



PHILJA Bulletin



April to June 2007

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Excellence in the Judiciary

From the Chancellor's Desk *Ben*

This has been one of the busiest periods for PHILJA. A total of 36 seminars were conducted, an average of 12 seminars per month, notwithstanding the lack of direct resources and other pressing concerns that taxed our efforts and time. Our profound gratitude to our partners for their unceasing support and to the capable and dedicated PHILJA faculty and staff for the successful conduct of our programs.

We **kept pace** with the Supreme Court when it designated separate special courts to handle **extrajudicial killings** and **election law cases**, by conducting seminar-workshops for the judges of the courts so designated.

We held the second **Distinguished Lecture** for the **2007 Series**, with His Excellency, German Ambassador Axel Weishaupt lecturing on the topic *Philippine and German Laws on Succession* at the University of San Carlos in Cebu. The conferment of the honorary doctorate degree upon the Ambassador was held at the University of Cebu.

Our 3rd **Metrobank Foundation Professorial Lecturer** in Commercial Law was Court of Appeals Justice Sixto C. Marella, Jr. who discoursed on *Corporate Governance Law and Jurisprudence*. Retired Justice Florentino P. Feliciano delivered the **PHILJA-MALCOLM Trust Fund Lecture** on *Constitutional Law Issues and the Tariff Regime of the Philippines*.

The Chief Justice, Associate Justices of the Supreme Court and the Court of Appeals, representatives from the business, private sector, and the academe attended the fruitful and productive **Roundtable Discussion on Law and Economics** held in Baguio City.

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PHILJA ACADEMIC PROGRAMS

46TH AND 47TH ORIENTATION SEMINAR-WORKSHOPS FOR NEWLY APPOINTED JUDGES

The 46th Orientation Seminar-Workshop for Newly Appointed Judges was held on April 30 to May 9, 2007, at the PHILJA Development Center, Tagaytay City. In attendance were forty-nine (49) judges, comprising forty-five (45) newly appointed judges and four (4) promoted judges.

A. NEW APPOINTMENTS

REGIONAL TRIAL COURTS

REGION I

Hon. Sixto D. Diompoc
RTC Br. 72, Narvacan, Ilocos Sur

REGION V

Hon. Solon B. Sison
RTC Br. 1, Legaspi City

REGION X

Hon. Edgar G. Manilag
RTC Br. 33, Butuan City, Agusan del Norte
Hon. Hector B. Salise
RTC Br. 7, Bayugan, Agusan del Sur

METROPOLITAN TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION

Hon. Glenda M. Ramos
MeTC Br. 30, Manila

MUNICIPAL TRIAL COURTS IN CITIES

REGION I

Hon. Junius F. Dalaten
MTCC Br. 1, Dagupan City, Pangasinan
Hon. Grace Glicería F. De Vera
MTCC San Carlos City, Pangasinan
Hon. Modesto L. Quismorio, Jr.
MTCC Candon City, Ilocos Sur

REGION III

Hon. Maximo B. Ancheta, Jr.
MTCC Br. 2, San Jose City, Nueva Ecija

REGION XI

Hon. Virgilio G. Murcia
MTCC Br. 2, Island Garden City of Samal, Davao del Norte
Hon. Arlene L. Palabrica
MTCC Tagum City, Davao del Norte

REGION XII

Hon. Orlando C. Gallardo
MTCC Br. 2, Iligan City, Lanao del Norte
Hon. Nectar Precious Hope G. Mamon
MTCC Tacurong City, Sultan Kudarat

MUNICIPAL TRIAL COURTS

REGION I

Hon. Edilberta O. Casiano
MTC Luna, La Union
Hon. Narciso P. Mingua
MTC Santol, La Union

REGION II

Hon. Charlotte Fraulein F. Garcia
MTC Bambang, Nueva Vizcaya

REGION III

Hon. Marianito A. Bote
MTC Peñaranda, Nueva Ecija
Hon. Regina B. Laxa
MTC Bay, Laguna
Hon. Eugene Ricardo A. Parrone
MTC Pila, Laguna

REGION V

Hon. Isabelo T. Rojas
MTC San Andres, Catanduanes

REGION IX

Hon. Carol M. Morales
MTC Tambulig, Zamboanga del Sur

REGION X

Hon. Marlon Jay G. Moneva
MTC Plaridel, Misamis Occidental
Hon. Richard D. Mordeno
MTC Magsaysay, Misamis Oriental

REGION XII

Hon. Alberto P. Quinto
MTC Kapatagan, Lanao del Norte

MUNICIPAL CIRCUIT TRIAL COURTS

REGION I

Hon. Ma. Victoria A. Acidera
1st MCTC Bangui-Pagudpud-Adams-Dulmaneg, Ilocos Norte
Hon. Mario Anacleto M. Bañez
12th MCTC Tagudin-Suyo, Ilocos Sur
Hon. Artemio H. Quidilla, Jr.
8th MCTC Paoay-Currímao, Ilocos Norte
Hon. Rogelio A. Ringpis
3rd MCTC Caoayan-Sta. Catalina, Ilocos Sur

REGION II

Hon. Rosalie D. Galicinao
4th MCTC Aritao-Sta. Fe, Nueva Vizcaya

Hon. Gregorio Agapito P. Nuestro
3rd MCTC Villaverde-Quezon, Nueva Vizcaya

REGION IV

Hon. Mitushealla Q. Manzanero-Casiño
5th MCTC Paete-Pakil-Pangil, Laguna

REGION VII

Hon. Jorge D. Cabalit
20th MCTC Catigbian-San Isidro-Sagbayan, Bohol
Hon. Daniel Jose J. Garces
6th MCTC Ubay-Pres. Carlos P. Garcia, Bohol

REGION VIII

Hon. Jocelyn A. White
1st MCTC San Policarpio-Arteche, Eastern Samar

REGION X

Hon. Renato T. Arroyo
10th MCTC Manticao-Maawan-Lugait, Misamis Oriental

REGION XI

Hon. Ray C. Andres
4th MCTC Malalag-Sulop, Davao del Sur
Hon. Divina T. Samson
4th MCTC Mabini-Pantukan, Compostela Valley

REGION XII

Hon. Lorenzo F. Balo
4th MCTC Bagumbayan-Esperanza, Sultan Kudarat
Hon. Francisco J. Cordero, Jr.
1st MCTC Lebak-Kalamansig, Sultan Kudarat
Hon. Gamor B. Disalo
9th MCTC Wao-Bumbaran, Lanao del Sur
Hon. Anuar A. Edres
2nd MCTC Balindong-Tugaya-Bacolod-Grande-Madalum,
Lanao del Sur
Hon. Hasmin I. Pangcatan
1st MCTC Balo-Pantar-Ragat, Lanao del Norte
Hon. Vispocious I. Ramos, Jr.
2nd MCTC Lutayan-Colombio-Pres. Quirino-Lambayong,
Sultan Kudarat

SHARI'A CIRCUIT COURTS

Hon. Esmael S. Atuan
10th SHCC Lebak-Kalamansig, Sultan Kudarat,
Fifth Shari'a District
Hon. Sirikit B. Berua
12th SHCC Wao-Bu, Baran, Lanao del Sur,
Fourth Shari'a District

B. PROMOTIONS

REGIONAL TRIAL COURTS

REGION III

Hon. Veronica V. De Guzman
RTC Br. 9, Malolos Bulacan
Hon. Domingo C. San Jose, Jr.
RTC Br. 64, Tarlac City

REGION VI

Hon. Frances V. Guanzon
RTC Br. 62, Bago City, Negros Occidental
Hon. Nilo M. Sarsaba
RTC Br. 56, Himamaylan, Negros Occidental

The 47th Orientation Seminar-Workshop for Newly Appointed Judges was held on June 19 to 28, 2007, at the PHILJA Development Center, Tagaytay City. In attendance were forty-nine (49) judges, comprising forty-seven (47) newly appointed judges and two (2) promoted judges.

A. NEW APPOINTMENTS

REGIONAL TRIAL COURTS

REGION IV

Hon. Danilo S. Sandoval
RTC Lipa City, Batangas

REGION V

Hon. Arniel A. Dating
RTC Br. 41, Daet, Camarines Norte

REGION IX

Hon. Laarni L. Dajao
RTC Br. 27, Sicon, Zamboanga del Norte
Hon. Benjamin R. Lanzaderas
RTC Br. 22, Pagadian City
Hon. Rogelio D. Laquihon
RTC Br. 7, Dipolog City, Zamboanga del Norte

REGION X

Hon. Dax G. Xenos
RTC Br. 34, Cabadbaran, Agusan del Norte

REGION XI

Hon. Rowena A. Adlawan
RTC Br. 30, Tagum, Davao del Norte

MUNICIPAL TRIAL COURTS IN CITIES

REGION I

Hon. Irma B. Panahon
MTCC Urdaneta City, Pangasinan

REGION III

Hon. Tomas B. Maddela III
MTCC Br. 5, Olongapo City, Zambales

REGION X

Hon. Lorimer A. Delima, Sr.
MTCC Gingoog City, Misamis Oriental

MUNICIPAL TRIAL COURTS

REGION I

Hon. Romeo M. Atillo, Jr.
MTC Naguilian, La Union

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REGION II

Hon. Andrew U. Barcena
MTC Br. 1, Lal-lo, Cagayan
 Hon. Achilles Aristotle Apolinario C. Bulautan
MTC Br. 2, Lal-lo, Cagayan
 Hon. Nora M. Dorado
MTC Camalaniugan, Cagayan
 Hon. Domingo B. Quilang III
MTC Sta. Ana, Cagayan
 Hon. Michelle G. Videz
MTC Echague, Isabela

REGION III

Hon. Teofista M. Buena
MTC Jaen, Nueva Ecija
 Hon. Numeriano Y. Galang
MTC Aliaga, Nueva Ecija

REGION IV

Hon. Rodolfo Joji A. Acol, Jr.
MTC Noveleta, Cavite

REGION X

Hon. Ana Candida N. Casiño
MTC Medina, Misamis Oriental

MUNICIPAL CIRCUIT TRIAL COURTS**REGION I**

Hon. Fredelito G. Pingao
3rd MCTC Sarrat-Vintar, Ilocos Norte

REGION II

Hon. Frederic T. Cabbigat
1st MCTC Banaue-Hungduan, Ifugao
 Hon. Edmar P. Castillo
7th MCTC Piat-Sto. Niño, Cagayan
 Hon. Jennifer P. Humiding
4th MCTC Lagawe-Hingyon, Ifugao
 Hon. Ivan Kim B. Morales
2nd MCTC Lamut-Kiangan-Tinoc, Ifugao
 Hon. Jesse Haris B. Namujhe
3rd MCTC Potia-Aguinaldo-Mayoyao, Ifugao
 Hon. Maria Theresa A. Ruiz
1st MCTC Claveria-Sta. Praxedes, Cagayan

REGION III

Hon. Lamberto G. Sagum
2nd MCTC Mexico-San Luis, Pampanga

REGION IV

Hon. Edralin C. Reyes
3rd MCTC Mansalay-Bulalacao, Mindoro Oriental

REGION VII

Hon. Antonio G. Dadula
4th MCTC Talibon-Jetafe, Bohol
 Hon. Glenn P. Pergamino
17th MCTC Sierra Bullones-Pilar, Bohol

REGION VIII

Hon. Ma. Lourdes A. Hilvano
9th MCTC Sta. Rita-Talalora, Samar

REGION IX

Hon. Anthony T. Isaw
11th MCTC Liloy-Tampilisan, Zamboanga del Norte

REGION XI

Hon. Cherry Joy C. Ageas
9th MCTC Salug-Godod, Zamboanga del Norte
 Hon. Crislyn P. Batar
11th MCTC Mahayag-Dumingag-Josefina, Zamboanga del Sur
 Hon. Arnold M. Diabo
1st MCTC Margosatubig-Vicenzo Sagun, Zamboanga del Sur
 Hon. Ma. Teresa Lingating
6th MCTC San Miguel-Dinas-Lapuyan, Zamboanga del Sur
 Hon. Insor A. Pantaran
9th MCTC Labangan-Tukuran, Zamboanga del Sur
 Hon. Ronald C. Tolentino
10th MCTC Ramon Magsaysay-Midsalip-Sominot, Zamboanga del Sur
 Hon. Vera T. Vergara
2nd MCTC Naga-Titay, Zamboanga Sibugay

REGION X

Hon. Emerita M. Panganiban-Gamboa
4th MCTC Maramag-Kalilangan-Pangantucan, Bukidnon
 Hon. Hazel O. Perez
5th MCTC Don Carlos-Dangcagan-Kitaotao, Bukidnon

REGION XII

Hon. Pilimpinas G. Dimaporo
5th MCTC Bayang-Tuburan-Binidayan-Butig-Lumbatan-Marogong-Lumbayanagui, Lanao del Sur
 Hon. Arassad M. Macumbal
4th MCTC Maigo-Bacolod-Munai, Lanao del Norte

SHARI'A COURT

Hon. Nimrod I. Arabani
2nd SCC Siasi-Pandumi-Tapul-Lugus, Sulu
 Hon. Edimer D.C. Gumbahali
1st SCC Jolo, Sulu
 Hon. Remeo-Raida Saipudin, Tanjili
6th Luuk-Karingalang-Estino-Panamao, Sulu

B. PROMOTIONS**REGIONAL TRIAL COURTS****REGION II**

Hon. Francisco S. Donato
RTC Br. 33, Ballesteros, Cagayan

REGION III

Hon. Cynthia M. Florendo
RTC Br. 39, San Jose City, Nueva Ecija

4TH ORIENTATION SEMINAR-WORKSHOP FOR NEWLY APPOINTED CLERKS OF COURT

The 4th Orientation Seminar-Workshop for Newly Appointed Clerks of Court was held on June 13 to 15, 2007, at the Coral and Teal Rooms, Pearl Manila Hotel, Manila. In attendance were forty-five (45) clerks of court.

