



PHILJA Bulletin



October to December 2007

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From the Chancellor's Desk

It was another trying but still eventful year. In spite of funding difficulties, we held a total of 48 seminars, or an average of 16 a month, many of them held simultaneously. Officials, Faculty and Staff proved equal to the demands of the programs and performed capably in the PHILJA tradition.

For this quarter, only one RJCEP (Level 5) could be held, with apologies to our judges who were requesting for more. However, we were able to hold three orientation seminar-workshops to accommodate our newly appointed Clerks of Court. We also welcomed 24 newly appointed judges in our Orientation-Seminar for them.

Special Focus Programs were the order of this period. Novelty characterized those involving (a) the Writ of Amparo; (b) the Access to Justice for the Poor Project, aimed at improving governance to reduce poverty; (c) the Video Conference re-introduced at the 3rd Distinguished Lecture, with the able assistance of MISO, which enabled judges and clerks of court of Benguet and La Union to participate; (d) the seminar-workshop on Discernment, the implementation of which has been found problematical by judges, clerks of court and social workers alike; and (e) the personal security training for judges, which they welcomed considering the distressing increasing violence in courts and against judges, and the still unresolved cases of colleagues whom we have lost through such aggression.

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PHILJA ACADEMIC PROGRAMS

ORIENTATION SEMINAR-WORKSHOP FOR NEWLY APPOINTED JUDGES

The 50th Orientation Seminar-Workshop for Newly Appointed Judges was held on November 13 to 22, 2007, at the PHILJA Development Center, Tagaytay City. In attendance were 25 newly appointed judges and six promoted judges.

A. NEW APPOINTMENTS

REGIONAL TRIAL COURTS

REGION III

Hon. Serafin C. Cruz

RTC Br. 86, Cabanatuan City, Nueva Ecija

Hon. Wilfredo L. Maynigo

RTC Br. 87, Gapan, Nueva Ecija

REGION IV

Hon. Jose Bayani J. Usman

RTC Br. 50, Puerto Princesa, Palawan

REGION V

Hon. Ignacio N. Almodovar, Jr.

RTC Br. 2, Legaspi City

Hon. Roberto A. Escaro

RTC Br. 38, Daet, Camarines Sur

Hon. Noel D. Paulite

Br. 30, San Jose City, Camarines Sur

Hon. Victor C. Gella

RTC Br. 52, Sorsogon, Sorsogon

Hon. Valentin E. Pura, Jr.

RTC Br. 23, Naga City, Camarines Sur

REGION VI

Hon. Ma. Rita B. Sarabia

RTC Br. 58, San Carlos City, Negros Occidental

REGION VIII

Hon. Leandro C. Catalo

RTC Br. 2, Borongan, Eastern Samar

Hon. Manuel F. Torre Villas, Jr.

RTC Br. 23, Allen, Northern Samar

METROPOLITAN TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION

Hon. Manuel B. Sta. Cruz, Jr.

MeTC Br. 43, Quezon City

Hon. Philip G. Labastida

MeTC Br. 58, San Juan City

Hon. Glenda C. Marin

MeTC Br. 49, Caloocan City

MUNICIPAL TRIAL COURTS IN CITIES

REGION III

Hon. Ma. Lourdes F. Tolentino

MTCC Br. 1, San Fernando City, Pampanga

REGION VI

Hon. Abraham A. Bayona

MTCC Br. 7, Bacolod City

Hon. Jerry F. Marañon

MTCC Passi City, Iloilo City

Hon. Edgar R. Tupas

MTCC La Carlota City, Negros Occidental

REGION VIII

Hon. Edgardo C. Leonido

MTCC Maasin City, Leyte

MUNICIPAL TRIAL COURTS

REGION V

Hon. Arnel P. Cezar

MTC Pilar, Sorsogon

REGION VII

Hon. Alberto C. Pita

MTC Barili, Cebu

MUNICIPAL CIRCUIT TRIAL COURTS

REGION VI

Hon. Ramcez John A. Honrado

3rd MCTC Dao-Ivisan, Capiz

REGION VII

Hon. Christine M. Abad

12th MCTC Moalboal-Badian-Alcantara, Cebu

REGION VIII

Hon. Myrna M. Clemens

1st MCTC Sta. Margarita-Sto. Niño-Almagro-Tagapul-an, Samar

Hon. Felipe B. Maglana, Jr.

2nd MCTC Sta. Margarita-Tarangnan-Pagsanjan, Samar

B. PROMOTIONS

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION

Hon. Maria Celestina C. Mangrobang

RTC Br. 38, Manila

Hon. Maria Filomena D. Singh

RTC Br. 85, Quezon City

Hon. Edgardo Montemayor Caldonga

RTC Br. 65, Makati City

REGION V

Hon. Ma. Angela Acompañado Arroyo

RTC Br. 58, San Jose City, Camarines Sur

REGION VI

Hon. Jesus B. Tinagan
RTC Br. 35, Dumaguete City

REGION VII

Hon. Ester Morales Veloso
RTC Br. 6, Cebu City

**ORIENTATION SEMINAR-WORKSHOP FOR
NEWLY APPOINTED CLERKS OF COURT**

The 6th Orientation Seminar-Workshop for Newly Appointed Clerks of Court was held on October 9 to 11, 2007, at the Bayview Park Hotel, Manila. In attendance were 54 newly appointed clerks of court.

REGIONAL TRIAL COURTS**REGION IV**

Atty. Rhea R. Alcantara-Aquino
RTC Br. 26, Sta. Cruz, Laguna
Atty. Czarina B. Arevalo
RTC Br. 89, Bacoor, Cavite
Atty. Aris Z. Bautista
RTC Br. 76, San Mateo, Rizal
Atty. Jaime D. Bugain
RTC Br. 28, Sta. Cruz, Laguna
Atty. Stanlee D. Calma
RTC Br. 18, Tagaytay City
Atty. Marigrace C. Dimaano
RTC Br. 85, Lipa City
Atty. Lilibeth C. Lorena
RTC Br. 58, Lucena City, Quezon
Atty. Irene C. Manigbas-Espina
RTC Br. 34, Calamba, Laguna
Atty. Enrico P. Mantuano II
RTC Br. 40, Calapan, Mindoro Oriental
Atty. Ma. Mae V. Gutierrez
RTC Br. 5, Lemery, Batangas
Atty. Mely C. Hermosura
RTC Br. 19, Bacoor, Cavite
Atty. Glenda M. Lacsamana-King
RTC Br. 1, Batangas City
Atty. Lalaine B. Maranan
RTC Br. 91, Sta. Cruz, Laguna
Atty. Lea E. Mendania
RTC Br. 57, Lucena City, Quezon
Atty. Omar Ian R. Tuanquin
RTC Br. 65, Infanta, Quezon
Atty. Noel M. Villanueva
RTC Br. 92, Calamba, Laguna

REGION V

Atty. Jaime A. Añonuevo, Jr.
RTC OCC, Legaspi City, Albay

Atty. Ruby Charina O. Balmes
RTC Br. 55, Irosin, Sorsogon
Atty. Joseph Raymond D. Borja
RTC Br. 2, Legaspi City, Albay
Atty. Gemma T. Briones-Gerona
RTC Br. 65, Bulan, Sorsogon
Atty. Lyn A. Caramoan
RTC Br. 12, Ligao, Albay
Atty. Marites Bordeos-Dolanas
RTC OCC, Tabaco, Albay
Atty. Nieves L. Fedillaga
RTC Br. 34, Iriga City, Camarines Sur
Atty. Louie T. Guerrero
RTC Br. 42, Virac, Catanduanes
Atty. Glenda F. Gumba-Almelor
RTC Br. 37, Iriga City, Camarines Sur
Atty. Dara SJ. Mallorca-Tormes
RTC Br. 57, Libmanan, Camarines Sur
Atty. Leomar R. Lanuza
RTC OCC, Masbate, Masbate
Atty. Clara Lina G. Loilo
RTC Br. 54, Gubat, Sorsogon
Atty. Michael Angelo S. Rito
RTC Br. 38, Daet, Camarines Norte
Atty. Edna B. Nantes
RTC Br. 13, Ligao, Albay
Atty. Cyril T. Obelidor
RTC Br. 15, Tabaco, Albay
Atty. Nicolas A. Ocampo
RTC Br. 25, Naga City, Camarines Sur
Atty. Siegfried S. Tayo
RTC Br. 23, Naga City, Camarines Sur
Atty. Liza D. Zabala-Cariño
RTC Br. 29, Libmanan, Camarines Sur

MUNICIPAL TRIAL COURTS IN CITIES**REGION IV**

Ms. Ma. Eloisa L. Alvero
MTCC Br. 2, San Pablo City, Laguna
Mr. Celso P. Fandiño
MTCC Br. 3, San Pablo City, Laguna
Ms. Filipina A. Fandiño
MTCC OCC, San Pablo City, Laguna
Ms. Marijoy M. Mapalad
MTCC Br. 3, Lipa City

REGION VI

Mr. Raymond M. Dimaano
MTCC Br. 1, Sorsogon City, Sorsogon

MUNICIPAL TRIAL COURTS**REGION IV**

Ms. Concepcion Ligaya A. Aguirre
MTC, Mulanay, Quezon

(Continued on NEXT page)

Ms. Mary Odette C. Aseoche
MTC Cardona, Rizal
 Ms. Nenette V. Dolor
MTC San Pascual, Batangas
 Ms. Mederlyn F. Orfanel
MTC, Pitogo, Quezon
 Ms. Zenaida R. Ramirez
MTC Cuenca, Batangas
 Ms. Alicia M. Salimo
MTC San Juan, Batangas

REGION V

Ms. Delilah E. Canaria
MTC Vinzons, Camarines Norte

MUNICIPAL CIRCUIT TRIAL COURTS**REGION IV**

Mr. Junny F. Anastacio
MCTC San Andres-Calatrava, Romblon
 Ms. Shirley E. Dela Peña
MCTC, Atiminan-Plaridel, Quezon
 Ms. Leona M. Masangcay
MCTC, Mabini-Tingloy, Batangas
 Ms. Ma. Antonieta C. Ramos
MCTC, Alabat, Quezon

REGION V

Ms. Mildred G. Garrido
MCTC, Matnog-Sta. Magdalena, Sorsogon
 Ms. Melissa D. Lastrilla
MCTC, Casiguran-Juban, Sorsogon
 Alfred G. Lim
MCTC, Mandaun-Balud, Masbate

REGION VI

Ms. Arlene S. Sumayo
MCTC Sta. Barbara, Iloilo

The 7th Orientation Seminar-Workshop for Newly Appointed Clerks of Court was held on November 6 to 8, 2008, at the Oasis Hotel, Angeles City, Pampanga. In attendance were 64 newly appointed clerks of court.

REGIONAL TRIAL COURT**REGION I**

Atty. Mylene May G. Adube-Cabuag
RTC Br. 6, Baguio City
 Atty. Frenzel A. Ayong
RTC OCC, La Trinidad Benguet
 Atty. Cheryll D. Cabañero
RTC Br. 72, Narvacan, Ilocos Sur
 Atty. Philip M. Cruz
RTC Br. 40, Dagupan City, Pangasinan
 Atty. Michelle P. Exiomo
RTC Br. 44, Dagupan City, Pangasinan

Atty. Linda B. Gumabol
RTC Br. 9, La Trinidad, Benguet
 Atty. Jennylene T. Isip
RTC Br. 26, San Fernando, La Union
 Atty. Mc Donald B. Malicdem
RTC Br. 42, Dagupan City, Pangasinan
 Atty. Linda G. Montes-Loloy
RTC OCC, Baguio City
 Atty. Leonora P. Novela
RTC Br. 16, Laoag City, Ilocos Norte
 Atty. Jennifer C. Pailas
RTC Br. 29, Cabanatuan City, Nueva Ecija
 Atty. Geraldine B. Ramos
RTC Br. 20, Vigan, Ilocos Sur
 Atty. Benjamin P. Sapitula
RTC Br. 34, Balaoan, La Union
 Atty. Bernardita A. Sotelo
RTC Br. 67, Bauang, La Union
 Atty. Charisma Naida S. Castillo
RTC Br. 21, Vigan, Ilocos Sur

REGION II

Atty. Marvin P. Aniceto
RTC Br. 26, Alfonso Lista, Ifugao
 Atty. Mary Jane Aranca-Andomang
RTC Br. 25, Tabuk, Kalinga
 Atty. Remalie C. Corbe
RTC Br. 32, Cabarroguis, Quirino
 Atty. Ronaldo M. Daquioag
RTC Br. 4, Tuguegarao, Cagayan
 Atty. Voltaire B. Garcia
RTC OCC, Bambang, Nueva Vizcaya
 Atty. Pascual P. Kimayong, Jr.
RTC Br. 14, Lagawe, Ifugao
 Atty. Augusto T. Solonio, Jr.
RTC Br. 27, Bayombong, Nueva Vizcaya
 Atty. Nelson B. Castillejos, Jr.
RTC OCC, Cauayan, Isabela

REGION III

Atty. Vanessa F. Bernardo
RTC Br. 82, Malolos, Bulacan
 Atty. Julius King G. Cruz
RTC Br. 86, Cabanatuan City, Nueva Ecija
 Atty. Denise A. Dacanay
RTC OCC, Angeles City, Pampanga
 Atty. Florida F. Daquiz-Sta. Maria
RTC Br. 25, Cabanatuan City, Nueva Ecija
 Atty. Amy Linda D.C. Dimarucot
RTC Br. 33, Guimba, Nueva Ecija
 Atty. Marlyds L. Estardo-Teodoro
RTC OCC, San Fernando, Pampanga
 Atty. Melvin M. Malang
RTC Br. 32, Guimba, Nueva Ecija
 Atty. Anselma D. Medina
RTC Br. 59, Angeles City, Pampanga

