed by the National Bureau of Investigation (NBI), the Philippine National Police (PNP), and the Anti-Crime Task Force (ACTAF), for search warrants involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Intellectual Property Code, the Anti-Money Laundering Act of 2001, the Tariff and Customs Code, as amended, and other relevant laws that may hereafter be enacted by Congress, and included herein by the Supreme Court.

The applications shall be personally endorsed by the heads of such agencies and shall particularly describe therein the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court. The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served in places outside the territorial jurisdiction of the said courts.

The Executive Judges and the authorized judges shall keep a special docket book listing the names of judges to whom the applications are assigned, the details of the applications, and the results of the searches and seizures made pursuant to the warrants issued.

This Section shall be an exception to Section 2 of Rule 126 of the Rules of Court.

SEC. 13. Assignment and Raffling of Cases to Newly-Created and -Organized Branches. -

- (a) Whenever a branch has been created, organized, and added to the court in a station, the Executive Judge shall see to it that only newly-filed cases are raffled to the said branch. There shall be unloading of previously raffled cases to these newly-created branches.
- (b) Whenever two (2) or more branches have been created, organized, and added to the court in a station, the Executive Judge shall ensure that the newly-filed cases shall be raffled on a 6:2: 1 ratio, as follows: six (6) newly-filed cases to the newly created and organized branches; two (2) newly-filed cases to the existing branch or branches; and one (1) newly-filed case to the branch of the Executive Judge, until such time when the number of cases raffled to each branch in the station shall have reached the average caseload of each branch. The Executive Judge shall determine the average caseload of each branch by dividing the total number of cases pending in the station by the number of branches thereat, including those newly-created and organized.

The Court Administrator shall prescribe a separate procedure for stations with unusually heavy caseloads.

SEC. 14. Action on Petitions for Bail and Other Urgent Matters on Saturdays, Sundays, Official Holidays, and Special Days. - The Executive Judges of the MeTCs and MTCCs with multiple branches shall assign, by rotation, the judges of the said branches to report for duty on Saturdays from eight o'clock in the morning (8:00 a.m.) to one o'clock in the afternoon (1:00 p.m.), assisted by a skeletal force of the personnel, also on rotation, primarily to act on petitions for bail and other urgent matters.

The Executive Judges shall act on petitions for bail and other urgent matters on Saturday afternoons after one o'clock in the afternoon (1:00 p.m.), Sundays, official holidays and special days. Should bail be granted and the applicant deposits cash as bail, the Executive Judge shall acknowledge in writing and issue a temporary receipt therefor and shall remit immediately the amount received to the Clerk of Court who shall issue the appropriate official receipt therefor on the next succeeding business day.

Executive Judges of the RTCs shall assign, by rotation, the judges of the MTCs in multiple-branch stations and MCTCs within their respective territorial areas to report for duty on Saturdays from eight o'clock in the

morning (8:00 a.m.) to one o'clock in the afternoon (1:00 p.m.), assisted by a skeletal force of the personnel also on rotation, primarily to act on petitions for bail and other urgent matters.

SEC. 15. Holding of Night Sessions in Cities and Municipalities Comprising Metro Manila and in Other Cities. - Upon the request of the local government unit concerned, the Executive Judges of the MeTCs or the MTCCs of the cities and municipalities comprising Metro Manila and of the cities of Baguio, Bacolod, Cagayan de Oro, Cebu, Davao, and Iloilo, may assign all judges to hold night court sessions daily from Monday to Friday and on official holidays and special days, from four-thirty in the afternoon (4:30 p.m.) to eleven o'clock in the evening (11:00 p.m.), on rotation basis, and in pairs of two (2), *i.e.*, Branches 1 and 2, 3 and 4, and so on.

In case of the absence or inability of the assigned judge, the Executive Judge shall designate a substitute judge to act in place of the absent judge. In such a case, the substitute judge need not report for duty at the time when his/her assigned schedule takes place. The absent judge shall report for duty in his/her stead.

