



# PHILJA Bulletin



January to March 2008

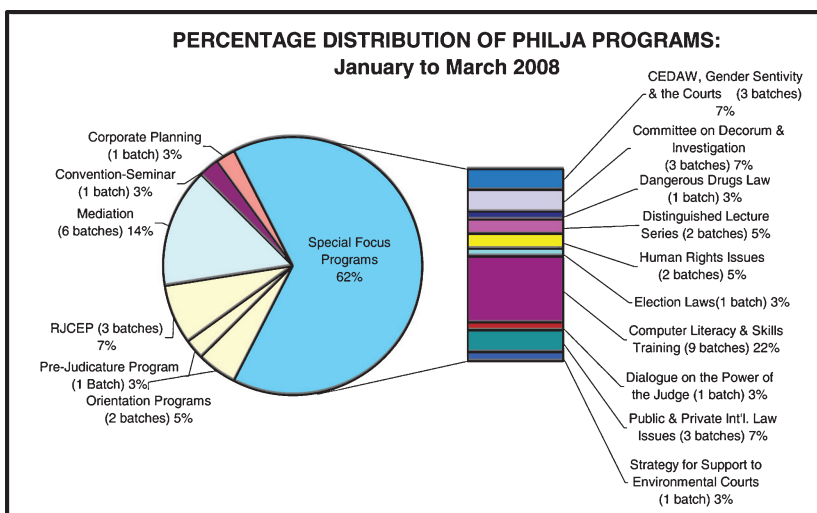
Volume X, Issue No. 37

Excellence in the Judiciary

## From the Chancellor's Desk *Ben*

On its 12<sup>th</sup> year, the Academy continues to be at the forefront of judicial education.

The following graph for the first quarter of 2008 depicts its continuing resolve towards the pursuit of excellence of performance in the judiciary.



Collectively, PHILJA provided 40 programs for justices, judges and court personnel, an exceedingly busy schedule. Special Focus Programs comprised almost two-thirds of the total number of activities.

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## PHILJA ACADEMIC PROGRAMS

### RJCEP

The *Regional Judicial Career Enhancement Program (Level 5)* was conducted for Regions II, VI and XII in the first quarter of the year.

A total of 80 participants from Region II attended the program on January 30, 2008 to February 1, 2008, at the Hotel Veniz, Baguio City.

One hundred forty-two judges and branch clerks of court participated in the program from February 26 to 28, 2008, at the Sarabia Manor Hotel and Convention Center, Iloilo City while 55 judges and branch clerks of court from Region XII participated in the program conducted on March 26 to 28, 2008, at the Montebello Villa Hotel, Banilad, Cebu City.

### PRE-JUDICATURE PROGRAM

The *15<sup>th</sup> Pre-Judicature Program* was conducted last February 18 to 28, 2008, at the PHILJA Development Center, Tagaytay City. Nineteen lawyers completed the ten-day program, namely:

1. Carlo Martin R. Alcala
2. Salvador T. Arnesto
3. Rosalita T. Barola-Barcelona
4. Danton Q. Bueser
5. Danilo C. Emelo
6. Jose N. Hernandez
7. Mary Catherine P. Hilario
8. Elmer M. Lanuzo
9. Lourdes M. Layugan
10. Frank E. Lobrigo
11. Jennifer J. Manalili
13. Joanne Frances G. Nifras
14. Roben Dario T. Nuqui
15. Emelito C. Pelayo
16. Millicent N. Reyes
17. Desideria B. Sarmiento
18. Jordan J. Teano
19. Gifford Domingo Eusebio L. Tumaneng

The program offered the participants a judicial perspective to the law, and introduced them to the skills, attitudes, values, and the conduct called for by appointment to the Bench.

### ORIENTATION SEMINAR-WORKSHOP FOR NEWLY APPOINTED JUDGES

The *51<sup>st</sup> Orientation Seminar-Workshop for Newly Appointed Judges* was held on February 5 to 14, 2008, at the PHILJA Development Center, Tagaytay City. In attendance were 29 judges, comprising 23 newly appointed judges, five promoted judges and one lateral appointed judge.

#### A. NEW APPOINTMENTS

##### REGIONAL TRIAL COURTS

##### REGION III

Hon. Ramon D. Pamular  
*RTC Br. 32, Guimba, Nueva Ecija*

##### REGION V

Hon. Rolando D. Bobis  
*RTC Br. 64, Labo, Camarines Norte*  
Hon. Manuel M. Rosales  
*RTC Br. 34, Iriga City, Camarines Sur*  
Hon. Efren G. Santos  
*RTC Br. 22, Naga City*

##### METROPOLITAN TRIAL COURTS

##### NATIONAL CAPITAL JUDICIAL REGION

Hon. Norma Z. Go  
*MeTC Caloocan City*  
Hon. Alma Crispina C. Lacorte  
*MeTC Br. 51, Caloocan City*

##### MUNICIPAL TRIAL COURTS IN CITIES

##### REGION I

Hon. Santiago J. Marcella, Jr.  
*MTCC Br. 3, Dagupan City, Pangasinan*

##### REGION IV

Hon. Maximo M. De Leon  
*MTCC Sta. Rosa City, Laguna*

##### REGION VI

Hon. Peter Z. Parco  
*MTCC San Carlos City, Negros Occidental*

##### MUNICIPAL TRIAL COURTS

##### REGION III

Hon. Damaso P. Asuncion, Jr.  
*MTC Mariveles, Bataan*  
Hon. Corazon A. Domingo-Rañola  
*MTC Baliuag, Bulacan*  
Hon. Janice R. Yulo-Antero  
*MTC Sta. Rita, Pampanga*

Hon. Frazierwin V. Viterbo  
*MTC Talavera, Nueva Ecija*

**REGION V**

Hon. Rafael H. Zurbito, Jr.  
*MTC Donsol, Sorsogon*

**REGION VI**

Hon. Alicia C. Barrios  
*MTC Kalibo, Aklan*

**REGION VIII**

Hon. Alan A. Villar  
*MTC Albuera, Leyte*

**MUNICIPAL CIRCUIT TRIAL COURTS**

**REGION III**

Hon. Carmelito O. Ballesteros  
*4<sup>th</sup> MCTC Cabiao-San Isidro, Nueva Ecija*

**REGION IV**

Hon. Josephine G. Bautista-Barnhill  
*4<sup>th</sup> MCTC Lumban-Kalay-an, Laguna*

**REGION VI**

Hon. Mila D. Yap  
*1<sup>st</sup> MCTC Calatrava-Toboso, Negros Occidental*

**REGION VII**

Hon. Hernani A. Espina  
*MCTC Borbon-Tabogon, Cebu*  
Hon. Dennis C. Larrobis  
*11<sup>th</sup> MCTC Malabuyoc-Ginatilan-Alegria, Cebu*

**REGION VIII**

Hon. Girlie Mutya Borrel-Yu  
*2<sup>nd</sup> MCTC Malitbog-Tomas Oppus, Southern Leyte*  
Hon. Lolita R. Mercado  
*4<sup>th</sup> MCTC Motiong-Jiabong-San Jose De Buan, Samar*

**B. PROMOTIONS**

**REGIONAL TRIAL COURTS**

**NATIONAL CAPITAL JUDICIAL REGION**

Hon. Angelene Mary W. Quimpo-Sale  
*RTC Br. 106, Quezon City*  
Hon. Amorфина C. Cezar  
*RTC Br. 67, Pasig City*

**REGION I**

Hon. Nida B. Alejandro  
*RTC Br. 24, Cabugao, Ilocos Sur*

**REGION IV**

Hon. Manuel R. Taro  
*RTC Br. 75, San Mateo, Rizal*

**REGION V**

Hon. Timoteo A. Panga, Jr.  
*RTC Br. 60, Iriga City, Camarines Sur*

**C. LATERAL**

**REGIONAL TRIAL COURT**

**NATIONAL CAPITAL JUDICIAL REGION**

Hon. Virgilio V. Macaraig  
*RTC Br. 37, Manila*

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

The 9<sup>th</sup> Orientation Seminar-Workshop for Newly Appointed Clerks of Court was held on March 4 to 7, 2008, at the PHILJA Development Center, Tagaytay City. In attendance were 43 newly appointed clerks of court.

**COURT OF TAX APPEALS**

Atty. Ma. Victoria P. Dural  
*Court of Tax Appeals*  
Atty. Danilo B. Fernando  
*Court of Tax Appeals*

**REGIONAL TRIAL COURTS**

**NATIONAL CAPITAL JUDICIAL REGION**

Atty. Romeo G. Bautista IV  
*RTC Br. 158, Pasig City*  
Atty. Augustus Cezar C. Binag  
*RTC Br. 138, Makati City*  
Atty. Joan G. Bolina-Santillan  
*RTC Br. 144, Makati City*  
Atty. Maria Cristina F. Carlos-Damasco  
*RTC Br. 216, Pasig City*  
Atty. Dante R. Corminal  
*RTC Br. 53, Manila*  
Atty. Neil Antonio R. Estil  
*RTC Br. 28, Manila*  
Atty. Selca M. Foja-Galicia  
*RTC Br. 272, Marikina City*  
Atty. Melanie R. Ladera  
*RTC Br. 27, Manila*

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Atty. Elizabeth Lim  
*RTC Br. 63, Makati City*  
 Atty. Rommel M. Nardo  
*RTC Br. 29, Manila*  
 Atty. Peachy C. Obligado  
*RTC Br. 157, Pasig City*  
 Atty. Arnel F. Pabellar  
*RTC Br. 94, Quezon City*  
 Atty. Rudy B. Ricamora, Jr.  
*RTC Br. 19, Manila*  
 Atty. Maria Cristina M. Sampaga-Manuel  
*RTC Br. 51, Manila*  
 Atty. John Ivan Tablizo  
*RTC Br. 66, Makati City*  
 Atty. Charlie E. Vallo  
*RTC Br. 141, Makati City*  
 Atty. Beryl R. Vergara  
*RTC Br. 223, Quezon City*  
 Atty. Anne Marie U. Yao  
*RTC Br. 17, Manila*

#### REGION I

Atty. Kristine Aquino-Ferrer  
*RTC Br. 46, Urdaneta, Pangasinan*  
 Atty. Emma C. De Luna-Madronio  
*RTC Br. 43, Dagupan City, Pangasinan*  
 Atty. Hercules R. Doria  
*RTC Br. 53, Rosales, Pangasinan*  
 Atty. Hanzel H. Guerrero  
*RTC Br. 71, Candon, Ilocos Sur*  
 Atty. Xavier F. Gacho  
*RTC OCC, Laoag, Ilocos Norte*

#### REGION II

Atty. Sheila T. Camarauan  
*RTC Br. 9, Appari, Cagayan*

#### REGION III

Atty. Maria Cristina L. Camua  
*RTC Br. 20, Malolos, Bulacan*

#### REGION IV

Atty. Maricel Lilled R. Asuncion-Roxas  
*RTC Br. 23, Trece Martires City, Cavite*  
 Atty. Fritzie E. Baban  
*RTC Br. 50, Puerto Princesa City, Palawan*  
 Atty. Erwin M. Caparros  
*RTC Br. 61, Gumaca, Quezon*  
 Atty. German M. Fabro III  
*RTC Br. 59, Lucena City*  
 Atty. Reiner C. Luna  
*RTC Br. 15, Naic, Cavite*

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## SPECIAL FOCUS PROGRAMS

### SEMINAR ON ELECTION LAWS

In partnership with USAID and International Foundation of Election Systems (IFES), the Academy conducted the *Seminar on Election Laws for First Level Court Judges and Clerks of Court* on January 8, 2008, at the College of Saint Benilde Hotel, Estrada corner Arellano Sts., Malate, Manila. A total of 132 participants attended the said seminar.