Atty. Anne Eillene S. Morales
RTC Br. 24, Cabanatuan City, Nueva Ecija
 Atty. Jose Eduardo B. Narciso
RTC Br. 66, Capas, Tarlac
 Atty. Emelyn C. Ortega
RTC Br. 45, San Fernando, Pampanga
 Atty. Donna Michelle I. Pinlac
RTC Br. 43, Gapan, Nueva Ecija
 Atty. Emelita M. Portillo
RTC Br. 30, Cabanatuan City, Nueva Ecija
 Atty. Aurora V. Rey Matias
RTC Br. 80, Malolos, Bulacan
 Atty. Maria Rehgeis C. Reyes
RTC Br. 42, San Fernando, Pampanga
 Atty. Ron F. Salmo
RTC OCC, San Jose City, Nueva Ecija
 Atty. Mary Grace E. Salvador
RTC Br. 85, Malolos, Bulacan
 Atty. Charlemagne T. Calilung
RTC Br. 48, San Fernando, Pampanga
 Atty. Rhoderick P. Caraig
RTC Br. 84, Malolos, Bulacan

REGION IV

Atty. Maria Luz C. Coles
RTC OCC, San Pedro, Laguna
 Atty. Jacqueline R. Suing
RTC Br. 16, Cavite City

MUNICIPAL TRIAL COURTS IN CITIES**REGION I**

Mr. Roberto V. Ballesteros
MTCC Br. 3, Dagupan City, Pangasinan
 Mr. Victorio A. Dion
MTCC OCC, Dagupan City, Pangasinan
 Ms. Vivien A. Paguio
MTCC Br. 4, Baguio City

REGION II

Ms. Hariett Leona T. Cipriano
MTCC OCC, Tuguegarao, Cagayan
 Ms. Ruby May Tomas-Tienzo
MTCC Br. 1, San Jose City, Nueva Vizcaya

REGION III

Ms. Rency Arellano-Santos
MTCC, San Jose Del Monte City

MUNICIPAL TRIAL COURTS**REGION I**

Ms. Zita Montserrat D. Bringas
MTC Sto. Domingo, Ilocos Sur
 Ms. Malou M. Cera
MTC, Mapandan, Pangasinan
 Ms. Elnora M. Oreal
MTC Balaoan, La Union

Mr. Victoriano B. Villanueva, Jr.
MTC Rosario, La Union

REGION II

Mr. Alejo T. Tolledo
MTC Ibayat, Batanes
 Ms. Susan G. Villamor
MTC, Echuaage, Isabela

REGION III

Ms. Leticia C. Gener
MTC San Ildefonso, Bulacan
 Ms. Marissa S. Samson
MTC Arayat, Pampanga
 Ms. Melody M. Tolentino
MTC Angat, Bulacan

MUNICIPAL CIRCUIT TRIAL COURTS**REGION I**

Mr. Raul O. Daza
MCTC Bagulin-Burgos, La Union
 Mr. Agapito J. Torio
MCTC Br. 1, Labrador-Sual, Pangasinan

REGION II

Mr. Gaspar A. Buminaang
MCTC Tamauni-Delfin Albano, Isabela
 Mr. Fred R. Reyes, Jr.
MCTC, Tinglaya-Tanudan, Kalinga
 Ms. Josephine Bonita S. Cabacungan
MCTC, Alfonso Lista-Aguinaldo-Ifugao

The 8th Orientation Seminar-Workshop for Newly Appointed Clerks of Court was held on December 11 to 13, 2007, at the Crown Regency Hotel, Davao City. In attendance were 39 newly appointed clerks of court.

REGIONAL TRIAL COURTS**REGION IX**

Atty. Jerry A. Andrino
RTC OCC, Dipolog City
 Atty. Leila Ann A. Dugal
RTC Br. 30, Aurora, Zamboanga del Sur
 Atty. Kristine Marie Therese O. Gayapa
RTC Br. 8, Dipolog City

REGION X

Atty. Marla M. Avila
RTC OCC, Oroquieta City, Misamis Occidental
 Atty. Susan S. Azares
RTC Br. 11, Manolo Fortich, Bukidnon
 Atty. Glenn Mar P. Acas
RTC Br. 36, General Santos City
 Atty. Marrietta T. Galdo
RTC Br. 21, Cagayan de Oro City

(Continued on NEXT page)

Atty. Maria Luna Llena G. Lanticse
RTC Br. 38, Cagayan De Oro City
 Atty. Sabrina B. Lagamon
RTC Br. 25, Cagayan De Oro City
 Atty. Alma Lorejo-Sabuga
RTC Br. 28, Mambajao, Camiguin
 Atty. Raphael Phyllis L. Mission
RTC Butuan City
 Atty. Nelison U. Pajarillo-Salcedo
RTC Br. 41, Cagayan de Oro City
 Atty. Evelyn Georgina R. Pangilinan-Paler
RTC Br. 37, Cagayan de Oro City
 Atty. Arnold B. Pedrosa
RTC Br. 26, Medina, Misamis Oriental
 Atty. Carlou Mae W. Toribio
RTC Br. 8, Malaybalay, Bukidnon
 Atty. Noreen A. Villaroman-Ato
RTC Br. 4, Butuan City

REGION XI

Atty. Bathsheba N. Baldoza-Aguhob
RTC OCC, Mati, Davao Oriental
 Atty. Anthony A. Barluado
RTC Br. 38, Alabel, Sarangani
 Atty. Jill Rose S. Jaugan-Lo
RTC Br. 33, Davao City
 Atty. Baisy R. Mabuti
RTC Br. 20, Malita (Digos), Davao del Sur
 Atty. Maria Eloisa A. Maglana
RTC Br. 15, Davao City

REGION XII

Atty. Jihan Gift C. Gonzaga
RTC Br. 6, Iligan City
 Atty. Fe B. Jimeno
RTC Br. 5, Iligan City
 Atty. Ishac L. Mangondato
RTC Br. 4, Iligan City

MUNICIPAL TRIAL COURTS IN CITIES**REGION IX**

Mr. George P. Novesteras
MTCC Br. 1, Pagadian City

REGION X

Mr. Rube K. Gamolo, Jr.
MTCC Malaybalay, Bukidnon

MUNICIPAL TRIAL COURTS**REGION X**

Ms. Luzviminda G. Hernandez
MTC Buenavista, Agusan del Norte
 Mr. Spencer M. Toribio
MTC Nasipit, Agusan del Norte

REGION XI

Ms. Ma. Florida C. Melio
MTCC OCC, IGACOS

REGION XII

Mr. Samuel S. Guillermo
MTC Palimbang, Sultan Kudarat

MUNICIPAL CIRCUIT TRIAL COURTS**REGION VII**

Ms. Antonieta P. Mendez
MCTC Valencia-Bacong, Negros Oriental

REGION IX

Ms. Nenita D. Tenefrancia
7th MCTC, Liloy-Tampisilan, Zamboanga Del Norte

REGION X

Ms. Melody M. Almeda
8th MCTC Initao-Libertad, Misamis Oriental
 Ms. Rebecca P. Balabat
9th MCTC, Laguindingan-Gitagum, Misamis Oriental
 Mr. Lauro R. Cid, Jr.
MCTC Jasaan-Claveria, Misamis Oriental

REGION XI

Ms. Miraflor B. Luna
3rd MCTC Tago-San Miguel, Surigao del Sur
 Ms. Marybeth Montero-Balasa
MCTC Bansalan-Magsaysay, Davao del Sur

SHARI'A COURTS**REGION XII**

Mr. Rashid S. Rachman
14th SCC, Kabacan-Carmen-Banisilan, North Cotabato
 Mr. Montazir A. Solaiman
11th SCC Palimbang, Sultan Kudarat

RJCEP

The Philippine Judicial Academy conducted the *Regional Judicial Career Enhancement Program (Level 5) for Regional Trial Court and First Level Trial Court Judges of Region 8* on October 24 to 26, 2007, at the Leyte Park Hotel, Magsaysay Boulevard, Tacloban City. A total of 109 participants attended the said program.

On the other hand, the *Regional Judicial Career Enhancement Program (Level 5) for Regional Trial Court and First Level Trial Court Judges of Region X* was conducted on December 4 to 6, 2007, at the Dynasty Court Hotel, Cagayan de Oro City. A total of 83 participants attended the program.



SPECIAL FOCUS PROGRAMS

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

Three batches of the program *Seminar-Workshop for Judges, Prosecutors and Law Enforcers on Drugs Law* were all conducted in the fourth quarter of this year.

One hundred twenty-one participants attended the seminar-workshop on October 10 to 12, 2007, at the Royal Mandaya Hotel, Davao City. One hundred seven participants attended the seminar-workshop on November 21 to 23, 2007, at the Fort Ilocandia Resort, Laoag City. One hundred twenty-nine participants attended the seminar-workshop on December 5 to 7, 2007, at the Tagaytay Country Hotel, Tagaytay City.

The participants were updated on the classification of drugs, controlled precursors and chemicals; identifying, gathering, handling, presenting and proper use of drug evidence; arrests; search and seizure; well-tested trial techniques; and new procedures and the latest relevant jurisprudence. The workshops focused on identifying problems encountered in prosecuting drug related cases, and its solutions.

RULE ON THE WRIT OF AMPARO

Among the significant activities of the Academy this quarter were on educating the members of the judiciary, specifically targeting the Bench and Bar on the multi-faceted *Rule on the Writ of Amparo*.

On October 15, 2007, the *Lecture Forum on the Rule on the Writ of Amparo for Regional Trial Court Judges of the National Capital Region* was held at the Court of Appeals Auditorium, Manila. A total of 232 participants attended this activity.

Subsequently, the *Video Conference on the Rule on the Writ of Amparo for Regional Trial Court Judges, Clerks of Court and Branch Clerks of Court for the 3rd, 4th, 7th, and 11th Judicial Regions* was conducted on November 12, 2007, at the Court of Appeals Auditorium for Manila participants, Waterfront Hotel for Cebu City participants, and The Royal Mandaya for Davao participants. A total of 248 RTC Judges, RTC Clerks of Courts, RTC Branch Clerks of Court, CA Cebu Deputy Clerks of Court, and guests attended the activity.

The Writ of Amparo – an International Perspective, lecture title of the Third Distinguished Lecture for the Year 2007 was delivered by Ms. Abigail Hansen Goldman on December 7, 2007, at the University of the East Conference Hall, Claro M. Recto Avenue, Manila, which was simultaneously participated in by judges and clerks of court of Benguet and La Union via video conferencing at the Session Hall, Supreme Court Baguio.

Chief Justice Reynato S. Puno, in his Closing Remarks, congratulated PHILJA and its partners in educating the public surrounding issues regarding the “greatest lethal weapon to protect the constitutional rights of the people.” On the Rule, he said that “*x x x* no matter how good its intent, the Rule ultimately is only as effective as the judges and justices enforcing it. If the positive developments posted that have been posted at this early stage in our enforcement of *amparo* were to be indicators, success seems imminent in our crusade to protect human rights. *x x x*”

CEDAW AND GENDER SENSITIVITY

The Academy, in partnership with the Sandiganbayan, conducted the *Seminar-Workshop on CEDAW and Gender Sensitivity for Sandiganbayan Employees* on October 26, 2007, at Sandiganbayan, Commonwealth Avenue, Quezon City. A total of 33 lawyers and legal researchers participated in the seminar-workshop.

On the other hand, the *Seminar-Workshop on CEDAW, Gender Sensitivity and the Courts for Supreme Court Attorneys* was conducted on November 8 to 9, 2007, at the Training Center, Supreme Court, Manila, with 36 participants.

SEMINAR-WORKSHOP ON DISCERNMENT

Pioneered in partnership with the Alternatiave Law Groups, Inc. (ALG) was the *Seminar-Workshop on Discernment* held on November 19 to 20, 2007, at the Amigo Terrace Hotel, Iloilo City. The 131 participants established a consensus on how discernment in children between the ages of fifteen (15) and eighteen (18) years is determined. The guidelines and recommendations about who determines discernment and how to determine it as outputs of their workshops would be presented to the Court for adoption in the Implementing Rules and Regulations of the Juvenile Justice and Welfare Law (R.A. No. 9344).



SPECIAL FOCUS PROGRAMS

MULTI-SECTORAL SEMINAR-WORKSHOP ON AGRARIAN JUSTICE

The Philippine Judicial Academy and the Agrarian Justice Foundation Inc. (AJFI), in partnership with the Department of Agrarian Reform (DAR), the Department of Justice (DOJ), the Interchurch Organisation for Development Cooperation (ICCO), and the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), conducted the *Multi-Sectoral Seminar-Workshop on Agrarian Justice for Judges of Selected First and Second Level Courts in the Province of Iloilo* on November 27 to 29, 2007, at the Centennial Resort Hotel and Convention Center, Iloilo City.

A total of 51 participants attended the seminar-workshop comprising judges, prosecutors, public attorneys, representatives from DAR, the Philippine National Police, the Commission on Human Rights, and civil society. The participants were provided a better understanding of the implementation of the agrarian reform program through the various lectures on the basic laws, jurisprudence and implementing rules of agrarian laws as well as discussion of issues and conflicts affecting the implementation of the agrarian laws through small group workshops.

PERSONAL SECURITY TRAINING FOR JUDGES

In coordination with the Supreme Court Committee on Security, the Office of the Court Administrator (OCA), the Program Management Office (PMO), and the National Bureau of Investigation (NBI), and in partnership with the Rule of Law Effectiveness (ROLE), the Academy conducted the *Personal Security Training for Judges* on December 5 to 7, 2007, at the PHILJA Development Center, Tagaytay City. A total of 33 judges attended the training program which highlighted on Threat Awareness and Personal Security Measures. The participants were likewise oriented on the proper and practical use of firearms, basics of marksmanship and importance of proficiency.