- (a) The assignment under this Section shall not be limited to night-time apprehensions, but shall also to special cases enumerated in the Rule on Summary Procedure, as amended, which are raffled to them in such manner as will ensure an equitable caseload *vis-a-vis* the judges handling cases during regular hours. A rotation of night-time duty shall be made every six (6) months among all judges.
- (b) In situations of extreme urgency, the Executive Judge shall take immediate appropriate action on cases of offenders arrested after midnight or after the night session.
- (c) The Executive Judge shall assign to the night court, on rotation basis, a cashier or cash clerk to receive cash payments of court fees, fines and costs, deposits for cash bail bonds, and other related fees payable to the court.
- (d) To achieve maximum efficiency in the process, the Executive Judge may, in his/her sound judgment, call a meeting or dialogue with the responsible officials of the provincial or city prosecution office, the Chief of Police and representatives of other pillars of the criminal justice system to coordinate with the court so as to avoid delays in the proceedings.

SEC. 16. Duties of Executive Judges of the Regional Trial Courts of the Cities and Municipalities Comprising Metro Manila and in Other Cities. - The Executive Judges of the RTCs in the cities and municipalities comprising Metro Manila and in the cities of Baguio, Bacolod, Cagayan de Oro, Cebu, Davao, and Iloilo shall inform the field offices of the Philippine National Police (PNP) and the provincial or city prosecution offices within their jurisdiction of the following:

- (a) The provisions of Administrative Circular No. 2-99, dated 15 January 1999 (Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness), especially the assignment of judges on duty every Saturday and the court's duty to act on bailable offenses on Saturday afternoons, Sundays, and non-working holidays; and
- (b) The schedule of the branches of the MeTCs or MTCCs assigned to hold night sessions.

The Executive Judge shall also make representations with the PNP and local government units to ensure that appropriate security measures are adopted to protect judges and their staff assigned to hold night sessions.

SEC. 17. Authority to Act on Applications for Bail in Offenses Cognizable by the Sandiganbayan. - The Executive Judge of the RTC, where an information resulting from inquest investigations of offenses cognizable by the *Sandiganbayan* conducted by authorized prosecutors within their territorial jurisdiction has been filed, shall have authority to approve the application of the accused for bail, except in offenses punishable by death, *reclusion perpetua*, or life imprisonment, and to order his release from detention subject to further orders by the *Sandiganbayan*. This authority does not include the power to act on any motion for reduction of the amount of the bail recommended by the prosecutor.

Chapter VI. Judicial Audit

SECTION 1. *Judicial Audit and Physical Inventory of Cases.* – The Office of the Court Administrator (OCA) shall conduct periodic judicial audit of the first and second level courts. For this purpose, Executive Judges shall give the OCA utmost cooperation and support to ensure the success of the program.

The OCA may direct the Executive Judges concerned to provide support staff from personnel in their area of administrative supervision to the judicial audit team from the OCA.

Chapter VII. Specific Powers, Prerogatives and Duties of Executive Judges in Personnel Administration

SECTION 1. *Flag-Raising and Flag-Lowering Ceremonies.* - The Executive Judge shall supervise the holding of flag-raising and flag-lowering ceremonies in their respective Halls of Justice or courthouses in accordance with the provisions of Republic Act No. 8491, otherwise known as the “Flag and Heraldic Code of the Philippines,” and shall ensure the attendance of all judges and court personnel in these ceremonies. The Executive Judge shall see to it that the Judiciary Hymn is sung during the flag-raising ceremony. A report on the absentees in both ceremonies for every month shall be submitted to the Office of the Court Administrator within the first ten (10) days of the succeeding month.

SEC. 2. *Compliance of Court Employees with the Guidelines on the Wearing of the Prescribed Office Uniforms.* - The Executive Judge shall ensure that all court employees wear the prescribed uniforms in accordance with the schedule fixed by the Supreme Court. Non-wearing of office uniform shall be allowed only for special and very meritorious reasons. In multiple-branch courts, the Executive Judge shall constitute a Uniform Committee composed of three (3) members, with the Clerk of Court as Chairperson, which shall act on all requests for exemption from wearing the prescribed uniforms.

SEC. 3. *Report on Judges Absent from their Stations or Unable to Discharge Duties.* - The Executive Judge shall report immediately to the Court Administrator the judges absent from their respective stations who have not filed any application for leave or unable to discharge their duties for any cause, including, but not limited to, illness, injury, or disability.

The Vice-Executive Judge shall likewise immediately report to the Court Administrator should the Executive Judge go on leave without filing the appropriate application for leave.

SEC. 4. *Certification of Certificates of Service and Daily Time Records.* The Executive Judge shall certify to the correctness of:

- (a) The Certificates of Service prepared and submitted by clerks of court in the Offices of the Clerks of Court in the RTCs; and
- (b) The entries in the Daily Time Records/Bundy Cards of the employees in his/her court.