### SEMINAR-WORKSHOP ON DANGEROUS DRUGS LAW FOR MARIKINA CITY STAKEHOLDERS

In partnership with the City Government of Marikina, PHILJA conducted the *Seminar-Workshop on Dangerous Drugs Law for Marikina City Stakeholders* on January 9 to 11, 2008, at the Marikina Hotel, Marikina City. A total of 107 participants were apprised on the classification of drugs, controlled precursors, and chemicals; problems encountered in prosecuting drug related cases, and its solutions, proper use of drug evidence, well-tested trial techniques, new procedures, and the latest jurisprudence on relevant issues. Exercises on Investigating a Drug Offense, Prosecuting and Trying a Drug Case, Handling of Evidence, and Issues/Concerns and the Role of Local Government Units (LGUs) through group workshops culminated this 3-day program.

### COMPUTER SKILLS TRAINING

The program *Computer Skills Training* partnered with USAID and ROLE, were conducted in several batches this quarter as follows:

#### Court of Appeals Personnel

*Venue:* Gokongwei Building, De La Salle University, Manila  
 59 participants- January 22-25  
 53 participants- January 29-February 1  
 56 participants- February 19-22  
 62 participants- February 26-29

#### Court of Appeals Justices and Clerks of Court

*Venue:* Brother Andrew Gonzales Building, De La Salle University, Manila



29 participants- February 5-8  
35 participants- February 12-15

### Court of Tax Appeals Personnel

Venue: SEAMEO Innotech, Quezon City  
20 participants- March 6-7  
19 participants- March 25-26

## CAPACITY BUILDING ON PUBLIC AND PRIVATE INTERNATIONAL LAW ISSUES FOR THE PHILIPPINE JUDICIARY

In partnership with the Ateneo Law School Center for International Economic Law, and in cooperation with the British Embassy, the Academy through its Department of Special Areas of Concern, conducted the program *Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary* for Supreme Court attorneys, Court of Appeals research attorneys, Commercial Court judges and Court of Tax Appeals justices in three separate dates and venues as follows:

### Supreme Court attorneys

Venue: Training Center, Supreme Court, Manila  
37 participants- January 24-25

### Court of Appeals research attorneys

Venue: The Pearl Manila Hotel, Manila  
50 participants- February 14-15

### Commercial Court judges and Court of Tax Appeals justices

Venue: CSB Hotel, Malate, Manila  
34 participants- March 3-4

The 2-day program highlighted on International Commercial Arbitration, Corporate Social Responsibility, Public Procurement, Trade Liberalization and Competition Law.

## JUDGE-TO-JUDGE DIALOGUE

The *Judge-to-Judge Dialogue on the Power of the Judge Taking Control of Court Proceedings* was conducted on January 25, 2008 at the Marco Polo Hotel, Davao City and on February 15, 2008, at the Avenue Convention Center, Naga City, with 41 participants and 49 participants, respectively.

## ROUNDTABLE DISCUSSION ON STRATEGY FOR SUPPORT TO ENVIRONMENTAL COURTS

The *Roundtable Discussion of Strategy for Support to Environmental Courts* was conducted by PHILJA on January 28, 2008 at the Justices' Lounge, Supreme Court, Manila, in partnership with the United States Agency for International Development (USAID), the Asian Environmental Compliance and Enforcement Network (AECEN), the United Nations Development Programme-Global Environment Facility-Small Grants Programme (UNDP-GEF-SGP), and the Haribon Foundation. The 27 participants comprise Court of Appeals justices, Supreme Court officials, representatives of other government agencies, NGOs, academe and development partners.

At the end of the program, a Certificate of Recognition was awarded to Chief Justice Reynato S. Puno, for his steadfast advocacy to advance the constitutional right of every Filipino to a balanced and healthful ecology and to ensure that the country's natural heritage and unique biodiversity are protected by designating the Philippines' first 117 environmental courts. The same recognition was awarded to Justice Ameurфина A. Melencio Herrera for her steadfast advocacy and commitment to ensure that the courts and judges become more responsive to environmental concerns by continuing capacity building initiatives through her work as PHILJA Chancellor.



Chief Justice Reynato S. Puno, Chancellor Ameurфина A. Melencio Herrera, Retired Justice Oswaldo D. Agcaoili, Justice Portia Aliño Hormachuelos, Professor Sedfrey M. Candelaria and Atty. Thelma C. Bahia with the participants.



## SPECIAL FOCUS PROGRAMS

### CEDAW, GENDER SENSITIVITY, AND THE COURTS FOR JUDGES AND COURT PERSONNEL

In partnership with the Committee on Gender Responsiveness in the Judiciary (CGRJ) – Sub-Committee on Training and Capacity Building, the Ateneo Human Rights Center (AHRC), and the American Bar Association – Rule of Law Initiative (ABA-ROLI), with support from the United States Agency for International Development (USAID), the Academy conducted the program *Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts for Judges and Court Personnel* of Baguio and Cebu.

There were 47 participants on February 20 to 21, 2008, at the Ridgewood Hotel, Baguio City while 45 participants attended on March 12 to 13, 2008, at the Waterfront Hotel, Mactan, Cebu.

The two-day program aimed to increase the awareness and deepen the understanding of women's rights under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the Judiciary, and build and enhance the capacity of judges and court lawyers on how the CEDAW can be applied and reflected in the court decisions and issuances.

### DISTINGUISHED LECTURE SERIES OF 2008

In partnership with the University of the East, the Academy conducted the *First Distinguished Lecture Series of 2008*, entitled *Reform of the Spanish Civil Code: Basis and Content*, on February 20, 2008, at the University Conference Hall, University of the East, Manila. The Honoree and the Guest Lecturer was His Excellency Francisco Jose Hernando Santiago, President of the Supreme Tribunal and General Council of the Judiciary of the Kingdom of Spain.

The lecture dealt with the most important rule of law in the last century within the scope of civil law in Spain – the Civil Code. It also highlighted the principal reforms undergone by the Spanish Civil Code over the 119 years that it has been in operation.

The *Second Distinguished Lecture Series of 2008*, entitled *The New Zealand Experience of Resolving Indigenous and Land Issues in the Context of a Treaty*

*Settlement Process*, was conducted on March 10, 2008, at the Continuing Medical Education (CME) Auditorium, University of Santo Tomas, Manila. The Honoree and Guest Lecturer was retired Chief Justice Taihakurei (Eddie) Durie DCNZM of the High Court of New Zealand. He discussed the law and indigenous peoples in the context of the indigenous Maori of New Zealand, of whom he is a member.

### MULTI-SECTORAL AND SKILLS-BUILDING SEMINAR-WORKSHOP ON HUMAN RIGHTS ISSUES: EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES

The Philippine Judicial Academy, in partnership with the Commission on Human Rights (CHR) and the Australian Agency for International Development (AusAID), conducted *Multi-Sectoral and Skills Building Seminar-Workshop on Human Rights Issues: Extrajudicial Killings and Enforced Disappearances (3<sup>rd</sup> Judicial Region)* in two batches on February 28 to 29, 2008 and on March 6 to 7, 2008, at the Oasis Hotel, Clarkville Compound, Angeles City, Pampanga with 70 and 60 participants, respectively.

### GENDER EQUALITY AND CEDAW

The Philippine Judicial Academy, in partnership with the Committee on Gender Responsiveness in the Judiciary (CGRJ) – Sub-Committee on Training and Capacity Building, the Project Management Office (PMO), and the Delegation of the European Commission to the Philippines, conducted the *Gender Equality and CEDAW: A Discussion Session Among Justices of the Court of Appeals* on March 26, 2008, at the Old Session Hall, Supreme Court, Manila. A total of 20 Court of Appeals Justices attended the discussion.

Topics discussed were "Canon 5 on Equality, with Focus on the Constitutional Provision on Gender Equality, Gender Fair Language and Sex-Disaggregated Statistics" and "Canon 6, Sec. 4 on Competence and Diligence, *vis-à-vis* The Role of International Law, with Focus on CEDAW, in Enriching Gender Responsiveness in the Court of Appeals."



## CONVENTION

### PWJA

The Academy and the Philippine Women Judges Association conducted the *Annual Convention-Seminar of the Philippine Women Judges Association (PWJA)* on March 7 to 8, 2008, at the Centennial Hall, Manila Hotel with the theme, "*Lady Magistrates: Within and Beyond the Halls of Justice.*"

A total of 346 participants from the National Capital Region and Regions I to XII, including 26 Justices from the Supreme Court, Court of Appeals, Court of Tax Appeals and Sandiganbayan attended this biennial event.

*(Continued from page 4)*

Atty. Lalaine B. Maranan  
*RTC Br. 91, Sta. Cruz, Laguna*  
 Atty. Mylene D. Masangkay  
*RTC OCC, Batangas City*  
 Atty. Albert M. Pedrosa  
*RTC Br. 51, Puerto Princesa City, Palawan*  
 Atty. Garrick M. Reantillo  
*RTC Br. 80, Morong, Rizal*  
 Atty. Thyron Z. Sanchez  
*RTC OCC, Tanauan, Batangas.*  
 Atty. Diego Q. Francia  
*RTC OCC, Gumaca, Quezon*

#### REGION V

Atty. Joseph S. Abante, Jr.  
*RTC OCC, Daet, Camarines Norte*  
 Atty. Janel I. Peñaflor-Purcil  
*RTC Br. 31, Pili, Camarines Sur*  
 Atty. Hazel R. Rojas  
*RTC Br. 5, Legaspi City, Albay*

#### MUNICIPAL TRIAL COURTS IN CITIES

#### REGION V

Ms. Elma C. Bautista  
*MTCC Br. 2, Iriga City, Camarines Sur*  
 Ms. Elena Cynthia M. Lacbay  
*MTCC OCC, Iriga City, Camarines Sur*



## JUDICIAL MOVES

### Supreme Court

Associate Justice Arturo D. Brion  
*appointed on March 16, 2008*

ACA Edwin A. Villazor  
*appointed on February 14, 2008*

Atty. Emmanuel L. Caparas,  
 Chief, MISO  
*appointed on March 17, 2008*

### Court of Appeals

Associate Justice Florito S. Macalino  
*appointed on January 4, 2008*

Associate Justice Edgardo T. Lloren  
*appointed on January 4, 2008*

### Sandiganbayan

Presiding Justice Diosdado M. Peralta  
*appointed on March 28, 2008*

### Philja

Justice Oswaldo D. Agcaoili  
 PHILJA Professor II (Part-time)  
*appointed on February 4, 2008*

Prof. Leonor M. Briones  
 PHILJA Consultant  
*appointed on February 26, 2008*



*Justice Arturo D. Brion*

*ACA Edwin A. Villazor*



### *From the Chancellor's Desk*

(Continued from page 1)

But these were not the only engagements.