CONVENTIONS

CLAPHIL

The 3rd *National Convention Seminar and Election Officers of the Court Librarians Association of the Philippines, Inc. (CLAPHIL)* was held on October 17 to 19, 2007, at the Baguio-Benguet Community Credit Cooperative (BBCCC), Baguio City with the theme, "*Revitalizing Library Services of the Court Libraries.*" Twenty-five court librarians across the country, attended the activity.

PTLJI

The *National Convention-Seminar of the Philippine Trial Judges League, Inc. (PTLJI)* was conducted on November 8 to 10, 2007, at the Garden Orchid Hotel, Zamboanga City with the theme, "*Upholding the Rule of Law and to Serve the People, a Continuing Commitment of the First Level Courts.*" A total of 316 trial court judges attended this annual activity.

PJA

The *Convention and Seminar of the Philippine Judges Association (PJA)* was held on October 17 to 19, 2007, at the Manila Hotel, with the theme, "*The Judiciary: Responsive, Uncompromising and Committed to the Public Good.*" A total of 658 judges from all over the country attended the convention.

COSTRAPHIL

The 2nd *Convention and Seminar of the Court Stenographers Association of the Philippines (COSTRAPHIL) (Southern Tagalog Chapter)* was conducted on November 28 to 29, 2007, at the Development Academy of the Philippines, Tagaytay City with the theme, "*Cooperative Reigns in COSTRAPHIL.*" A total of 312 stenographers attended this biennial event.

COCAP

The 8th *Convention and Seminar of the Regional Trial Court (RTC) Clerks of Court Association of the Philippines (COCAP)* was held on November 27 to 29, 2007, at the Prince Plaza Hotel, Baguio City with the theme, "*Clerks of Court in Action, No Fear, No Favor.*" A total of 366 participants attended the event.



ON MEDIATION

COURT-ANNEXED MEDIATION

The *Orientation Conference with Stakeholders on Court-Annexed Mediation (Bicol Mediation Program)* was held on October 5, 2007, at the Avenue Plaza Hotel, Naga City with a total of 141 participants in attendance.

BASIC MEDIATION COURSES

The *Basic Mediation Course for Bicol and Iligan Mediation Program* was conducted on November 12 to 15, 2007, at the Villa Caceres Hotel, Naga City, Camarines Sur; and on November 20 to 23, 2007, at the Crystal Inn, Ma. Cristina Subdivision, Iligan City, Lanao del Sur. Fifty-one prospective mediators attended the Bicol Mediation Program while 45 prospective mediators attended the Iligan Mediation Program.

In partnership with the United States Agency for International Development (USAID) and The Asia Foundation (TAF), the Academy and the Court of Appeals conducted the *Basic Mediation Course: A Skills-Building Workshop for New Mediators in the Court of Appeals (Cebu and Cagayan de Oro)* on December 11 to 14, 2007, at the Marco Polo Hotel, Cebu City. A total of 44 prospective mediators, from the ranks of retired Court of Appeals justices, and judges; senior members of the Bar; and senior professors of Cebu and Cagayan de Oro attended the said program.

APPEALS COURT MEDIATION

In partnership with the United States Agency for International Development (USAID) and The Asia Foundation (TAF), PHILJA and the Court of Appeals conducted two batches of the program *Advocates Forum for Stakeholders on Appeals Court Mediation* in the last quarter of the year. One batch comprise 66 prospective mediators of the Cebu Mediation Program held on November 27, 2007, at the Marco Polo Hotel, Cebu City. The other batch comprise 79 prospective mediators of the Cagayan De Oro Mediation Program conducted on December 4, 2007, at the Pryce Plaza Hotel, Cagayan de Oro City.



DEVELOPMENT PROGRAM FOR JUDICIAL PERSONNEL

ORIENTATION-WORKSHOP ON THE CODE OF CONDUCT FOR COURT PERSONNEL

The Philippine Judicial Academy, in coordination with the Program Management Office (PMO), United States Agency for International Development (USAID), and the American Bar Association-Rule of Law Initiative (ABA-ROLI), conducted a number of the program *Judicial Reform Advocacy: Orientation-Workshop on the Code of Conduct* in the last quarter of the year. A total of 2,233 court personnel benefitted from the program in batches broken down as follows:

Nueva Ecija court personnel

Venue: La Parilla Hotel, Cabanatuan City
 171 participants - October 9
 151 participants - October 10
 175 participants - October 11

Bohol court personnel

Venue: Bohol Tropics Resort, Tagbilaran City
 117 participants - October 16
 114 participants - October 17

Camarines Sur court personnel

Venue: Villa Caceres Hotel, Naga City
 103 participants - November 6
 103 participants - November 7
 103 participants - November 8

Negros Occidental court personnel

Venue: Grand Regal Hotel, Bacolod City
 147 participants - November 13
 156 participants - November 14
 157 participants - November 15

Bulacan court personnel

Venue: Barcie International Center, Malolos, Bulacan
 99 participants - November 20
 94 participants - November 21
 87 participants - November 22

Selected court personnel of Region VIII

Venue: Leyte Park Hotel, Tacloban City
 127 participants - November 27
 134 participants - November 28
 195 participants - November 29

ELECTION LAW

Rules to be followed in judicial proceedings for inclusion, exclusion and correction of names of voters

Section 32 of Republic Act No. 8189 prescribes the rules to be followed in judicial proceedings for inclusion in the permanent list of voters, as follows:

Sec. 32. Common Rules Governing Judicial proceedings in the Matter of Inclusion, Exclusion, and Correction of Names of Voters. -

- a) Petition for inclusion, exclusion or correction of names of voters shall be filed during office hours;
- b) Notice of the place, date and time of the hearing of the petition shall be served upon the members of Board and the challenged voter upon filing of the petition. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the challenged voter or by registered mail. Should the foregoing procedures not be practicable, the notice shall be posted in the bulletin board of the city or municipal hall and in two other conspicuous places within the city or municipality;
- c) A petition shall refer only to one precinct and implead the Board as respondents;
- d) No costs shall be assessed against any party in these proceedings. However, if the court should find that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses;
- e) Any voter, candidate or political party who may be affected by the proceedings may intervene and present his evidence;
- f) The decision shall be based on the evidence presented and in no case rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his nonappearance on the day set for hearing shall be *prima facie* evidence that the challenged voter is fictitious; and

- g) The petition shall be heard and decided within 10 days from the date of its filing. Cases appealed to the Regional Trial Court shall be decided within 10 days from receipt of the appeal. In all cases, the court shall decide these petitions not later than 15 days before the election and the decision shall become final and executory.

(Ynares-Santiago, J., Mamasaw Sultan Ali v. Hon. Baguinda Ali Pacalna, Presiding Judge, Hon. Pundaya A. Berua, Acting Presiding Judge, Hadji Ibra Darimbang, Clerk of Court and Mandag U. Batua-An, Court Stenographer, all of the Municipal Circuit Trial Court, Municipality of Balindong, Province of Lanao del Sur, A.M. No. MTJ-03-1505, September 25, 2007.)



CIVIL LAW

“Doing business”; meaning of; what does it include

As to the first sub-issue, PIL insists that its sole act of “transacting” or “doing business” in the Philippines consisted of its investment in PPHI. Under Philippine law, PIL’s mere investment in PPHI does not constitute “doing business.” However, we affirm the lower courts’ ruling and declare that, based on the allegations in Todaro’s complaint, PIL was doing business in the Philippines when it negotiated Todaro’s employment with PPHI. Section 3(d) of Republic Act No. 7042, Foreign Investments Act of 1991, states:

The phrase “doing business” shall include soliciting orders, service contracts, opening offices, whether called “liaison” offices or branches; appointing representatives or distributors domiciled in the Philippines or who in any calendar year stay in the country for a period or periods totaling 180 days or more; participating in the management, supervision or control of any domestic business, firm, entity or corporation in the Philippines; and any other act or acts that imply a continuity of commercial dealings or arrangements and contemplate to that extent

CIVIL LAW (continued)

the performance of acts or works, or the exercise of some of the functions normally incident to, and in progressive prosecution of commercial gain or of the purpose and object of the business organization: *Provided, however,* That the phrase “doing business” shall not be deemed to include mere investment as a shareholder by a foreign entity in domestic corporations duly registered to do business, and/or the exercise of rights as such investor; nor having a nominee director or officer to represent its interests in such corporation; nor appointing a representative or distributor domiciled in the Philippines which transacts business in its own name and for its own account; (Emphases added)

PIL’s alleged acts in actively negotiating to employ Todaro to run its pre-mixed concrete operations in the Philippines, which acts are hypothetically admitted in PIL’s motion to dismiss, are not mere acts of a passive investor in a domestic corporation. Such are managerial and operational acts in directing and establishing commercial operations in the Philippines. The annexes that Todaro attached to his complaint give us an idea on the extent of PIL’s involvement in the negotiations regarding Todaro’s employment. In Annex “E,” McDonald of Pioneer Concrete Group HK confirmed his offer to engage Todaro as a consultant of PIL. In Annex “F,” Todaro accepted the consultancy. In Annex “H,” Klepzig of PPHI stated that PIL authorized him to tell Todaro about the cessation of his consultancy. Finally, in Annex “I,” Folwell of PIL wrote to Todaro to confirm that “Pioneer” no longer wishes to be associated with Todaro and that Klepzig is authorized to terminate this association. Folwell further referred to a Dr. Schubert and to Pioneer Hong Kong. These confirmations and references tell us that, in this instance, the various officers and companies under the Pioneer brand name do not work independently of each other. It cannot be denied that PIL had knowledge of and even authorized the non-implementation of Todaro’s alleged permanent employment. In fact, in the letters to Todaro, the word “Pioneer” was used to refer not just to PIL alone but also to all corporations negotiating with Todaro under the Pioneer name.

As further proof of the interconnection of the various Pioneer corporations with regard to their negotiations with Todaro, McDonald of Pioneer

Concrete Group HK confirmed Todaro’s engagement as consultant of PIL (Annex “E”) while Folwell of PIL stated that Todaro rendered consultancy services to Pioneer HK (Annex “I”). In this sense, the various Pioneer corporations were not acting as separate corporations. The behavior of the various Pioneer corporations shoots down their defense that the corporations have separate and distinct personalities, managements, and operations. The various Pioneer corporations were all working in concert to negotiate an employment contract between Todaro and PPHI, a domestic corporation.

Finally, the phrase “doing business in the Philippines” in the former version of Section 12, Rule 14 now reads “has transacted business in the Philippines.” The scope is thus broader in that it is enough for the application of the Rule that the foreign private juridical entity has transacted business in the Philippines.

(Carpio, *J. Pioneer International, Ltd. v. Hon. Teofilo Guadiz, Jr.*, in his capacity as Presiding Judge of Regional Trial Court, Branch 147, Makati City, and Antonio D. Todaro, G.R. No. 156848, October 11, 2007.)

No Law Allows the Change of Entry in the Birth Certificates as to Sex on the Ground of Sex Reassignment

The determination of a person’s sex appearing in his birth certificate is a legal issue and the court must look to the statutes. In this connection, Article 412 of the Civil Code provides:

Art. 412. No entry in the civil register shall be changed or corrected without a judicial order.

Together with Article 376 of the Civil Code, this provision was amended by R.A. No. 9048 in so far as *clerical or typographical errors* are involved. The correction or change of such matters can now be made through administrative proceedings and without the need for a judicial order. In effect, R.A. No. 9048 removed from the ambit of Rule 108 of the Rules of Court the correction of such errors. Rule 108 now applies only to substantial changes and corrections in entries in the civil register.

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CIVIL LAW (continued)

Section 2(c) of R.A. No. 9048 defines what a “clerical or typographical error” is:

Section 2. Definition of Terms. – As used in this Act, the following terms shall mean:

x x x x

- (3) “Clerical or typographical error” refers to a mistake committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil register that is harmless and innocuous, such as misspelled name or misspelled place of birth or the like, which is visible to the eyes or obvious to the understanding, and can be corrected or changed only by reference to other existing record or records: *Provided, however,* That no **correction must involve the change of nationality, age, status or sex** of the petitioner.

Under R.A. No. 9048, a correction in the civil registry involving the change of sex is not a mere clerical or typographical error. It is a substantial change for which the applicable procedure is Rule 108 of the Rules of Court.

The entries envisaged in Article 412 of the Civil Code and correctable under Rule 108 of the Rules of Court are those provided in Articles 407 and 408 of the Civil Code:

Art. 407. Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register.

Art. 408. The following shall be entered in the civil register:

- (1) Births;
- (2) marriages;
- (3) deaths;
- (4) legal separations;
- (5) annulments of marriage;
- (6) judgments declaring marriages void from the beginning;
- (7) legitimations;
- (8) adoptions;
- (9) acknowledgments of natural children;
- (10) naturalization;
- (11) loss, or
- (12) recovery of citizenship;
- (13) civil interdiction;
- (14) judicial determination of filiation;

- (15) voluntary emancipation of a minor; and
- (16) changes of name.

The acts, events or factual errors contemplated under Article 407 of the Civil Code include even those that occur after birth. However, no reasonable interpretation of the provision can justify the conclusion that it covers the correction on the ground of sex reassignment.

(Corona, J., Rommel Jacinto Dantes Silverio v. Republic of the Philippines, G.R. No. 174689, October 19, 2007.)

New Rule on petition for declaration of absolute nullity of void marriages

Under the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages,¹[9] which took effect on March 15, 2003, the foregoing guidelines have been modified. Section 2(d) of the said Rule provides:

Sec. 2. Petition for declaration of absolute nullity of void marriages.-

x x x x

- (d) *What to allege.*- A petition under Article 36 of the Family Code shall specifically allege the complete facts showing that either or both parties were psychologically incapacitated from complying with the essential marital obligations of marriage at the time of the celebration of marriage even if such incapacity becomes manifest only after its celebration.