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION

Manila

Atty. Evangeline L. Narvaez
RTC Br. 3
Atty. Eugene P. Kho
RTC Br. 14
Atty. Maria Antonia D. Pascual
RTC Br. 26
Atty. Chelly P. Balasbas
RTC Br. 27
Atty. Reynaldo P. Tomas, Jr.
RTC Br. 39
Atty. Ruby Ann P. Trayvilla
RTC Br. 45
Atty. Enrique C. Selda
RTC Br. 46
Atty. Laurence Joel M. Taliping
RTC Br. 50

Mandaluyong City

Atty. Ledelyn M. Corpuz
RTC Br. 209

Malabon City

Atty. Ana Liza V. Casimiro-Dogma
RTC Br. 73

Pasig City

Atty. Mario F. Bautista
RTC Br. 71, *Pasig City*
Atty. Jerome U. Jimenez
RTC Br. 151, *Pasig City*
Atty. Duke Thaddeus R. Maog
RTC Br. 155, *Pasig City*
Atty. Karen Joy H. Valencia
RTC Br. 159, *Pasig City*
Atty. Julius S. De Peralta
RTC Br. 160, *Pasig City*
Atty. Gilbert E. Cruz
RTC Br. 161, *Pasig City*

Quezon City

Atty. Arnaldo C. Mendieta
RTC Br. 224
Atty. Ana Liza C. Castillo
RTC Br. 226

Atty. Ma. Victoria Q. Padilla-Awid
RTC Br. 227

Marikina City

Atty. Jojo C. Cruzat
RTC Br. 192
Atty. Jessica I. Inamac
OCC

Las Piñas City

Atty. Vladimir Berla S. Daral-Saura
RTC Br. 198
Atty. Mary Joy G. Marasigan
RTC Br. 199
Atty. Leah C. Japos
RTC Br. 254
Atty. Eduardo C. Solangon Jr.
RTC Br. 255
Atty. Jonna M. Escabarte
RTC Br. 275

Caloocan City

Atty. Sheila Cindy D. Masangque
RTC Br. 120
Atty. Emily P. Dizon
RTC Br. 123
Atty. Aileen O. Turla
RTC Br. 127
Atty. Butch B. Seraspi
RTC Br. 128

Pasay City

Atty. Maria Josefina B. Masigla
RTC Br. 111
Atty. Joel T. Pelicano
RTC Br. 112

Parañaque City

Atty. Desiree Gertrude O. Moldez
RTC Br. 194
Atty. Edwin R. Villa
RTC Br. 260

Makati City

Atty. Rowena M. Simbahan
RTC Br. 139
Atty. Diosfa T. Valencia
RTC Br. 150

Valenzuela City

Atty. Ma. Socorro A. Vista
RTC Br. 75, *Valenzuela City*
Atty. Ma. Vanessa A. Andino-Pallasigui
RTC Br. 171

REGION III

Atty. Kelly B. Belino
RTC Br. 27, *Cabanatuan City*

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METROPOLITAN TRIAL COURTS IN CITIES**NATIONAL CAPITAL JUDICIAL REGION*****Makati City***

Atty. Neptali O. Abasta
OCC

Quezon City

Mr. Roger A. Costin
MeTC Br. 31

Marikina City

Mr. Pascual A. Lacas Jr.
MeTC Br. 75

Las Piñas City

Mr. Arturo S. Bondoc
MeTC Br. 79

Muntinlupa City

Ms. Lolita G. Rabe
MeTC Br. 80

13TH PRE-JUDICATURE PROGRAM

The Supreme Court of the Philippines, through the Philippine Judicial Academy, conducted the 13th *Pre-Judicature Program (PJP)*, on June 18 to 28, 2007, at the Casa Luisa Restaurant, Jose Catolico, Sr. Avenue, Lagao, General Santos City. Thirty (30) lawyers completed the program while three (3) lawyers attended for MCLE compliance.

The objective of the program is to prepare lawyers for a career in the judiciary. PHILJA incorporates in the PJP the judicial perspective of the law as well as skills, attitudes, values and conduct required of one who is to be appointed to the Bench. Furthermore, participants earn credits for MCLE compliance, and 15 units towards the Master of Laws degree at the San Beda College Graduate School upon the Academy's endorsement.

Participants of the 13th Pre-Judicature Program



SPECIAL FOCUS PROGRAMS

EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES

The Philippine Judicial Academy conducted the first *Seminar-Workshop for Judges on Extrajudicial Killings and Enforced Disappearances*, on April 7 to 8, 2007, at the Coral Ballroom A, 3rd Floor, Manila Pavilion Hotel, United Nations Avenue, Ermita, Manila. A total of forty-nine (49) judges from the National Judicial Capital Region (NCJR) and Regions I and II participated in the two-day activity.

The seminar-workshop dealt with the following relevant topics: Theory of State Responsibility An Overview; Doctrine of Command Responsibility and Government Accountability; Applicable Standards of International Rights Law and International Humanitarian Law; and Determination of Crimes Involving Extrajudicial Killings and Enforced Disappearances. The distinguished lecturers were Justice Adolfo S. Azcuna, Chairperson Purificacion Valera Quisumbing of the Commission on Human Rights, Professor Carlos P. Medina, Professor Herminio Harry L. Roque, Attorney Theodore O. Te and Professor Sedfrey M. Candelaria.

In his Message, Chief Justice Reynato S. Puno urged the participants to handle cases of political killings as "special" because they protect the "most important right of man – the right to life."

SEMINAR-WORKSHOP ON IT PROJECT MANAGEMENT FOR SANDIGANBAYAN EMPLOYEES

The Philippine Judicial Academy, in partnership with the United States Agency for International Development (USAID) and the Rule of Law Effectiveness (ROLE), conducted the *Seminar-Workshop on IT Project Management for Sandiganbayan Employees*, on April 16 to 18, 2007, at the Sulo Hotel, Quezon City. In attendance were personnel of the Management and Information Systems Division and the Records and Management Office of the Sandiganbayan, and two (2) representatives from PHILJA.

Justice Francisco H. Villaruz, Jr. stressed in his Statement of Purpose that the training targets to realize an elite and select segment of Sandiganbayan employees to enable them discharge the functions of planning, managing and implementing, not only of the

Sandiganbayan Case Management and Information System (CMIS) but any program developed for them. Moreover, he outlined the need to accomplish the three specific purposes of the CMIS: (1) how to acquire accurate, updated and accessible data; (2) how to ensure the security and confidentiality or certain data; and (3) how to continuously improve the existing CMIS project at the least cost.

RTD ON LAW AND ECONOMICS

PHILJA, in partnership with the Ateneo Law School, and Ateneo de Manila Department of Economics, in cooperation with the British Embassy, conducted the *Roundtable Discussion on Law and Economics* with the theme: The Courts and the Economy, on April 19, 2007, at the Camp John Hay Manor, Baguio City.

In attendance were Chief Justice Reynato S. Puno, Supreme Court Justices Angelina Sandoval-Gutierrez, Antonio T. Carpio and Adolfo S. Azcuna; Court of Appeals Justices Jose L. Sabio, Jr., Jose C. Reyes, Jr., Andres B. Reyes, Jr., Arturo G. Tayag, and Myrna Dimaranan Vidal.

STRENGTHENING THE IMPLEMENTATION OF THE CODE OF MUSLIM PERSONAL LAWS OF THE PHILIPPINES

The Philippine Judicial Academy, in cooperation with The Asia Foundation (TAF) and the United States Agency for International Development (USAID), conducted the 4th and 5th *Seminar on Strengthening the Implementation of the Code of Muslim Personal Laws of the Philippines* in the 2nd quarter of the year.

The 4th seminar was held on April 23 to 26, 2007, at the Grand Regal Hotel, Davao City. A total of forty-two (42) participants attended comprising *Shari'a* court interpreters, stenographers, sheriffs, clerks of court and representatives from the Commission on Human Rights (CHR), Public Attorney's Office (PAO), Integrated Bar of the Philippines (IBP) and Department of the Interior of Local Government (DILG).

The 5th seminar was conducted on May 21 to 24, 2007, at the Lantaka Hotel, Zamboanga City. A total of twenty-nine (29) participants attended comprising court stenographers, sheriffs and clerks of the *Shari'a* Courts and the Autonomous Region of Muslim Mindanao (ARMM). This was also attended by representatives of the Armed Forces of the Philippines (AFP), CHR, PAO, National Bureau Investigation (NBI) and DILG.

SEMINAR-WORKSHOPS ON JUVENILE AND DOMESTIC RELATIONS JUSTICE FOR SINGLE SALA COURTS (ADVANCED LEVEL)

The Philippine Judicial Academy, in partnership with the United Nations Children's Fund (UNICEF), conducted three (3) *Seminar-Workshops on Juvenile and Domestic Relations Justice for Single Sala Courts (Advanced Level)* this year.

The 1st *seminar-workshop* was conducted on April 25 to 27, 2007, at the College of St. Benilde Hotel, Arellano Ave. corner Estrada St. Malate, Manila. In attendance were sixty-six (66) participants, which included thirty-four (34) judges and thirty-two (32) branch clerks of court from Regions I to IV.

On the other hand, the 2nd *seminar-workshop* was conducted on May 30 to June 1, 2007, at the Dynasty Court Hotel, Cagayan de Oro City. A total of fifty-seven (57) participants attended comprising twenty-eight (28) judges and twenty-nine (29) branch clerks of court from Regions IX to XII.

The 3rd *seminar-workshop* was held on June 27 to 29, 2007 at the Montebello Villa Hotel, Banilad, Cebu City. Eighty-five (85) participants attended comprising forty-one (41) judges and forty-four (44) branch clerks of court from Regions V to IX.

SEMINAR-WORKSHOPS FOR JUDGES, PROSECUTORS AND LAW ENFORCERS ON DRUGS LAW

The Philippine Judicial Academy, in partnership with the Dangerous Drugs Board, conducted two (2) *Seminar-Workshops for Judges, Prosecutors and Law Enforcers on Drugs Law*.

The first seminar-workshop was conducted at the Tagaytay Country Hotel, Tagaytay City, on April 26 to 28, 2007 and attended by a total of sixty-one (61) participants comprising selected National Capital Judicial Region (NCJR) Drugs and Family Court judges, prosecutors and law enforcers.

On the other hand, the second batch attended the seminar conducted on June 13 to 15, 2007, at the Sarabia Manor, Iloilo City for Drugs and Family Court judges, prosecutors and law enforcers of Region VI and VIII. One hundred (100) participants successfully completed the seminar-workshop.

The two-day activity aimed to coordinate and integrate the overall efforts of the Criminal Justice System (CJS) especially in the field of prosecution and

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criminal investigation. It sought to update the participants on the following subject matter: 1) classification of drugs, controlled precursors and essential chemicals as listed in the 1961, 1971 and 1988 law conventions on narcotic drugs, psychotropic substances and the illicit traffic thereof; 2) R.A. No. 9165 otherwise known as *Comprehensive Dangerous Drugs Act of 2002* and its Implementing Rules and Regulations and the Dangerous Drugs Board (DDB) Regulations; 3) Identifying problems encountered in prosecuting drug related cases and solutions to the same; and 4) Enhancing knowledge on evidence handling, gathering, as well as search and seizure.

SEMINARS ON ELECTION LAWS FOR JUDGES AND CLERKS OF COURT

The Philippine Judicial Academy, in partnership with the U.S. Agency for International Development (USAID) and the International Foundation of Election Systems (IFES), conducted a series of *Seminar on Election Laws for Judges and Clerks of Court* for selected regions and provinces. One hundred ninety seven (197) participants from Regions I and II attended on April 30, 2007 at the Skyrise Hotel, Baguio City. Three hundred four (304) participants from the National Capital Judicial Region (NCJR) and the provinces of Cavite, Batangas, Laguna, Bulacan and Pampanga attended on May 2, 2007, at the Sofitel Philippine Plaza, Manila. Seventy (70) participants from Region VII attended on May 3, 2007, at the Waterfront Hotel, Cebu City with seventy-eight (78) participants from Region XI attended on May 7, 2007, at the Grand Regal Hotel, Davao City. A total of six hundred forty-nine (649) judges and clerks of court were trained.

JUDICIARY WORKSHOP ON WILDLIFE CRIME AND PROSECUTION

PHILJA, in partnership with the Association of Southeast Asian Nations-Wildlife Enforcement Network (ASEAN-WEN) Support Program, Asian Environmental Compliance and Enforcement Network (AECEN), and the United States Department of Justice (USDOJ), the ASEAN Secretariat, and in cooperation with the United States Agency for International Development (USAID), conducted the *Judiciary Workshop on Wildlife Crime and Prosecution* on May 10 to 11, 2007, at the PHILJA Development Center, Tagaytay City. A total of twenty-five (25) judges and prosecutors attended the workshop.

The two-day workshop gathered judges and prosecutors from areas identified by the Philippine Government as hotspots for wildlife crime to discuss issues of mutual concern. The areas identified were Metro Manila and the provinces of Davao, General Santos, and Palawan. Topics discussed covered prosecution investigation, sharing of best practices, Philippine laws on wildlife crime, local and transnational cooperation with other agencies, and ASEAN-wide initiatives on Mutual Legal Assistance Treaty (MLAT). The workshop aimed at developing interest and cooperation from the Judiciary on the importance of successful prosecutions of illegal wildlife traders.

SEMINAR FOR COURT OF TAX APPEALS ATTORNEYS ON PROCEDURAL LAW

The Philippine Judicial Academy, in partnership with the United States Agency for International Development (USAID), and the Rule of Law Effectiveness (ROLE), conducted the *Seminar for Court of Tax Appeals Attorneys on Procedural Law*, on May 17 to 18, 2007, at the Discovery Suites, Ortigas Center, Pasig City. A total of seventeen (17) lawyer-participants attended the seminar.

The Recent Developments in Taxation; Civil Procedure – Review and Updates; and Evidence were lectures aimed to give the participants updates on recent jurisprudence on tax cases, review of the principles of procedure governing the resolution of civil trials, and review of the rules on admissibility of evidence and their application to Court of Tax Appeals (CTA) cases.

Criminal Procedure – Review and Updates reacquainted the participants with frequently raised procedural issues in handling criminal cases in CTA and derived solutions from updates on the developments in this area. Modes of Discovery and Pre-Trial Skills were likewise discussed relating their relevancy to CTA cases.

SEMINAR-WORKSHOP FOR EXECUTIVE JUDGES AND VICE-EXECUTIVE JUDGES OF NCJR, VISAYAS AND MINDANAO

The Supreme Court of the Philippines, through the Philippine Judicial Academy, conducted the *Seminar-Workshop for Executive Judges and Vice-Executive Judges* in three (3) batches comprising of executive and vice-executive judges of the National Capital Judicial Region (NCJR), Visayas and Mindanao.

The batch comprising fifty-one (51) judges from the National Capital Judicial Region (NCJR) participated on May 22 to 24, 2007, at the Manila Pavilion Hotel, Manila. The batch comprising fifty-one (51) judges from the Mindanao Region attended on June 5 to 7, 2007, at the Waterfront Insular Hotel, Davao City. The batch comprising forty (40) judges from the Visayas Region participated on June 19 to 21, 2007 at the Montebello Villa Hotel, Banilad, Cebu City.

MULTI-SECTORAL SEMINAR-WORKSHOP ON AGRARIAN JUSTICE FOR THE PROVINCES OF LEYTE AND SAMAR

PHILJA and the Agrarian Justice Foundation, Inc. (AJFI), in partnership with the Department of Agrarian Reform (DAR) and the Department of Justice (DOJ), conducted the *Multi-Sectoral Seminar-Workshop on Agrarian Justice for the Provinces of Leyte and Samar*, on May 23 to 25, 2007, at the La Rica Hotel, Tacloban City. Forty-eight (48) participants successfully completed the seminar-workshop.

The seminar-workshop aimed to increase the sensitivity of the participants to the plight of the marginal farmers and landless agricultural workers and their families, and better understand how agrarian reform is implemented.

SEMINAR ON SUBSTANTIVE LAW FOR COURT OF TAX APPEALS ATTORNEYS

The Philippine Judicial Academy, in partnership with the United States Agency for International Development (USAID) and the Rule of Law Effectiveness (ROLE), conducted the *Seminar on Substantive Law for Court of Tax Appeals Attorneys*, on May 30 to 31, 2007, at the Discovery Suites, Ortigas Center, Pasig City. A total of sixteen (16) lawyer-participants attended the said activity.

Topics discussed were Salient Points of the Comprehensive Tax Reform Law of 1997, as amended and clarified by relevant laws, regulations and circulars; Part I of the Tariff and Customs Code (Tariffs and Trades) harmonizing it with the prevailing instruments and principles of International Economic Law; Taxing and other revenue-raising powers of the Local Government Units; and Tariffs and Customs Code (Customs and Valuation) which familiarized the participants with the intricacies of coastwise trade, import duties and warehousing.

SEMINAR-WORKSHOP ON CEDAW, GENDER SENSITIVITY, AND THE COURT FOR SELECTED BCOCs OF THE NCJR

PHILJA, in partnership with the Committee on Gender Responsiveness in the Judiciary (CGRJ) – Sub-Committee on Training and Capacity Building, the Ateneo Human Rights Center, and the United Nations Development Fund for Women (UNIFEM) conducted the *Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts for Selected Branch Clerks of Court of the National Capital Judicial Region*, on June 7 to 8, 2007, at the Training Center, Centennial Building, Supreme Court, Manila.