#### *Distinguished Lecture Series*

Impressively given in Spanish, and simultaneously projected in English on the screen, on 20 February 2008, was the First Distinguished Lecture for 2008, delivered by the Honorable Francisco Jose Hernando Santiago, Chief Justice of Spain, on "Reform of the Spanish Civil Code: Basis and Content." Thereafter, an honorary doctorate degree was conferred on him by the University of the East, our co-sponsor for the program.

At the Pre-Judicature Program on 21 February, held at the PHILJA Development Center in Tagaytay City, the Chief Justice of Spain and his delegation listened briefly to a lecture on Mediation and Arbitration through our existing live-link television. On the same occasion, during the meeting between the two judicial institutions, the future exchange of professors between the two judicial institutions was reiterated.

The 2<sup>nd</sup> of the Distinguished Lecture Series, held on 10 March 2008, featured *The New Zealand*

*Experience of Resolving Indigenous and Land Issues in the Context of a Treaty Settlement Process,* delivered by Judge Taihakurei Durie (ret.) of the High Court of New Zealand.

In his Closing Remarks during the said occasion, Chief Justice Puno expounded on the Indigenous People's Rights Act of 1977 (IPRA), which addresses the "grave historical injustice to our indigenous peoples," as well as the provision in the 1987 Constitution that recognizes and guarantees the rights of tribal Filipinos to their ancestral lands and domains.

#### *Code of Conduct for Marshall Islands*

As an outcome of the Pacific Judicial Council (PJC) Conference in Guam held on 25–28 November 2007, attended by Chief Justice Reynato S. Puno and the Chancellor, PHILJA received a request for assistance in the development of the Republic of Marshall Islands Code of Judicial Conduct. A special committee composed of Justice Hilarion L. Aquino as Chair;

Justice Hector L. Hofilena and Justice Jose L. Sabio, as Members, sent by e-mail its comments and proposals on 5 March 2008.

#### *APJEF Newsletter*

By way of sustaining linkages, and with the Judicial Commission of New South Wales as our partner, we also released the 3<sup>rd</sup> APJEF Newsletter for distribution to members. Featured, among others, were Australia's and the Philippines' participation in the IOJT Conference in Barcelona, Spain, on 21-25 October 2007.

#### *Educational Sessions*

Interactive education sessions, which have been well received by our participants, are increasingly being conducted. Our programs have also become more multi-sectoral, making for better synergy among stakeholders in the respective activities. PHILJA faculty continue to receive "Excellent" ratings. Professionalism continues to be the order of the day.

#### *Website*

The PHILJA Website is regularly updated to familiarize those concerned with the activities of the Academy.

#### *Corporate Planning*

PHILJA's Corporate Planning is in place, with plans, programs, and the budget for the rest of the year soon to be formulated. It aims to strengthen capabilities to bring about a performing, efficient and effective judicial academy.

#### *A Good Beginning*

We are off to a good start, after last year's frustrations due to inadequate funds, which crippled the academic calendar. Construction of the Philippine Training Center in Tagaytay City will hopefully commence by the middle of the year, in fitting celebration of our 12<sup>th</sup> anniversary.

(Sgd.) Ameurfina A. Melencio Herrera  
Chancellor



## POLITICAL LAW

**Guidelines on the appropriate recourse to assail COMELEC resolution issued pursuant to Section 16 of R.A. No. 7166.**

To avoid similar instances of confusion and for the guidance of the Bench and the Bar, the Court takes this opportunity to lay down the following guidelines on the appropriate recourse to assail COMELEC resolutions issued pursuant to Section 16 of R.A. No. 7166.

**First, if a pre-proclamation case is excluded from the list of those** (annexed to the *Omnibus Resolution on Pending Cases*) **that shall continue after the beginning of the term of the office involved**, the remedy of the aggrieved party is to timely file a *certiorari* petition assailing the Omnibus Resolution before the Court under Rules 64 and 65, regardless of whether a COMELEC division is yet to issue a definitive ruling in the main case or the COMELEC *en banc* is yet to act on a motion for reconsideration filed if there is any.

It follows that if the resolution on the motion for reconsideration by the *banc* precedes the exclusion of the said case from the list, what should be brought before the Court on *certiorari* is the decision resolving the motion.

**Second, if a pre-proclamation case is dismissed by a COMELEC division and, on the same date of dismissal or within the period to file a motion for reconsideration, the COMELEC En Banc excluded the said case from the list annexed to the Omnibus Resolution**, the remedy of the aggrieved party is also to timely file a *certiorari* petition assailing the Omnibus Resolution before the Court under Rules 64 and 65. The aggrieved party need no longer file a motion for reconsideration of the division ruling.

The rationale for this is that the exclusion by the COMELEC *en banc* of a pre-proclamation case from the list of those that shall continue is already deemed a final dismissal of that case not only by the division but also by the COMELEC *en banc*. As already explained earlier, the aggrieved party can no longer expect any favorable ruling from the COMELEC.

And **third, if a pre-proclamation case is dismissed by a COMELEC division but, on the same date of dismissal or within the period to file a**

**motion for reconsideration, the COMELEC En Banc included the case in the list annexed to the Omnibus Resolution**, the remedy of the aggrieved party is to timely file a motion for reconsideration with the COMELEC *en banc*. The reason for this is that the challenge to the ruling of the COMELEC division will have to be resolved definitively by the entire body.

In laying down the said guidelines, the Court is not unaware of its ruling in *Santos v. Commission on Elections*, that the filing of a motion for reconsideration with the COMELEC *en banc* of a division's dismissal of a pre-proclamation case, and the **simultaneous** filing of a *certiorari* petition before this Court questioning the Omnibus Resolution/list constitutes forum shopping. The *Santos* doctrine shall continue to apply to every case with a similar or parallel factual setting.

(Nachura, J., Norma Patalinghug, Eugene Espedido, Reynaldo Berdin, Noraman Codilla, Bobie Cuenca, Efren Herrera, Lorenzo Igot, Jr., Albertino Mata, Jr., Michael Czar Ouano, Ramon Patalinghug, Francisco Senerpida and Charles Vailoces *v. Commission on Elections, Arturo Radaza, Mario Amores, Queenie Ammann, Junard Chan, Eduardo Cuizon, Alexander Gestopa, Jr., Damian Gomez, Jr., Cornelio Pahayag, Rodolfo Potot, Florito Pozon, Melissa Vidal, Marcial Ycong, Atty. Ann Janette Chua-Hu Lamban, City Election Officer, Leonilo Oliva, Atty. Evangeline Gicale, and the other members of the City Board of Canvassers, G.R. No. 178767, January 30, 2008.)*

## ADMINISTRATIVE LAW

**Sexual Harassment; what constitutes sexual harassment under R.A. No. 7877.**

The Court of Appeals (CA), thus, correctly ruled that Rayala's culpability is not to be determined solely on the basis of Section 3, R.A. No. 7877, because he is charged with the administrative offense, not the criminal infraction, of sexual harassment. It should be enough that the CA, along with the Investigating Committee and the Office of the President (OP), found substantial evidence to support the administrative charge.

(Continued on NEXT page)

*ADMINISTRATIVE LAW (continued)*

Yet, even if we were to test Rayala's acts strictly by the standards set in Section 3, R.A. No. 7877, he would still be administratively liable. It is true that this provision calls for a "demand, request or requirement of a sexual favor." But it is not necessary that the demand, request or requirement of a sexual favor be articulated in a categorical oral or written statement. It may be discerned, with equal certitude, from the acts of the offender. Holding and squeezing Domingo's shoulders, running his fingers across her neck and tickling her ear, having inappropriate conversations with her, giving her money allegedly for school expenses with a promise of future privileges, and making statements with unmistakable sexual overtones – all these acts of Rayala resound with deafening clarity the unspoken request for a sexual favor.

Likewise, contrary to Rayala's claim, it is not essential that the demand, request or requirement be made as a condition for continued employment or for promotion to a higher position. It is enough that the respondent's acts result in creating an intimidating, hostile or offensive environment for the employee. That the acts of Rayala generated an intimidating and hostile environment for Domingo is clearly shown by the common factual finding of the Investigating Committee, the OP and the CA that Domingo reported the matter to an officemate and, after the last incident, filed for a leave of absence and requested transfer to another unit.

(Nachura, *J.*, *Ma. Lourdes T. Domingo v. Rogelio I. Rayala*, G.R. No. 155831, February 18, 2008.)

**LABOR LAW****Osteosarcoma is compensable.**

Osteosarcoma is not listed as an occupational disease in the Amended Rules on Employees' Compensation. Hence, it is supposed to be upon the claimant or private respondents to prove by substantial evidence that the risk of contracting Osteosarcoma was increased by the working conditions of the late Abraham Cate. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The records show that Abraham failed to present evidence to establish that the development of his ailment was traceable to his

working conditions in the Philippine Navy and now the defunct Philippine Constabulary and the PNP. Further, private respondent's allegation in their petition for review with the Court of Appeals that Abraham, as a rifleman in the Philippine Navy, may have been exposed to elements like a virus which could have contributed to his ailment does not satisfy the requirement of substantial evidence. The rule is that awards of compensation cannot rest on speculations and presumptions as the claimant must prove a positive thing. The application of the rules would mean that absent any proof that the risk of contracting the ailment was increased by the working conditions of the late Abraham, private respondents would not be entitled to compensation.

Considering, however, that it is practically undisputed that under the present state of science, the proof referred by the law to be presented by the deceased private respondent claimant was unavailable and impossible to comply with, the condition must be deemed as not imposed.

x x x in the specific case of respondent, the requirement is impossible to comply with given the present state of scientific knowledge. The obligation to present such as an impossible evidence must, therefore, be deemed void. Respondent, therefore, is entitled to compensation, consistent with the social legislation's intended beneficial purpose.

(Azcuna, *J.*, *Government Service Insurance System v. Court of Appeals and Heirs of Abraham Cate* represented by Dorothy Cate, G.R. No. 124208, January 28, 2008.)

**REMEDIAL LAW****Publication of Judicial Notices, Advertisements for Public Biddings, Notices of Auction Sales and other Similar Notices.**

Supreme Court Circular No. 5-98 dated January 12, 1998 directs all executive judges and other court personnel to strictly comply with the provisions of P.D. No. 1079, "Revising and Consolidating All Laws and Decrees Regulating, Publication of Judicial Notices, Advertisement for Public Biddings, Notices of Auction Sales and other

## REMEDIAL LAW (continued)

Similar Notices," in the publication of notices under Act 3135, judicial notices, in special proceedings, court orders and summonses and all similar announcements required by law to be published.

Executive judges are required under the P.D. to distribute those notices by raffle for publication to qualified newspapers or periodicals, such raffles to be conducted personally by the executive judge after designating a regular working day and a definite time each week for such purpose.