The complete facts should allege the physical manifestations, if any, as are indicative of psychological incapacity at the time of the celebration of the marriage but expert opinion need not be alleged.

The new Rule dispensed with the certification from the Solicitor General, stating therein his reasons for his agreement or opposition to the petition. Attachment of expert opinions to the petition is also dispensed with.

(Austria-Martinez, J., Orlando G. Tongol v. Filipinas M. Tongol, G.R. No. 157610, October 19, 2007.)

LABOR LAW

Strike; when is a strike illegal; what does it encompass

Noted authority on labor law, Ludwig Teller, lists six (6) categories of an illegal strike, viz:

- (1) [when it] is contrary to a specific *prohibition of law*, such as strike by employees performing governmental functions; or
- (2) [when it] violates a specific *requirement of law*, [such as Article 263 of the Labor Code on the requisites of a valid strike]; or
- (3) [when it] is declared for an unlawful purpose, such as inducing the employer to commit an unfair labor practice against non-union employees; or
- (4) [when it] employs unlawful means in the pursuit of its objective, such as a widespread terrorism of non-strikers [for example, prohibited acts under Art. 264(e) of the Labor Code]; or
- (5) [when it] is declared in violation of an existing *injunction*, [such as injunction, prohibition, or order issued by the DOLE Secretary and the NLRC under Art. 263 of the Labor Code]; or
- (6) [when it] is contrary to an existing *agreement*, such as a no-strike clause or conclusive arbitration clause.

Petitioner Union contends that the protests or rallies conducted on February 21 and 23, 2001 are not within the ambit of strikes as defined in the Labor Code, since they were legitimate exercises of their right to peaceably assemble and petition the government for redress of grievances. Mainly relying on the doctrine laid down in the case of *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co., Inc.*, it argues that the protest was not directed at Toyota but towards the Government (DOLE and BLR). It explains that the protest is not a strike as contemplated in the Labor Code. The Union points out that in *Philippine Blooming Mills Employees Organization*, the mass action staged in Malacañang to petition the Chief Executive against the abusive behavior of some police officers was a proper exercise of the employees' right to speak out and to peaceably gather and ask government for redress of their grievances.

The Union's position fails to convince us.

While the facts in *Philippine Blooming Mills Employees Organization* are similar in some respects to that of the present case, the Union fails to realize one major difference: there was no labor dispute in *Philippine Blooming Mills Employees Organization*. In the present case, there was an on-going labor dispute arising from Toyota's refusal to recognize and negotiate with the Union, which was the subject of the notice of strike filed by the Union on January 16, 2001. Thus, the Union's reliance on *Philippine Blooming Mills Employees Organization* is misplaced, as it cannot be considered a precedent to the case at bar.

A strike means any temporary stoppage of work by the concerted action of employees as a result of an industrial or labor dispute. A labor dispute, in turn, includes any controversy or matter concerning terms or conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing, or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of the employer and the employee.

In *Bangalisan v. Court of Appeals*, it was explained that "[t]he fact that the conventional term 'strike' was not used by the striking employees to describe their common course of action is inconsequential, since the substance of the situation and not its appearance, will be deemed controlling." The term "strike" has been elucidated to encompass not only concerted work stoppages, but also slowdowns, mass leaves, sit-downs, attempts to damage, destroy, or sabotage plant equipment and facilities, and similar activities.

(Velasco, Jr., *J. Toyota Motor Phils. Corp. Workers Association (TMPCWA) v. National Labor Relations Commission*, G.R. No. 158798-99, October 19, 2007.)

AGRARIAN LAW

The RTC acting as Special Agrarian Court has the original and exclusive jurisdiction in determining just compensation to landowners

In the instant case, the Land Bank properly instituted its petition for the determination of just compensation before the RTC in accordance with R.A. No. 6657. The RTC erred in dismissing the

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AGRARIAN LAW (continued)

petition. To repeat, Section 57 of R.A. No. 6657 is explicit in vesting the RTC, acting as a Special Agrarian Court, “original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners.” As we held in *Republic of the Philippines v. Court of Appeals*:

x x x. It would subvert this “original and exclusive” jurisdiction of the RTC for the DAR to vest original jurisdiction in compensation cases in administrative officials and make the RTC an appellate court for the review of administrative decisions.

Consequently, although the new rules [Section 11, Rule XIII of the DARAB New Rules of Procedure] speak of directly appealing the decision of adjudicators to the RTCs sitting as Special Agrarian Courts, it is clear from Section 57 that the **original and exclusive** jurisdiction to determine such cases is in the RTCs. **Any effort to transfer such jurisdiction to the adjudicators and to convert the original jurisdiction of the RTCs into appellate jurisdiction would be contrary to Section 57 and therefore would be void.** What adjudicators are empowered to do is only to determine in a preliminary manner the reasonable compensation to be paid to landowners, leaving to the courts the ultimate power to decide this question.

(Sandoval-Gutierrez, J., Landbank of the Philippines v. Frederico C. Suntay, represented by his Assignee, Josefina Lubrica, G.R. No. 127903, October 11, 2007.)

CRIMINAL LAW

Plea of Guilt by the accused; guidelines in the proper conduct of a searching inquiry

Section 3, Rule 116 of the Rules of Court provides:

Sec. 3. *Plea of guilty to capital offense; reception of evidence.*—When the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea and shall require the prosecution to prove his guilt and the precise degree of culpability. The accused may present evidence in his behalf.

Based on this rule, there are three conditions that the trial court must observe to obviate an improvident plea of guilt by the accused: (1) it must conduct a searching inquiry into the voluntariness and full comprehension by the accused of the consequences of his plea; (2) it must require the prosecution to present evidence to prove the guilt of the accused and the precise degree of his culpability; and (3) it must ask the accused whether he desires to present evidence on his behalf, and allow him to do so if he so desires.

In *People v. Gumimba*, we had occasion to revisit the *raison d’etre* for the rule:

There is no hard and fast rule as to how a judge may conduct a “searching inquiry,” or as to the number and character of questions he may ask the accused, or as to the earnestness with which he may conduct it, since each case must be measured according to its individual merit. However, the logic behind the rule is that courts must proceed with caution where the impossible penalty is death for the reason that the execution of such a sentence is irrevocable and experience has shown that innocent persons have at times pleaded guilty. An improvident plea of guilty on the part of the accused when capital crimes are involved should be avoided since he might be admitting his guilt before the court and thus forfeit his life and liberty without having fully comprehended the meaning and import and consequences of his plea. Moreover, the requirement of taking further evidence would aid this Court on appellate review in determining the propriety or impropriety of the plea.

This Court, time and again, has reiterated the guidelines to be observed by the trial court in the proper conduct of a searching inquiry:

- (1) Ascertain from the accused himself (a) how he was brought into the custody of the law; (b) whether he had the assistance of a competent counsel during the custodial and preliminary investigations; and (c) under what conditions he was detained and interrogated during the investigations. This is intended to rule out the possibility that the accused has been coerced or placed under a state of duress either by actual threats of physical harm coming from malevolent quarters or simply because of the judge’s intimidating robes.

- (2) Ask the defense counsel a series of questions as to whether he had conferred with, and completely explained to, the accused the meaning and consequences of a plea of guilty.
- (3) Elicit information about the personality profile of the accused, such as his age, socio-economic status, and educational background, which may serve as a trustworthy index of his capacity to give a free and informed plea of guilty.
- (4) Inform the accused of the exact length of imprisonment or nature of the penalty under the law and the certainty that he will serve such sentence. For not infrequently, an accused pleads guilty in the hope of a lenient treatment or upon bad advice or because of promises of the authorities or parties of a lighter penalty should he admit guilt or express remorse. It is the duty of the judge to ensure that the accused does not labor under these mistaken impressions because a plea of guilty carries with it not only the admission of authorship of the crime proper but also of the aggravating circumstances attending it, that increase punishment.
- (5) Inquire if the accused knows the crime with which he is charged and to fully explain to him the elements of the crime which is the basis of his indictment. Failure of the court to do so would constitute a violation of his fundamental right to be informed of the precise nature of the accusation against him and a denial of his right to due process.
- (6) All questions posed to the accused should be in a language known and understood by the latter.
- (7) The trial judge must satisfy himself that the accused, in pleading guilty, is truly guilty. The accused must be required to narrate the tragedy or reenact the crime or furnish its missing details.

The searching inquiry conducted by the trial court falls short of these requirements.

(Tinga, J. *The People of the Philippines v. Edison Mira*, G.R. No. 175324, October 10, 2007.)

Prerogative of Prosecution to present witnesses

It is basic that the case of the prosecution in a criminal case depends on the strength of its evidence and not on the weakness of the defense. This is so as proof beyond reasonable doubt is required in criminal cases. Thus, the prosecution must be afforded ample opportunity to present testimonial and documentary evidence to prove its case. A close perusal of the antecedent facts in the instant case shows that the prosecution had not been given this opportunity.

It must be emphasized that in a *catena* of cases we have reiterated the principle that the matter of deciding who to present as a witness for the prosecution is not for the defendant or the trial court to decide, as it is the prerogative of the prosecutor. It cannot be overemphasized that the trial court must accord full opportunity for the prosecution, more so in criminal cases, to adduce evidence to prove its case and to properly ventilate the issues absent patent showing of dilatory or delaying tactics. The reason is obvious: it is tasked to produce and adduce evidence beyond a reasonable doubt. Sans such evidence, a dismissal of the criminal case on a demurrer to the evidence is proper. In the case at bar, there was no showing that the presentation of the three witnesses previously approved by the trial court would be dilatory and manifestly for delay.

(Velasco, Jr., J., *Jimmy T. Go v. Alberto T. Looyuko*, G.R. No. 147923, October 26, 2007.)

REMEDIAL LAW

Mootness; four exceptions to the rule on mootness

The moot and academic principle is not a magical formula that can automatically dissuade the courts in resolving a case. **Courts will decide cases, otherwise moot and academic, if:** *first*, there is a grave violation of the Constitution; *second*, the exceptional character of the situation and the **paramount public interest is involved**; *third*, when constitutional issue raised requires formulation of controlling principles to guide the Bench, the Bar, and the public; and *fourth*, **the case is capable of repetition yet evading review.**

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SUPREME COURT

RESOLUTION of the COURT *En Banc* dated December 4, 2007, on A.M. No. 07-7-12-SC

AMENDMENTS TO RULES 41, 45, 58 AND 65 OF THE RULES OF COURT

Acting on the recommendation of the Chairperson and Members of the Subcommittee on the Revision of Rule 65 submitting for this Court's consideration and approval the proposed amendments to Rules 41, 45, 58 and 65 of the Rules of Court, the Court Resolved to **APPROVE** the same.

This Resolution shall take effect on December 27, 2007 following its publication in a newspaper of general circulation.

December 4, 2007.

PUNO, CJ, QUISUMBING, YNARES-SANTIAGO, SANDOVAL-GUTIERREZ, CARPIO, AUSTRIA-MARTINEZ, CORONA, CARPIOMORALES, AZCUNA, TINGA, CHICO-NAZARIO, VELASCO, JR., NACHURA, REYES, LEONARDO-DE CASTRO, JJ. *concur*.

AMENDMENTS TO RULES 41, 45, 58 AND 65 OF THE RULES OF COURT

RULE 41

Section 1. Subject of appeal.— An appeal may be taken from a judgment or final order that completely disposes of the case, or of particular matter therein when declared by these Rules to be appealable.

No appeal may be taken from:

- (a) An order denying a petition for relief or any similar motion seeking relief from judgment;
- (b) An interlocutory order;
- (c) An order disallowing or dismissing an appeal;
- (d) An order denying a motion to set aside a judgment by consent, confession or compromise on the ground of fraud, mistake or duress, or any other ground vitiating consent;
- (e) An order of execution;
- (f) A judgment or final order for or against one or more of several parties or in separate claims, counterclaims, cross-claims and third-party complaints, while the main case is pending, unless the court allows an appeal therefrom; and

- (g) An order dismissing an action without prejudice.

In any of the foregoing circumstances, the aggrieved party may file an appropriate special civil action as provided in Rule 65.

RULE 45

Section 1. Filing of petition with Supreme Court.— A party desiring to appeal by *certiorari* from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency.

RULE 58

Sec. 5. Preliminary injunction not granted without notice; exception.— No preliminary injunction shall be granted without hearing and prior notice to the party or person sought to be enjoined. If it shall appear from facts shown by affidavits or by the verified application that great or irreparable injury would result to the applicant before the matter can be heard on notice, the court to which the application for preliminary injunction was made, may issue *ex parte* a temporary restraining order to be effective only for a period of 20 days from service on the party or person sought to be enjoined, except as herein provided. Within the 20-day period, the court must order said party or person to show cause, at a specified time and place, why the injunction should not be granted. The court shall also determine, within the same period, whether or not the preliminary injunction shall be granted, and accordingly issue the corresponding order.

However, subject to the provisions of the preceding sections, if the matter is of extreme urgency and the applicant will suffer grave injustice and irreparable injury, the executive judge of a multiple-sala court or the presiding judge of a single-sala court may issue *ex parte* a temporary restraining order effective for only 72 hours from issuance, but shall immediately comply with the provisions of the next preceding section as to service of summons and the documents to be served therewith. Thereafter, within

A.M. No. 07-7-12-SC (continued)

the aforesaid 72 hours, the judge before whom the case is pending shall conduct a summary hearing to determine whether the temporary restraining order shall be extended until the application for preliminary injunction can be heard. In no case shall the total period of effectivity of the temporary restraining order exceed 20 days, including the original 72 hours provided herein.

In the event that the application for preliminary injunction is denied or not resolved within the said period, the temporary restraining order is deemed automatically vacated. The effectivity of a temporary restraining order is not extendible without need of any judicial declaration to that effect, and no court shall have authority to extend or renew the same on the same ground for which it was issued.