Topics discussed were Gender Sensitivity and Its Relevance in the Court's Decisions and Proceedings; Gender Fair Language; and CEDAW and the Courts. The participants worked on five (5) case studies which focused on violations of VAWC, Labor Law, Constitution, Sexual Harassment and CEDAW provisions.

ORIENTATION, HANDS-ON TRAINING, CHANGE MANAGEMENT AND TEAM BUILDING WORKSHOP ON THE eCFM SYSTEM

The Philippine Judicial Academy, in partnership with the Program Management Office, conducted the *Orientation, Hands-on Training, and Change Management and Team Building Workshop on the Enhanced Caseflow Management (eCFM) System*, on June 20 to 22, 2007, at the Supreme Court Old Session Hall, Padre Faura Street, Manila. A total of one hundred fifty-one (151) participants attended the three-day activity comprising judges and court personnel of the Metropolitan Trial Courts (MeTCs) and Regional Trial Courts (RTCs) of Pasay City.

The program focused on the Orientation on the eCFM Project focusing on the basic theories and philosophies of the caseflow management system. There was a presentation of the eCFM Manual, which contains procedure on how to use the eCFM as well as of the eCFM System User's Guide, which contains the Information and Communication Technology (ICT) infrastructure on which the eCFM system operates. A demonstration and hands-on training were also incorporated in the program to enable the participants explore, manipulate and learn how to operate the system.

RTD ON ISLAM AND RULE OF LAW

The Philippine Judicial Academy, in partnership with The Asia Foundation (TAF), conducted the *Roundtable Discussion on Islam and the Rule of Law* on June 26, 2007, at the Training Room, Ground Floor, Centennial Building, Supreme Court, Padre Faura, Manila. The activity aimed to promote and strengthen the justice system created under the Code of Muslim Personal Laws. It provided opportunity for an exchange of ideas that would engender innovative thinking in seeking solutions to common issues of concern.

In attendance were members of PHILJA's Constitutional Law Department and the *Shari'a* and Islamic Jurisprudence Department, twelve (12) Supreme Court lawyers, thirteen (13) Court of Appeals lawyers, and academicians, numbering twenty-four (24) in all.

Dr. Anver M. Emon who is a Professor of the Faculty of Law of the University of Toronto was the lead discussant. He discussed the Early History of Islam and *Shari'a* and Islamic Legal Theory. He expounded on four (4) channels (Theology, Islamic mysticism – Sufism, Philosophy, and *Shari'a* Law) that could be used towards a more global comprehension and understanding of Islam based not only in terms of faith.



ON MEDIATION

BASIC MEDIATION COURSE FOR ZAMBOANGA MEDIATION PROGRAM

The Philippine Judicial Academy and the Philippine Mediation Center conducted the *Basic Mediation Course for Zamboanga Mediation Program* on June 18 to 21, 2007, at the Grand Astoria Hotel, Zamboanga City. A total of thirty-three (33) participants attended the said program.

Topics lectured during the program were Social and Cultural Context in Negotiation/Mediation; Legal versus Problem-Solving Mindsets; Mediation as Essentially Assisted Negotiation; The Philippine Judicial System: An Overview; Alternative Dispute Resolution (ADR) and Court-Annexed Mediation (CAM); Conflict Management and Dispute Resolution; Overview/Fundamentals of Communications; The Stages of Mediation and Communication Skills which includes six (6) stages; Parties to the Mediation Process; Writing Compromise Agreements; The Administrative and Procedural Aspects of Court-Annexed; The Rules

and Guidelines on the Mediation Fees; The Mediator as an Officer of the Court; The Mediator As A Professional Mediator; and The Grievance Machinery in Court-Annexed Mediation.

ORIENTATION CONFERENCE WITH STAKEHOLDERS ON COURT-ANNEXED MEDIATION FOR TUGUEGARAO MEDIATION PROGRAM

The Philippine Judicial Academy and the Philippine Mediation Center conducted the *Orientation Conference with Stakeholders on Court-Annexed Mediation Program (Tuguegarao Mediation Program)*, on June 14, 2007, at the Ivory Hotel and Convention Center, Tuguegarao City. A total of one hundred twenty-six (126) participants attended the said program.

Topics discussed during the one-day program were Overview and Historical Background of Court-Annexed Mediation in the Judiciary; ADR, PHILJA, and Expectation and Impact on the Philippine Judicial System. A mediation video entitled "Lupain" was also shown to the participants during the program. The video is a story of an actual Ejectment case filed in Regional Trial Court (RTC) in Quezon City which was referred to the Philippine Mediation Center and was successfully mediated.

JDR SHOWCASE

The Philippine Judicial Academy, the Philippine Mediation Center and the Justice Reforms Initiatives Support (JURIS) Project, in cooperation with the Canadian International Development Agency (CIDA) and the National Judicial Institute - Canada (NJI), presented the *Judicial Dispute Resolution (JDR) Showcase*, on April 13, 2007, at the Hall of Justice in Baguio City. A total of fifty-nine (59) participants attended the program comprising Judges of the Regional Trial Court (RTC), Municipal Trial Court in Cities (MTCC), Metropolitan Trial Court (MeTC) and Municipal Circuit Trial Court (MCTC) from Bacolod, Cagayan De Oro, Pampanga, Bulacan, La Union, Makati, Baguio, and Benguet; Clerks of Court of the RTC, MTCC and MeTC from Makati City, Baguio City, and La Trinidad, Benguet. The IBP Makati Chapter and the IBP Baguio-Benguet Chapter as well as the Mediators of Baguio City - Benguet also participated in the said showcase.

Other major activities conducted in the showcase were the *Advocacy Forum for Makati Judges and Lawyers; Inauguration of PMC Office and Oath-Taking of Mediators and JDR Observation.*



CONVENTIONS

SCOPHIL

PHILJA, in coordination with the Sheriff's Confederation of the Philippines (SCOPHIL), conducted the *Convention and Seminar of the Sheriff's Confederation of the Philippines (SCOPHIL)*, on April 18 to 20, 2007, at the Iloilo Grand Hotel, Iloilo City with the theme: *Endeavoring Towards Genuine Brotherhood and Professionalism*.

In attendance were six hundred forty-five (645) sheriffs from around the country. The program included lectures on Morality and Spirituality in the Service; Recent Supreme Court Rulings and Issuances Affecting Sheriffs; and Efficiency and Professionalism in the Service.

PROSAPHIL

The Philippine Judicial Academy, in coordination with the Process Servers Association of the Philippines (PROSAPHIL), conducted the *6th Convention and Seminar of the Process Servers Association of the Philippines (PROSAPHIL)*, on April 25 to 27, 2007, at the Albay Astrodome, Legaspi City with the theme: *The Role of Process Servers in Promoting and Preserving Public Trust and Confidence in the Administration of Justice*. A total of four hundred thirty-seven (437) process servers attended the said convention-seminar.

Topics discussed in the convention-seminar were: Problems in the Service of Summons; Ethical Problems and Dilemmas of Court Personnel; Office Courtesy and Human Relations; and Updated Jurisprudence on Service of Summons. Fellowship, election of officers, and oath-taking of newly elected officers were also facilitated during the convention-seminar.

Newly-Elected Officers of the Process Servers Association of the Philippines (PROSAPHIL)



DEVELOPMENT PROGRAM FOR JUDICIAL PERSONNEL

ORIENTATION-WORKSHOPS ON THE CODE OF CONDUCT FOR MINDANAO COURT PERSONNEL

PHILJA, in cooperation with the Program Management Office (PMO), the United States Agency for International Development (USAID), and the American Bar Association-Rule of Law Initiative (ABA-ROLI), conducted four (4) batches of *Orientation-Workshop on the Code of Conduct for Mindanao Court Personnel*.

The first batch's orientation-workshop was held on May 28, 2007 with one hundred twenty-four (124) participants, at the Garden Orchid Hotel, Zamboanga City. The second and third batches' orientation-workshop was conducted on May 30, 2007 with one hundred seven (107) participants and on May 31, 2007 with ninety-seven (97) participants respectively, at the Grand Regal Hotel, Davao City. The fourth batch attended the orientation-workshop held on June 1, 2007 with eighty-six (86) participants, at the Casa Luisa Restaurant, General Santos.

The one-day orientation-workshop discussed the Canons of the Code of Conduct for Court Personnel and relate them to the "traits of a good ethical court personnel." The objective of the orientation-workshop is to enable its participants to identify situations when the Canons should be applied.



From the Chancellor's Desk

(Continued from page 1)

With the National Judicial Institute of Canada, the PHILJA faculty held an **Integrating Workshop for Skills-Based and Socially Responsive Judicial Education** which emphasized, among others, the implementation of skills-based methodology.

We participated in the 14th Commonwealth Judicial Education Institute (CJEI) Annual Intensive Study Programme for Judicial Education in Nova Scotia, Canada, with Atty. David L. Ballesteros representing PHILJA, and Atty. Ma. Melissa R. Dimson-Bautista as participant in the Seminar-Workshop on Intellectual Property Rights Enforcement for the Judiciary and Public Prosecutors held in Bangkok.

Our **new offerings** include seminars on Procedural Law and Substantive Law for **Court of Tax Appeals Attorneys**; seminar-workshops for **Executive Judges and Vice Executive Judges** of the NCJR, the Visayas, and Mindanao; a seminar-workshop on **IT Project Management** for the Sandiganbayan employees and a presentation, our first, on **Wildlife Crime** in line with our objective to improve environmental adjudication in environmental issues. As a sequel to our pilot-testing on Caseflow Management (CFM) in Pasay City, the Orientation, Hands-on Training, Court Management & Team Building Workshop on **e-CFM** were held. All of these were received favorably, particularly, with respect to *Profitability* and *Expectations Met*.

Except for our Regional Judicial Career Enhancement Programs, which we could not undertake for dearth of resources, we have been **on course** with our other educational activities. Thus, we held our **13th Pre-Judicature Program** in General Santos City, offering complete compliance with MCLE requirements and 15 units for the completion of the Master of Laws course in the San Beda Graduate School of Law, upon endorsement of the PHILJA Chancellor.

Ninety-eight participants attended the **46th and 47th Orientation Seminar-Workshops for Newly Appointed Judges** held at PHILJA Development Center in Tagaytay City. A seminar-workshop was also held to acquaint the **Newly Appointed Clerks of Court** with their duties.

We continue to contribute to the **peace process in Mindanao** through the conduct of the 5th of a series of seminars to strengthen the implementation of the Code of Muslim Personal Laws of the Philippines.

We were heartened by the comments of 317 court personnel who underwent four (4) separate **Code**

of Conduct Programs in Zamboanga City, Davao City and General Santos City, on the “exceptionally knowledgeable” lecturers who stressed the importance of appropriate conduct of government employees in dealing with the public.

Single sala courts have also been the object of our attention as we held seminar-workshops for them on Juvenile & Domestic Relations Justice (Advanced Level).

Special concerns received equal attention such as on **Agrarian Justice, Drugs Law, CEDAW** (this time for Branch Clerks of Court of the NCJR), **Records Management, Legal Writing for Court Attorneys** and **e-Learning Programs** on the courses *Developing Jurisprudence in Civil Law and Remedial Law* (Arrest, Search and Seizure and Custodial Investigation).

We have made great strides in **Court-Annexed Mediation (CAM)** and **Judicial Dispute Resolution (JDR)**. At the 5th Joint Project Steering committee with Canadian Partners and the Alternative Law Group, over which Chief Justice Reynato S. Puno presided, discussions were held on whether CAM and JDR had brought justice closer to the poor and marginalized; planning how best to maximize their combination, as well as their expansion to Makati City; the crucial need for **organizational sustainability** of the PMC; and the **financial sustainability** of the JURIS project even after its termination in 2008. Mediation Center Units continue to be established in different regions and mediators trained for the purpose.

The **Judicial Dispute Resolution Showcase** held in Baguio resulted in the successful mediation of some cases, on site, by JDR judges who exhibited their learned skills in the process.

The Asia Pacific Judicial Reform Forum (APJRF) in Putrajaya, Malaysia, provided the occasion for the presentation of our paper on *Judicial Education, Judicial Reform and Reforms in Judicial Education*.

Consistent with our goal to reach as many court personnel as our resources allow, we collaborated with SCOPHIL and PROSAPHIL in their convention seminars, making these activities truly worth their while through seminar components on topics they themselves had requested.

We will continue to heed the advice of Chief Justice Reynato S. Puno for the Academy to pursue its vocation to keep judges and court personnel educated and consistently focused on our encompassing goal for excellence in the judiciary.

CONSTITUTIONAL LAW

COMELEC Gun Ban

With respect to the charge of violating Section 261(q) of *B.P. Blg. 881*, as amended, otherwise known as the Omnibus Election Code, the Court is constrained to affirm the conviction of the petitioner, since the prosecution successfully discharged its burden of proof.

Section 261 of *B.P. Blg. 881* (Omnibus Election Code), as originally worded, provides:

Sec. 261. *Prohibited Acts.* – The following shall be guilty of an election offense:

(q) *Carrying firearms outside residence or place of business.* – Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, *unless authorized in writing by the Commission*: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof. x x x

Section 32 of Republic Act No. 7166 (R.A. No. 7166), amending Section 261 of the Omnibus Election Code, provides:

SEC. 32. *Who May Bear Firearms.* – During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, *even if licensed to possess or carry the same, unless authorized in writing by the Commission.* The issuance of firearm licenses shall be suspended during the election period. (*Emphasis supplied*)

In view of the foregoing provisions, while it is well-settled that under P.D. No. 1866, as amended, the burden to prove the negative allegation that the accused has no license or permit to carry a firearm lies with the prosecution; under the Omnibus Election Code, however, the burden to adduce evidence that accused is exempt from the COMELEC Gun Ban, lies with the accused.

Section 32 of R.A. No. 7166 is clear and unequivocal that the prohibited act to which this provision refers is made up of the following elements: 1) the person is bearing, carrying, or transporting firearms or other deadly weapons; 2) such possession occurs during the election period; and, 3) the weapon is carried in a public

place. Under said provision, it is explicit that even if the accused can prove that he is holding a valid license to possess such firearm, this circumstance by itself cannot exculpate him from criminal liability. The burden is on the accused to show that he has a written authority to possess such firearm issued by no less than the COMELEC.

(Austria-Martinez, J., *Rodolfo Abenes y Gacutan vs The Honorable Court of Appeals and People of the Philippines*, G.R. No. 156320, February 14, 2007)

Expanded Senior Citizens Act R.A. No. 9257, declared constitutional as a legitimate exercise of police power

The Senior Citizens Act was enacted primarily to maximize the contribution of senior citizens to nation-building, and to grant benefits and privileges to them for their improvement and well-being as the State considers them an integral part of our society.

The priority given to senior citizens finds its basis in the Constitution as set forth in the law itself. Thus, the Act provides:

SEC. 2. Republic Act No. 7432 is hereby amended to read as follows:

SECTION 1. *Declaration of Policies and Objectives.* – Pursuant to Article XV, Section 4 of the Constitution, it is the duty of the family to take care of its elderly members while the State may design programs of social security for them. In addition to this, Section 10 in the Declaration of Principles and State Policies provides: “The State shall provide social justice in all phases of national development.” Further, Article XIII, Section 11, provides: “The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children.” Consonant with these constitutional principles the following are the declared policies of this Act: xxx

(f) To recognize the important role of the private sector in the improvement of the welfare of senior citizens and to actively seek their partnership.