Failure to follow this procedure is punishable by a fine of not less than five thousand pesos (Php5,000) nor more than twenty thousand pesos (Php20,000) and imprisonment for not less than six (6) months nor more than two (2) years. In addition, the offending executive judge or court personnel is perpetually disqualified from holding any public office in the government.

The stringent provisions of P.D. No. 1079 were intended to prevent unfair competition, meant ultimately for the protection of the press.

On the otherhand, SC *En Banc* Resolution No. A.M. 01-01-07-SC dated October 16, 2001, provides for uniform and comprehensive guidelines in the accreditation of newspapers and other periodicals seeking to publish the notices mentioned in P.D. No. 1079 and Circular 5-98.

Evidently, the language and tenor of the aforesaid authorities show that the distribution of notices for publication by raffle is mandatory and cannot be dispensed with.

Respondent clerk of court, as a lawyer and employee of the court ought to know the requirements in and the importance of distributing notices for publication. By failing to include more than twenty foreclosure cases in the raffle, respondent showed a blatant disregard for the procedure enjoined by P.D. No. 1079 and by said Supreme Court circular and resolution. He was found guilty of dereliction of duty and gross neglect for which he was fined Php20,000.

(Carpio Morales, J., Ferdinand Bascos v. Atty. Raymundo A. Ramirez, Clerk of Court, RTC, Ilagan Isabela, A.M. No. P-08-2418, January 31, 2008.)

**Expanded jurisdiction of the Court of Appeals.**

The Court of Appeals erred in declaring that only the Regional Trial Court has appellate jurisdiction over the judgment of the *Sangguniang Panlalawigan*.

True, appeal is a purely statutory right and it cannot be exercised unless it is expressly granted by law. Nevertheless, the CA can pass upon the petition for review precisely because the law allows it.

*Batas Pambansa* (B.P.) Blg. 129 or the Judiciary Reorganization Act of 1980, as amended by R.A. No. 7902, vests in the CA the appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, among others. B.P. Blg. 129 has been further supplemented by the 1997 Rules of Civil Procedure, as amended, which provides for the remedy of appeal via petition for review under Rule 42 to the CA in cases decided by the RTC in the exercise of its appellate jurisdiction.

Thus, the CA need not treat the appeal via petition for review filed by Marcos as a petition for *certiorari* to be able to pass upon the same. B.P. Blg. 129, as amended, which is supplemented by Rule 42 of the Rules of Civil Procedure, gives the CA the authority to entertain appeals of such judgments and final orders rendered by the RTC in the exercise of its appellate jurisdiction.

(Reyes, R.T., J., Municipality of Nueva Era, Ilocos Norte, represented by its Municipal Mayor, Caroline Arzadon-Garvida v. Municipality of Marcos, Ilocos Norte, represented by its Municipal Mayor, Salvador Pillos, and the Honorable Court of Appeals, G.R. No. 169435, February 27, 2008.)





## POLITICAL LAW

### COMELEC *En Banc* does not have jurisdiction in the first instance.

The consistent ruling of the Court is that, the Commission *En Banc* does not have jurisdiction in the first instance, whether original or appellate, over election cases, pre-proclamation controversies, and incidents thereof. When such disputes are filed before or elevated to the Commission, they should be heard and adjudicated first at the division level. This doctrine is anchored on Section 3, Article IX-C of the Constitution which established the two-tiered organizational and functional structure of the COMELEC. The provision requires that election cases, including pre-proclamation controversies, should be heard and decided first at the division level. It reads, thus:

SEC. 3. The Commission on Elections may sit *En Banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *En Banc*.

It is important to clarify, however, that not all cases relating to election laws filed before the COMELEC are required to be first heard by a division. Under the Constitution, the COMELEC exercises both administrative and quasi-judicial powers. The COMELEC *en banc* can act directly on matters falling within its administrative powers. It is only when the exercise of quasi-judicial powers is involved that the COMELEC is mandated to decide cases first in division, and then, upon motion for reconsideration, *en banc*.

(Ynares-Santiago, J., Randy C. Cambe v. The Commission on Elections; The Municipal Board of Canvassers of Lasam, Cagayan; and Dominador M. Go, G.R. No. 178456, January 30, 2008.)

### Restraints on freedom of speech; how evaluated.

Generally, restraints on freedom of speech and expression are evaluated by either or a combination of three tests, *i.e.*,

(a) the **dangerous tendency doctrine** which permits limitations on speech once a rational connection has been established

between the speech restrained and the danger contemplated;

- (b) the **balancing of interests tests**, used as a standard when courts need to balance conflicting social values and individual interests, and requires a conscious and detailed consideration of the interplay of interests observable in a given situation or type of situation; and
- (c) the **clear and present danger rule** which rests on the premise that speech may be restrained because there is substantial danger that the speech will likely lead to an evil the government has a right to prevent. This rule requires that the evil consequences sought to be prevented must be substantive, "extremely serious and the degree of imminence extremely high."

As articulated in our jurisprudence, we have applied either the **dangerous tendency doctrine** or **clear and present danger test** to resolve free speech challenges. More recently, we have concluded that we have generally adhered to the **clear and present danger test**.

(Puno, C.J., Francisco Chavez v. Raul M. Gonzales, in his capacity as the Secretary of the Department of Justice; and the National Telecommunications Commission (NTC), G.R. No. 168338, February 15, 2008)

### Prior restraint – defined.

**Prior restraint** refers to official governmental restrictions on the press or other forms of expression in advance of actual publication or dissemination. Freedom from prior restraint is largely freedom from government censorship of publications, whatever the form of censorship, and regardless of whether it is wielded by the executive, legislative or judicial branch of the government. Thus, it precludes governmental acts that required approval of a proposal to publish; licensing or permits as prerequisites to publication including the payment of license taxes for the privilege to publish; and even injunctions against publication. Even the closure of the business and printing offices of certain newspapers, resulting in the discontinuation of their printing and publication, are deemed as previous restraint or censorship. Any

(Continued on NEXT page)



## LABOR LAW

### Redundancy in labor law; definition of.

The nature of redundancy as an authorized cause for dismissal is explained in the leading case of *Wiltshire File Co., Inc. v. National Labor Relations Commission*, viz:

x x x redundancy in an employer's personnel force necessarily or even ordinarily refers to duplication of work. That no other person was holding the same position that private respondent held prior to termination of his services does not show that his position had not become redundant. Indeed, in any well organized business enterprise, it would be surprising to find duplication of work and two or more people doing the work of one person. We believe that redundancy, for purposes of the Labor Code, exists where the services of an employee are in excess of what is reasonably demanded by the actual requirements of the enterprise. Succinctly put, a position is redundant where it is superfluous, and superfluity of a position or positions may be the outcome of a number of factors, such as overhiring of workers, decreased volume of business, or dropping of a particular product line or service activity previously manufactured or undertaken by the enterprise.

(Nachura, J., *Smart Communication, Inc. v. Regina M. Astorga*, G.R. No. 148132, January 22, 2008.)

### Arbitration; grounds to vacate an arbitral award.

Section 24 of R.A. No. 876 provides for the specific grounds for a petition to vacate an award made by an arbitrator:

**SEC. 24. Grounds for vacating award.** – In any one of the following cases, the court must make an order vacating the award upon the petition of any party to the controversy when such party proves affirmatively that in the arbitration proceedings:

- (a) The award was procured by corruption, fraud, or other undue means; or
- (b) That there was evident partiality or corruption in the arbitrators or any of them; or

- (c) That the arbitrators were guilty of misconduct in refusing to postpone the hearing upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; that one or more of the arbitrators was disqualified to act as such under section nine hereof, and willfully refrained from disclosing such disqualifications or of any other misbehavior by which the rights of any party have been materially prejudiced; or
- (d) That the arbitrators exceeded their powers, or so imperfectly executed them, that a mutual, final and definite award upon the subject matter submitted to them was not made.

Based on the foregoing provisions, the law itself clearly provides that the RTC must issue an order vacating an arbitral award only "in any one of the . . . cases" enumerated therein. Under the legal maxim in statutory construction *expressio unius est exclusio alterius*, the explicit mention of one thing in a statute means the elimination of others not specifically mentioned. As R.A. No. 876 did not expressly provide for errors of fact and/or law and grave abuse of discretion (proper grounds for a petition for review under Rule 43 and a petition for *certiorari* under Rule 65, respectively) as grounds for maintaining a petition to vacate an arbitral award in the RTC, it necessarily follows that a party may not avail of the latter remedy on the grounds of errors of fact and/or law or grave abuse of discretion to overturn an arbitral award.

(Corona, J., *ABS-CBN Broadcasting Corporation v. World Interactive Network Systems (WINS) Japan Co., Ltd.*, G.R. No. 169332, February 11, 2008)

(Continued from PREVIOUS page)

law or official that requires some form of permission to be had before publication can be made, commits an infringement of the constitutional right, and remedy can be had at the courts.

(Puno, C.J., *Francisco Chavez v. Raul M. Gonzales*, in his capacity as the Secretary of the Department of Justice; and the National Telecommunications Commission (NTC), G.R. No. 168338, February 15, 2008)

## CIVIL LAW

### Equitable mortgage: definition and requisites of.

An equitable mortgage is one which, although lacking in some formality, or form, or words, or other requisites demanded by a statute, nevertheless reveals the intention of the parties to charge real property as security for a debt, and contains nothing impossible or contrary to law.

The essential requisites of an equitable mortgage are: (1) the parties enter into what appears to be a contract of sale, (2) but their intention is to secure an existing debt by way of mortgage.

Article 1602 of the Civil Code provides:

**ART. 1602.** The contract shall be presumed to be an equitable mortgage, in any of the following cases:

- (1) When the price of a sale with right to repurchase is unusually inadequate;
- (2) When the vendor remains in possession as lessee or otherwise;
- (3) When upon or after the expiration of the right to repurchase, another instrument extending the period of redemption or granting a new period is extended;
- (4) When the purchaser retains for himself a part of the purchase price;
- (5) When the vendor binds himself to pay the taxes on the thing sold;
- (6) In any other case where it may be fairly inferred that the real intention of the parties is that the transaction shall secure the payment of a debt or the performance of any other obligation.

In any of the foregoing cases, any money, fruits, or other benefit to be received by the vendee as rent or otherwise shall be considered as interest which shall be subject to the usury laws.

Jurisprudence recognizes that there is no conclusive test to determine whether a deed purporting to be a sale on its face is really a simple loan accommodation secured by a mortgage. However, our case law consistently shows that the presence of even one of the circumstances enumerated in Article 1602 suffices to convert a

purported contract of sale into an equitable mortgage.

(Sandoval-Gutierrez, J., Dionisia Dorado Vda. De Delfin, represented in this act by her heirs *v.* Salvador D. Dellota, represented by his heirs and the Intestate Estate of the late Gumersindo Deleña, G.R. No. 143697, January 28, 2008.)