However, if issued by the Court of Appeals or a member thereof, the temporary restraining order shall be effective for 60 days from service on the party or person sought to be enjoined. A restraining order issued by the Supreme Court or a member thereof shall be effective until further orders.

The trial court, the Court of Appeals, the Sandiganbayan or the Court of Tax Appeals that issued a writ of preliminary injunction against a lower court, board, officer, or *quasi-judicial* agency shall decide the main case or petition within 6 months from the issuance of the writ.

RULE 65

Sec. 4. When and where to file the petition.— The petition shall be filed not later than 60 days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than 60 days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

In election cases involving an act or an omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.

Sec. 7. Expediting proceedings; injunctive relief.— The court in which the petition is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. The petition shall not interrupt the course of the principal case, unless a temporary restraining order or a writ of preliminary injunction has been issued, enjoining the public respondent from further proceeding with the case.

The public respondent shall proceed with the principal case within ten (10) days from the filing of a petition for *certiorari* with a higher court or tribunal, absent a temporary restraining order or a preliminary injunction, or upon its expiration. Failure of the public respondent to proceed with the principal case may be a ground for an administrative charge.

Sec. 8. Proceedings after comment is filed.— After the comment or other pleadings required by the court are filed, or the time for the filing thereof has expired, the court may hear the case or require the parties to submit memoranda. If, after such hearing or filing of memoranda or upon the expiration of the period for filing, the court finds that the allegations of the petition are true, it shall render judgment for such relief to which the petitioner is entitled.

However, the court may dismiss the petition if it finds the same patently without merit or prosecuted manifestly for delay, or if the questions raised therein are too unsubstantial to require consideration. In such event, the court may award in favor of the respondent treble costs solidarily against the petitioner and counsel, in addition to subjecting counsel to administrative sanctions under Rules 139 and I39-B of the Rules of Court.

The Court may impose *motu proprio*, based on *res ipsa loquitur*, other disciplinary sanctions or measures on erring lawyers for patently dilatory and unmeritorious petitions for *certiorari*.



ADMINISTRATIVE CIRCULAR NO. 111-2007

**TO: ALL JUDGES AND CLERKS OF COURT OF
THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT: CLARIFICATION RELATIVE TO THE
NEW RULE ON LEGAL FEES
INVOLVING SHERIFF'S
COMMISSIONS**

The *Court En Banc* acting on the letter dated 24 July 2007 of Atty. Enrico M. Lainez seeking clarification relative to the New Rule on Legal Fees Involving Sheriff's Commissions has issued a Resolution dated 2 October 2007 in A.M. No. 07-8-392-RTC, to wit:

In a letter dated July 24, 2007 addressed to the Office of the Court Administrator (OCA), Atty. Enrico M. Lainez sought clarification on whether the new rule on legal fees¹ repealed the provision in the Procedure in Extrajudicial Foreclosure of Mortgage² with respect to the maximum amount of PhP 100,000.00 payable to sheriffs under Rule 141, Section 9(1) (now Section 10(1)) of the Rules of Court in cases involving extrajudicial foreclosure of mortgage.

Atty. Lainez stated that his client has pending petitions for extrajudicial foreclosure in the Regional Trial Courts (RTCs) of Manila and Cabanatuan City. The clerks of court of the said RTCs computed the sheriff's fees under the new schedule of fees provided in the Revised Rule on Legal Fees. They claimed that it superseded the Procedure in Extrajudicial Foreclosure or Mortgage imposing a maximum cap of PhP 100,000.00 on sheriff's fees. Atty. Lainez believes otherwise.

In a memorandum dated August 7, 2007, the OCA submitted Atty. Lainez' letter for the Court's consideration. It stated that it had been receiving numerous queries on whether the limit on sheriff's fees in extrajudicial foreclosure of mortgage had been repealed by the new rates of legal fees. These queries spawned various interpretations leading to confusion and even disagreements in the computation of the sheriff's fees.

1. Revised Rule on Legal Fees per *En Banc* resolution dated July 20, 2004 in A.M. No. 04-2-04-SC entitled "Revision of Rule 141, Revised Rules of Court"; effective August 16, 2004.

2. *En Banc* resolution dated January 30, 2001 in A.M. No. 99-10-05-0 entitled "Re: Procedure in Extrajudicial Foreclosure of Mortgage"; effective March 1, 2001.

The Rule on Legal Fees, Rule 141, was revised on July 20, 2004 precisely to provide funds for the payment of the special allowances granted under R.A. No. 9227. It was pointed out during the deliberations of the Committee headed by then Court Administrator now Supreme Court Associate Justice Presbitero J. Velasco, Jr. that the funds for the Judiciary Development Fund substantially decreased by several millions starting March 1, 2001 when A.M. No. 99-10-05-0 was approved prescribing the ceiling of PhP100,000.00 as maximum amount of fees for the services of the sheriffs in the extrajudicial foreclosures. The Committee thus approved the removal of the ceiling of PhP100,000.00 to enable the Supreme Court to raise funds for the special allowance for the judiciary. When the Revised Rule on Legal Fees was approved per the *En Banc* resolution dated July 20, 2004 in A.M. No. 04-2-04-SC entitled "Revision of Rule 141, Revised Rules of Court; effective August 16, 2004," it effectively repealed A.M. No. 99-10-05-0 dated January 30, 2001, specifically the cap of PhP 100,000.00.

Incidentally, it has to be clarified that the fees for the services of sheriffs in extrajudicial foreclosures are not payable to the sheriffs but to the clerk of court as said funds belong to the judiciary and not to the sheriffs. Said fees form part of the Judiciary Development Fund and the fund for the special allowances under R.A. No. 9227.

WHEREFORE, the Court declares that the *En Banc* resolution dated July 20, 2004 in A.M. 04-2-04-SC entitled "Revision of Rule 141, Revised Rules of Court" which became effective August 16, 2004 has repealed the PhP 100,000.00 cap for the payment of the sheriff's fees provided in A.M. No. 99-10-05-0 dated January 30, 2001.

SO ORDERED.

For the information and guidance of all concerned.

November 13, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice



ADMINISTRATIVE CIRCULAR NO. 121-2007**CREATION OF PROVINCIAL COMMITTEES ON SECURITY AND PROVIDING FOR THE COMPOSITION THEREOF**

WHEREAS, some members of the judiciary and other court employees are at times threatened with bodily harm by criminal elements. For this reason, the Court must devise ways to safeguard them;

WHEREAS, the Court, through the Chief Justice issued Memorandum Order No. 18-2007, dated 11 May 2007 which reconstituted the Committee on Security (the Committee);

WHEREAS, the Committee sees the need for a structured communication route between the first and second level courts and the Committee on Security, to facilitate the collection of and the dissemination of information regarding security matters;

WHEREAS, the Committee realizes that security threats particular to a locality or province would be better addressed by a security committee composed of the local members of the judiciary;

WHEREAS, to address concerns there is a need to create provincial committees on security;

NOW THEREFORE, Committees on Security are hereby created in every province, with the following functions:

- (1) to facilitate the collection and dissemination of information on security matters;
- (2) to aid the Task Force Judiciary Protection on investigations conducted within their provinces or jurisdictions;
- (3) to address security threats specific to their localities, or within their jurisdiction;
- (4) to ensure that security protocols issued by the Court are enforced within their areas; and
- (5) such other functions that the Court or the Committee on Security may designate.

The Provincial Committees on Security shall be composed as follows:

NATIONAL CAPITAL JUDICIAL REGION

Chairperson: *Hon. Reynaldo G. Ros (Manila)*
 Members: *Quezon City (Hon. Romeo G. Zamora)*
Pasay City (Hon. Pedro B. Corales)
Kalookan City (Hon. Calixtro O. Adriatico)

Makati City (Hon. Winlove M. Dumayas)
Pasig City (Hon. Amelia C. Manalastas)
Malabon City (Hon. Emmanuel D. Laurea)
Marikina City
(Hon. Geraldine Fiel Macaraig)
Mandaluyong City
(Hon. Maria A. Cancino-Erum)
Parañaque City (Hon. Zosimo V. Escano)
Las Piñas City (Hon. Leopoldo E. Baraquia)
Muntinlupa City
(Hon. Patria Manalastas De Leon)
Valenzuela City (Hon. Maria Nena J. Santos)

FIRST JUDICIAL REGION**ABRA**

Chairperson: *Hon. Charito B. Gonzales (Bangued)*
 Member: *Bucay (Hon. Elpidio C. Cablayan)*

BENGUET

Chairperson: *Hon. Edilberto T. Claravall*
(Baguio City)
 Members: *La Trinidad (Hon. Marybelle D. Mariñas)*
Buguias (Hon. Agapito K. Laoagan, Jr.)

ILOCOS NORTE

Chairperson: *Hon. Conrado A. Ragucos (Laoag City)*
 Members: *Batac (Hon. Virgilio V. Macaraig)*
Banguian (Hon. Jose C. Pilar)

ILOCOS SUR

Chairperson: *Hon. Dominador Ll. Arquelada, Sr. (Vigan)*
 Members: *Narvacan (Hon. Isidoro T. Pobre)*
Candon (Hon. Gavino B. Balbin, Jr.)
Cabugao
(Hon. Francisco Roberto D. Quilala-Acting)
Tagudin (Hon. Melanio C. Rojas, Jr.)

LA UNION

Chairperson: *Hon. Victor M. Vilorio*
(San Fernando City)
 Members: *Agoo (Hon. Clifton U. Ganay)*
Bauang (Hon. Ferdinand A. Fe)
Balaoan (Hon. Senacio Tan)

MT. PROVINCE

Chairperson: *Hon. Artemio B. Marrero (Bontoc)*

PANGASINAN

Chairperson: *Hon. Rolando G. Misleng (Dagupan City)*
 Members: *Lingayen (Hon. Teodoro C. Fernandez)*
Urdaneta City (Hon. Tita R. Villarin)
Tayug (Hon. Ulysses R. Butuyan)
Alaminos City (Hon. Elpidio M. Abella)

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A. C. No. 121- 2007 (continued)

San Carlos City (Hon. Anthony Q. Sison)
Villasis (Hon. Manuel Fernandez Pastor, Jr.)
Rosales
(Hon. Teodorico Alfonso Pinto Bauzon)
Burgos (Hon. Ma. Ellen Monje Aguilar)

SECOND JUDICIAL REGION

CAGAYAN

Chairperson: *Hon. Conrado F. Manauis (Aparri)*
 Members: *Tuguegarao City (Hon. Vilma T. Pauig)*
Tuao (Hon. Orlando Derocha Beltran, Sr.)
Sanchez Mira (Hon. Leo Saddul Reyes)
Ballesteros (Hon. Francisco S. Donato)

BATANES

Chairperson: *Hon. Celedonio Poncio Balasbas (Basco)*

IFUGAO

Chairperson: *Hon. Joseph Pawid Baguilat (Lagawe)*
 Members: *Alfonso Lista (Hon. Dionisio M. Buduhan)*
Banaue (Hon. Ester Piscoso Flor)

ISABELA

Chairperson: *Hon. Isaac R. De Alban (Ilagan)*
 Members: *Santiago City (Hon. Efren M. Cacatian)*
Cauayan City (Hon. Raul V. Babaran)
Cabagan (Hon. Felipe Jesus Torio, II)
Roxas (Hon. Bernabe B. Mendoza)
Echague (Hon. Bonifacio T. Ong)

KALINGA

Chairperson: *Hon. Marcelino K. Wacas (Tabuk)*

APAYAO

Chairperson: *Hon. Quirino M. Andaya (Luna)*

NUEVA VIZCAYA

Chairperson: *Hon. Fernando F. Flor, Jr. (Bayombong)*
 Member: *Bambang (Hon. Jose Godofredo M. Naui)*

QUIRINO

Chairperson: *Hon. Moises M. Pardo (Cabarroguis)*
 Member: *Madella (Hon. Menrado V. Corpuz)*

THIRD JUDICIAL REGION

AURORA

Chairperson: *Hon. Armando A. Yanga (Baler)*

BATAAN

Chairperson: *Hon. Remigio M. Escalada, Jr.*
(Balanga City)
 Members: *Mariveles (Hon. Bartolome V. Flores)*
Dinalupihan (Hon. Jose Ener S. Fernando)

BULACAN

Chairperson: *Hon. Petrita B. Dime (Malolos City)*

NUEVA ECIJA

Chairperson: *Hon. Rodrigo S. Caspillo*
(Cabanatuan City)
 Members: *Guimba (Hon. Napoleon R. Sta. Romana)*
Gapan City (Hon. Dorentino Z. Floresta)
Sto. Domingo (Hon. Cholita B. Santos)
San Jose City (Hon. Cicero D. Jurado, Jr.)
Palayan City
(Hon. Evelyn A. Atienza-Turla)

PAMPANGA

Chairperson: *Hon. Adelaida A. Medina*
(San Fernando City)
 Members: *Guagua (Hon. Pamela Ann A. Maxino)*
Macabebe (Hon. Josephine R. Mercado)
Angeles City
(Hon. Ma. Angelica P. Quiambao)

TARLAC

Chairperson: *Hon. Bitiy G. Biliran (Tarlac City)*
 Members: *Capas (Hon. Alipio C. Yumul)*
Paniqui (Hon. Liberty O. Castañeda)
Camiling (Hon. Jose S. Vallo)

ZAMBALES

Chairperson: *Hon. Josefina D. Farrales (Iba)*
 Member: *Olongapo City*
(Hon. Josefina D. Farrales - Acting)