The Executive Judge shall ensure strict observance of office hours and session hours as required in pertinent Supreme Court issuances.

SEC. 5. *Recommendations for Appointment to Vacancies.* - The Executive Judge shall apprise the Supreme Court of vacancies and requirements for additional court personnel within his/her area of administrative supervision.

- (a) Recommendations for appointment to vacancies in the branch of a court shall be made by the Presiding Judge or the Acting Presiding Judge thereof, and submitted to or coursed through the Executive Judge for transmittal to the Office of Administrative Services (OAS) in the OCA, for consideration or deliberation by the Selection and Promotion Board for Lower Courts (SPB-LC).
- (b) Recommendations for appointment to vacancies in the Office of the Clerk of Court shall be made by the Executive Judge concerned. Executive Judges shall base their recommendation on merit and fitness as required in Section 32, Chapter 5, Subtitle A, Title 1, Book V of the Administrative Code of 1987 (Executive Order No. 292), Civil Service Commission Memorandum Circular No. 3, s. 2001, and the provisions of SC Administrative Circular No. 50-2001, entitled “Establishing the Merit Selection and Promotion Plan for the Lower Courts” (MSPP-LC).

- (c) In making recommendations to vacant positions, the Executive Judge shall also take into consideration the requirements under the Revised Qualification Standards of the Civil Service Commission. As much as possible, the recommendees must possess all the qualifications/requirements prescribed by law and/or civil service rules and regulations for the position to be filled up. In determining the relevance of the education and experience requirements, reference shall be made to the duties and responsibilities attached to the positions and the occupational groupings where they belong.
- (d) If there is more than one (1) applicant for any position and all have met the qualifications therefor the Presiding Judge or Executive Judge concerned shall recommend two (2) or more in the order of his preference.
- (e) The Executive Judge or the Presiding Judge/Acting Presiding Judge, as the case may be, shall forward to the OAS, OCA all other applications for appointment submitted before issuance of his/her office appointment for inclusion in the deliberations of the SPB-LC.
- (f) The Executive Judge or the Presiding Judge/Acting Presiding Judge shall not allow his/her recommendee to assume the duties of the position to which he/she has been recommended for appointment before the issuance of his/her appointment, except in meritorious cases endorsed by the Court Administrator and approved by the Chief Justice.

SEC. 6. Reassignment of Lower Court Personnel. -

- (a) Executive Judges of the RTCs shall continue to have authority to effect the following temporary assignments within his/her area of administrative supervision:
 - (1) Personnel of one branch to another branch of a multiple-branch court;
 - (2) Personnel of one branch of a multiple-branch court to the Office of the Clerk of Court;
 - (3) Personnel of a single-branch first level court to another single-branch first level court;
 - (4) Personnel of a single-branch first level court to a branch of a multiple-branch second level court.

Reassignments can be made only in case of vacancy in a position in a branch, or when the interest of the service so requires. In either case, the assignment shall be made only after consultation with the Presiding Judges of the branches concerned. In case of any disagreement, the matter shall be referred to the OCA for resolution.

- (b) Executive Judges of multiple-branch MeTCs and MTCCs shall have the authority to temporarily reassign personnel of one branch to another branch of the multiple-branch court within their respective areas of administrative supervision.
- (c) If requested by a judge or a court employee, a reassignment shall be allowed only for meritorious reasons or when the exigencies and the interest of the service require it. No request for reassignment for purely personal reasons shall be granted.
- (d) The reassignment of court employees shall be allowed only for a maximum period of one (1) year in the case of employees occupying professional and technical positions. In the case of other employees, reassignment beyond one (1) year may be allowed provided it is with the consent of the reassigned employee.
- (e) A request for reassignment shall include the specific reasons for the detail or reassignment sought. The request should also have the recommendation of:
 - (1) The Presiding Judge of the branch of the court to where the employee seeks to be reassigned; and
 - (2) The Presiding Judge of the branch of the court to which the employee requesting the reassignment belongs.
- (f) The Office of Administrative Services (OAS) and Financial Management Office (FMO) of the OCA shall be furnished with copies of all orders of reassignment within five (5) days from issuance thereof.