### Easement: requisite to be satisfied in order to be entitled to a legal easement of right of way.

It should be remembered that to be entitled to a legal easement of right of way, the following requisites must be satisfied:

- (1) the dominant estate is surrounded by other immovables and has no adequate outlet to a public highway;
- (2) proper indemnity has been paid;
- (3) the isolation was not due to acts of the proprietor of the dominant estate; and
- (4) the right of way claimed is at the point least prejudicial to the servient estate.

The fourth requisite is absent.

We are in full accord with the ruling of the CA when it aptly and judiciously held, to wit:

As provided for under the provisions of Article 650 of the New Civil Code, the easement of right of way shall be established at the point least prejudicial to the servient estate, and, insofar as consistent with this rule, where the distance from the dominant estate to a public highway may be the shortest. Where there are several tenements surrounding the dominant estate, and the easement may be established on any of them, the one where the way is shortest and will cause the least damage should be chosen. *But if these two circumstances do not concur in a single tenement, as in the instant case, the way which will cause the least damage should be used, even if it will not be the shortest. The criterion of least prejudice to the servient estate must prevail over the criterion of shortest distance.*

The court is not bound to establish what is the shortest; a longer way may be established to avoid injury to the servient tenement, such as when there are constructions or walls which can be avoided by a round-about way, as in the case at bar.

## CIVIL LAW (continued)

As between a right of way that would demolish a fence of strong materials to provide ingress and egress to a public highway and another right of way which although longer will only require a van or vehicle to make a turn, the second alternative should be preferred. Mere convenience for the dominant estate is not what is required by law as the basis for setting up a compulsory easement. Even in the face of necessity, if it can be satisfied without imposing the easement, the same should not be imposed.

Finally, worthy of note, is the undisputed fact that there is already a newly opened public road barely fifty (50) meters away from the property of appellants, which only shows that another requirement of the law, that is, there is no adequate outlet, has not been met to establish a compulsory right of way.

Such pronouncement by the CA is in line with this Court's ruling in *Quimen v. Court of Appeals*, where we held that as between a right of way that would demolish a store of strong materials to provide egress to a public highway, and another right of way which, although longer, will only require an avocado tree to be cut down, the second alternative should be preferred.

(Nachura, J., Apolinardito C. Quintanilla and Perfecta C. Quintanilla v. Pedro Abangan and Daryl's Collection Intl. Inc., G.R. No. 160613, February 12, 2008)

## MERCANTILE LAW

### Corporate Rehabilitation; serious situation test.

Section 6 of the Interim Rules of Procedure on Corporate Rehabilitation provides:

**SEC. 6. Stay Order.** — If the court finds the petition to be **sufficient in form and substance**, it shall, not later than five (5) days from the filing of the petition, issue an Order (a) appointing a Rehabilitation Receiver and fixing his bond; (b) staying enforcement of all claims, whether for money or otherwise and whether such enforcement is by court action or otherwise, against the debtor, its guarantors and sureties not

solidarily liable with the debtor; (c) prohibiting the debtor from selling, encumbering, transferring, or disposing in any manner any of its properties except in the ordinary course of business; (d) prohibiting the debtor from making any payment of its liabilities outstanding as of the date of filing of the petition; (e) prohibiting the debtor's suppliers of goods or services from withholding supply of goods and services in the ordinary course of business for as long as the debtor makes payments for the services and goods supplied after the issuance of the stay order; (f) directing the payment in full of all administrative expenses incurred after the issuance of the stay order; (g) **fixing the initial hearing on the petition not earlier than forty five (45) days but not later than sixty (60) days from the filing thereof**; (h) directing the petitioner to publish the Order in a newspaper of general circulation in the Philippines once a week for two (2) consecutive weeks; (i) directing all creditors and all interested parties (including the Securities and Exchange Commission) **to file and serve on the debtor a verified comment on or opposition to the petition, with supporting affidavits** and documents, not later than ten (10) days before the date of the initial hearing and putting them on notice that their failure to do so will bar them from participating in the proceedings; and (j) **directing the creditors and interested parties to secure from the court copies of the petition and its annexes** within such time as to enable themselves to file their comment on or opposition to the petition and to prepare for the initial hearing of the petition.

Section 6 provides that the petition must be "sufficient in form and substance." In *Rizal Commercial Banking Corporation v. Intermediate Appellate Court*, this Court held that under Section 6(c) of P.D. No. 902-A, **receivers may be appointed whenever: (1) necessary in order to preserve the rights of the parties-litigants; and/or (2) protect the interest of the investing public and creditors. The situations contemplated in these instances are serious in nature. There must exist a clear**

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MERCANTILE LAW (continued)

and imminent danger of losing the corporate assets if a receiver is not appointed. Absent such danger, such as where there are sufficient assets to sustain the rehabilitation plan and both investors and creditors are amply protected, the need for appointing a receiver does not exist. **Simply put, the purpose of the law in directing the appointment of receivers is to protect the interests of the corporate investors and creditors.**

We agree with the Court of Appeals that the petition for rehabilitation does not allege that there is a clear and imminent danger that petitioner will lose its corporate assets if a receiver is not appointed. In other words, **the "serious situation test" laid down by Rizal Commercial Banking Corporation has not been met** or at least substantially complied with. Significantly, the Stay Order dated July 13, 2004 issued by the RTC does not state any serious situation affecting petitioner's corporate assets. We observe that in appointing Mr. Gener T. Mendoza as Rehabilitation Receiver, **the only basis of the lower court was its finding that the petition is sufficient in form and substance.** However, it did not specify any reason or ground to sustain such finding. Clearly, **the petition failed to comply with the "serious situation test."**

(Sandoval-Gutierrez, J., Pryce Corporation v. The Court of Appeals and China Banking Corporation, G.R. No. 172302, February 4, 2008)

REMEDIAL LAW (Continued from page 19)

by the debtor will extend the time within which the writ may be issued without *scire facias*. Thus, the time during which execution is stayed should be excluded, and the said time will be extended by any delay occasioned by the debtor.

There had been many instances where this Court allowed the execution by motion even after the lapse of five years. These exceptions have one common denominator, and that is, the delay is caused or occasioned by actions of the judgment debtor and/or is incurred for his benefit or advantage.

(Sandoval-Gutierrez, J., Esteban Yau v. Ricardo C. Silverio, Sr., G.R. No. 158848, February 4, 2008)

## REMEDIAL LAW

**Criminal conviction for an unlawful activity is not a prerequisite for the institution of a civil forfeiture proceeding.**

Section 27 of the Rule of Procedure in Cases of Civil Forfeiture provides that **no prior criminal charge, pendency of or conviction for an unlawful activity or money laundering offense is necessary for the commencement** or the resolution of a petition for civil forfeiture.

Thus, regardless of the absence, pendency or outcome of a criminal prosecution for the unlawful activity or for money laundering, an action for civil forfeiture may be separately and independently prosecuted and resolved.

(Corona, J., Republic of the Philippines, represented by the Anti-Money Laundering Council v. Glasgow Credit and Collection Services, Inc., and Citystate Savings Bank, Inc., G.R. No. 170281, January 18, 2008)

### Venue in Civil Forfeiture Cases.

Section 3, Title II of A.M. No. 05-11-04-SC, the Rule of Procedure in Cases of Civil Forfeiture, Asset Preservation; and Freezing of Monetary Instrument, Property; or Proceeds Representing, Involving or Relating to an Unlawful Activity or Money Laundering Offense under R.A. No. 9160, as amended provides:

**SEC. 3. Venue of cases cognizable by the regional trial court.** – A petition for civil forfeiture shall be filed **in any regional trial court of the judicial region where the monetary instrument, property or proceeds representing, involving, or relating to an unlawful activity or to a money laundering offense are located**; *provided, however*, that where all or any portion of the monetary instrument, property or proceeds is located outside the Philippines, the petition may be filed in the regional trial court in Manila or of the judicial region where any portion of the monetary instrument, property, or proceeds is located, at the option of the petitioner.

Under said Section 3, the venue of civil forfeiture cases is any RTC of the judicial region where the monetary instrument, property or proceeds representing, involving, or relating to an



*REMEDIAL LAW (continued)*

unlawful activity or to a money laundering offense are located. Pasig City, where the account sought to be forfeited in this case is situated, is within the National Capital Judicial Region (NCJR). Clearly, the complaint for civil forfeiture of the account may be filed in any RTC of the NCJR. Since the RTC Manila is one of the RTCs of the NCJR, it was a proper venue of the Republic's complaint for civil forfeiture of Glasgow's account.

(Corona, *J.*, Republic of the Philippines, represented by the Anti-Money Laundering Council *v.* Glasgow Credit and Collection Services, Inc., and Citystate Savings Bank, Inc., G.R. No. 170281, January 18, 2008)

**Replevin; definition of**

Replevin is an action whereby the owner or person entitled to repossession of goods or chattels may recover those goods or chattels from one who has wrongfully distrained or taken or who wrongfully detains such goods or chattels. It is designed to permit one having right to possession to recover property in specie from one who has wrongfully taken or detained the property. The term may refer either to the action itself, for the recovery of personalty, or to the provisional remedy traditionally associated with it, by which possession of the property may be obtained by the plaintiff and retained during the pendency of the action.

(Nachura, *J.*, Smart Communication, Inc. *v.* Regina M. Astorga, G.R. No. 148132, January, 22, 2008)

**Declaratory relief; definition of; requisites of an action for declaratory relief.**

Declaratory relief is defined as an action by any person interested in a deed, will, contract or other written instrument, executive order or resolution, to determine any question of construction or validity arising from the instrument, executive order or regulation, or statute, and for a declaration of his rights and duties thereunder. The only issue that may be raised in such a petition is the question of construction or validity of provisions in an instrument or statute. Corollary is the general rule that such an action must be justified, as no other adequate relief or remedy is available under the circumstances.

Decisional law enumerates the requisites of an action for declaratory relief, as follows:

- (1) the subject matter of the controversy must be a deed, will, contract or other written instrument, statute, executive order or regulation, or ordinance;
- (2) the terms of said documents and the validity thereof are doubtful and require judicial construction;
- (3) there must have been no breach of the documents in question;
- (4) there must be an actual justiciable controversy or the "ripening seeds" of one between persons whose interests are adverse;
- (5) the issue must be ripe for judicial determination; and
- (6) adequate relief is not available through other means or other forms of action or proceeding.

(Nachura, *J.*, Eufemia Almeda and Romel Almeda *v.* Bathala Marketing Industries Inc., G.R. No. 150806, January 28, 2008)

**Petition for *Certiorari*; actual addresses of all the petitioners and respondents a requirement; motion for reconsideration is jurisdictional and mandatory.**

Under Section 3, Rule 46 in relation to Section 1, Rule 65 of the Rules of Court, a petition for certiorari shall contain the actual addresses of all the petitioners and the respondents, thus:

**SEC. 3. Contents and filing of petition; effect of non-compliance with requirements.** – **The petition shall contain the full names and actual addresses of all the petitioners and respondents**, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

x x x x

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by  
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the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

The petitioner shall also submit together with the petition a sworn certification that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

The petitioner shall pay the corresponding docket and other lawful fees to the clerk of court and deposit the amount of Php500.00 for costs at the time of the filing of the petition.