FOURTH JUDICIAL REGION 4-A

BATANGAS

Chairperson: *Hon. Ruben A. Galvez (Batangas City)*
 Members: *Tanauan City (Hon. Hermenegildo M. Lacap)*
Balayan (Hon. Elihu A. Ybañez)
Lipa City (Hon. Florencio S. Arellano)
Lemery (Hon. Eutiquio L. Quitain)
Lipa (Hon. Danilo S. Sandoval)
Nasugbu (Hon. Wilfredo D. Mayor)
Taal (Hon. Juanita G. Areta)
Rosario (Hon. Pablo R. Chavez)

CAVITE

Chairperson: *Hon. Agapito S. Lu (Cavite City)*
 Members: *Bacoar (Hon. Eduardo I. Tanguanco)*
Imus (Hon. Norberto J. Quisumbing, Jr.)
Tagaytay City (Hon. Edwin G. Larida, Jr.)
Trece Martires City
(Hon. Aurelio G. Icasiano, Jr.)
Naic (Hon. Lerio C. Castigador)
Dasmariñas (Hon. Perla V. Cabrera-Faller)

LAGUNA

Chairperson: *Hon. Socrates A. Erasmo*
(*San Pablo City*)

Members: *Biñan (Hon. Marino E. Rubia)*
Sta. Cruz (Hon. Mary Ann C. Mañalac)
Calamba City (Hon. Jesus A. Santiago)
San Pedro (Hon. Francisco D. Pano)
Siniloan (Hon. Flotenio P. Bueser)

QUEZON

Chairperson: *Hon. Eloida R. De Leon-Diaz*
(*Lucena City*)

Members: *Gumaca (Hon. Aurora M. Roman)*
Mauban (Hon. Rodolfo D. Obnamia, Jr.)
Calauag (Hon. Mariano A. Morales, Jr.)
Infanta (Hon. Virgilio C. Alpajora- Acting)

RIZAL

Chairperson: *Hon. Ruth C. Santos (Antipolo City)*
Members: *San Mateo (Hon. Francisco C. Rodriguez, Jr.)*
Morong (Hon. Ma. Theresa C. San Gabriel)
Binangonan (Hon. Narmo P. Noblejas)

ROMBLON

Chairperson: *Hon. Ramiro R. Geronimo (Romblon)*
Member: *Odiongan (Hon. Jose M. Madrid)*

FOURTH JUDICIAL REGION 4-B**MARINDUQUE**

Chairperson: *Hon. Manuelito O. Caballes (Boac)*

MINDORO ORIENTAL

Chairperson: *Hon. Manuel C. Luna, Jr. (Calapan City)*
Members: *Pinamalayan (Hon. Recto A. Calabocal)*
Roxas (Hon. Pastor A. De Castro)

MINDORO OCCIDENTAL

Chairperson: *Hon. Jose S. Jacinto, Jr. (San Jose)*
Member: *Mamburao (Hon. Ulysses D. Delgado)*

PALAWAN

Chairperson: *Hon. Perfecto E. Pe (Puerto Princesa City)*
Member: *Roxas (Hon. Bienvenido C. Blancaflor)*

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Chairperson: *Hon. Edgar L. Armes (Legaspi City)*
Members: *Ligao City (Hon. Edwin R. Ma-Alat)*
Tabaco City (Hon. Mamerto M. Buban, Jr.)

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Chairperson: *Hon. Jaime E. Contreras (Legaspi City)*
Members: *Libmanan (Hon. Cecilia B. Soler)*

Pili (Hon. Jose C. Sarcilla)
Iriga City (Hon. Milagros G. Quijano)
San Jose (Hon. Jaime E. Contreras)
Calabanga (Hon. Freddie D. Balonzo)

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Chairperson: *Hon. Winston S. Racoma (Daet)*
Member: *Labo (Hon. Erwin Virgilio Ferrer - Acting)*

CATANDUANES

Chairperson: *Hon. Genie G. Agbada (Virac)*

MASBATE

Chairperson: *Hon. Manuel L. Sese (Masbate City)*
Members: *Cataingan (Hon. Domingo B. Maristela)*
San Jacinto
(*Hon. Arturo Clemente B. Revil*)

SORSOGON

Chairperson: *Hon. Jose L. Madrid (Sorsogon City)*
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Irosin (Hon. Fred G. Jimena)
Bulan (Hon. Adolfo G. Fajardo)

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ANTIQUE

Chairperson: *Hon. Nery G. Duremdes (San Jose)*
Members: *Bugasong (Hon. Rafael O. Penuela)*
Culasi (Hon. Rafael O. Penuela - Acting)

CAPIZ

Chairperson: *Hon. Salvador S. Gubaton (Roxas City)*
Member: *Mambusao (Hon. Ignacio I. Alajar)*

ILOILO

Chairperson: *Hon. Roger B. Patricio (Iloilo City)*
Members: *Barotac Viejo (Hon. Rogelio J. Amador)*
Guimbal (Hon. Domingo D. Diamante)
Dumangas (Hon. Gerardo B. Diaz)

GUIMARAS

Chairperson: *Hon. Merlin D. Deloria (Jordan)*

NEGROS OCCIDENTAL

Chairperson: *Hon. Ray Alan T. Dylon (Bacolod City)*
Members: *Silay City (Hon. Felipe G. Banzon)*
Himaymaylan City
(*Hon. Franklin J. Demonteverde*)
San Carlos City
(*Hon. Edgardo L. Delos Santos*)

(Continued on NEXT page)

A. C. No. 121- 2007 (continued)

Cadiz City (Hon. Renato D. Muñoz)
Kabankalan City (Hon. Henry D. Arles)
Bago City (Hon. Frances V. Guanzon)
La Carlota City
(Hon. Francisco N. Rodriguez)

SEVENTH JUDICIAL REGION

BOHOL

Chairperson: Hon. Fernando G. Fuentes III
(Tagbilaran City)
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Carmen (Hon. Patsita S. Gamutan)
Talibon (Hon. Irma Zita V. Masamayor)

CEBU

Chairperson: Hon. Fortunato M. De Gracia, Jr.
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Members: Lapu Lapu City (Hon. Victor A. Teves)
Mandaue City (Hon. Marilyn L. Yap)
Toledo City (Hon. Cesar O. Estrera)
Danao City (Hon. Edito Y. Enemecio)
Argao (Hon. Maximo Astillero Perez)
Barili (Hon. Leopoldo V. Cañete)
Bogo (Hon. Antonio D. Marigomen)
Oslob (Hon. Jesus S. Dela Peña)

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Chairperson: Hon. Fe Lualhati D. Bustamante
(Dumaguete City)
Members: Tanjay City (Hon. Winston M. Villegas)
Bais City (Hon. Candelario V. Gonzales)
Guihulngan (Hon. Mario O. Trinidad)
Bayawan City
(Hon. Rafael Crescencio C Tan, Jr. - Acting)

SIQUIJOR

Chairperson: Hon. Roderick A. Maxino (Acting)
(Larena)

EIGHT JUDICIAL REGION

EASTERN SAMAR

Chairperson: Hon. Elvie P. Lim (Borongan)
Members: Guiuan (Hon. Rolando M. Lacro-o)
Oras (Hon. Juliana A. White)
Balangiga (Hon. Rowena Nieves A. Tan)
Dolores (Hon. Elvie P. Lim - Acting)

LEYTE

Chairperson: Hon. Rogelio C. Sescon (Tacloban City)
Members: Ormoc City (Hon. Francisco C. Gedorio, Jr.)
Carigara (Hon. Crisostomo L. Garrido)
Abuyog (Hon. Buenaventura A. Pajaron)
Calubian (Hon. Crescente F. Maraya)

Baybay (Hon. Absalan Urgel Fulache)
Buraue (Hon. Yolanda U. Dagandan)
Palompon (Hon. Celso L. Mantua)
Hilongos (Hon. Ephrem Suarez Abando)

BILIRAN

Chairperson: Hon. Pepe P. Domael
Members: Naval (Vacant)
Caibiran (Hon. Pepe P. Domael)

NORTHERN SAMAR

Chairperson: Hon. Eugenio G. Dela Cruz (Laoang)
Members: Laoang (Hon. Eugenio G. Dela Cruz)
Allen (Hon. Manuel F. Torre Villas, Jr.)
Gamay (Hon. Alphino C. Serrano)

SOUTHERN LEYTE

Chairperson: Hon. Bethany G. Kapili (Maasin City)
Members: San Juan (Hon. Hermes B. Montero)
Sogod (Hon. Rolando L. Gonzalez)

SAMAR

Chairperson: Hon. Agerico A. Avila (Catbalogan)
Members: Calbayog City (Hon. Reynaldo B. Clemens)
Basey (Hon. Jovito C. Abarquez)
Calbiga (Hon. Carmelita T. Cuares)
Tarangnan (Hon. Esteban V. De La Peña)
Gandara (Hon. Rosario A. Bandal)

NINTH JUDICIAL REGION

BASILAN

Chairperson: Hon. Leo Jay T. Principe (Isabela City)

SULU

Chairperson: Hon. Bensaudi I. Araban, Sr. (Parang)
Members: Siasi (Hon. Bensaudi I. Arabani, Sr.-Acting)

TAWI-TAWI

Chairperson: Hon. Abdulmaid K. Muin (Bongao)

ZAMBOANGA DEL NORTE

Chairperson: Hon. Porferio E. Mah (Dipolog City)
Members: Sindangan (Hon. Arturo M. Paculanang)
Siocon (Hon. Laarni N. Dajao)
Liloy (Hon. Oscar D. Tomarong)

ZAMBOANGA DEL SUR

Chairperson: Hon. Reynerio G. Estacio (Zamboanga)
Members: Pagadian City (Hon. Aniceto B. Galon, Jr.)
Molave
(Hon. Ernesto Maximo Victor Laurel-Acting)
San Miguel (Hon. Edilberto G. Absin)
Aurora
(Hon. Ernesto Maximo Victor E. Laurel)

A.C. No. 121-2007 (continued)

ZAMBOANGA SIBUGAY

Chairperson: *Hon. Reuben L. Maraon (Ipil)*

TENTH JUDICIAL REGION

AGUSAN DEL NORTE

Chairperson: *Hon. Augustus L. Calo (Butuan City)*

Member: *Cabadbaran (Hon. Dax G. Xenos)*

AGUSAN DEL SUR

Chairperson: *Hon. Dante Luz M. Viacrusis*

Member: *Bayugan (Hon. Hector B. Salise)*

BUKIDNON

Chairperson: *Hon. Josefina G. Bacal (Malaybalay City)*

Member: *Manolo Fortich (Hon. Jose Uy Yamut, Sr.)*

MISAMIS OCCIDENTAL

Chairperson: *Hon. Henry B. Damasing (Oroqueita City)*

Members: *Ozamis City (Hon. Edmundo P. Pintac)*

Tangub City

(Hon. Sylvia A. Singidas-Machacon)

Calamba (Hon. Ruben R. Cagas)

MISAMIS ORIENTAL

Chairperson: *Hon. Jose L. Escobido*

(Cagayan de Oro City)

Members: *Medina (Hon. Oscar N. Abella)*

Gingog City (Hon. Avelino C. Pakino)

Initao (Hon. Dennis Z. Alcantar)

CAMIGUIN

Chairperson: *Hon. Rustico D. Paderanga*

(Mambajao)

SURIGAO DEL NORTE

Chairperson: *Hon. Floripinas C. Buysier*

Members: *Dapa (Hon. Evangeline S. Yuipco-Bayana)*

Dinagat Island (Hon. Louis P. Acosta)

ELEVENTH JUDICIAL REGION

DAVAO DEL NORTE

Chairperson: *Hon. Justino G. Aventurado*

Member: *Panabo City (Hon. Clemente C. Tajon)*

COMPOSTELA VALLEY

Chairperson: *Hon. Hilarion P. Clapis (Nabunturan)*

DAVAO ORIENTAL

Chairperson: *Hon. Nino A. Batingana (Mati)*

Members: *Baganga (Hon. Jose B. Lopez)*

Lupon (Hon. Nino A. Batingana - Acting)

DAVAO DEL SUR

Chairperson: *Hon. Isaac G. Robillo, Jr. (Davao City)*

Members: *Digos City (Hon. Albert S. Axalan)*

Bansalan

(Hon. Loida S. Posadas Kahulugan)

SOUTH COTABATO

Chairperson: *Hon. Oscar P. Noel, Jr. (General Santos City)*

Members: *Koronadal City (Hon. Laureano T. Alzate)*

Surallah (Hon. Roberto L. Ayco)

Polomolok

(Hon. Andres N. Lorenzo-Acting)

SARANGANI

Chairperson: *Hon. Jaime I. Infante (Alabel)*

SURIGAO DEL SUR

Chairperson: *Hon. Ermelindo G. Andal (Tandag)*

Members: *Liangá (Hon. Alfredo P. Jalad)*

Bislig City (Hon. Merlyn Pacaro Canedo)

Cantilan (Hon. Romeo C. Buenaflor)

TWELFTH JUDICIAL REGION

LANAO DEL NORTE

Chairperson: *Hon. Oscar V. Badelles (Iligan City)*

Members: *Tubod (Hon. Alan Lungay Flores)*

Kapatagan (Hon. Jacob T. Malik)

LANAO DEL SUR

Chairperson: *Hon. Rasad G. Balindong*

Member: *Marawi City (Hon. Amer R. Ibrahim)*

MAGUINDANAO

Chairperson: *Hon. Cader P. Indar*

Member: *Cotabato City (Hon. Cader P. Indar)*

NORTH COTABATO

Chairperson: *Hon. Francis E. Palmones, Jr.*

(Kidapawan City)

Member: *Midsayap (Hon. Lily Lydia A. Laquindanum)*

SULTAN KUDARAT

Chairperson: *Hon. Milanio M. Guerrero*

Member: *Isulan (Hon. German M. Malcampo)*

This Administrative Circular shall take effect upon its issuance.

November 23, 2007.