SEC. 7. Performance Evaluation System for Judges. - Executive Judges shall submit the performance rating for a six-month or semestral period, the first of which shall cover the period from 1 January to 30 June, and the second shall cover the period from 1 July to 31 December of the following judges, in accordance with the provisions of OCA Circular No. 29-2003, dated 21 March 2003:

- (a) Presiding Judges of multiple-branch RTCs within their area of administrative supervision;
- (b) Presiding Judges of single-branch RTCs identified by the Court Administrator;
- (c) Presiding Judges of multiple-branch MeTCs and MTCCs within their area of administrative supervision; and
- (d) Presiding Judges of the MTCs and MCTCs within their area of administrative supervision.

The rating for the first semestral period shall be made in July of the same year, while the rating for the second semestral period, in January of the succeeding year. Executive Judges shall submit the performance ratings of the judges for the first semestral period to the Office of the Court Administrator not later than 10 August of the same year; and those for the second semestral period, not later than 10 February of the succeeding year.

Vice-Executive Judges of multiple-branch courts may be assigned by the Executive Judges to assist in rating the performance of judges.

The performance of Executive Judges of the RTCs, MeTCs and MTCCs shall be rated by the Deputy Court Administrator who has supervision over their station.

SEC. 8. Performance Evaluation System for Court Personnel. - The Executive Judge shall ensure compliance with the performance evaluation system established for the personnel of lower courts. The Executive Judge shall require all Presiding Judges within his administrative supervision to submit the performance rating of all employees supervised by them as follows:

- (a) The performance rating of each employee for the first semester of the current year covering the period from 1 January to 30 June shall be submitted on or before 31 July of the same year; and
- (b) The performance rating for the second semester of the current year covering the period from 1 July to 31 December shall be submitted on or before 31 January of the following year.

SEC. 9. Performance Evaluation Review Committee. - The Executive Judge shall serve as Chairperson of the Performance Evaluation Review Committee (PERC) for the multiple-branch first and second level courts and Offices of the Clerk of Court.

SEC. 10. Grievance Committee for Lower Courts. - The Executive Judge shall organize the Grievance Committee for the Lower Courts (GCLC) in accordance with the pertinent Supreme Court issuances.

SEC. 11. Committee on Decorum and Investigation. - The Executive Judge shall constitute the Committee on Decorum and Investigation, which shall receive and inquire into sexual harassment complaints, in accordance with the procedures prescribed by relevant laws, rules, regulations, and issuances.

SEC. 12. Dissemination of Administrative Issuances and Monitoring Compliance Therewith. -

- (a) The Executive Judge shall be responsible for the distribution and dissemination of all administrative orders and circulars issued by the Supreme Court, the Chief Justice and the Office of the Court Administrator to all the judges within his/her area of administrative supervision. The Executive Judge shall submit to the Office of the Court Administrator a report on the distribution within ten (10) days from the date of dissemination. He shall attach to the report the proof of service, such as acknowledgment receipts of the copies thereof to the judges.
- (b) The Executive Judge shall monitor the implementation of the issuances by the courts within his/her area of administrative supervision. For this purpose, he/she may conduct dialogues with the Presiding Judges and examine court records and documents to determine whether or not the officials and employees of the courts have complied with the issuances.

SEC. 13. *Physical Inventory of Court Properties.* - Executive Judges shall supervise, within their respective area of administrative supervision, the conduct, by Clerks of Court and all accountable officers of the courts, of a physical inventory of properties assigned to their respective branches, offices, and libraries as of 31 December of every year, and the prompt accomplishment and submission of such inventory reports to the Property Division, Office of Administrative Services, Office of the Court Administrator, for compilation into a consolidated Inventory Report. The inventory reports shall be submitted on or before 31 January of the succeeding year.

SEC. 14. *Inventory Reports on Office Supplies and Official Forms.* - Executive Judges, with the assistance of their Clerks of Court, shall monitor the monthly accomplishment and submission by all clerks of court, branch clerks of court, and accountable officers of Inventory Report forms covering office supplies and official court forms to the Property Division, Office of Administrative Services, Office of the Court Administrator, within five (5) days after the end of every month, in accordance with OCA Circular No. 37-2002, dated 15 March 2002.

SEC. 15. *Witness to Sale of Disposed Court Records, Papers, and Exhibits.* - The Executive Judge or the Clerk of Court and the Resident Auditor of the lower courts shall be present during the conduct of the sale of disposed records, papers, and exhibits, in accordance with the prescribed procedure. If the sale is made in provincial courts, the Executive Judge and Clerk of Court shall be present during the conduct of the sale along with the representative of the Commission on Audit in the area.