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CONSTITUTIONAL LAW continued

To implement the above policy, the law grants a twenty percent discount to senior citizens for medical and dental services, and diagnostic and laboratory fees; admission fees charged by theaters, concert halls, circuses, carnivals, and other similar places of culture, leisure and amusement; fares for domestic land, air and sea travel; utilization of services in hotels and similar lodging establishments, restaurants and recreation centers; and purchases of medicines for the exclusive use or enjoyment of senior citizens. As a form of reimbursement, the law provides that business establishments extending the twenty percent discount to senior citizens may claim the discount as a tax deduction.

The law is a legitimate exercise of police power which, similar to the power of eminent domain, has general welfare for its object. Police power is not capable of an exact definition, but has been purposely veiled in general terms to underscore its comprehensiveness to meet all exigencies and provide enough room for an efficient and flexible response to conditions and circumstances, thus assuring the greatest benefits. Accordingly, it has been described as "the most essential, insistent and the least limitable of powers, extending as it does to all the great public needs." It is "[t]he power vested in the legislature by the constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the constitution, as they shall judge to be for the good and welfare of the commonwealth, and of the subjects of the same."

For this reason, when the conditions so demand as determined by the legislature, property rights must bow to the primacy of police power because property rights, though sheltered by due process, must yield to general welfare.

(Azcuna, J., *Carlos Superdrug Corp., doing business under the name and style "Carlos Superdrug", Elsie M. Cano, doing business under the name and style "Advance Drug," Dr. Simplicio L. Yap, Jr., doing business under the name and style "City Pharmacy," Melvin S. Dela Serna, doing business under the name and style "Botica dela Serna." And Leyte Serv-Well Corp., doing business under the name and style, "Leyte Serv-Well Drugstore," vs. Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Finance (DOF), Department of Justice (DOJ), and Department of Interior and Local Government (DILG)*, G.R. No. 166494, June 29, 2007)

CIVIL LAW

When a document in two or more copies is executed at or about the same time, with identical contents, all such copies are equally regarded as originals. Original does not mean the first paper written, in contrast to a copy or transcript made later. The original depends upon the issue to be proved.

All notarized copies of deeds of conveyance are originals. They are sometimes loosely referred to as "original copies" or "duplicate originals."

When a document in two or more copies is executed at or about the same time, with identical contents, all such copies are equally regarded as originals. Original does not mean the first paper written, in contrast to a copy or transcript made later. The original depends upon the issue to be proved. It is immaterial whether that document was written before or after another, was copied from another, or was itself used to copy from, as long as its contents are the subject of inquiry. Hence, one or some of these copies are still considered as originals, and they have equal claims to authenticity.

As a matter of practice, deeds of conveyance are prepared in several copies for notarization and record purposes. After notarization, the notary public retains copies pursuant to the Rules on Notarial Practice, one for his record and the other for transmittal to the court, through Clerk of Court concerned, where he secured his notarial commission. When he gives all the other copies to the parties, the latter agree between themselves how many copies should be kept by each. The parties also agree which copies shall be presented to the Register of Deeds for registration, the city or municipal assessor in connection with the payment of transfer tax and other fees, and the Bureau of Internal Revenue in connection with the payment of the capital gains tax. **All the notarized copies are originals.** They are sometimes loosely referred to as "original copies" or "duplicate originals."

(Tinga, J., *Spouses Peblia Alfaro and Prosperous Alfaro v. Hon. Court of Appeals, Spouses Olegario P. Bagano and Cecilia C. Bagano*, G.R. No. 162864, March 28, 2007)



REMEDIAL LAW

Guidelines to be observed in Assaying the Probative Value of Circumstantial Evidence.

It is well to emphasize the four basic guidelines that must be observed in assaying the probative value of circumstantial evidence:

“x x x (a) It should be acted upon with caution; (b) All the essential facts must be consistent with the hypothesis of guilt; (c) The facts must exclude every other theory but that of guilt of the accused; and (d) The facts must establish with certainty the guilt of the accused as to convince beyond reasonable doubt that he was the perpetrator of the offense. The peculiarity of circumstantial evidence is that the series of events pointing to the commission of a felony is appreciated *not singly but collectively*. The guilt of the accused cannot be deduced from scrutinizing just one (1) particular piece of evidence. It is more like a puzzle which when put together reveals a convincing picture pointing to the conclusion that the accused is the author of the crime.”

as well as the doctrines enunciated by the Court that the prosecution must establish beyond reasonable doubt every circumstance essential to the guilt of the accused; and that every circumstance or doubt favoring the innocence of the accused must be duly taken into account.

(Austria-Martinez, J., *People of the Philippines v. Cesar Galvez*, G.R. No. 157221, March 30, 2007)

Instances when Offer of Compromise will not amount to an admission of guilt.

The Court also recognizes that there may be instances when an offer of compromise will not amount to an admission of guilt. Thus, in *People v. Godoy* (G.R. No. 115908-09, December 6, 1995), The Court pronounced that :

In criminal cases, an offer of compromise is generally admissible as evidence against the party making it. It is a legal maxim, which assuredly constitutes one of the bases of the right to penalize, that in the matter of public crimes which directly affect the public interest, no compromise whatever may be entered into as regards the penal action. **It has long been**

held, however, that in such cases the accused is permitted to show that the offer was not made under a consciousness of guilt, but merely to avoid the inconvenience of imprisonment or for some other reason which would justify a claim by the accused that the offer to compromise was not in truth an admission of guilt or an attempt to avoid the legal consequences which would ordinarily ensue therefrom. (Emphasis supplied)

(Austria-Martinez, J., *People of the Philippines v. Cesar Galvez*, G.R. No. 157221, March 30, 2007)

A motion to withdraw an administrative complaint against a member of the Judiciary cannot deprive the Supreme Court of its authority to ascertain the culpability of a respondent and impose the corresponding penalty.

A motion to withdraw an administrative complaint against a member of the Judiciary cannot deprive this Court of its authority to ascertain the culpability of a respondent and impose the corresponding penalty. This Court has a great interest in the conduct and behavior of all officials and employees of the Judiciary in ensuring the prompt and efficient delivery of justice at all times. Its efforts to comply with its constitutional mandate cannot be frustrated by any private arrangement of the parties because the issue in an administrative case is not whether the complainant has a cause of action against the respondent but whether the latter breached the norms and standards of the courts.

(Corona, J., *Humberto C. Lim Jr., for and in behalf of Lumot Anlap Jalandoni v. Judge Demosthenes L. Magallanes and Clerk of Court Gia Independencia L. Arinday*, Regional Trial Court, Branch 54, Bacolod City, A.M. No. RTJ-05-1932, April 2, 2007)

Distinction between Damages and Injury.

Petitioner may have suffered damages as a result of the filing of the complaints. However, there is a material distinction between damages and injury. Injury is the illegal invasion of a legal right; damage is the loss, hurt or harm which results from the injury; and damages are the recompense or compensation awarded for the damage suffered. Thus, there can be

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REMEDIAL LAW continued

damage without injury in those instances in which the loss or harm was not the result of a violation of a legal duty. In such cases, the consequences must be borne by the injured person alone; the law affords no remedy for damages resulting from an act which does not amount to a legal injury or wrong. These situations are often called *damnum absque injuria*.

(Callejo, Sr. J., Antonio Diaz v. Davao Light and Power Co., Inc., Manuel M. Orig and Eliseo R. Braganza, Jr., G.R. No. 160959, April 4, 2007)

Requisites of Malicious Prosecution

Malicious prosecution has been defined as an action for damages brought by or against whom a criminal prosecution, civil suit or other legal proceeding has been instituted maliciously and without probable cause, after the termination of such prosecution, suit, or other proceeding in favor of the defendant therein. It is an established rule that in order for malicious prosecution to prosper, the following requisites must be proven by petitioner: (1) the fact of prosecution and the further fact that the defendant (respondent) was himself the prosecutor, and that the action finally terminated with an acquittal; (2) that in bringing the action, the prosecutor acted without probable cause; and (3) that the prosecutor was actuated or impelled by legal malice, that is, by improper or sinister motive. The foregoing are necessary to preserve a person's right to litigate which may be emasculated by the undue filing of malicious prosecution cases. From the foregoing requirements, it can be inferred that malice and want of probable cause must both be clearly established to justify an award of damages based on malicious prosecution.

(Callejo, Sr. J., Antonio Diaz v. Davao Light and Power Co., Inc., Manuel M. Orig and Eliseo R. Braganza, Jr., G.R. No. 160959, April 4, 2007)

**CRIMINAL LAW****Probable Cause; definition of**

Probable cause "does not mean 'actual and positive cause'" or "xxx import absolute certainty. It is merely based on opinion and reasonable belief." It "has been defined xxx as the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted." "Thus, a finding of probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged. Precisely, there is a trial for the reception of evidence of the prosecution in support of the charge."

The wide latitude in determining the existence of probable cause or the lack of it cannot be exercised arbitrarily. The Ombudsman must weigh "facts and circumstances without resorting to the calibrations of our technical rules of evidence xxx. Rather, he relies on the calculus of common sense of which all reasonable men have an abundance." "A finding of probable cause needs only to rest on evidence showing that *more likely than not* a crime has been committed and was committed by the suspects. Probable cause need not be based on clear and convincing evidence of guilt, neither on evidence establishing guilt beyond reasonable doubt and, definitely not on evidence establishing absolute certainty of guilt." A finding of probable cause "is not a pronouncement of guilt."

(Azcuna, J., Republic of the Philippines, represented by the Presidential Commission on Good Government (PCGG) vs Hon. Ombudsman Aniano A. Desierto, Herminio T. Disini, in his capacity as Vice President & General Counsel of Herdis Group of Companies, Inc., Jesus T. Disini, Angelo V. Manahan, Dominico O. Borja, Rodolfo Jacob, and Jerry Orlina, all members of the Board of Directors, Herdis Group of Companies, Inc., G.R. No. 135123, January 22, 2007)



SUPREME COURT

RESOLUTION of the COURT *En Banc* dated May 3, 2007, on A.M. No. 07-4-17-SC

RE: PRESCRIBING GUIDELINES ON THE CONDUCT OF ELECTIONS OF JUDGES' ASSOCIATIONS

Whereas, the 1987 Constitution entrusts to the Supreme Court administrative supervision over all courts and the personnel thereof;

Whereas, the New Code of Judicial Conduct for the Philippine Judiciary requires judges to "avoid impropriety and the appearance of impropriety in all their activities" and to "conduct themselves in a way that is consistent with the dignity of the judicial office;"

Whereas, under the New Code of Judicial Conduct for the Philippine Judiciary, "judges may form or join associations of judges;" and judges of the first and second level courts have formed associations for the promotion and protection of their common welfare and interests; the enhancement of their competencies and skills; and the provision of the appropriate forum where issues and concerns relating to their work could be discussed and addressed;

Whereas, it is in the interest of the Judiciary that judges' associations engage in activities which maintain, enhance and uphold public confidence in the courts and in those who hold judicial office;

Whereas, the judges' associations are governed by Boards of Officers the members of which are elected at regular intervals by all the members during national conventions or assemblies;

Whereas, aspects of the elections of judges' associations have the capacity to affect adversely the public perception of the judges' professional and personal behavior;

Whereas, there had been reports, subsequently verified, that during the previous years, judges seeking positions in their associations had engaged in blatant electioneering activities, to the extent that some of these candidates traveled to different provinces, held caucuses with the association members in expensive venues, and provided them free food, drinks and entertainment all for the purpose of soliciting their support and votes;

Whereas, there is need to structure the elections of these judges' associations along lines that would depoliticize this important activity and redirect efforts towards acceptable and non-partisan interests;

Whereas, the Court deems it imperative to prescribe guidelines that would ensure that the different judges' associations would prudently manage as well as undertake honest, simple, clean, transparent and orderly elections of their officers; and

Whereas, these guidelines seek to keep the amount of campaigning and electioneering within reasonable limits and to assist in the maintenance of a spirit of collegiality and essential fairness in such elections;

Now, therefore, the Court hereby promulgates this Resolution prescribing guidelines on the conduct of elections of the different judges' associations:

SECTION 1. *Policy on elections.* - The election process for the officers of all judges' associations shall at all time be honest, simple, clean, transparent and orderly.

SEC. 2. *Candidacy in judges' associations.* - All officers of judges' associations shall be exemplars of integrity, propriety and professionalism.

SEC. 3. *Campaign activities.* - Judges' associations shall see to it that candidates for any elective office in such associations shall refrain from and avoid campaign activities and situations that might bring the Judiciary into disrepute or give rise to embarrassment on the part of the associations and their membership.

SEC. 4. *Prohibited acts and practices relative to elections.* - Judges' associations and their members, whether singly or collectively and whether or not a candidate for any elective office in the association, shall refrain, directly or indirectly, in any form or manner, by himself or through another person, from the following acts and practices relative to elections:

- a. Distributing and disseminating any election campaign material other than the *curriculum vitae* or the biodata of a candidate and flyers indicating the candidate's qualifications, plan of action, platform or other information on his vision and objectives for the association. No other election campaign material like posters, streamers, banners or other printed propaganda matters shall be prepared, used and distributed by candidates;
- b. (1) Paying the dues or other indebtedness of any member; or (2) giving money or other material consideration or making a promise of expenditure or causing an expenditure to be made, offered or promised to any member, all for the purpose of inducing or influencing

(Continued on NEXT page)

RESOLUTION, dated May 3, 2007 (continued)

- the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;
- c. Providing or giving, free of charge, food, drinks or other refreshment, and any nature of entertainment to any member for the purpose of inducing or influencing the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;
 - d. Providing or giving, free of charge, transportation through any mode and accommodations, regardless of category, at hotels, motels or other lodging places to any member for the purpose of inducing or influencing the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;
 - e. Installing, opening and maintaining any booth, stall or desk within the venue of the convention or assembly for the purpose of displaying and distributing any election campaign material;
 - f. Soliciting, demanding, taking or accepting from parties or other persons, electoral campaign propaganda, items and gadgets;
 - g. Soliciting, demanding or receiving from other persons and parties, contribution or donation in cash for the purpose of an election campaign fund;
 - h. Assigning, directing or utilizing the services of any court personnel in the preparation, typing, printing, reproduction and distribution of any election campaign material;
 - i. Using or allowing the use by other members of the association or their personnel any court equipment such as fax and photocopying machines for the printing and duplication of election campaign material; and
 - j. Using or allowing the use by any court personnel of the franking privilege granted by Presidential Decree No. 26 to the courts in the distribution or dissemination of any communication or papers relating to the elections.

SEC. 5. *Prohibition against intervention by officials of the courts and the Office of the Court Administrator.* — Officials of the courts under the Judiciary and the Office of the Court Administrator shall not, directly or indirectly,

intervene in the elections of the judges' associations or engage in any partisan election activity.

SEC. 6. *Monitoring compliance with the Guidelines.* — The Court Administrator shall be primarily and directly responsible for the implementation of this Resolution and shall see to the faithful compliance with its provisions by all judges' associations. For this purpose, the Court Administrator may adopt such measures, including the creation of monitoring teams, to ensure observance by all judges' associations and their members.

SEC. 7. *Liability for non-compliance with the Guidelines.* — Failure by any member of the judges' association to observe or comply with the provisions of this Resolution shall constitute a serious administrative offense and shall be dealt with in accordance with Rule 140 of the Revised Rules of Court. Court officials and personnel who violate provisions of the Resolution shall be administratively liable and proceeded against in conformity with existing Supreme Court and Civil Service rules and regulations.