(Sgd.) REYNATO S. PUNO

Chief Justice

(Sgd.) LEONARDO A. QUISUMBING

Chairperson, Second Division

(Sgd.) CONSUELO YNARES-SANTIAGO

Chairperson, Third Division

MEMORANDUM ORDER NO. 42-2007

PROVIDING FOR AN INTERIM SECURITY PROTOCOL FOR THE FIRST AND SECOND LEVEL COURTS

WHEREAS, members of the judiciary especially the judges of the first and second level courts are continuously exposed to violent attacks from would be assassins and there are no existing security protocols for the safety of the judges and other court employees;

WHEREAS, the Committee on Security for the Judiciary in a meeting held on October 3, 2007, has resolved to provide the judges of the first and second level courts with an interim security protocol to improve security and safety measures inside the court rooms and halls of justice (HOJ);

NOW THEREFORE, pending the issuance of a comprehensive security protocol for the lower courts and in the interest of the service, the following interim measures are hereby adopted and shall be immediately implemented:

- 1) All court employees are required to wear and prominently display their identification cards (ID) at all times while on official duty. Only judges are exempted from wearing IDs.
- 2) All law enforcement officers on official business should wear and display their official IDs while inside the HOJs and buildings which house court rooms.
- 3) During hearings, the court shall coordinate with the appropriate agency which has custody of detention prisoners, (*e.g.*, Bureau of Jail Management and Penology, Philippine National Police, National Bureau of Investigation, etc.) on the trial calendar and schedule of criminal cases involving these detention prisoners.
- 4) During trial of detention prisoners, the Executive Judge shall request the PNP to assign or detail at least two (2) uniformed policemen to secure and patrol the hallways of the HOJs and court houses and their premises.
- 5) Where applicable, the HOJ shall only have one entry and exit point for visitors.
- 6) The EJs shall secure a holding area in the HOJs or in the court house where detention prisoners shall be temporarily detained while awaiting trial. When no holding area is available, the detention prisoners shall be detained in the bus, van, or vehicle that they used as transport, or any secure place outside the HOJs or court houses. The detention prisoners shall be brought to the courtroom only when their cases are heard.
- 7) Before leaving the holding area or temporary detention area, the custodians shall conduct a thorough body frisking of detention prisoners to ensure that they have no concealed weapon on them.
- 8) While in the court's premises, detention prisoners shall always be handcuffed, unless the Presiding Judge (PJ) directs otherwise.
- 9) In HOJs, the EJs shall ensure that the court security personnel (CSP) keep a logbook of the name, address, purpose of visit and signature of guests who enter the premises. All visitors including law enforcement officers shall be required to log-in before allowed entry. All visitors are required to present adequate identification documents, which they shall leave with the CSP in exchange for a court ID to be worn at all times while inside the HOJ.
- 10) For courts not in HOJs, the sheriff, process server, or other staff member shall be assigned by the PJ to provide security inside the court room.
- 11) All persons who wish to enter the courtroom shall be subjected to body frisking by the court's sheriff, process server, or other court personnel, before entry. A female guest shall be frisked only by a female court employee. In addition, all bags and other things brought inside the room shall be thoroughly inspected.
- 12) All firearms and objects which may be used as weapons, except those belonging to law enforcement officers who are on official business, shall be deposited with the guard-on-duty of the HOJs, or with the sheriff or in the latter's absence, the Branch Clerk of Court, for courts not found in the HOJs.
- 13) Any illegal weapon or article, under the

Revised Penal Code or existing laws, shall be confiscated and surrendered to the police officers assigned to patrol the hallways. In their absence, these things shall be surrendered to the nearest police station.

- 14) Where applicable, the PJ shall specify an area in the court room for detention of prisoners. No one, except lawyers, shall be allowed to talk to, or go near the detention prisoners.
- 15) The PJ shall place the witness stand at least one and a half meters (1 ½ m) away from his seat. When the prisoner is on the witness stand, the custodian shall stand between the judge and the prisoner.
- 16) The PJ shall assign the Sheriff, Process Server, or other court employee to be present during court hearings for orderly and safe proceedings in the court room.
- 17) Finally, PJs whose lives are endangered or threatened, shall immediately inform any of the following officials of the Task Force Judiciary Protection:

DCA Reuben P. De la Cruz

3rd Floor, Old Supreme Court Building,
Supreme Court
Taft Ave. cor. Padre Faura St., Ermita, Manila
Telephone Nos.

Office: 525-7143

Mobile: 0918-39635491

Fax No.: 523-2315

e-mail address: judge.rpc@gmail.com

Atty. Allan C. Contado

Chief
Anti-Graft Division and Liaison Officer
Task Force on Judiciary Protection
National Bureau of Investigation
Taft Avenue, Manila
Telephone Nos.

Office: 523-8231 local 3424/3467

Mobile: 0917-9777442/0919-5887817

Fax No.: 5261216

e-mail address: acontado@nbi.gov.ph

This Memorandum Order shall take effect upon its issuance.

November 23, 2007.

(Sgd.) REYNATO S. PUNO
Chief Justice

From the Chancellor's Desk

(Continued from page 1)

The Judge-to-Judge Dialogue held with ABA-ROLI and PMO received high profitability ratings, focusing as it did on judges taking control of court proceedings.

We commend the librarians (all of them female), the trial judges, the court stenographers (Southern Tagalog chapter), and the RTC Clerks of Court for their active involvement in their convention-seminars to promote their respective organizations and enhance their learning, through seminar topics and lecturers that we gladly provided upon their express request.

Our landmark project on Mediation (CAM, ACM, and JDR) has expanded and we now have PMC units in all 13 judicial regions covering a total of 796 courts. Interest has increased, for Judicial Dispute Resolution (JDR) as well, with our Center trying its level best to accommodate all requests. Hopefully, with the cooperation of all stakeholders, particularly the referral of cases to mediation, the declogging of court dockets will be accelerated. The successful introduction of Court-Annexed Mediation on Wheels (CAMOW) has promoted significantly our project on access to justice for the poor and marginalized. The program has also been deeply appreciated by local government officials.

Continuing seminars on the Code of Conduct for Court Personnel have received their share of attention with 69 Justices, 1,776 judges, and 15,040 court personnel having been reached since 2004. Only 33.31% remain to be trained. Hopefully, with Integrity becoming the benchmark for the entire judiciary, administrative cases involving violations of the Code of Conduct will be reduced.

We thank the Chief Justice, the Supreme Court, our stakeholders, partners, supporters and the general public for their invaluable cooperation and support and assure them of our unwavering resolve to be true to our mandate.

To everyone, a blessed and productive 2008.

OFFICE OF THE COURT ADMINISTRATOR

OCA CIRCULAR NO. 92-2007

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

SUBJECT: DEFERMENT OF THE CONTINUOUS IMPROVEMENT OF PERFORMANCE AND ACCOMPLISHMENT GAUGE (CIPAG)

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court *En Banc* dated August 21, 2007, in "Re: Deferment of the Continuous Improvement of Performance and Accomplishment Gauge (CIPAG)."

Re: Deferment of the Continuous Improvement of Performance and Accomplishment Gauge (CIPAG) — The Court Resolved, upon the recommendation of Assistant Court Administrator Nimfa C. Vilches, Chair, OCA Performance Evaluation Review Committee with recommending approval of Court Administrator Christopher O. Lock, to **DEFER** the implementation of the Continuous Improvement of Performance and Accomplishment Gauge (CIPAG), and **ALLOW** the continued use of the old performance evaluation system, until the new performance evaluation for the entire judiciary is implemented.

In consonance with the above Resolution, the following guidelines are hereby issued for all lower courts :

1. For those who have submitted their performance rating for the rating period January to June 2007 using the CIPAG Forms, they shall submit another performance rating using the old performance rating form.
2. All lower court employees are therefore hereby enjoined to submit their performance rating using the old performance rating form for the rating period January to June 2007 within 15 days from receipt of this Circular.

3. The Performance Evaluation Review Committee in the Lower Courts (PERC-LC), created pursuant to OCA-Circular No. 94-2001 dated December 11, 2001, shall continue to resolve protests of lower court employees regarding ratings obtained.
4. Appeals
 - (a) An employee who feels aggrieved or dissatisfied with his final performance rating can file a protest with the Performance Evaluation Review Committee in the Lower Courts (PERC-LC) within 10 days from the date of receipt of the performance rating forms.
 - (b) The PERC-LC shall resolve the protest within 15 days from receipt of the protest.
 - (c) In the event that the employee is dissatisfied with the resolution of the PERC-LC on his performance rating, he may appeal the PERC-LC resolution to the Office of the Court Administrator Performance Evaluation Review Committee (OCA-PERC), indicating the reasons therefor, copy furnished his supervisor, next higher supervisor and the PERC-LC Chairperson.
 - (d) The appeal shall be made within 15 days from receipt of the PERC-LC Resolution, otherwise it shall be deemed as a waiver of such right to appeal.
 - (e) The OCA-PERC shall resolve the appeal within 30 days from the date it is submitted for resolution.

Strict compliance herewith is hereby enjoined.

September 20, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator



OCA CIRCULAR NO. 94-2007**TO: ALL EXECUTIVE JUDGES****SUBJECT: GUIDELINES ON THE AUTHORITY OF
THE INVESTIGATING EXECUTIVE
JUDGE**

The First Division acting on the letter dated 28 June 2007 of Judge Raul E. De Leon, Regional Trial Court, Branch 258, Parañaque City, requesting the opinion of the Court on whether he can continue with his investigation pursuant to the Resolution dated 22 November 2006, considering that a new Executive Judge had been designated in the Regional Trial Court, Parañaque City, Resolved:

x x x x

(2) to **APPROVE** the following guidelines on the authority of the Investigating Executive Judge, to wit:

- (a) If the investigation in an administrative case had already started or if the parties therein had already submitted their evidence, the Investigating Executive Judge to whom the case had been assigned by the Court shall continue to hear the case or prepare the corresponding report, as the case may be, regardless of whether he is subsequently relieved as Executive Judge or his term as such expires. The designation of a new Executive Judge shall not work to undermine the authority of the former Investigating Executive Judge over the case;
- (b) Conversely, if the investigation has not started and the Investigating Executive Judge is subsequently relieved as Executive Judge or his term as such expires, the new Executive Judge shall take over the investigation. The former Executive Judge to whom the case was originally referred to shall inform the Court, by way of a simple manifestation, of such development. He shall, however, immediately forward the records of the case to the new Executive Judge who shall begin the investigation;

- (c) If the Investigating Executive Judge to whom the case was originally assigned is dismissed/retires from the service, dies or is suspended by the Court, the new/acting Executive Judge shall take over the case regardless of the stage it is in. The new/acting Executive Judge shall inform the Court of such development by way of a simple manifestation; and
- (d) The new Executive Judge who takes over the case shall have the remaining period originally allotted by the Court to continue the investigation and submit the corresponding report. In the event that the remaining balance of the period is not sufficient, the new Executive Judge shall make the appropriate request to the Court for an extension of the period; and x x x. x x x

For the information and guidance of all concerned.

October 3, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

**OCA CIRCULAR NO. 95-2007****TO: ALL JUDGES AND CLERKS OF COURT OF
THE REGIONAL TRIAL COURT (RTC)****SUBJECT: STRICT OBSERVANCE AND
IMPLEMENTATION OF SECTION 87,
PARAGRAPH 3, ARTICLE X OF
REPUBLIC ACT NO. 9165 OTHERWISE
KNOWN AS "THE COMPREHENSIVE
DANGEROUS DRUGS ACT OF 2002"**

The Dangerous Drugs Board (DDB) of the Office of the President has called the attention of this Office regarding the various reports submitted by the Philippine Drug Enforcement Agency (PDEA) and other authorized law enforcement units stating that despite finality of decisions or orders handed down by the Regional Trial Courts, the Board has yet to receive any amount representing fines imposed by said Courts pursuant to Paragraph 3 of Section 87, Article X of Republic Act No. 9165, quoted hereunder as follows:

(Continued on NEXT page)

OCA Cir. No. 95-2007 (continued)

Sec. 87. *Appropriations.*- x x x

The fines shall be remitted to the Board by the court imposing such fines within 30 days, from the finality of its decisions or orders. (Emphasis underlined) x x x

Henceforth, you are here by **REMINDED** and **DIRECTED** to strictly comply with the abovementioned provision of the law, all for purposes of augmenting the funds necessary for the operations of the DDB and the PDEA.

For your information and guidance.

October 3, 2007.

(Sgd.) CHRISTOPHER O. LOCK



OCA CIRCULAR NO. 103-2007

TO: JUDGES AND CLERKS OF COURT OF THE REGIONAL TRIAL COURTS

SUBJECT: COMPLIANCE WITH ADMINISTRATIVE ORDER NO. 25-2007 DATED MARCH 1, 2007 ON MANDATORY CONTINUOUS TRIAL OF CASES INVOLVING EXTRA JUDICIAL KILLINGS OF POLITICAL IDEOLOGISTS AND MEMBERS OF MEDIA

The Office of the President thru the Presidential Human Rights Committee, has invited the attention of this Office that some judges failed to observe the mandatory continuous trial pursuant to Administrative Order No. 25-2007. The said order provides that cases involving extra judicial killings of political ideologists and members of media should undergo mandatory continuous trial and shall be terminated within 60 days from commencement of trial. And that judgment thereon shall be rendered within 30 days from submission for decision, unless a shorter period is provided by law, or otherwise directed by this Court.

In view thereof, you are hereby directed to strictly observe abovementioned administrative order. You are likewise directed to **SUBMIT** to this Office a monthly report on the status of aforesaid cases including the reason why the provisions of the administrative order could not be strictly followed, if

any, on or before the 10th day of the succeeding month.

Strict compliance is hereby enjoined.