**The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.** (Emphasis supplied.)

The requirement that a petition for *certiorari* must contain the actual addresses of all the petitioners and the respondents is mandatory. Petitioner's failure to comply with the said requirement is sufficient ground for the dismissal of his petition. Thus, the Court of Appeals correctly dismissed the petition for *certiorari* on the ground that the parties' actual addresses were not indicated therein.

x x x

Nevertheless, the Court of Appeals correctly dismissed the petition for *certiorari* on the ground that petitioner failed to file a motion for reconsideration of the questioned RTC Order. The filing of a motion for reconsideration to give the court *a quo* a chance to correct itself is a jurisdictional and mandatory requirement which must be strictly complied with. Although there are exceptions to this general rule, the instant case presents no valid and compelling reason to deviate from the said rule.

(Quisumbing, *J.*, Percival A. Cendaña *v.* Cirilo A. Avila, G.R. No. 168350, January 31, 2008)

#### **Execution of judgment; when allowed after five years.**

Section 6, Rule 39 of the 1997 Rules of Civil Procedure, as amended provides:

**SEC 6. Execution by motion or by independent action.** – A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

It is clear from the above Rule that a judgment may be executed on motion within five years from the date of its entry or from the date it becomes final and executory. Thereafter, before barred by the statute of limitations, by action. However, there are instances where this Court allowed execution by motion even after the lapse of five years upon meritorious grounds.

In *Francisco Motors Corporation v. Court of Appeals*, this Court held that in computing the time limit for enforcing a final judgment, the general rule is that there should not be included the time when execution is stayed, either by agreement of the parties for a definite time, by injunction, by the taking of an appeal or writ of error so as to operate as a supersedeas, by the death of a party or otherwise. Any interruption or delay occasioned

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## SUPREME COURT

RESOLUTION of the COURT *En Banc* dated January 22, 2008, on A.M. No. 08-1-16-SC

RE: RULE ON THE WRIT OF *HABEAS DATA*

Acting on the recommendation of the Chairperson and Members of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the proposed Rule on the Writ of *Habeas Data*, the Court Resolved to **APPROVE** the same.

### THE RULE ON THE WRIT OF *HABEAS DATA*

**SECTION I. *Habeas Data*.** – The writ of *habeas data* is a remedy available to any person whose right to privacy in life, liberty or security is violated or threatened by an unlawful act or omission of a public official or employee, or of a private individual or entity engaged in the gathering, collecting or storing of data or information regarding the person, family, home and correspondence of the aggrieved party.

**SEC. 2. *Who May File*.** – Any aggrieved party may file a petition for the writ of *habeas data*. However, in cases or extralegal killings and enforced disappearances, the petition may be filed by:

- (a) Any member of the immediate family of the aggrieved party, namely: the spouse, children and parents; or
- (b) Any ascendant, descendant or collateral relative of the aggrieved party within the fourth civil degree of consanguinity or affinity, in default of those mentioned in the preceding paragraph.

**SEC. 3. *Where to File*.** – The petition may be filed with the Regional Trial Court where the petitioner or respondent resides, or that which has jurisdiction over the place where the data or information is gathered, collected or stored, at the option of the petitioner.

The petition may also be filed with the Supreme Court or the Court of Appeals or the Sandiganbayan when the action concerns public data files of government offices.

**SEC. 4. *Where Returnable; Enforceable*.** – When the writ is issued by a Regional Trial Court or any judge thereof, it shall be returnable before such court or judge.

When issued by the Court of Appeals or the Sandiganbayan or any of its justices, it may be returnable before such court or any justice thereof, or to any Regional Trial Court of the place where the

petitioner or respondent resides, or that which has jurisdiction over the place where the data or information is gathered, collected or stored.

When issued by the Supreme Court or any of its justices, it may be returnable before such Court or any justice thereof, or before the Court of Appeals or the Sandiganbayan or any or its justices, or to any Regional Trial Court of the place where the petitioner or respondent resides, or that which has jurisdiction over the place where the data or information is gathered, collected or stored.

The writ of *habeas data* shall be enforceable anywhere in the Philippines.

**SEC. 5. *Docket Fees*.** – No docket and other lawful fees shall be required from an indigent petitioner. The petition of the indigent shall be docketed and acted upon immediately, without prejudice to subsequent submission of proof of indigent not later than fifteen (15) days from the filing of the petition.

**SEC. 6. *Petition*.** – A verified written petition for a writ of *habeas data* should contain:

- (a) The personal circumstances of the petitioner and the respondent;
- (b) The manner the right to privacy is violated or threatened and how it affects the right to life, liberty or security of the aggrieved party;
- (c) The actions and recourses taken by the petitioner to secure the data or information;
- (d) The location of the files, registers or databases, the government office, and the person in charge, in possession or in control of the data or information, if known;
- (e) The reliefs prayed for, which may include the updating, rectification, suppression or destruction of the database or information or files kept by the respondent.

In case of threats, the relief may include a prayer for an order enjoining the act complained of; and

- (f) Such other relevant reliefs as are just and equitable.

**SEC. 7. *Issuance of the Writ*.** – Upon the filing of the petition, the court, justice or judge shall immediately order the issuance of the writ if on its face it ought to issue. The clerk of court shall issue the writ under the seal of the court and cause it to be served within three

(Continued on NEXT page)



RESOLUTION, dated January 22, 2008 (continued)

days from its issuance; or in case of urgent necessity, the justice or judge may issue the writ under his or her own hand, and may deputize any officer or person to serve it.

The writ shall also set the date and time for summary hearing of the petition which shall not be later than ten (10) work days from the date of its issuance.

**SEC. 8. Penalty for Refusing to Issue or Serve the Writ.** – A clerk of court who refuses to issue the writ after its allowance, or a deputized person who refuses to serve the same, shall be punished by the court, justice or judge for contempt without prejudice to other disciplinary actions.

**SEC. 9. How the Writ is Served.** – The writ shall be served upon the respondent by the officer or person deputized by the court, justice or judge who shall retain a copy on which to make a return of service. In case the writ cannot be served personally on the respondent, the rules on substituted service shall apply.

**SEC. 10. Return; Contents.** – The respondent shall file a verified written return together with supporting affidavits within five work days from service of the writ, which period may be reasonably extended by the Court for justifiable reasons. The return shall, among other things, contain the following:

- (a) The lawful defenses such as national security, state secrets, privileged communication, confidentiality of the source of information of media, and others;
- (b) In case of respondent in charge, in possession or in control of the data or information subject of the petition:
  - (i) a disclosure of the data or information about the petitioner, the nature or such data or information, and the purpose for its collection;
  - (ii) the steps or actions taken by the respondent to ensure the security and confidentiality of the data or information; and
  - (iii) the currency and accuracy of the data or information held.
- (c) Other allegations relevant to the resolution of the proceeding.

A general denial of the allegations in the petition shall not be allowed.

**SEC. 11. Contempt.** – The court, justice or judge may punish with imprisonment or fine a respondent who commits contempt by making a false return, or refusing to make a return; or any person who otherwise disobeys or resists a lawful process or order of the court.

**SEC. 12. When Defenses May Be Heard in Chambers.** – A hearing in chambers may be conducted where the respondent invokes the defense that the release of the data or information in question shall compromise national security or state secrets, or when the data or information cannot be divulged to the public due to its nature or privileged character.

**SEC. 13. Prohibited Pleadings and Motions.** – The following pleadings and motions are prohibited:

- (a) Motion to dismiss;
- (b) Motion for extension of time to file opposition, affidavit, position paper and other pleadings;
- (c) Dilatory motion for postponement;
- (d) Motion for a bill of particulars;
- (e) Counterclaim or cross-claim;
- (f) Third-party complaint;
- (g) Reply;
- (h) Motion to declare respondent in default;
- (i) Intervention;
- (j) Memorandum;
- (k) Motion for reconsideration of interlocutory orders or interim relief orders; and
- (l) Petition for *certiorari*, *mandamus* or prohibition against any interlocutory order.

**SEC. 14. Return; Filing.** – In case the respondent fails to file a return, the court, justice or judge shall proceed to hear the petition *ex parte*, granting the petitioner such relief as the petition may warrant unless the court in its discretion requires the petitioner to submit evidence.

**SEC. 15. Summary Hearing.** – The hearing on the petition shall be summary. However, the court, justice or judge may call for a preliminary conference to simplify the issues and determine the possibility of obtaining stipulations and admissions from the parties.

**SEC. 16. Judgment.** – The Court shall render judgment within ten (10) days from the time the petition is submitted for decision. If the allegations in the petition



RESOLUTION, dated January 22, 2008 (continued)

are proven by substantial evidence, the court shall enjoin the act complained of, or order the deletion, destruction, or rectification of the erroneous data or information and grant other relevant reliefs as may be just and equitable; otherwise, the privilege of the writ shall be denied.

Upon its finality, the judgment shall be enforced by the sheriff or any lawful officer as may be designated by the court, justice or judge within five (5) work days.

**SEC. 17. Return of Service.** – The officer who executed the final judgment shall, within three (3) days from its enforcement, make a verified return to the court. The return shall contain a full statement of the proceedings under the writ and a complete inventory of the database or information, or documents and articles inspected, updated, rectified, or deleted, with copies served on the petitioner and the respondent.

The officer shall state in the return how the judgment was enforced and complied with by the respondent as well as all objections of the parties regarding the manner and regularity of the service of the writ.

**SEC. 18. Hearing of Officer's Return.**– The Court shall set the return for hearing with due notice to the parties and act accordingly.

**SEC. 19. Appeal.** – Any party may appeal from the judgment or final order to the Supreme Court under Rule 45. The appeal may raise questions of fact or law or both.

The period of appeal shall be five (5) work days from the date of notice of the judgment or final order.

The appeal shall be given the same priority as *habeas corpus* and *amparo* cases.

**SEC. 20. Institution of Separate Actions.** – The filing of a petition for the writ of *habeas data* shall not preclude the filing of separate criminal, civil or administrative actions.

**SEC. 21. Consolidation.** – When a criminal action is filed subsequent to the filing of a petition for the writ, the latter shall be consolidated with the criminal action.

When a criminal action and a separate civil action are filed subsequent to a petition for a writ of *habeas data*, the petition shall be consolidated with the criminal action.

After consolidation, the procedure under, this Rule shall continue to govern the disposition of the reliefs in the petition.

**SEC. 22. Effect of Filing of a Criminal Action.** – When a criminal action has been commenced, no separate petition for the writ shall be filed. The reliefs under the writ shall be available to all aggrieved party by motion in the criminal case.

The procedure under this Rule shall govern the disposition of reliefs available under the writ of *habeas data*.

**SEC. 23. Substantive Rights.** – This Rule shall not diminish, increase or modify substantive rights.

**SEC. 24. Suppletory Application of the Rules of Court.** – The Rules of Court shall apply suppletorily insofar as it is not inconsistent with this Rule.

**SEC. 25. Effectivity.** – This Rule shall take effect on February 2, 2008 following its publication in three (3) newspapers of general circulation.