SEC. 8. *Effectivity.* — This Resolution shall take effect on May 30, 2007 following its publication in a newspaper of general circulation in the Philippines not later than May 15, 2007.

May 3, 2007.

PUNO, CJ, QUISUMBING, YNARES-SANTIAGO, SANDOVAL-GUTIERREZ, CARPIO, AUSTRIA-MARTINEZ (*on leave*), CORONA (*on leave*), CARPIO-MORALES, CALLEJO, SR., AZCUNA, TINGA, CHICO-NAZARIO, GARCIA, VELASCO, JR., NACHURA, JJ.
concur.



ADMINISTRATIVE ORDER NO. 54-2007

RE: DESIGNATION OF SPECIAL COURTS TO HEAR, TRY AND DECIDE ELECTION CONTESTS INVOLVING ELECTIVE MUNICIPAL OFFICIALS

Whereas, local and national elections will be held on May 14, 2007;

Whereas, it is expected that election cases will be filed in courts as a result of said elections;

Whereas, election cases should be given preference over all other cases except petitions for *habeas corpus*;

Whereas, the Regional Trial Courts have the exclusive original jurisdiction to try and decide election

ADMINISTRATIVE ORDER NO. 54-2007 (continued)

protests and petitions for *quo warranto* involving elective municipal officials;

Whereas, under Section 12 of Rule 2 of the **Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials**, the Supreme Court shall designate the courts which shall take cognizance of election protests and petitions for *quo warranto*;

Now, Therefore, in the interest of a speedy and efficient administration of justice and pursuant to Section 12 of Rule 2 of the **Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials**, the following branches of the Regional Trial Courts are hereby designated to exclusively and speedily hear, try and decide election protests and petitions for *quo warranto* involving elective municipal officials within their respective territorial jurisdiction:

NATIONAL CAPITAL JUDICIAL REGION

Branch 68, Pasig City

Hon. Santiago G. Estrella (for cases originating from San Juan)

Branch 262, Pasig City

Hon. Isagani A. Geronimo (for cases originating from Pateros)

FIRST JUDICIAL REGION

Branch 63, La Trinidad, Benguet

Hon. Benigno M. Galacgac

Branch 14, Laoag City, Ilocos Norte

Hon. Francisco Roberto O. Quilala

Branch 65, Laoag City, Ilocos Norte

Hon. Manuel L. Argel, Jr.

Branch 27, San Fernando City, La Union

Hon. Antonio Carbonell

Branch 29, San Fernando City, La Union

Hon. Roberto T. Cawed

Branch 38, Lingayen, Pangasinan

Hon. Teodoro C. Fernandez

Branch 69, Lingayen, Pangasinan

Hon. Ma. Susana T. Baua

Branch 40, Dagupan City, Pangasinan

Hon. Roberto O. Rudio

Branch 44, Dagupan City, Pangasinan

Hon. Genoveva Coching Maramba

Branch 46, Urdaneta City, Pangasinan

Hon. Tita Rodriguez Villarin

Branch 48, Urdaneta City, Pangasinan

Hon. Aurelio R. Ralar, Jr.

SECOND JUDICIAL REGION

Branch 2, Tuguegarao City, Cagayan

Hon. Vilma Tumaliuan Pauig

Branch 3, Tuguegarao City, Cagayan

Hon. Marivic C. Beltran

Branch 7, Aparri, Cagayan

Hon. Oscar T. Zaldivar

Branch 10, Aparri, Cagayan

Hon. Pablo M. Agustin

Branch 18, Ilagan, Isabela

Hon. Josefino H. Piamonte

Branch 36, Santiago City, Isabela

Hon. Anastacio D. Anghad

Branch 27, Bayombong, Nueva Vizcaya

Hon. Menrado V. Corpuz (APJ)

THIRD JUDICIAL REGION

Branch 2, Balanga City, Bataan

Hon. Manuel M. Tan

Branch 11, Malolos City, Bulacan

Hon. Basilio R. Gabo, Jr.

Branch 20, Malolos City, Bulacan

Hon. Oscar C. Herrera, Jr.

Branch 21, Malolos City, Bulacan

Hon. Jaime V. Samonte

Branch 29, Cabanatuan City, Nueva Ecija

Hon. Racquelen Abary-Vasquez

Branch 30, Cabanatuan City, Nueva Ecija

Hon. Virgilio G. Caballero

Branch 31, Guimba, Nueva Ecija

Hon. Napoleon R. Sta. Romana

Branch 34, Gapan City, Nueva Ecija

Hon. Celso O. Baguio

Branch 89, Sto. Domingo, Nueva Ecija

Hon. Santiago M. Arenas

Branch 41, City of San Fernando, Pampanga

Hon. Divina Luz P. Aquino Simbulan

Branch 48, City of San Fernando, Pampanga

Hon. Serafin M. David

Branch 49, Guagua, Pampanga

Hon. Jesusa Mylene S. Isip

Branch 52, Guagua, Pampanga

Hon. Jonel S. Mercado

Branch 54, Macabebe, Pampanga

Hon. Lucina A. Dayaon

Branch 56, Angeles City, Pampanga

Hon. Irin Zenaida S. Buan

Branch 59, Angeles City, Pampanga

Hon. Ma. Angelica Paras Quiambao

Branch 64, Tarlac City, Tarlac

Hon. Domingo C. San Jose, Jr.

Branch 71, Iba, Zambales

Hon. Consuelo D. Bocar

Branch 74, Olongapo City, Zambales

Hon. Ramon S. Caguioa

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ADMINISTRATIVE ORDER NO. 54-2007 (continued)

FOURTH JUDICIAL REGION (REGION 4-A)

Branch 8, Batangas City, Batangas

Hon. Ernesto L. Marajas

Branch 11, Balayan, Batangas

Hon. Ma. Cecilia Austria Chua

Branch 12, Lipa City, Batangas

Hon. Danilo S. Sandoval

Branch 88, Cavite City, Cavite

Hon. Agapito S. Lu

Branch 22, Imus, Cavite

Hon. Cesar A. Mangrobang

Branch 91, Sta. Cruz, Laguna

Hon. Divinagracia B. Ongkeko

Branch 29, San Pablo City, Laguna

Hon. Honorio E. Guanlo, Jr.

Branch 37, Calamba City, Laguna

Hon. Antonio T. Manzano

Branch 92, Calamba City, Laguna

Hon. Alberto F. Serrano

Branch 57, Lucena City, Quezon

Hon. Adolfo Encomienda

Branch 58, Lucena City, Quezon

Hon. Eloida R. De Leon-Diaz

Branch 71, Antipolo City, Rizal

Hon. Bayani Isamu Y. Ilano

Branch 76, San Mateo, Rizal

Hon. Josephine Zarate Fernandez

Branch 79, Morong, Rizal

Hon. Candido O. Delos Santos

Branch 67, Binangonan, Rizal

Hon. Dennis Patrick C. Perez

FOURTH JUDICIAL REGION (REGION 4-B)

Branch 51, Puerto Princesa City, Palawan

Hon. Chito S. Meregillano

Branch 95, Puerto Princesa City, Palawan

Hon. Bienvenido C. Blancaflor

FIFTH JUDICIAL REGION

Branch 2, Legaspi City, Albay

Hon. Avelino V. Rodenas, Jr.

Branch 7, Legaspi City, Albay

Hon. Jose G. Dy

Branch 11, Ligao City, Albay

Hon. Amy Ana De Villa Rosero

Branch 16, Tabaco City, Albay

Hon. William B. Volante

Branch 19, Naga City, Camarines Sur

Hon. Zaida Aurora B. Garfin

Branch 27, Naga City, Camarines Sur

Hon. Leo L. Intia

Branch 62, Naga City, Camarines Sur

Hon. Antonio Camillus A. Ayo, Jr.

Branch 56, Libmanan, Camarines Sur

Hon. Lore V. Bagalacsa

Branch 32, Pili, Camarines Sur

Hon. Nilo A. Malanyaon

Branch 35, Iriga City, Camarines Sur

Hon. Alfredo D. Agawa

Branch 37, Iriga City, Camarines Sur

Hon. Rogelio LL. Dacara

Branch 39, Daet, Camarines Norte

Hon. Winston S. Racoma

Branch 44, Masbate City, Masbate

Hon. Pazlinda A. Villamor-Joaquin

Branch 46, Masbate City, Masbate

Hon. Nilo B. Barsaga

Branch 51, Sorsogon City, Sorsogon

Hon. Jose L. Madrid

SIXTH JUDICIAL REGION

Branch 1, Kalibo, Aklan

Hon. Marietta H. Valencia

Branch 2, Kalibo, Aklan

Hon. Ledelia Aragona Biliran

Branch 12, San Jose, Antique

Hon. Rudy P. Castrojas

Branch 15, Roxas City, Capiz

Hon. Juliana De Castro Azzaraga

Branch 17, Roxas City, Capiz

Hon. Edward B. Contreras

Branch 22, Iloilo City, Iloilo

Hon. Guilljie Diva Delfin-Lim

Branch 24, Iloilo City, Iloilo

Hon. Danilo P. Galvez

Branch 39, Iloilo City, Iloilo

Hon. Joseph Cedrick O. Ruiz

Branch 42, Bacolod City, Negros Occidental

Hon. Fernando R. Elumba

Branch 50, Bacolod City, Negros Occidental

Hon. Roberto S. Chiongson

Branch 51, Bacolod City, Negros Occidental

Hon. Anita Guanzon Chua

Branch 59, San Carlos City, Negros Occidental

Hon. Katherine A. Go

SEVENTH JUDICIAL REGION

Branch 47, Tagbilaran City, Bohol

Hon. Sucemo A. Arcamo

Branch 48, Tagbilaran City, Bohol

Hon. Pablo R. Magdoza

Branch 11, Cebu City, Cebu

Hon. Ramon B. Daomilas, Jr.

Branch 18, Cebu City, Cebu

Hon. Gilbert P. Moises

Branch 19, Cebu City, Cebu

Hon. Ramon J. Codilla, Jr.

ADMINISTRATIVE ORDER NO. 54-2007 (continued)

Branch 27, Lapu-lapu City, Cebu

Hon. Toribio S. Quiwag

Branch 55, Mandaue, City, Cebu

Hon. Marilyn Lagura-Yap

Branch 33, Dumaguete City, Negros Oriental

Hon. Fe Lualhati D. Bustamante

Branch 40, Dumaguete City, Negros Oriental

Hon. Gerardo A. Paguio, Jr.

Branch 42, Dumaguete City, Negros Oriental

Hon. Marie Rose I. Paras

EIGHTH JUDICIAL REGION

Branch 6, Tacloban City, Leyte

Hon. Santos T. Gil

Branch 27, Catbalogan, Samar

Hon. Rogelio Joboco

NINTH JUDICIAL REGION

Branch 6, Dipolog City, Zamboanga Del Norte

Hon. Hipolito P. Bael

Branch 20, Pagadian City, Zamboanga Del Sur

Hon. Aniceto B. Galon, Jr.

TENTH JUDICIAL REGION

Branch 3, Butuan City, Agusan Del Norte

Hon. Francisco F. Maclang

Branch 8, Malaybalay City, Bukidnon

Hon. Pelagio B. Estopia

Branch 13, Oroquieta City, Misamis Occidental

Hon. Nimfa P. Sitaca

Branch 21, Cagayan De Oro City, Misamis Oriental

Hon. Gil G. Bollozos

Branch 37, Cagayan De Oro City, Misamis Oriental

Hon. Jose L. Escobido

Branch 41, Cagayan De Oro City, Misamis Oriental

Hon. Jeoffre W. Acebido

ELEVENTH JUDICIAL REGION

Branch 31, Tagum City, Davao Del Norte

Hon. Danilo C. Belo

Branch 16, Davao City, Davao

Hon. Emmanuel C. Carpio

Branch 13, Davao City, Davao

Hon. Isaac G. Robillo, Jr.

Branch 20, Digos City, Davao

Hon. Albert S. Axalan

Branch 36, General Santos City, South Cotabato

Hon. Isaac alvero V. Moran

Branch 23, General Santos City, South Cotabato

Hon. Andres N. Lorenzo, Jr.

TWELFTH JUDICIAL REGION

Branch 6, Iligan City, Lanao Del Norte

Hon. Valerio M. Salazar

Branch 10, Marawi City, Lanao Del Sur

Hon. Moslemen T. Macarambon (APJ)

For purposes of this Administrative Order, the cases referred herein shall be limited to election protests and petitions for *quo warranto* involving elective municipal officials. All other election related cases shall be raffled among the regular courts in the station.

In stations where there is only one (1) branch designated as Special Court, the election contest shall be automatically assigned to the said branch. All single-sala courts are considered special courts for the above purpose and for this reason shall give priority to these cases in their trial calendars. In multi-sala stations where there are no Special Courts designated for the purpose, the cases shall be raffled among the regular courts therein.

The Special Courts herein designated, all single sala courts, and the branches where the election contests are raffled in case of multi-sala stations where there is no designated special court, shall try and decide the election contests in accordance with the Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and *Barangay* Officials.

The Special Courts herein designated shall continue to be included in the raffle of cases, criminal and civil, provided that the Executive Judges of the RTCs concerned shall exclude the designated Special Courts from such raffle whenever in their judgment the caseload of these courts shall prevent them from conducting the continuous trial of the election contests.

The Branches thus designated as Special Courts shall continue to perform their functions as such within the purview of this Administrative Order even after the retirement, promotion, transfer or detail of the judges appointed/designated to preside over them. Election contests filed after the Special Courts became vacant due to retirement, promotion, transfer or detail of the presiding/acting judge shall still be raffled/assigned to the Special Courts. The judge designated to preside over the vacant Special Court shall take cognizance of the cases unless the Supreme Court designates another judge.

In the event of inhibition of the judge of the designated Special Court, the pairing system for multiple-branch stations subject of Circular No. 7 dated September 23, 1974, as amended, shall apply. 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, a newly filed case shall be assigned to the disqualified or inhibiting judge to

(Continued on NEXT page)

ADMINISTRATIVE ORDER NO. 54-2007 (continued)

replace the case so removed from his/her court. If the judge in a single-branch voluntary inhibits himself/herself, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case in the court of origin. The determination of the pairing judge shall be in accordance with Annex "A" of A.M. No. 03-8-02-SC dated February 15, 2004 (Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties). Where the pairing judge who sits in a single branch RTC is also qualified 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 also 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. However, the case shall remain in the court of origin.

This Administrative Order shall take effect immediately.

May 11, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice

(Sgd.) LEONARDO L. QUISUMBING
Associate Justice
Chairperson, Second Division

(Sgd.) CONSUELO YNARES-SANTIAGO
Associate Justice
Chairperson, Third Division



ADMINISTRATIVE CIRCULAR NO. 26-2007

**TO: ALL JUDGES, OFFICIALS, AND EMPLOYEES
OF ALL COURTS IN THE NATIONAL CAPITAL
JUDICIAL REGION**

SUBJECT: SCHEDULE OF WORKING HOURS

In the interest of public service, all courts in the National Capital Judicial Region shall observe the following office hours without, however, prejudice to approved flexi-time of certain personnel:

Monday to Friday 8:00 A.M. to 12:00 Noon
12:30 P.M. to 4:30 P.M.

The National Capital Judicial Region shall cover the following cities, provincial capitals and towns:

- | | |
|------------------|----------------|
| 1. Manila | 3. Quezon City |
| 2. Caloocan City | 4. Navotas |

- | | |
|---------------------|---------------------|
| 5. Malabon City | 12. Pasay City |
| 6. Valenzuela City | 13. Paranaque City |
| 7. Pasig City | 14. Taguig City |
| 8. Pateros | 15. Marikina City |
| 9. Mandaluyong City | 16. Las Piñas City |
| 10. San Juan | 17. Muntinlupa City |
| 11. Makati City | |

This revised schedule of office hours shall take effect for each court upon receipt hereof and shall continue to be in full force until revoked.