October 16, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator



OCA CIRCULAR NO. 104-2007

TO: ALL JUDGES OF THE LOWER COURTS

SUBJECT: GUIDELINES ON THE PAYMENT OF THE SERVICES OF A HIRED SIGN LANGUAGE INTERPRETER

For the information and guidance of all concerned, quoted hereunder is Memorandum Order No. 59-2004 dated September 10, 2004 in "Re: Authorizing the Court Administrator to Act on and Approve Requests of Lower Courts for the Hiring of Sign Language Interpreters":

WHEREAS, some cases before trial courts may involve parties or require witnesses who, to be fully understood and prevent possible miscarriage of justice, may require a sign language interpreter, and

WHEREAS, in such cases, the trial judge has to request the Supreme Court, through the Office of the Court Administrator, to hire the services of a sign language interpreter. The Court Administrator would, thereafter, recommend to the Court the hiring of the sign language interpreter. The procedure may cause delays.

WHEREFORE, in the interest of the service, the Court Administrator is hereby authorized to act on and grant requests of trial court judges to hire the services of a sign language interpreters in actions or proceedings where such services would be rendered.

The Court Administrator may fix the fee of the sign language interpreter on a per day or per appearance basis, and such expenditure/s shall be chargeable against the savings in appropriations for the Lower Courts.

This Memorandum Order shall take effect upon its issuance.

In connection herewith, the following guidelines are hereby issued for the payment of service/s rendered by a hired sign language interpreter:

1. Upon recommendation of the Presiding Judge and after confirmation/approval of the Court Administrator, the designated sign language interpreter shall render the services required.
2. For payment of the services rendered, the designated sign language interpreter shall submit the following documents to the Finance Division, FMO-OCA:
 - a) Confirmation/approval by the Court Administrator of the designation as sign language interpreter;
 - b) Certificate of appearance issued by the Branch Clerk of Court or Officer-In-Charge;
 - c) Certified copy of the minutes of the hearing.
3. For cases to be heard within the NCJR, the designated sign language interpreter shall be entitled to a fee to be fixed by the Court Administrator in a per day or per appearance basis.
4. For cases to be heard outside the NCJR, the sign language interpreter shall likewise be entitled to an additional expense allowance, and traveling and transportation allowance subject to the guidelines set forth under SC Administrative Circular No. 15-2005 dated March 22, 2005, if the sign language interpreter shall come from the NCJR. However, where there is an available sign language interpreter outside the NCJR, they shall only be entitled to the fee fixed by the Court Administrator.

The amount specified for the purpose shall be chargeable against the savings in appropriations for the lower courts, subject to the compliance of item No. 2 hereof.

October 18, 2007.

(Sgd.) CHRISTOPHER O. LOCK
Court Administrator

OCA CIRCULAR NO. 119-2007

TO: ALL JUDGES AND CLERKS OF COURT OF THE REGIONAL TRIAL COURT

SUBJECT: ALL COURT ORDERS ADDRESSED TO DSWD RESIDENTIAL FACILITIES COPY FURNISHED THE DSWD-NCR FIELD OFFICE

This pertains to the letter dated October 10, 2007 of Thelsa P. Biolena, Regional Director, DSWD-NCR Field Office informing this Court of the bulk of court orders and decisions they received from the different RTCs all over the Philippines in compliance with OCA Circular No. 61-2007. However, Ms. Biolena requests that only those court orders and decisions concerning the centers/institutions managed by DSWD-NCR shall be furnished to them. Hence, OCA Circular No. 61-2007 is **MODIFIED**; court orders and decisions concerning the centers/institutions managed by DSWD-NCR shall be sent to the following addresses, contact persons and contact numbers:

Reception and Study Center (RSCC)

Address: Misamis Ext., Bago Bantay, Q.C.

Tel. No.: 927-4244

Contact Person: Mrs. Florcelia Rosas

Contact No.: 0918-5956369

Clients: children 0 to 7 yrs. old

e-mail address: rscn_ner@yahoo.com

Nayon ng Kabataan (NK)

Address: Welfareville Compound, Correctional Road, Mandaluyong City

Tel. No.: 532-9152/533-1701

Contact Person: Mrs. Evangeline Lawas

Contact No.: 0917-4718484

Clients: street children & youth offender

e-mail address: ncr_nk@yahoo.com

Elsie Gaches Village (EGV)

Address: Alabang, Metro Manila

Tel. No.: 807-6023

Contact Person: Mrs. Evelyn M. Lontok

Contact No.: 0917-6992311

Clients: mentally retarded including autistic, mongoloid, etc.

e-mail address: egv_ncr@yahoo.com

Marillac Hills (MH)

Address: Alabang, Metro Manila

Tel. No.: 807-1589/807-1585

Telefax: 807-1587

Contact Person: Ms. Asuncion Flores

Contact No.: 0921-6392402

(Continued on NEXT page)

OCA Cir. No. 119-2007 (continued)

Clients: girls and women (10 to 30 yrs. old) who are unwed mother, white slavery victims of drugs, exploitation and mentally disturb
e-mail address: marillachills@yahoo.com

Jose Fabella Center (JFC)

Address: Welfareville Compound, Mandaluyong City, Metro Manila
Tel. No.: 531-8697
Contact Person: Mrs. Manuela Loza
Contact No.: 0918-5029491
Clients: mendicants and person in crisis situation
e-mail address: jfc dswd@yahoo.com

Golden Acres (GA)

Address: EDSA, Bago Bantay District, Q.C.
Tel. No.: 929-1187/426-6854
Contact Person: Ms. Edna Sacedor
Contact No.: 0916-8221007
Clients: dependents, needy and unattached senior situation
e-mail address: ncr_goldenacres@yahoo.com

Sanctuary Center (SC)

Address: Welfareville Compound, Mandaluyong City, Metro Manila
Tel. No.: 532-1164 (telefax)
Contact Person: Ms. Nieve Gentelizo
Contact No.: 0917-9919235
Clients: vagrants and newly recovered psychotics
e-mail address: sanctuary_ncr@yahoo.com

National Vocational Rehabilitation Center (NVRC)

Address: J.P. Burgos St., Proj. 4, Q.C.
Tel. No.: 913-9784
Telefax: 913-9780
Contact Person: Mr. Fausto Santos
Clients: persons with disabilities
e-mail address: nvrc_ncr@yahoo.com

Rehabilitation Sheltered Workshop (RSW)

Address: J.P. Burgos St., Proj. 4, Q.C.
Tel. No.: 912-7698
Telefax: 913-9782
Contact Person: Mr. Tito Mortel
Contact No.: 0917-4537483
Clients: persons with disabilities
e-mail address: rsw_ncr@yahoo.com

Haven for Women (HW)

Address: Alabang, Metro Manila
Tel. Nos.: 807-1586/807-1590
Telefax: 807-1592
Contact Person: Mrs. Elizabeth Panambo
Contact No.: 0920-4198664
Clients: physically and sexually abused girls and women; and unwed mothers

e-mail address: ncr_haven2@yahoo.com

Haven for Children (HC)

Address: Alabang, Metro Manila
Telefax: 807-1591
Contact Person: Ms. Clara de Guzman
Contact No.: 0916-6434129
Clients: street children
e-mail address: haven4children@yahoo.com

CRADLE

Address: Camp Bagong Diwa, Taguig, M.M.
Contact Person: Ms. Kathy Nañola
Contact No.: 496-7668
Clients: CICL

For strict compliance.

December 5, 2007.

(Sgd.) ZENAIDAN. ELEPAÑO
Court Administrator



OCA CIRCULAR NO. 121-2007

TO: ALL CLERKS OF COURT/ OFFICERS-IN-CHARGE OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT: EXEMPTION OF THE INDIGENT CLIENTS OF THE PUBLIC ATTORNEY'S OFFICE (PAO) FROM THE PAYMENT OF DOCKET AND OTHER FEES

Hon. Persida V. Rueda-Acosta, Chief Public Attorney, PAO, in her letter requests reconsideration of OCA Circular No. 67-2007 dated July 12, 2007 particularly the conditions imposed in the availment of the PAO clients exemption from payment of court docket fees.

Acting on the said request the same is hereby **GRANTED**. Henceforth, the clients of the PAO shall be exempt from payment of docket and other fees incidental to instituting an action in court, x x x, as an original proceeding or on appeal.

The conditions imposed in OCA Circular No. 67-2007 for the entitlement to the exemption is hereby **REVOKED**.

For strict compliance.

December 11, 2007.

(Sgd.) ZENAIDAN. ELEPAÑO
Court Administrator

REMEDIAL LAW (continued from page 15)

All the foregoing exceptions are present here and justify this Court's assumption of jurisdiction over the instant petitions. Petitioners alleged that the issuance of PP 1017 and G.O. No. 5 violates the Constitution. There is no question that the issues being raised affect the public interest, involving as they do the people's basic rights to freedom of expression, of assembly and of the press. **Moreover, the Court** has the duty to formulate guiding and controlling constitutional precepts, doctrines or rules. It **has the symbolic function of educating** the bench and the bar, and in the present petitions, the military and **the police**, on the extent of the protection given by constitutional guarantees. And lastly,

respondents contested actions are capable of repetition. Certainly, the petitions are subject to judicial review. (Emphasis supplied).

(Reyes, J., SPO2 Geronimo Manalo, SPO2 Morcilla, PO3 Rico M. Landicho, PO2 Romeo Medalla, Jr., SPO2 William Relos, Jr., P/Insp. Roberto N. Marinda v. Hon. PNP Chief Oscar Calderon, Hon. P/Dir. Geary Barias, Directorate for Investigation and Detective Management, Camp Crame, Hon. Regional Director, Police Chief Supt. Nicasio J. Radovan, Hon. Police Sr. Supt. Aaron Deocares Fidel, Hon. Police Sr. Supt. Luisito De Leon, G.R. No. 178920, October 15, 2007.)

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
Feb 5-14	51 st Orientation Seminar-Workshop for Newly Appointed Judges	PHILJA, Tagaytay City
Feb 14-15	2 nd Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary	The Pearl Manila Hotel, Manila
Feb 15	Judge-To-Judge Dialogue on the Power of the Judge: Taking Control of Court Proceedings	Avenue Convention Center, Naga City
Feb 18-28	15 th Pre-Judicature Program	PHILJA, Tagaytay City
Feb 20	The First Distinguished Lecture Series of 2008 (Reform of the Spanish Civil Code: Basis and Content)	UE, Manila
Feb 20-21	Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts for Judges and Court Personnel of the Cities of Baguio and San Fernando	Ridgewood Hotel, Baguio City
Feb 26-28	RJCEP Level 5 for RTC and First Level Trial Court Judges of Region 6	Sarabia Manor Hotel, Iloilo City
Feb 28-29	Multi-Sectoral and Skills-Building Seminar-Workshop on Human Rights Issues: Extrajudicial Killings and Enforced Disappearances	Oasis Hotel, Angeles City, Pampanga
Feb 28-29	Seminar-Workshop for the Members of the CODI of the SC, CA, Sandiganbayan, and CTA	Bayview Park Hotel, Manila
Mar 3-4	3 rd Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary	CSB Hotel, Manila
Mar 4-7	9 th Orientation Seminar-Workshop for Newly Appointed Clerks of Court	PHILJA, Tagaytay City
Mar 6-7	Seminar-Workshop for the Members of the CODI of the NCJR and Southern Tagalog	Bayview Park Hotel, Manila
Mar 6-7	Multi-Sectoral and Skills-Building Seminar-Workshop on Human Rights Issues: Extrajudicial Killings and Enforced Disappearances	Oasis Hotel, Angeles City, Pampanga
Mar 7-8	Annual Convention-Seminar of the PWJA	Manila Hotel, Manila
Mar 10	Second Distinguished Lecture, Series of 2008 "The New Zealand Experience of Resolving Indigenous and Land Issues in the Context of a Treaty Settlement Process"	UST, Manila
Mar 10-11	Seminar-Workshop for the Members of the CODI of Region 6 & 7	Crown Regency Hotel, Guadalupe, Cebu
Mar 12-13	Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts for Judges and Court Personnel of Cebu	Waterfront Hotel, Mactan, Cebu
Mar 26-28	RJCEP Level 5 for RTC and First Level Trial Court Judges of Region 12	Montebello Villa Hotel, Banilad, Cebu City
Mar 26	Gender Equality and CEDAW: A Discussion Session among Justices of the Court of Appeals	Old Session Hall, Supreme Court, Manila

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

2008 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
Jan 8	Seminar on Election Laws for First Level Court Judges and Clerks of Court	CSB Hotel, Manila
Jan 9-11	Seminar-Workshop on Dangerous Drugs Law for Marikina City Stakeholders	Marikina Hotel, Marikina City
Jan 22-25	Computer Skills Training for Court of Appeals Court Personnel (Computer Fundamentals and Productivity Tools)	DLSU, Manila
Jan 24-25	1 st Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary	Supreme Court, Manila
Jan 25	Judge-to-Judge Dialogue on the Power of the Judge: Taking Control of Court Proceedings	Marco Polo Hotel, Davao City
Jan 28-Feb 1	Basic Computer Literacy Program for Lapu-Lapu City and First and Second Level Court Judges and Selected Court Personnel	HOJ, Lapu-Lapu City
Jan 29-Feb 1	Computer Skills Training for Court of Appeals Court Personnel (Computer Fundamentals and Productivity Tools)	De La Salle University, Taft Ave., Manila
Jan 29	Roundtable Discussion on Strategy for Support to Environmental Courts	Supreme Court, Manila
Jan 30-Feb 1	Regional Judicial Career Enhancement Program (RJCEP) Level 5 for Regional Trial Court and First Level Trial Court Judges of Region 2	Hotel Veniz, Baguio City

(Continued on page 31)

Chancellor, Philippine Judicial Academy
JUSTICE AMEURFINA A. MELENCIO HERRERA

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