January 22, 2008.

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



#### ADMINISTRATIVE ORDER NO. 16-2008

#### RE: DESIGNATING THE REGIONAL COURT ADMINISTRATOR, DEPUTY REGIONAL COURT ADMINISTRATOR AND ASSISTANT COURT ADMINISTRATORS FOR PILOT RCAO IN THE SEVENTH JUDICIAL REGION

Pursuant to *En Banc* Resolution in A.M. No. 06-11-09-SC dated November 14, 2006, entitled "Implementing the pilot project on Enhancing the Autonomy, Accountability, and Efficiency of the Judiciary, and the Administration of Justice, Establishing and Operationalising the Pilot Organization Infrastructure, Providing for General Implementation Arrangements and Other Purposes," the designation of personnel to positions in pilot RCAO 7 and their compensation and benefits are hereby effected.

**1. Designation of Personnel.** The following personnel are hereby detailed on full-time basis and designated officers-in-charge to pertinent positions in pilot RCAO 7, as indicated hereunder:

(Continued on NEXT page)

**Name and Current Position:**

**Judge Cresencio Rafael C. Tan, Jr.**  
Presiding Judge  
Regional Trial Court, Branch 30,  
Dumaguete City

**Designation:**

Regional Court Administration

**Name and Current Position:**

**Atty. Rullyn S. Garcia**  
Judicial Supervisor  
Office of the Court Administrator  
Supreme Court, Manila

**Designation:**

Deputy Regional Court Administrator

**Name and Current Position:**

**Atty. Rosemarie S. Pabatao**  
Branch Clerk of Court  
Regional Trial Court, Branch 22, Cebu City

**Designation:**

Assistant Regional Court Administrator for  
Budgeting

**Name and Current Position:**

**Atty. Catherine C. Bagano**  
Branch Clerk of Court  
Regional Trial Court, Branch 57, Cebu City

**Designation:**

Assistant Regional Court Administrator for  
Financial Accounting and Disbursement

**Name and Current Position:**

**Atty. Isidro F. Bongcayao, Jr.**  
Branch Clerk of Court  
Regional Trial Court, Branch 25, Danao City

**Designation:**

Assistant Regional Court Administrator  
for General Services

**Name and Current Position:**

**Atty. Denis L. Pacas**  
Branch Clerk of Court  
Regional Trial Court, Branch 54,  
Lapu-Lapu City

**Designation:**

Assistant Regional Court Administrator  
for Human Resource Development

**Name and Current Position:**

**Mr. Ceferino R. Faunillan, Jr.**  
Financial & Management Officer II  
Program Management Office  
Supreme Court, Manila

**Designation:**

Assistant Regional Court Administrator for  
Revenue Management

2. **Other Support Personnel.** The designated Regional Court Administrator may propose the detail of other support personnel as may be necessary in facilitating the implementation of the pilot RCAO in the Seventh Judicial Region.
3. **Salaries, Other Compensation and Personnel Benefits of the Designated Personnel.** The designated personnel to the identified positions shall continue to receive their basic monthly salaries. They shall also be authorized to receive all other compensation from JDF and other sources as well as other personnel benefits at rates consistent with those authorized for the positions to which they are designated or their equivalent, provided that those who are receiving higher rates due to their current positions will continue to receive the higher rates.
4. **Designation on Full-Time Basis.** The designated personnel shall be detailed on full-time basis and shall be freed of all assignments and responsibilities of their current positions.
5. **Honorarium.** All personnel detailed to the pilot RCAO shall be entitled to a monthly honorarium which shall not exceed 20% of the amount of their current basic monthly salary.

This Order shall take effect upon its issuance and shall be effective for six (6) months until or unless extended by the undersigned.

Issued this 23<sup>rd</sup> day of January 2008.

(Sgd.) REYNATOS. PUNO  
Chief Justice

**ADMINISTRATIVE ORDER NO. 23-2008****RE: DESIGNATION OF SPECIAL COURTS TO HEAR, TRY AND DECIDE ENVIRONMENTAL CASES**

In the interest of an efficient administration of justice and pursuant to Sec. 23 of B.P. Blg. 129, the following branches of the first and second level courts are hereby designated as Special Courts to try and decide violations of environmental laws, including but not limited to the following:

1. Revised Forestry Code (P.D. No. 705)
2. Marine Pollution (P.D. No. 979)

A.O. No. 23-2008 (continued)

3. Toxic Substances and Hazardous Waste Act (R.A. No. 6969)
4. People's Small-Scale Mining Act (R.A. No. 7076)
5. National Integrated Protected Areas System Act (R.A. No. 7586)
6. Philippine Mining Act (R.A. No. 7942)
7. Indigenous People's Rights Act (R.A. No. 8371)
8. Philippine Fisheries Code (R.A. No. 8550)
9. Clean Air Act (R.A. No. 8749)
10. Ecological Solid Waste Management Act (R.A. No. 9003)
11. National Caves & Cave Resources Management Act (R.A. No. 9072)
12. Wildlife Conservation & Protection Act (R.A. No. 9147)
13. Chainsaw Act (R.A. No. 9175)
14. Clean Water Act (R.A. No. 9275)

committed within their respective territorial jurisdictions.

#### REGIONAL TRIAL COURTS

##### NATIONAL CAPITAL JUDICIAL REGION

- Br. 1, Manila
- Br. 41, Manila
- Br. 101, Quezon City
- Br. 108, Pasay City
- Br. 127, Kaloocan City
- Br. 58, Makati City
- Br. 152, Pasig City  
(cases originating from Pasig City)
- Br. 266, Pasig City  
(cases originating from Taguig City)
- Br. 170, Malabon City
- Br. 272, Marikina City
- Br. 208, Mandaluyong City
- Br. 196, Parañaque City
- Br. 201, Las Piñas City
- Br. 205, Muntinlupa City
- Br. 171, Valenzuela City

##### FIRST JUDICIAL REGION

- Br. 5, Baguio City
- Br. 10, La Trinidad, Benguet
- Br. 12, Laoag City
- Br. 28, San Fernando City
- Br. 39, Lingayen, Pangasinan
- Br. 44, Dagupan City, Pangasinan
- Br. 47, Urdaneta City

##### SECOND JUDICIAL REGION

- Br. 5, Tuguegarao City
- Br. 9, Aparri, Cagayan

- Br. 17, Ilagan, Isabela
- Br. 27, Bayombong, Nueva Vizcaya

##### THIRD JUDICIAL REGION

- Br. 1, Balanga City
- Br. 19, Malolos City
- Br. 29, Cabanatuan City
- Br. 32, Guimba, Nueva Ecija
- Br. 36, Gapan City
- Br. 41, City of San Fernando, Pampanga
- Br. 51, Guagua, Pampanga
- Br. 59, Angeles City
- Br. 65, Tarlac City
- Br. 69, Iba, Zambales
- Br. 75, Olongapo City

##### FOURTH JUDICIAL REGION

- Br. 4, Batangas City
- Br. 11, Balayan, Batangas
- Br. 88, Cavite City
- Br. 20, Imus, Cavite
- Br. 27, Sta. Cruz, Laguna
- Br. 32, San Pablo City
- Br. 36, Calamba City
- Br. 51, Puerto Princesa City
- Br. 60, Lucena City
- Br. 70, Binangonan, Rizal
- Br. 71, Antipolo City
- Br. 75, San Mateo, Rizal
- Br. 78, Morong, Rizal

##### FIFTH JUDICIAL REGION

- Br. 1, Legaspi City
- Br. 13, Ligao City
- Br. 15, Tabaco City
- Br. 25, Naga City
- Br. 32, Pili, Camarines Sur
- Br. 35, Iriga City
- Br. 38, Daet, Camarines Norte
- Br. 53, Sorsogon City
- Br. 47, Masbate City

##### SIXTH JUDICIAL REGION

- Br. 2, Kalibo, Aklan
- Br. 11, San Jose, Antique
- Br. 15, Roxas City
- Br. 28, Iloilo City
- Br. 44, Bacolod City

##### SEVENTH JUDICIAL REGION

- Br. 23, Cebu City
- Br. 28, Mandaue City
- Br. 54, Lapu-Lapu City
- Br. 34, Dumaguete City
- Br. 47, Tagbilaran City

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**EIGHT JUDICIAL REGION**

Br. 9, Tacloban City  
Br. 29, Catbalogan, Samar

**NINTH JUDICIAL REGION**

Br. 8, Dipolog City  
Br. 16, Zamboanga City  
Br. 20, Pagadian City

**TENTH JUDICIAL REGION**

Br. 4, Butuan City  
Br. 10, Malaybalay City  
Br. 12, Oroquieta City  
Br. 39, Cagayan de Oro City

**ELEVENTH JUDICIAL REGION**

Br. 1, Tagum City  
Br. 16, Davao City  
Br. 18, Digos City  
Br. 35, General Santos City

**TWELFTH JUDICIAL REGION**

Br. 4, Iligan City  
Br. 10, Marawi City

***METROPOLITAN TRIAL COURTS***

Br. 3, Manila  
Br. 8, Manila  
Br. 36, Quezon City  
Br. 48, Pasay City  
Br. 49, Kalocan City  
Br. 67, Makati City  
Br. 70, Pasig City

***MUNICIPAL TRIAL COURTS IN CITIES*****FIRST JUDICIAL REGION**

Br. 4, Baguio City  
Br. 3, Dagupan City

**SECOND JUDICIAL REGION**

Br. 4, Tuguegarao City

**THIRD JUDICIAL REGION**

Br. 1, Angeles City  
Br. 1, Cabanatuan City  
Br. 2, City of San Fernando, Pampanga  
Br. 3, Olongapo City  
Br. 1, San Jose Del Monte City

**FOURTH JUDICIAL REGION**

Br. 1, Antipolo City  
Br. 2, Lipa City  
Br. 1, San Pablo City

**FIFTH JUDICIAL REGION**

Br. 2, Legaspi City  
Br. 2, Naga City

**SIXTH JUDICIAL REGION**

Br. 3, Bacolod City  
Br. 9, Iloilo City  
Br. 2, Roxas City

**SEVENTH JUDICIAL REGION**

Br. 7, Cebu City  
Br. 3, Mandaue City  
Br. 1, Tagbilaran City

**NINTH JUDICIAL REGION**

Br. 2, Zamboanga City

**TENTH JUDICIAL REGION**

Br. 2, Butuan City  
Br. 5, Cagayan de Oro City  
Br. 3, Ozamis City

**ELEVENTH JUDICIAL REGION**

Br. 7, Davao City  
Br. 1, General Santos City

**TWELFTH JUDICIAL REGION**

Br. 1, Iligan City

The following guidelines shall be observed:

1. In multi sala stations where no branches of the first and second level courts are herein designated to try and decide environmental cases, the cases shall be raffled among the branches thereat which shall try and decide such cases according to existing issuances.
2. All single sala first and second level courts are considered special courts for the above purpose.
3. The Special Courts herein designated shall continue to be included in the raffle of cases, criminal civil and other cases.
4. The branches thus designated as Special Courts shall continue to perform their functions as such within the purview of this Administrative Order even after the retirement, promotion, dismissal suspension, transfer or detail of the judges appointed/designated to preside over them. Their successors whether permanent or temporary, shall act as Presiding Judges of these Special Court unless the Supreme Court otherwise directs.
5. All environmental cases covered by this Order wherein pre trial in case of civil cases has already commenced and when the accused is already arraigned in case of criminal cases shall remain in the branches where they are originally assigned, otherwise these cases shall be assigned by raffle in case there are two or

A.O. No. 23-2008 (continued)

more designated Special Courts or when there is only one (1) in the station, the cases shall be unloaded to the said Special Court. The transferred environmental cases shall be considered as raffled cases to the Special Courts hence the branch which unloaded the environmental cases shall be assigned newly filed cases to replace the cases removed from said branch.