For your guidance and immediate compliance.

April 24, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice



MEMORANDUM CIRCULAR NO. 07-2007

**RE: IMPLEMENTATION OF THE APPROVED
I N F O R M A T I O N , E D U C A T I O N ,
C O M M U N I C A T I O N (I E C) G U I D E L I N E S F O R
M U N I C I P A L C O U R T I N F O R M A T I O N
O F F I C E R S U N D E R T H E A C C E S S T O J U S T I C E
F O R T H E P O O R P R O J E C T F U N D E D B Y T H E
E U R O P E A N C O M M I S S I O N**

Whereas the *Access to Justice for the Poor Project (Project)* is an initiative under the Action Program for Judicial Reform funded by the European Commission. The project aims to increase the access to justice by the poor and vulnerable groups;

Whereas under the *Project's* Component 1: Institutionalization of the Decentralized Information Function of the Judiciary and Training of Municipal Judges and Court Personnel, selected Clerks of Court as Municipal Court Information Officers (MCIOs) shall engage in information, education, and communication activities. Wherefore to provide the said MCIOs with specific standards of conduct regarding disclosure of and access to court information, the following IEC Guidelines approved by the Court *En Banc* in A.M. No. 05-2-01-SC dated March 13, 2007 are hereby adopted for implementation.

This shall take effect on April 2, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice

MEMORANDUM CIRCULAR NO. 07-2007 (continued)

A.M. No. 05-2-01-SC

RE: ACCESS TO JUSTICE FOR THE POOR PROJECT INFORMATION, EDUCATION, COMMUNICATION (IEC) GUIDELINES FOR MUNICIPAL COURT INFORMATION OFFICERS

Whereas the 1987 Constitution states that:

Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest. (Art. II, Sec. 28)

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law. (Art. III, Sec. 7);

Whereas, the public's right to information must not result in the transgression of other equally paramount individual rights and as Congress may properly prescribe acceptable or practical limitations, or even prescribe the disclosure of certain information through appropriate legislation, similarly, the Supreme Court may also prescribe limitation on the public's access to court information, including evidentiary matters in its custody;

Whereas, the herein *Information, Education, Communication (IEC) Guidelines* are in line with the attainment of the objectives of the *Access to Justice for the Poor Project (PHI/AID/2003/4980)* implemented in partnership with the Department of Social Welfare and Development, Department of Justice, Department of the Interior and Local Government, and Alternative Law Groups, Inc., and funded by the European Commission;

Whereas, the *IEC Guidelines* have been formulated by the *Technical Working Group of the Access to Justice for the Poor Project* created by Memorandum Order No. 51-2005 in order to provide Municipal Court Information Officers (MCIOs) with specific standards of conduct regarding disclosure of and access to court information pursuant to the directives of the Court in its Resolution dated 15 February 2005 in A.M. No. 05-2-01-SC, *Re: SC Project: Access to Justice for the Poor Project*;

Whereas, it is stated in the aforesaid resolution that the information dissemination activities of the court personnel at the trial court level should generally be conferred to court users with respect to actual cases as well as Rules issued by the Court;

Whereas, the purpose of the *IEC Guidelines* is to provide a framework for:

- (1) Scoping out court information permissible for access by the users; and

- (2) Disseminating the allowable court information to users.

Now, therefore, the Court hereby adopts these *IEC Guidelines* for Municipal Court Information Officers for the *Access to Justice for the Poor Project*.

Article 1

DEFINITION OF TERMS

- A. **Court Information** refers to information filed in or generated by the courts, including all official records, documents, and decisions. Only court information that is not confidential may be disclosed.
- B. **Confidential Information** generally refers to information not yet made a matter of public record relating to pending cases, such as notes, drafts, research papers, internal discussion, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.¹
- C. **Municipal Court Information Officers (MCIOs)** refer to the Clerks of Court (COCs), Acting Clerks of Court, or Officers-In-Charge of the first level courts designated as such under OCA Circular No. 16-2007 dated February 21, 2007 for the *Access to Justice for the Poor Project*.
- D. **Users** refer to people who seek and can be provided access to court information for valid interests and objectives. They include litigants, general public, lawyers, and the partner agencies of the *Access to Justice for the Poor Project*.

Article 2

GUIDELINES FOR MCIOs IN THE PERFORMANCE OF THEIR INFORMATION, EDUCATION, AND COMMUNICATION FUNCTIONS

- A. *In All Cases*
 - (1) Communicate in a language understood by a litigant;
 - (2) Inform the litigant on the availability of legal assistance from the Public Attorney's Office of the Department of Justice or any legal assistance office;
 - (3) Advise the litigant on the availability of an affidavit of indigency in lieu of payment of the filing fee;
 - (4) Make available court information except confidential information herein defined;

1. Section 1, Canon II, A.M. No. 03-06-13-SC, *Code of Conduct for Court Personnel*, April 13, 2004.

MEMORANDUM CIRCULAR NO. 07-2007 (continued)

- (5) Make available information materials concerning court processes, procedures, and rules.
- B. *In Applications for Temporary or Permanent Protection Orders in Cases of Violence Against Women and Their Children (VAWC) Where There are No Family Courts in the Place Where the Offended Party Resides*²
- (1) Provide the petitioner with a standard petition form written in English with translation in the major local dialects, including the instructions for its accomplishment;
 - (2) Assist the petitioner in accomplishing the petition through the use of the checklist prescribed in the Rule on Violence Against Women and their Children;
 - (3) Ensure the privacy of the offended party to the extent practicable while the form is being accomplished;
 - (4) Advise the petitioner on the availability of legal assistance from the Public Attorney's Office of the Department of Justice or any public legal assistance office;
 - (5) Advise the petitioner on entitlement of support services from the Department of Social Welfare and Development and Local Government Units;
 - (6) Advise the petitioner on the availability of an affidavit of indigency in lieu of payment of the filing fee;
 - (7) Provide the offended party with a certified copy of the protection order as well as give the necessary information regarding the process for its service and enforcement;
 - (8) Make available information material on violence against women and their children, including their rights as victims;
 - (9) Inform the offended party that compensation is available from the Department of Justice Board of Claims in accordance with the provisions of R.A. No. 7309 (1992), otherwise known as "*An Act creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crime and for Other Purposes*"; and
 - (10) Ascertain if there is an immediate necessity due to imminent danger or threat of danger to act on a petition for a protection order, and if

so accept the petition without payment of the filing fee and other fees and of transcripts of stenographic notes.

C. *In Cases of Child Witness*³

Inform the parties that a videotape or audiotape in-depth investigative or disclosure interviews of child witnesses may be accepted as evidence under the conditions provided for in the pertinent rules.

D. *In Dealing with the Media*⁴

- (1) Observe utmost caution in handling media inquiries. MCIOs shall refer such inquiries to their judges especially in instances where there may be a need to respond to unfair media criticism, inaccurate reporting, and violation of the *sub judice* rule, in which case, the judge or the Public Information Office of the Supreme Court may assume such task.
- (2) Provide the judge as soon as possible with the appropriate information on any matter subject of an inquiry by media personnel in order to guide the judge in making a decision on such an event or inquiry.
- (3) Provide only factual and otherwise publicly accessible data or information such as:
 - (a) Name of the parties, title of case, and case number, except in VAWC cases;
 - (b) Names of counsel;
 - (c) Name of the handling judge;
 - (d) Relevant dates and place concerning the incidents, except in VAWC cases;
 - (e) Petitions or prayer;
 - (f) Laws cited in the complaint or information;
 - (g) Hearing schedule; and
 - (h) Status of case.
- (4) Allow interviews as permitted by their respective judges and only on matters that are purely informative in character without any expression of personal views.
- (5) Coordinate immediately with the Supreme Court Public Information Office and the Office of the Court Administrator especially with regard to cases where there is extensive public interest and media coverage.

2. See Section 12, Part 1, A.M. No. 04-10-11-SC, *Re: Rule on Violence Against Women and their Children*, November 15, 2004.

3. See A.M. No. 004-07-SC, *Re: Proposed Rule on Examination of a Child Witness*, November 21, 2000.

4. See Philippine Judicial Academy, *Manual Guide for the Judiciary in Dealing with Media* (unpublished).

Article 3

PROVISION FOR SHARI'A COURTS

The Code of Muslim Personal Laws of the Philippines and Special Rules of Procedure in Shari'a Courts shall be observed by Shari'a Court MCIOs in their IEC activities.

Article 5

PROHIBITIONS⁵

- A. MCIOs shall not disclose
- (1) court information outside employment not required or included in the performance of official duties;
 - (2) any confidential information acquired while employed in the judiciary;
 - (3) confidential information given by litigant, witnesses, or attorneys to justices, judges or any other person, unless they are expressly authorized; and
 - (4) confidential information to individuals not authorized to receive such information by law, court rule, or administrative policy.
- B. They shall not render advisory opinions and legal advice⁶ or suggest a legal course of action except as otherwise provided in these Guidelines.
- C. They shall not have dealings with the public that will compromise the independence and integrity of the judiciary.⁷
- D. They shall not make any comment on the merits of any case pending in their respective courts as well as in other courts.⁸
- E. They shall not respond to any inquiry which tends to generate controversies arising from a judgment, decision, or action of the court.⁹

Article 6

PENALTIES

Violations of these IEC Guidelines shall be punishable by existing laws, rules, and other regulations.

5. A.M. No. 03-06-13-SC, *Code of Conduct for Court Personnel*, April 13, 2004.

6. See A.M. No. 05-2-01-SC, *Re: SC Project:: Access to Justice for the Poor Project*, February 15, 2005.

7. See Philippine Judicial Academy, *Manual Guide for the Judiciary in Dealing with the Media* (unpublished).

8. *Ibid.*

9. *Ibid.*

EFFECTIVITY

This Information, Education and Communication (IEC) Guidelines for Municipal Court Information Officers under the Access to Justice for the Poor Project shall take effect on April 2, 2007.

Promulgated this March 13, 2007.

Very truly yours,

(Sgd.) MA. LUISA D. VILLARAMA



A.M. No. 04-2-04-SC

RE: REVISED UPGRADING SCHEDULE OF THE LEGAL FEES IN THE SUPREME COURT AND THE LOWER COURTS UNDER RULE 141 OF THE RULES OF COURT

Acting on the recommendation of the Committee on Revision of the Rules of Court on the proposal of the Office of the Court Administrator, the Court RESOLVED to amend Section 1 of Rule 141 of the Rules of Court, as amended, to read as follows:

“Sec. 1. Payment of fees; modes and effects. - Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed therefor shall be paid in full, unless a staggered basis of payment is allowed by the Rules.

The legal fees may be paid in cash or through check, subject to the provisions herein stated.

The legal fees may be paid in cash when the same does not exceed (Php5,000.00). When the legal fees exceed Php5,000.00, payment shall be in check which may be personal, company or manager's check. When the legal fees exceed Php5,000.00, payment shall be in manager's check. All checks shall be crossed.

Payment for the Legal Research Fund, Victim's Compensation Fund, Cadastral Fees and other fees not accruing to the Judiciary Development Fund or Special Allowance for the Judiciary shall be in cash.

Any official receipt issued for the check shall indicate the following notation: 'Payment credited only upon check being cleared.'

In case of dishonor of the check and upon receipt of such notice from the depository bank,

(Continued on page 29)

OFFICE OF THE COURT ADMINISTRATOR**OCA CIRCULAR NO. 35-2007**

**TO: ALL EXECUTIVE/PRESIDING JUDGES,
CLERKS OF COURT / OFFICERS-IN-CHARGE
IN THE OFFICES OF THE CLERKS OF COURT
AND IN SINGLE SALA COURTS OF THE FIRST
LEVEL COURTS**

**SUBJECT: CLARIFICATION ON THE FEES TO BE
COLLECTED FOR PETITIONS FOR
INCLUSION, EXCLUSION OR
CORRECTION OF NAMES OF VOTERS**

For the information and guideline of all concerned, the following clarification is hereby issued on the fees to be collected from private petitioners in petitions filed for the inclusion, exclusion or correction of names of voters under Section 21 (h), Rule 141, Revised Rules of Court; and for service of summons and copy of petition under Section 10 (a) of the same Rule:

1. One Hundred Pesos (Php100.00) must be collected *per respondent* and *not per petition* under Section 21 (h); and
2. Two Hundred Pesos (Php200.00) must be collected for *each respondent* and *not per petition* under Section 10 (a).

Batas Pambansa Blg. 881 (Omnibus Election Code of the Philippines) and Republic Act No. 8189 (Voter's Registration Act of 1996) direct that no costs shall be assessed in proceedings for inclusion, exclusion and correction of names of voters. The "costs" referred to, however, do not include docket fees but only expenses incurred in the course of the proceedings after the case has been filed and docketed.

Under Section 34 of R.A. No. 8189, the person whose application for registration has been disapproved by the Election Registration Board or whose name has been stricken out from the voters list and who files the petition for the inclusion should be required to pay the docket fees.

Also, OCA Circular No. 54-2003 dated May 20, 2003 on the exemption of the Commission on Elections (COMELEC) from the payment of the required legal fees under Rule 141 is still enforceable (Resolution dated May 5, 2003 of Court *En Banc* in A.M. No. 03-04-11-SC) subject to the following conditions specified therein:

1. That petitions for exclusion are filed by the elections officers in the name of or for and on behalf of COMELEC;
2. That petitions for exclusion are filed pursuant to the pertinent provisions of R.A. No. 8189 (Voter's Registration Act of 1996); or the

Omnibus Election Code; or Section 2, Article IX (C) of the 1987 Philippine Constitution; and

3. That election officers are prohibited from allowing themselves to be used by any candidate or political party in the filing of exclusion cases to avoid payment of fees or to harass duly registered voters.

Furthermore, accountable officers are enjoined to require persons claiming to be election officers to present their latest valid identification cards and a certification from the head of the agency that he/she is duly authorized to transact business with the court as an employee of the COMELEC; otherwise the petition filed shall not be exempted from the payment of legal fees.

For compliance.

April 10, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

**OCA CIRCULAR NO. 40-2007****TO: ALL EXECUTIVE JUDGES**

**SUBJECT: DISTRIBUTION AND DISSEMINATION
OF ADMINISTRATIVE ORDERS,
CIRCULARS AND OTHER COURT
ISSUANCES**

This Office has been distributing copies of administrative orders, circulars and other issuances of the Court to the Executive Judges for dissemination to the courts within their respective administrative area of supervision. However, it has come to the attention of this Office that some courts have neither been given nor timely received the administrative issuances of the Court. As such, they either fail or belatedly comply with the necessary requirements especially if directed to do so by the Court.

In this connection, you are reminded of the provisions of Section 12 (a and b), Chapter VII of the Court *En Banc* Resolution dated January 27, 2004 in A.M. No. 03-8-02-SC, to wit:

- (a) *The Executive Judges 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 acknowledgement receipts, of the copies thereof to the judges.

- (b) The Executive Judges 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.

Henceforth, you are directed to distribute and disseminate to the courts under your respective area of supervision immediately upon receipt, copies of administrative orders, circulars and other Court issuances, and submit to the Court Management Office a report on the distribution within ten (10) days from date of dissemination.

For strict compliance.