SEC. 16. *Use of Court Libraries.* - The Executive Judge shall ensure strict compliance with the rules and guidelines on the use of court libraries as contained in Administrative Circular Nos. 14-99 and 37-2002, dated 30 September 1999 and 12 August 2002, respectively. These rules specify who are allowed to use court libraries and their facilities, borrowing privileges, available library materials, prohibited acts, and applicable penalties.

SEC. 17. *Halls of Justice and Courthouses.* - The Executive Judge shall determine if:

- (a) The Halls of Justice and courthouses are provided with adequate court facilities; and
- (b) The problems relating to their condition and maintenance, as well as of the janitorial and security services therein are attended to. The Executive Judge shall inform the Committee on the Halls of Justice, Supreme Court of the adequacy or inadequacy of the court facilities and the problems in the Halls of Justice and courthouses constructed and completed, repaired, or rehabilitated under the Justice System Infrastructure Program (JUSIP), as well as in court buildings donated by local government units to the Supreme Court. The local government officials concerned shall be apprised of the problems concerning the courthouses belonging to local government units.

SEC. 18. *Violations of Circular No. 9-98 on the Statutory Requirements for Marriage.* - Executive Judges shall cause the posting of copies of Circular No. 9-98 (Re: Observance of the Statutory Requirements for Marriages and the Prescribed Amounts of Fees for the Solemnization of Marriage) in conspicuous places in their respective courts and shall immediately report to the Court Administrator any violation of the provisions thereof.

Chapter VIII. ADMINISTRATIVE DISCIPLINE

SECTION. 1. *Disciplinary Jurisdiction Over Light Offenses.* - The Executive Judge shall have authority to act upon and investigate administrative complaints involving light offenses as defined under the Civil Service Law and Rules (Administrative Code of 1987), and the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), where the penalty is reprimand, suspension for not more than thirty (30) days, or a fine not exceeding thirty (30) days' salary, and as classified in pertinent Civil Service resolutions or issuances, filed by:

- (a) A judge against a court employee, except lawyers, who both work in the same station within the Executive Judge's area of administrative supervision; or
- (b) A court employee against another court employee, except lawyers, who both work in the same station within the Executive Judge's area of administrative supervision.

In the preceding instances, the Executive Judge shall conduct the necessary inquiry and submit to the Office of the Court Administrator the results thereof with a recommendation as to the action to be taken thereon, including the penalty to be imposed, if any, within thirty (30) days from termination of said inquiry. At his/her discretion, the Executive Judge may delegate the investigation of complaints involving light offenses to any of the Presiding Judges or court officials within his/her area of administrative supervision.

In the case of a complaint:

(a) filed against court employees who are lawyers, or

(b) filed by private complainants against court employees, lawyers and non-lawyers alike, the same shall be forwarded by the Executive Judge to the Office of the Court Administrator for appropriate action and disposition.

Administrative complaints involving light offenses filed against court officials who are members of the Philippine Bar shall be governed by the Resolution, dated 17 September 2002 of the Supreme Court *En Banc* in A.M. No. 02-9-02 SC, captioned as "Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the *Sandiganbayan*; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar."

SEC. 2. Employees Charged with Violation of Existing Laws on Graft and Corruption and Suspended Pursuant to Section 13, Republic Act No. 3019. - Executive Judges shall require judges within their areas of administrative jurisdiction to submit a list of employees criminally charged under a valid Information for violation of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, or under the provisions of the Revised Penal Code on bribery and related crimes, and who have been suspended pursuant to the provisions of Section 13 of Republic Act No. 3019. All judges shall submit the list, together with a copy of the suspension order and Information, to the Executive Judge who shall forthwith submit a report on each list submitted to him/her to the Office of the Court Administrator as soon as he/she receives the same.

Chapter IX. SPECIFIC POWERS, PREROGATIVES, AND DUTIES OF EXECUTIVE JUDGES ON FINANCIAL MANAGEMENT

SECTION 1. Release of Salary Checks. - Executive Judges of courts within Metro Manila may designate a liaison officer to receive all checks for his/her particular area of administrative supervision.

SEC. 2. Deposit and Reporting of Court Collections. - Executive Judges shall ensure that all collections pertaining to the Judiciary Development Fund (JDF) and the General Fund are promptly deposited in accordance with existing auditing and accounting rules and regulations and other Supreme Court issuances. They shall also ensure that monthly reports of all collections (JDF and General Fund) are made not later than the 10th day of each succeeding month. The report shall be in accordance with the provisions of Circular No. 47-97, issued on 28 July 1997, and Circular No. 32-93, issued on 28 May 1993.