May 2, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator



OCA CIRCULAR NO. 44-2007

TO: ALL EXECUTIVE/PRESIDING JUDGES AND CLERKS OF COURT/ACCOUNTABLE OFFICERS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT: CLARIFICATION ON THE EXEMPTION OF COOPERATIVES FROM THE PAYMENT OF ALL COURT AND SHERIFF'S FEES

For your information and guidance, the Court *En Banc* in its resolution dated July 15, 2003 issued in A.M. No. 03-4-01-0, Resolved to **EXEMPT** the cooperatives from the payment of all court and sheriff's fees payable to the Philippine Government for and in connection with all actions brought under Republic Act No. 6938 or the *Cooperative Code of the Philippines*, or where such action is brought by the Cooperative Development Authority before the Court, to enforce the payment of obligations contracted in favor of the cooperative.

In connection therewith the following guidelines shall be observed:

- (a) All actions brought before the Court are filed

by the duly elected officers of the cooperative in the name of or for and on behalf of the cooperative;

- (b) All actions brought before the Court are filed pursuant to the pertinent provisions of Republic Act No. 6938 also known as the Cooperative Code of the Philippines but shall be limited only to enforce the payment of obligations contracted in favor of the cooperative, otherwise cooperatives will not be exempt from payment of pertinent fees.

For strict compliance.

May 3, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator



OCA CIRCULAR NO. 48-2007

TO: ALL JUDGES AND EMPLOYEES OF THE LOWER COURTS

SUBJECT: IMPLEMENTING GUIDELINES ON THE NON-MONETARY REMUNERATION FOR OVERTIME SERVICES FOR THE LOWER COURTS

In line with the provisions of OCA Circular No. 61-2005 dated May 18, 2005 Re: Guidelines on the Non-Monetary Remuneration for Overtime Services, the undersigned sets forth the guidelines to be observed for the lower courts:

I. Definition of Terms

Compensatory Overtime Credit (COC) refers to the accrued number of hours an employee earns as a result of services rendered beyond regular working hours, and/or those rendered on Saturdays, Sundays, Holidays or scheduled days off without the benefit of overtime pay.

Compensatory Time-Off (CTO) refers to the number of hours or days an employee is excused from reporting for work with full pay and benefits. It is non-monetary benefit provided to an employee in lieu of overtime pay.

II. Guidelines

1. Lower court employees are required to render forty (40) hours of work in a week. They may be required to render overtime service in the exigency of the service when work has to be

(Continued on NEXT page)

OCA CIRCULAR NO. 48-2007 (continued)

done beyond office hours due to compelling reasons and emergency situations.

2. The Presiding Judge/Executive Judge shall determine the need for overtime services, the date, time and its purpose.
3. For rendition of overtime services on weekdays, scheduled workdays, Sundays or holidays, all requests shall be made by the Presiding Judge/Executive Judge and submitted to the Supreme Court, through the Office of the Court Administrator, for approval before actual service of overtime is rendered.
4. For those rendering skeletal force on Saturdays pursuant to Administrative Circular No. 2-99, the request shall be made by the Presiding Judge, for those in the court branches; or by the Clerk of Court, for those in the Office of the Clerk of Court, and submitted to the Executive Judge for approval.

III. Computation of COCs

The COC is expressed in number of hours, computed as follows:

1. For overtime services rendered on weekdays or scheduled work days:
COC = number of hours of overtime services x 1.0
2. For overtime services rendered on weekends, holidays or scheduled days off:
COC = number of hours of overtime services x 1.5

IV. Accrual and Use of COCs

1. Each employee may accrue not more than forty (40) hours of COCs in a month. In no instance, however, shall the unexpired balance exceed one hundred twenty (120) hours.
2. The COCs should be used as time-off within the year these are earned. The unutilized COC should not be carried over in the ensuing year, hence, are non-cumulative.
3. The COCs shall be considered as official time for the following purposes:
 - 3.a. Compliance with compensation rules relative to the entitlement to PERA, Additional Compensation, year-end benefits, and other benefits received on a regular basis; and
 - 3.b. Computation of service hours for entitlement to sick and vacation leave credits, and step increment due to length of service.

V. Limitations on the Use of COCs

1. The COCs cannot be used to offset undertime/s or tardiness incurred by the lower court employee during regular working days.
2. The COCs earned cannot be converted to cash, hence, are non-commutative.
3. The COCs will not be added to the regular leave credits of the employee; hence, it is not part of the accumulated leave credits that is paid out to the employee.

VI. Effect on Personnel Movement

1. In cases of resignation, retirement, or suspension from the service, the unutilized COCs are deemed forfeited.
2. In case of detail, secondment or transfer to another agency, the COCs earned in one agency cannot be transferred to another agency, nor could the employee receive the monetary equivalent thereof.
3. In case of promotion, except when promoted to a position not qualified to receive overtime pay under previous issuances, the employee will retain his or her accrued COC.

VII. Issuance of Certificate of COC Earned

An employee who has earned COC shall be granted a Certificate of COC earned duly approved and signed by the Chief of Office of the Office of Administrative Services, Office of the Court Administrator (OAS, OCA). The certificate indicates the number of hours of earned COC by the employee in a month. The certificate would be issued at the end of each month.

VIII. Availment of CTO

1. The CTO may be availed of in blocks of four (4) or eight (8) hours.
2. The employee may use the CTO continuously up to a maximum of five (5) consecutive days per single availment, or on staggered basis within the year.
3. Employees who were granted COC shall request from their Presiding Judge/Executive Judge on the schedule of availment of the CTO. An Application for Leave indicating the availment of CTO should bear the recommendation of the Presiding Judge/Executive Judge, and shall be submitted to the Employees' Leave Division, OAS, OCA for approval.

IX. Procedures

The following procedures shall be observed in the rendition of overtime services and availment of Compensatory Time-Off (CTO):

1. The employee renders overtime services as stipulated in the approved request;
2. The Employees' Leave Division of the OAS-OCA on a monthly basis, shall prepare a summary of overtime services rendered in a month, and shall compute the equivalent COCs for the purpose of the issuance of the Certificate of COC Earned;
3. It is upon the approval by the Chief of Office of the OAS-OCA that a Certificate of COC Earned is issued to the employee entitled thereof, with the specified number of COCs earned;
4. The employees who have earned COCs shall request their Presiding Judge/Executive Judge on the schedule of availment of the CTO and shall accomplish an Application for Leave indicating the availment of CTO and the recommendation of the Presiding Judge/Executive Judge;
5. The employee avails of the CTO;
6. The Clerk of Court, on the first week of every month shall submit the DTRs/Bundy Cards of the employees, together with the Application for Leave of Absence indicating the availment of CTO of the employees concerned; and
7. In addition to the above-mentioned papers, the Clerk of Court shall accomplish and submit each month a certified listing of employees who rendered skeletal force on Saturdays pursuant to Administrative Circular No. 2-99 and who intend to avail of the non-monetary remuneration for overtime services in accordance with these guidelines.

X. Certificate of Compensatory Overtime Credit (COC)

Front

Certificate of COC Earned	
This certificate entitles Mr./Ms. _____ to <u>(number of hours)</u> of Compensatory Overtime Credits.	
_____ OCA Chief of Office Office of Administrative Services	
Date Issued: _____	
Valid Until : _____	

Back

No. of Hours of Earned COCs/ Beginning Balance	Date of CTO	Used COCs	Remaining COCs	Remarks
Approved by: _____ OCA Chief of Office Office of Administrative Services		Certified Correct: _____ SC Chief Judicial Staff Officer Leave Division		

XI. Certified Listing

<u>List of Employees who Rendered Services on Saturdays pursuant to A.C. No. 2-99</u>				
Name of Employee	Position	Date of Saturday Duty	No. of Hours	Remarks
Court: _____ Branch: _____ Date: _____		Certified Correct: _____ Clerk of Court		

For the information and guidance of all concerned.

May 10, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

M.C. No. 07-2007 (Continued from page 25)

the Clerk of Court or the accountable officer shall immediately inform in writing the court to where the case was raffled. The court shall forthwith issue an order dismissing the case, without prejudice to the filing of a case or cases against the drawer of the dishonored check.

Upon effectivity of this Resolution, all rules, resolutions, orders and circulars of this Court, which are inconsistent therewith, are repealed or modified accordingly.

This Resolution shall take effect on July 2, 2007, following its publication in a newspaper of general circulation not later than April 30, 2007.

April 17, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice

OCA CIRCULAR NO. 53-2007**TO: ALL REGIONAL TRIAL COURT JUDGES****SUBJECT: GUIDELINES ON THE DISPOSITION OF CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, INSTRUMENTS/ PARAPHERNALIA, AND/ OR LABORATORY EQUIPMENT IN CONNECTION WITH CASES UNDER INVESTIGATION, PRELIMINARY INVESTIGATION OR REINVESTIGATION**

Pursuant to Section 21 of Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002," the Dangerous Drugs Board has issued Board Resolution No. 1, Series of 2007, prescribing the guidelines on the disposition of confiscated, seized and/or surrendered dangerous drugs, plant sources or dangerous drugs, controlled precursors and essential chemicals, instruments/ paraphernalia, and/or laboratory equipment in connection with cases under investigation, preliminary investigation or reinvestigation.

Copy of the said Board Resolution is attached for your reference and guidance.

For strict compliance.

May 21, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

BOARD REGULATION No. 1
Series of 2007

SUBJECT: Guidelines on the Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/ Paraphernalia, and/or Laboratory Equipment in Connection with Cases under Investigation, Preliminary Investigation or Reinvestigation

WHEREAS, under Section 81 (b) of the Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 9165), the Dangerous Drugs Board is given the power to promulgate rules and regulations for, among others, the safekeeping, disposition, burning or condemnation of any dangerous drug and/or controlled precursor and essential chemical under its charge and custody, and prescribe administrative remedies or sanctions for the violations of such rules and regulations;

WHEREAS, while the Dangerous Drugs Board has set the guidelines on the custody and disposition of seized dangerous drugs, controlled precursors and essential chemicals, and laboratory equipment in Board Regulation No. 1, Series of 2002, in relation to Section 21 of R.A. No. 9165, the said regulation, however only covers dispositions in connection with cases already filed in court, and instances where no person is apprehended and no criminal case is filed;

WHEREAS, there is absence of clear regulation covering dispositions on cases still under investigation by drug law enforcement unit, preliminary investigation or reinvestigation, and this has resulted in the accumulation of the inventory of dangerous drugs and controlled precursors and essential chemicals in government forensic laboratories;

WHEREAS, with the lack of adequate storage facilities in government forensic laboratories, this large inventory of dangerous drugs and controlled precursors and essential chemicals is exposed to pilferage and loss;

NOW, THEREFORE, be it resolved, as it is hereby resolved, that the Dangerous Drugs Board promulgate this Regulation Governing the Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemical, Instruments/Paraphernalia, and/or Laboratory Equipment in Connection with Cases under Investigation, Preliminary Investigation or Reinvestigation:

Section 1. Definition of Terms. The following are the definitions of terms used in this Regulation:

Board – the Dangerous Drugs Board.

Controlled precursors and essential chemicals – include those listed in Tables I and II of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and made an integral part of R.A. No. 9165, as well as those classified as such by the Dangerous Drugs Board.

Court – the Regional Trial Court where the petition for destruction is filed, or the court which issued the search warrant and where the motion for destruction is filed.

Dangerous drugs – include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances and made an integral part of R.A. No. 9165, as well as those classified as such by the Dangerous Drugs Board.

DENR – the Department of Environment and Natural Resources.

DOJ – the Department of Justice.

Forensic laboratory – refers to the laboratory being maintained by the Philippine National Police, the

National Bureau of Investigation or the Philippine Drug Enforcement Agency.

Investigation – refers to the investigation conducted by the drug law enforcement unit before a case is filed with the DOJ or Prosecutor's Office for Inquest or Preliminary Investigation.

Laboratory equipment – means a paraphernalia, apparatus, material or appliance when used, intended for use or designated for use in the manufacture of any dangerous drug and/or controlled precursor and essential chemical, such as reaction vessel, preparative/purifying equipment, fermentor, separatory funnel, heating mantle, gas generator, hydrogenator and scrubber, or their substitute.

MSDS - means Material Safety Data Sheet. It provides necessary information with regard to proper storage and safe handling procedures, first aid procedures, proper leak, spill and disposal techniques, protective equipment, and other safety procedures used to limit potential exposure to toxic or hazardous materials and other information such as hazardous ingredients, physical and chemical characteristics, physical hazards and health hazards.

PDEA – the Philippine Drug Enforcement Agency.

Preliminary Investigation - is an inquiry or proceeding conducted by the DOJ or Prosecutor's Office for the purpose of determining whether there is an sufficient ground to engender a well-founded belief that a crime cognizable by the Regional Trial Court has been committed and that the respondent is probably guilty thereof and should be held for trial.

R.A. No. 9165 – the Comprehensive Dangerous Drugs Act of 2002.

Reinvestigation – refers to a new Preliminary Investigation conducted by the DOJ and Prosecutor's Office upon order of the Trial Court.

Trial Court – the court where the criminal case for violation of R.A. No. 9165 is filed.

Section 2. Coverage. – This Regulation shall cover dispositions of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment confiscated, seized and/or surrendered for violation of R.A. No. 9165 which are under investigation by drug law enforcement units, preliminary investigation or reinvestigation pursuant to a court order.

Section 3. Disposal of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia, and/or Laboratory Equipment. Dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment confiscated, seized and/or surrendered and covered by this Regulation shall be disposed of as follows:

a. Upon the receipt of the final certification of the

forensic laboratory examination results issued by the government forensic laboratory, pursuant to Section 21 of R.A. No. 9165 and Section 4 of Board Regulation No. 1, Series of 2002, the PDEA may file a petition for the immediate destruction of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment with the Regional Trial Court presided by Executive Judge of the province or city where the confiscation, seizure and/or surrendered took place. If the confiscation, seizure or surrender was by virtue of a search warrant, the appropriate motion shall be filed with the Court which issued the said search warrant. In both instances, the petition or motion shall be filed with the prior written conformity of the Province or City Prosecutor which shall be indicated with the pleading. The trial court where the criminal cases is subsequently filed shall take judicial notice of the proceedings thereof.