SEC. 3. Account in Depository Bank and Signatory to Checks. - Executive Judges shall make sure that:

- (a) All collections are deposited under a savings account with the government depository bank; and
- (b) Deposits are made in the name of the court and not in the name of the Presiding Judge or Clerk of Court. Should a current account be opened, the Executive Judge shall make sure that a savings account is also maintained with automatic fund transfer arrangement. Executive Judges shall keep a record of the bank's name, branch, complete address, and the savings and current account numbers.

The Executive Judge shall always be a signatory to all checks issued by the Clerk of Court and to all bank slips for authorized withdrawals of any money or monies from the court.

SEC. 4. Monitoring of Court Collections. - Executive Judges shall designate the Clerk of Court or his assistant, if any, to monitor the collection, deposit, or remittance of all court collections of first level courts within his area of administrative supervision. The designated official shall ensure that collections of the first level courts concerned have been properly recorded and remitted to the appropriate accounts by the respective Clerks of Court of such courts.

The Executive Judge shall also ensure that only regular employees of the court who are duly bonded shall act as cash clerks or cashiers, or shall be authorized to receive payments of fees, fines, costs, bail bonds, and other related fees.

SEC. 5. *Review of Claims of Judges for Travel Expenses and Certification as to Necessity and Legality Thereof.* - Executive Judges shall review and approve the itinerary of travel and sign the certificate of travel completed by judges in support of their claims for travel expenses. In the certificate of travel completed, the Executive Judge shall certify that, on the basis of the evidence presented and on information of which he/she has knowledge, the travel was actually undertaken.

The Executive Judge shall also certify as to the necessity and legality of the claim involved. The Executive Judge shall sign in Box "A" of the disbursement vouchers containing the certification that the expenses incurred by the claimant were necessary, lawful, and incurred under his/her direct supervision.

SEC. 6. *Certification as to Necessity and Legality of Claims of Judges for Hardship and Additional Expense Allowances.* - Executive Judges shall certify as to the necessity and legality of claims of judges for hardship and additional expense allowances. The Executive Judge shall sign in Box "A" of the disbursement vouchers containing the certification that the expenses incurred by the claimant were necessary, lawful and incurred under his/her direct supervision.

SEC. 7. *Financial Audit of Court Collections.* - The Office of the Court Administrator may direct Executive Judges to conduct a financial audit of the collections of the Clerks of Court of the first level courts within their areas of administrative supervision and, possibly, Clerks of Court of single-branch RTCs outside their administrative supervision. For this purpose, Executive Judges shall coordinate with the Court Management Office of the Court Administrator so that appropriate support staff from that Office, which shall be under their supervision, may be provided to them.

The Office of the Court Administrator may likewise direct Executive Judges to provide support staff from among personnel within the areas of their administrative supervision to augment the financial audit team of the Court Management Office that conducts the said audit in any of the courts within their areas of administrative supervision.

Chapter X. MISCELLANEOUS FUNCTIONS

SECTION 1. *Extra-Judicial Foreclosure of Mortgage.* - Executive Judges shall ensure strict compliance by the Clerk of Court with the provisions of the Resolution, dated 14 December 1999 of the Supreme Court *En Banc*, in A.M. No. 99-10-05-0, as amended by the Resolutions dated 30 January 2001 and 7 August 2001, subject to Circular No. 1-2000 dated 3 January 2000, and Circular No. 7-2002 dated 22 January 2002, prescribing procedures in extra-judicial foreclosure of mortgages.

SEC. 2. *Visitation and Inspection of Local Jails and Prisoners.* -

- (a) Executive Judges shall undertake monthly visits to and inspection of provincial, city and municipal jails and/or detention centers, as well as their prisoners as required by the provisions of existing applicable laws, rules and regulations. They shall inquire into the prisoners' proper accommodation and health, and examine the condition of the jail facilities. They shall order the segregation of sexes and of minors from adults, ensure the observance of the right of detainees to confer privately with counsel, and strive to eliminate conditions inimical to the detainees.
- (b) The Executive Judge conducting inspections of provincial, city, and municipal jails and/or detention centers shall give particular attention to the treatment of minors in conflict with the law confined therein to determine compliance by such jails/detention centers with the provisions of the Child and Youth Welfare Code and with issuances of the Supreme Court.
- (c) Executive Judges shall visit and inspect, and ensure that Presiding Judges of the first and second level courts under their supervision shall also visit and inspect, at least once a month, detention prisoners whose cases are pending before their respective courts. They shall give special attention to the following conditions of these detainees:

- (1) The number of detainees in the jail with cases pending before their respective courts;
- (2) The condition of detention cells of such detainees including, but not limited to, provisions for the segregation of sexes and of minors from adult detainees or prisoners;
- (3) The observance of the right of the accused and counsel to conduct private interviews;
- (4) The prevention of harassment of lawyers, who are required to be photographed and fingerprinted during such interviews; and
- (5) The deterrence of practices disadvantageous to the subject detention prisoners.

Executive Judges shall ensure the submission by the Presiding Judges of their monthly reports of their jail visitation to the Court Administrator.

SEC. 3. *Inventory Report on Detention Prisoners.* -

- (a) Executive Judges shall see to the submission, on a quarterly basis, by the judges of the courts within their respective areas of administrative supervision, of periodic reports on detention prisoners to the Office of the Court Administrator. These reports shall be coursed by the judges through their respective Executive Judges. Executive Judges shall attest to the veracity of the data entered in these reports.
- b) Executive Judges shall seek the assistance of:
 - (1) The Department of the Interior and Local Government (DILG), which has jurisdiction over the Bureau of Jail Management and Penology; and
 - (2) The local government concerned, in requiring the jail warden to submit a regular inventory report of detained prisoners, preferably by branch, to all Executive Judges who have jurisdiction over the accused.
- (c) Executive Judges shall consolidate the reports on detention prisoners submitted by the courts within his/her area of administrative supervision and by the jail wardens, with his/her report on monthly jail visitation. Thereafter, all reports shall be submitted to the Office of the Court Administrator through the Court Management Office at the end of every quarter.

SEC. 4. *Appointment and Supervision of Notaries Public.* - Executive Judges shall act on all applications of and issue commissions to notaries public within their respective areas of administrative supervision, and shall compel observance of their duties as provided by law. They shall refrain from appointing non-lawyers as notaries public; subject, however, to certain exceptions as may be provided by law or by rules and issuances promulgated by the Supreme Court. Executive Judges shall see to it that before appointing, re-appointing, or renewing the commission of a notary public, he or she must not have been appointed as notary public elsewhere for the same term by any other Executive Judge.

- (a) Executive Judges shall require all lawyers applying for notarial commissions to state in their respective applications:
 - (i) The current IBP chapter to which they belong;
 - (ii) The receipt number of their up-to-date payment of IBP dues;
 - (iii) The number of their Professional Tax Receipt; and
 - (iv) The Roll of Attorney number, and that no such application shall be acted upon by the judge concerned unless the requirements shall have been complied with.
- (b) Executive Judges shall require lawyers appointed as notaries public to personally appear before them to take their oath before entering upon the discharge of their duties as such notaries public.
- (c) Executive Judges shall ensure that the authority of the notary public shall not extend beyond the limits of his/her jurisdiction.

- (d) Executive Judges shall monitor closely the activities of notaries public within their respective areas of administrative supervision. They shall keep themselves informed of the manner in which notaries public perform their duties by personal inspection wherever possible, or by requiring reports from these notaries public or from any other available source, and by any other legal means. Executive Judges may avail themselves of the assistance of the local chapters of the Integrated Bar of the Philippines within their respective jurisdictions.
- (e) Executive Judges shall see to it that notaries public render notarial services only in their respective offices, subject to the exceptional occasions or situations prescribed under the Resolution, dated 13 August 2002 of the Supreme Court *En Banc*, in A.M. No. 02-8-02-SC, on the "Rules Requiring Notaries Public to Hold Office at a Specific and Appropriate Address/Addresses."
- (f) Executive Judges may also impose appropriate administrative sanctions against erring notaries public, including, but not limited to, the non-renewal, withdrawal, revocation, or cancellation of their commissions.

SEC. 5. Accreditation of Newspapers and Periodicals. – The Executive Judge of the RTC, having administrative supervision over the courts whose orders are to be published, shall act on applications for accreditation to publish judicial and legal notices, and other similar announcements, in accordance with the guidelines prescribed under the Resolution, dated 16 October 2001 of the Supreme Court *En Banc*, in A.M. No. 01-1-07-SC, and OCA Circular Nos. 5-2002 (11 January 2002) and 27-2002 (25 June 2002).

Pursuant to the provisions of Section 2 of P.D. No. 1709, the Executive Judge shall personally conduct the raffle of all judicial notices, advertisements, and the like. The posting of judicial notices for publication, the raffle procedures, and the publication of the results thereof shall be conducted in the same manner as the raffle of cases.

SEC. 6. Distribution of Judicial Notices for Publication. – The Executive Judge shall distribute, through raffle, judicial notices or advertisements for publication to accredited newspapers or periodicals, in accordance with the provisions of the Resolution, dated 16 October 2001 of the Supreme Court *En Banc*, in A.M. No. 01-1-07-SC.

SEC. 7. Supervision Over Immersion Programs. - Executive Judges shall supervise the immersion program of newly appointed judges or first level court judges who have been promoted to the second level court. They shall submit to the Office of the Court Administrator (OCA) and the Philippine Judicial Academy (PHILJA) a certificate of completion of the immersion program within ten (10) days from its completion.

SEC. 8. Report on Insurance/Bonding Companies. – Executive Judges shall submit a monthly report to the Docket and Clearance Division, Legal Office, Office of the Court Administrator, on the total amount of obligations incurred by insurance/bonding companies or agencies that fail to satisfy claims against them in connection with confiscated/forfeited bonds. Executive Judges shall likewise monitor the submission by the courts, within their respective areas of administrative supervision, of the monthly report on the inventory of confiscated/forfeited cash, surety, and property bonds in both civil and criminal cases when such bonds have been posted with the Docket and Clearance Division.

SEC. 9. Bar Relations. - Executive Judges shall conduct dialogues and conferences at least once every semester with the officers of the local chapter of the Integrated Bar of the Philippines (IBP) in their respective areas of administrative supervision. At these dialogues and conferences, Executive Judges shall discuss with the IBP officers problems confronting lawyers, and study and adopt methods and solutions to enable both the Bench and the Bar to work together in the speedy resolution of cases.

SEC. 10. Submission of Annual Report. - Executive Judges shall submit their respective annual reports to the Court Management Office, Office of the Court Administrator, on or before 30 January of the following year.

Chapter XI. Final Provisions

SECTION 1. Administration and Enforcement. - The Office of the Court Administrator (OCA) shall have the primary and principal authority and responsibility for the administration and enforcement of these Guidelines. The OCA shall monitor the implementation thereof, review the same periodically with the end in view of determining the problems encountered by the Executive Judges in such implementation, and submit to the Supreme Court its recommendations as to the appropriate measures to be adopted or taken to address the problems.

Chapter XII. Effectivity

SECTION 1. Effectivity of the Guidelines. - These Guidelines shall take effect on 15 February 2004 and shall be published in a newspaper of general circulation in the Philippines not later than the first day of February 2004.

Approved this 27th day of January 2004.

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

(Sgd.) Hon. REYNATO S. PUNO
Associate Justice

(Sgd.) Hon. JOSE C. VITUG
Associate Justice

(Sgd.) Hon. ARTEMIO V. PANGANIBAN
Associate Justice

(Sgd.) Hon. LEONARDO A. QUISUMBING
Associate Justice

(Sgd.) Hon. CONSUELO YNARES-SANTIAGO
Associate Justice

(Sgd.) Hon. ANGELINA SANDOVAL-GUTIERREZ
Associate Justice

(Sgd.) Hon. ANTONIO T. CARPIO
Associate Justice

(Sgd.) Hon. MA. ALICIA AUSTRIA-MARTINEZ
Associate Justice

(Sgd.) Hon. RENATO C. CORONA
Associate Justice

(Sgd.) Hon. CONCHITA CARPIO MORALES
Associate Justice

(Sgd.) Hon. ROMEO J. CALLEJO, SR.
Associate Justice

(On Leave) Hon. ADOLFO S. AZCUNA
Associate Justice

(Sgd.) Hon. DANTE O. TINGA
Associate Justice

The Guidelines shall take effect on 15 February 2004 and shall be published in a newspaper of general circulation in the Philippines not later than the first day of February 2004. Azcuna, J., is on official leave.

(Sgd.) LUZVIMINDA D. PUNO
Clerk of Court

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

PRESIDING JUDGE

2004 Upcoming PHILJA Events

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

Chancellor, Philippine Judicial Academy
Justice Ameurfina A. Melencio Herrera

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