- b. After the filing of the petition or motion, a the case may be, the Court shall, within seventy-two hours, conduct an ocular inspection of the confiscated seized, and/or surrendered dangerous drugs, plant source of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment.
- c. Within twenty-four after the Court inspection, the Court through the PDEA shall proceed with the destruction or burning or disposal of subject items.
- d. Prior to their destruction, representative samples of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals shall be taken and duly weighed and recorded by the forensic laboratory which conducted the examination for presentation as evidence in the trial court. Maximum quantities of samples to be retained are as follows:
 - (1) Controlled Precursors and Essential Chemicals
 - a) not more than 2.5 liters for liquid chemicals;
 - b) not more than 10 grams for non-liquid chemicals;
 - c) where the chemical is in its original container, samples to be retained shall not be more than one container, e.g. glass bottle or can or polyethylene container or barrel or drum.
 - (2) Dangerous Drugs
 - a) not more than fifteen (15) grams each of

OCA CIRCULAR NO. 53-2007 (continued)

- heroin or morphine or opium or cocaine or other dangerous drugs such as, but not limited to, MDMA or LSD or PMA or GHB or TMA or marijuana resin or marijuana resin oil;
- b) not more than fifty-five (55) grams of methamphetamine or amphetamine;
 - c) not more than 510 grams of marijuana leaves;
 - d) not more than ten (10) plants of opium poppy, cocoa bush, ephedra or marijuana;
 - e) not more than fifteen (15) grams of other dangerous drugs.
- e. Where the amount of seized dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals is equal to or less than the prescribed amount of retention above, all the seized items shall be preserved as evidence in court.
 - f. In all cases involving chemicals, the PDEA officer in charge of their disposal should also refer to their MSDS for further guidance on safe handling and disposal.
 - g. Dangerous drugs and controlled precursors and essential chemicals shall be disposed of by means of the following methods:
 - 1) Thermal destruction method in accordance with applicable laws. The PDEA may engage the professional services of third parties with thermal facilities covered by valid and subsisting permits and clearances issued by appropriate government agencies; or
 - 2) Other lawful appropriate methods as may be authorized by the Board, in consultation with the DENR.
 - h. Plant sources of dangerous drugs, such as marijuana plant, shall be destroyed by burning on the site of eradication activity and in open field. Thereafter, the burnt marijuana plant shall be buried underground.
 - i. Witnesses may be allowed to observe the procedures for the conduct of destruction or disposal of seized dangerous drugs or controlled precursors and essential chemicals. Witnesses shall wear "dust mask." During the start of marijuana plant destruction, witnesses should stay at a distance of no less than fifty (5) meters from the destruction site and away from wind direction. In case of destruction in a thermal facility, witnesses should stay no less than fifteen (15) meters away from the facility when the burning starts. In this regard, the PDEA officer supervising the destruction will make the judgment call.
 - j. The PDEA shall maintain a watch detail until the destruction process is completed.
 - k. Destruction or disposal or burning of seized dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment shall be done in public and witnessed by the following:
 - 1) the respondent/accused or his/her representative or counsel or a member of the Public Attorney's Office appointed by the Secretary of Justice;
 - 2) a representative from the media;
 - 3) a representative from the DOJ;
 - 4) a representative from civil society groups; and
 - 5) any elected public official.
 - l. The respondent/accused or his/her representative or counsel shall be allowed to personally observe all the above proceedings. In case he/she refuses or fails to appoint a representative after due notice in writing to him/her or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the Public Attorney's Office to represent the respondent/accused.
 - m. The Board, through the Director General of the PDEA or Regional Director of the PDEA, as the case may be, shall issue a sworn certificate as to the fact of destruction or burning of the subject items which shall be submitted to the Court hearing the petition or motion and a copy of which, certified to by the clerk of court, shall be submitted to the trial court where the criminal case is subsequently filed together with the representative samples in the custody of the PDEA.
 - n. The cost of disposition or destruction of seized dangerous drugs, controlled precursors and essential chemicals, and/or equipment shall be borne by the respondent/accused.
 - o. After the promulgation of judgment in the criminal case, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the trial court for leave to turn over the said representative samples, including any instrument/paraphernalia and/or laboratory equipment, to the PDEA for proper disposition and destruction within twenty-four (24) hours after receipt of same.
- Section 4. Disposal for scientific, medical and training purpose.** Disposal of seized dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment for scientific,

medical and training purpose shall be in accordance with Section 8 of Board Regulation No. 1, Series of 2002.

Section 5. Penalty Clause. Any violation of this Regulation shall be penalized under Section 32 of R.A. No. 9165.

Section 6. Separability Clause. If for any reason any section or provision of this Regulation, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Regulation shall not be affected by such declaration and shall remain in force and effect.

Section 7. Repealing Clause. All Board regulations or other issuances inconsistent with this Regulation are hereby superseded or modified accordingly.

Section 8. Effectively. This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after its registration with the Office of the National Administration Registry (ONAR).

ADOPTED and APPROVED this 20th day of March, in the year of Our Lord, 2007 in Quezon City.

(Sgd.) Secretary ANSELMO S. AVENIDO, JR.
Chairman, Dangerous Drugs Board

Attested by:

(Sgd.) Undersecretary EDGAR C. GALVANTE
Secretary of the Board



OCA CIRCULAR NO. 56-2007

TO: ALL CLERKS OF COURT IN THE OFFICE OF THE CLERK OF COURT, AND IN SINGLE SALA COURTS, REGIONAL TRIAL COURTS

SUBJECT: FILING FEES AND CASH DEPOSITS IN ELECTION PROTESTS AND PETITION FOR QUO WARRANTO

For your information and guidance, the Supreme Court *En Banc* issued a Resolution dated April 24, 2007, in A.M. No. 02-4-15-SC, entitled "Rules of Procedures in Election Contests Before the Courts Involving Elective Municipal and *Barangay* Officials."

Rule 7 of the aforesaid Resolution prescribes the filing fees and cash deposits in election protests and petition for *quo warranto*, to wit:

"RULE 7

FILING FEES AND CASH DEPOSITS

SECTION 1. *Filing fees* – No protest, counter-protest

or petition for *quo warranto* shall be accepted for filing without the payment of a filing fee in the amount of Three Thousand Pesos (Php3,000.00) for each interest.

If claims for damages and attorney's fees are set forth in a protest or counter-protest, additional filing fees shall be paid in accordance with the schedule provided for in Rule 141 of the Rules of Court, as amended.

SEC. 2. Cash deposits – (a) In addition to the fees prescribed in the preceding section, the protestant in an election protest requiring revision of ballots or examination, verification or re-tabulation of election returns, or which may require the bringing to the court of copies of other election documents and paraphernalia, shall make a cash deposit with the court in the following amounts:

- (1) One Thousand Pesos (Php1,000.00) for each precinct involved in the protest or counter-protest; provided that, in no case shall be deposit be less than Twenty-Five Thousand Pesos (Php25,000.00) to be paid upon filing of the election protest (counter-protest);
- (2) If the amount to be deposited does not exceed One Hundred Thousand Pesos (Php100,000.00), the same shall be paid in full within ten days after filing of the protest; and
- (3) If the deposit exceeds One Hundred Thousand Pesos (Php100,000.00), a cash deposit in the amount of One Hundred Thousand Pesos (Php100,000.00) shall be made within ten (10) days after the filing of the protest. The balance shall be paid in such installments as may be required by the court with at least five days advance notice to the party required to make the deposit.

The cash deposit shall be applied by the court to the payment of the compensation of revisors as provided under Section 3, Rule 10 of the Rules of Procedures in Election Contests Involving Elective Municipal and *Barangay* Officials and of all expenses incidental to revision committee. When the court determines that the circumstances so demand, as when the deposit has been depleted, it may require additional cash deposits. Any unused cash deposit shall be returned to the party making the same after complete termination of the protest or counter-protest.

The same amount of cash deposit shall be required from the protestee (counter-protestant), should continuation of revision be ordered pursuant to

OCA CIRCULAR NO. 56-2007 (continued)

paragraph 2, Section 9, Rule 10 of the aforesaid Rules. Once required, the protestee (counter-protestant) shall pay the cash deposit within a non-extendible period of three (3) days from receipt of the corresponding order.

(b) Failure to make the cash deposits required within the prescribed time limit shall result in the automatic dismissal of the protest, or counter protest."

In connection therewith, the following guidelines shall be observed in the collections and withdrawals of the above fees:

A. Remittance of collections:

1. the filing fee of Three Thousand Pesos (Php3,000.00) shall accrue to the account of the Special Allowance for the Judicial Fund (SAJF) and shall be deposited for the "Account of the Special Allowance for the Judiciary Fund," under LBP Savings Account Number 059-1744-28;
2. the amount collected for the cash deposits shall be deposited to the LBP Savings and/or Current Account being maintained for the Fiduciary Fund by the Court concerned with the Clerk of Court/Accountable Officer and the Executive/Presiding Judge as co-signatories.

If there are no available LBP branches in the respective localities, the collection shall be deposited with the Municipal/City/Provincial Treasurer's Officer under the name of the Court with the Clerk of Court/Accountable Officer and the Executive/Presiding Judge as co-signatories.

B. Withdrawals of cash deposits:

The procedure in the withdrawal of cashbonds, consigned amount, etc. shall also be observed in the withdrawal of election protest cash deposits. All withdrawals must be duly supported by:

- a lawful court order;
- disbursement voucher;
- withdrawal slips;
- acknowledgment receipts (with two (2) valid IDs of the recipient)

The Rules took effect on May 15, 2007.

For strict compliance.

May 22, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

OCA CIRCULAR NO. 57-2007

TO: THE JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS STATIONED IN AREAS WHERE THERE ARE PHILIPPINE MEDIATION CENTER (PMC) UNITS

SUBJECT: REITERATION OF ADMINISTRATIVE CIRCULAR NO. 20-2002 DATED APRIL 24, 2002

This Office has been receiving reports that despite the issuance of Administrative Circular No. 20-2002 dated April 24, 2002 mandating the conduct of monthly inventory and referral of cases for mediation proceedings, referrals of mediatable cases by the trial courts to the Philippine Mediation Center (PMC) Units continue to be wanting which circumstance will ultimately entail a waste of time for volunteer mediators. Hence, this Office **REITERATES** the guidelines in Administrative Circular No. 20-2002 dated April 24, 2002 which among other things direct the Presiding Judges and Branch Clerks of Court in the trial courts to:

1. Conduct a monthly inventory of cases in their dockets referable to mediation. Pursuant to the Court's Second Revised Guidelines, dated 16 October 2001, the cases that may be referred are as follows:
 - a. All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure except those which by law may not be compromised;
 - b. Cases cognizable by the *Lupong Tagapamayapa* under the *Katarungang Pambarangay Law*;
 - c. The civil aspect of B.P. Blg. 22 cases; and
 - d. The civil aspect of quasi-offenses under Title 14 of the Revised Penal Code.
2. Upon appearance of the parties during pre-trial in cases covered by mediation, immediately order the parties to appear before the Philippine Mediation Center (PMC) unit located in the courthouse for initial mediation conference;
3. Issue appropriate sanctions upon failure of the parties to appear before the PMC unit, since mediation is part of pre-trial;
4. Ensure the regular referral of cases for mediation to the PMC unit; and

5. The monthly inventory shall be prepared and signed by the Branch Clerk of Court, duly noted by the Presiding Judge, for submission to the Office of the Court Administrator and the Philippine Judicial Academy.

For your information and guidance, Philippine Mediation Center (PMC) units are established and organized in different stations attached hereto as Annex "A".

For strict compliance.

May 24, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

Annex "A"

LIST OF ESTABLISHED PMC UNITS

(as of May 15, 2007)

National Capital Judicial Region- established in 2002

- | | |
|----------------|-----------------|
| 1. Caloocan | 10. Paranaque |
| 2. Las Pinas | 11. Pasay |
| 3. Makati | 12. Pasig |
| 4. Malabon | 13. Pateros |
| 5. Mandaluyong | 14. Quezon City |
| 6. Manila | 15. San Juan |
| 7. Marikina | 16. Taguig |
| 8. Muntinlupa | 17. Valenzuela |
| 9. Navotas | |

La Union, First Judicial Region- established in 2006

- | | |
|------------------|---------------|
| 18. San Fernando | 23. Bauang |
| 19. Agoo | 24. Naguilian |
| 20. Aringay | 25. San Juan |
| 21. Bacnotan | 26. Benguet |
| 22. Balaoan | 27. Baguio |

Pampanga, Third Judicial Region- established in 2004

- | | |
|----------------------|-------------------|
| 28. City of Fernando | 36. Floridablanca |
| 29. Angeles | 37. Guagua |
| 30. Clark | 38. Lubao |
| 31. Mabalacat | 39. Mexico |
| 32. Porac | 40. Macabebe |
| 33. Apalit | 41. Sta. Ana |
| 34. Arayat | 42. Sta. Rita |
| 35. Bacolor | 43. Sto. Tomas |

Bulacan, Third Judicial Region- established in 2007

44. Malolos

Batangas, Fourth Judicial Region- A- established in 2007

45. Batangas 46. Lipa

Negros Occidental, Sixth Judicial Region- established in 2004

- | | |
|---------------------|---------------------|
| 47. Bacolod City | 58. Isabela |
| 48. Bago City | 59. Kabankalan |
| 49. Binalbagan | 60. La Carlota |
| 50. Cadiz City | 61. La Castellana |
| 51. Calatrava | 62. Murcia |
| 52. Cauayan | 63. Pontevedra |
| 53. EB Magalona | 64. Sagay City |
| 54. Escalante City | 65. San Carlos City |
| 55. Himamaylan City | 66. Silay City |
| 56. Hinigaran | 67. Sibalay City |
| 57. Ilog | 68. Valladolid |

Cebu, Seventh Judicial Region- established in 2002

- | | |
|-------------|---------------|
| 69. Cebu | 71. Lapu-Lapu |
| 70. Mandaue | |

Cebu, Seventh Judicial Region- established in 2002

- | | |
|------------------|-----------------|
| 72. Talisay City | 75. Minglanilla |
| 73. Naga | 76. Argao City |
| 74. Carcar | 77. Toledo City |

Leyte, Eighth Judicial Region- established in 2005

78. Tacloban

Leyte, Eighth Judicial Region- established in 2006

- | | |
|-----------------|--------------|
| 79. Abuyog | 87. Capoocan |
| 80. Alangalang | 88. Palo |
| 81. Basey Samar | 89. Tanauan |
| 82. Carigara | 90. Tolosa |
| 83. Dagami | 91. Naval |
| 84. Dulag | 92. Baybay |
| 85. Jaro | 93. Ormoc |
| 86. Burauen | 94. Hilongos |

Misamis Oriental, Tenth Judicial Region- established in 2004

95. Cagayan De Oro

Misamis Oriental, Tenth Judicial Region- established in 2006

- | | |
|----------------------|--------------|
| 96. Misamis Oriental | 98. Camiguin |
| 97. Bukidnon | |

Davao, Eleventh Judicial Region- established in 2002

- | | |
|------------|-------------|
| 99. Davao | 101. Tagum |
| 100. Digos | 102. Panabo |

Socksargen, Eleventh Judicial Region- established in 2005

- | | |
|---------------------|------------------------------|
| 103. General Santos | 110. Surallah |
| 104. Maasim | 111. Banga-South Cotabato |
| 105. Sarangani | 112. Norala-South Cotabato |
| 106. Polomolok | 113. Tantaran-South Cotabato |
| 107. Koronadal | |
| 108. Tupi | |
| 109. Tampakan | |

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1000

2007 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
July 5 to 6	Asian Justices Forum on the Environment	Mandaluyong City
July 10 to 11	Continuing Legal Education Program for Court Attorneys	Cagayan De Oro City
July 17 to 26	48 th Orientation Seminar-Workshop for Newly Appointed Judges	PDC, Tagaytay City
July 23 to 25	Seminar-Workshop on Access to Justice	Malate, Manila
July 31 to Aug. 2	Continuing Legal Education Program for Court Attorneys of the Court of Appeals	Banilad, Cebu City
Aug. 2	Seminar on Election Laws for Judges and Clerks of Court	Pasay City
Aug. 7 to 9	Seminar-Workshop for Executive Judges and Vice-Executive Judges of Regions 4 & 5	Malate, Manila
Aug. 8 to 10	Seminar-Workshop for Judges, Prosecutors and Law Enforcers on Drugs Law	Tagaytay City
Aug. 21 to 30	49 th Orientation Seminar-Workshop for Newly Appointed Judges	PDC, Tagaytay City
Aug. 20 to 22	2 nd Seminar-Workshop on Access to Justice	Davao City
Aug 23 to 25	Family Court Mediation Seminar	Manila
Sept. 4 to 6	Seminar-Workshop for Executive Judges and Vice-Executive Judges of Regions 1,2, & 3	Subic, Zambales
Sept. 12 to 14	RJCEP (Level 5) for Region V	Legaspi City
Sept. 17 to 27	14 th Pre-Judicature Program	Cebu City
Sept. 25 to 27	5 th Orientation Seminar-Workshop for Newly Appointed Clerks of Court	Cebu City

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