6. In the event of inhibition of the presiding judge of the Special Courts, the following shall be observed:
  - a. Where there is only one (1) Special Court in the station, the pairing system for multi branch stations under Circular No. 7 dated September 23, 1974 shall apply;
  - b. Where there are two (2) Special Courts in the station, the Executive Judge shall immediately assign the case to the other Special Court; and
  - c. Where there are three (3) or more Special Courts in the station, the Executive Judge shall immediately assign by raffle to the other Special Courts.
 

In case all the Presiding Judges of the other Special Courts are also disqualified or inhibit themselves, the case shall be forwarded to the pairing judge of the Special Court which originally handled the said case. If the pairing judge is also disqualified or inhibits himself/herself, the case shall be raffled to the other regular courts. At the next raffle, a newly filed case shall be assigned to the disqualified or inhibiting judge to replace the case so removed from his/her court.
  - d. Where a judge of a single sala first level court is disqualified or inhibits himself/herself, the Order of Inhibition shall be referred to the Executive Judge who shall assign the case by raffle among the judges in his administrative area of supervision, the assigned judge shall try and decide the same in the court where it was originally filed;
  - e. Where the judge of a single sala RTC is disqualified or inhibits himself/herself, the Order of Inhibition shall be referred to the Executive/Presiding Judge of the nearest RTC station. If the nearest station is a multi

sala branch, the Executive Judge shall assign the case to the same Special Court in the station, if there is any. If the presiding judge of the Special Court is disqualified or inhibits himself/herself, the case shall be raffled among the judges in the station. In all instances, the case shall be tried by the assigned judge in the court where the case was originally filed.

This Order shall take effect upon its issuance.

January 28, 2008.

(Sgd.) REYNATOS. PUNO  
Chief Justice

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

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

(Per Revised A.M. No. 99-12-88-SC)



#### ADMINISTRATIVE ORDER NO. 40-2008

#### RE: CREATING A COMMITTEE TO REVIEW THE LOWER COURTS' OPERATIONS AND ORGANIZATION

**WHEREAS**, on January 13, 2006, the Philippine Association of Court Employees (PACE) requested the Supreme Court to consider and approve the proposed reclassification of position titles and the upgrading of salaries of lower court employees it submitted;

**WHEREAS**, in its Resolution dated January 24, 2006 in A.M. No. 06-1-04-SC, the Court *En Banc* directed the Office of the Court Administrator and the Office of Administrative Services to comment on the request of PACE;

**WHEREAS**, the Office of the Court Administrator, through its Officer-in-Charge, (1) reported to the Court that an *Ad Hoc* Committee had been constituted in 2003 tasked with submitting proposals for the upgrading, reclassification, creation or abolition of positions in the lower courts, together with their corresponding salary grades and the definition and identification of the duties and functions attached to each position, for

(Continued on NEXT page)

the purpose of making the lower courts' staff positions responsive to present requirements; and (2) transmitted a copy of the Report submitted in October 2004 by the said *Ad Hoc* Committee to the Court Administrator;

**WHEREAS**, the Office of the Court Administrator, through the Officer-in-Charge, underscored the need to create another Committee to further study the concerns raised in the *Ad Hoc* Committee Report and to conduct a more thorough study of the operations and organization of the lower courts; and

**WHEREAS**, the Court *En Banc*, in its Resolution dated April 25, 2006, resolved to create a Committee "which will conduct a more comprehensive and strategic review of the lower court's operations and organization, adopting for the purpose the parameters contained in Executive Order No. 366 [dated October 4, 2004] creating the Change Management Team;"

**NOW, THEREFORE**, pursuant to the aforesaid Court resolution, a Committee is hereby created, to be called the Operations and Committee to Review the Lower Courts' Organization, composed of the following:

1. Chairman: ACA Edwin A. Villazor
2. Vice-Chairman: Atty. Thelma C. Bahia
3. Members: a. Atty. Caridad A. Pabello  
b. Atty. Jaime D. Navarrete  
c. Atty. Fe Corcelles- Aguila  
d. Atty. Pascuala S. Magtibay  
e. Atty. Arturo V. Noblejas  
f. Atty. Eric S. Fortaleza  
g. Ms. Marietta R. Esdrelon.

The Committee shall have the following functions:

- a. Review and diagnose the existing organizational structures of the first and second level courts and identify organizational weaknesses, constraints and limitations;
- b. Recommend appropriate amendments to the present organizational structure of the first and second level courts, including staff positions, the definition and identification of their duties and responsibilities, their reclassification, collapse or merger to render the said positions more responsive to the needs of the courts and the public they serve;
- c. Review salary levels and study salary upgrading which should not however result in wage distortions,

- d. Conduct consultation meetings with the officials of the Office of the Court Administrator, judges and personnel of the lower courts and other stakeholders; and
- e. Perform such other functions as may be necessary for the performance of its responsibilities.

The Chairperson, in consultation with the Members, shall designate the Secretary and Assistant Secretary of the Committee. The Chairperson, Members, Secretary and Assistant Secretary shall be entitled to the authorized expense allowances, subject to the guidelines prescribed under Administrative Circular No. 13-99 dated September 30, 1999.

The Committee shall complete its work under this Administrative Order within six (6) months from its constitution.

Issued this 29<sup>th</sup> day of February 2008.

(Sgd.) REYNATO S. PUNO  
*Chief Justice*

(Sgd.) ANTONIO T. CARPIO  
*Associate Justice*  
*Working Chairperson, First Division*

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

(Per Revised A.M. No. 99-12-88-SC)



#### ADMINISTRATIVE CIRCULAR NO. 08-2008

**TO: ALL JUDGES**

**SUBJECT: GUIDELINES IN THE OBSERVANCE OF A RULE OF PREFERENCE IN THE IMPOSITION OF PENALTIES IN LIBEL CASES.**

Article 355 of the Revised Penal Code penalizes libel, committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, with *prision correccional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, *or both*, in addition to the civil action which may be brought by the offended party.



A.C. No. 08-2008 (continued)

In the following cases, the Court opted to impose only a fine on the person convicted of the crime of libel:

In *Fernando Sazon v. Court of Appeals and People of the Philippines*,<sup>1</sup> the Court modified the penalty imposed upon petitioner, an officer of a homeowners' association, for the crime of libel from imprisonment and fine in the amount of Php200.00, to fine only of Php3,000.00, with subsidiary imprisonment in case of insolvency, for the reason that he wrote the libelous article merely to defend his honor against the malicious messages that earlier circulated around the subdivision, which he thought was the handiwork or the private complainant.

In *Quirico Mari v. Court of Appeals and People of the Philippines*,<sup>2</sup> where the crime involved is slander by deed, the Court modified the penalty imposed on the petitioner, an ordinary government employee, from imprisonment to fine of Php1,000.00, with subsidiary imprisonment in case of insolvency, on the ground that the latter committed the offense in the heat of anger and in reaction to a perceived provocation.

In *Roberto Brillante v. Court of Appeals and People of the Philippines*,<sup>3</sup> the Court deleted the penalty of imprisonment imposed upon petitioner, a local politician, but maintained the penalty of fine of P4,000.00, with subsidiary imprisonment in case of insolvency, in each of the (5) cases of libel, on the ground that the intensely feverish passions evoked during the election period in 1988 must have agitated petitioner into writing his open letter; and that incomplete privileged communication should be appreciated in favor of petitioner, especially considering the wide latitude traditionally given to defamatory utterances against public officials in connection with or relevant to their performance of official duties or against public figures in relation to matters of public interest involving them.

In *Jose Alemania Buatis, Jr. v. People of the Philippines and Atty. Jose Pieraz*,<sup>4</sup> the Court opted to impose upon petitioner, a lawyer, the penalty of fine only for the crime of libel considering that it was his first offense and he was motivated purely by his belief that he was merely exercising a civic and moral duty to his client when he wrote the defamatory letter to private complainant.

1. 325 Phil. 1053, 1068 (1996).

2. 388 Phil. 269,279 (2000).

3. G.R. Nos. 118757 and 121571, November 11, 2005, 474 SCRA 480.

4. G.R. No. 142509, March 24, 2006, 485 SCRA 275.

The foregoing cases indicate an emergent rule of preference for the imposition of fine only rather than imprisonment in libel cases under the circumstances therein specified.

All courts and judges concerned should henceforth take note of the foregoing rule of preference set by the Supreme Court on the matter of the imposition of penalties for the crime of libel bearing in mind the following principles:

1. This Administrative Circular does not remove imprisonment as an alternative penalty for the crime of libel under Article 355 of the Revised Penal Code;
2. The Judges concerned may, in the exercise of sound discretion, and taking into consideration the peculiar circumstances of each case, determine whether the imposition of a fine alone would best serve the interests of justice or whether forbearing to impose imprisonment would depreciate the seriousness of the offense, work violence on the social order, or otherwise be contrary to the imperatives of justice;
3. Should only a fine be imposed and the accused be unable to pay the fine, there is no legal obstacle to the application of the *Revised Penal Code* provisions on subsidiary imprisonment.

The Court Administrator shall cause the immediate dissemination of this Administrative Circular to all courts and judges concerned.

This Administrative Circular, approved by the Supreme Court *En Banc* in A.M. No. 08-1-17-SC at its session of 22<sup>nd</sup> January 2008 shall take effect upon its issuance.

Issued this 25<sup>th</sup> day of January 2008.

(Sgd.) REYNATO S. PUNO  
Chief Justice

**ADMINISTRATIVE CIRCULAR NO. 28-2008****TO: ALL JUDGES AND COURT PERSONNEL****SUBJECT: GUIDELINES IN THE DETAIL OF  
LOCALLY-FUNDED EMPLOYEES TO  
THE LOWER COURTS**

In the interest of the service, the following guidelines shall be observed in the detail of locally-funded employees to the lower courts:

1. No detail of locally-funded employees to the lower courts shall be allowed without first obtaining permission from the Supreme Court (SC) through the Office of the Court Administrator (OCA).
2. The request for the detail of locally-funded employees shall be made by the Presiding Judge for those in the court branches and the Executive Judge for those in the Office of the Clerk of Court (OCC) and shall be submitted to the Supreme Court through the Office of the Court Administrator for approval. The request shall contain the following information:
  - a. Court caseload
  - b. Reasons or necessity for the detail
  - c. Name, position title and duties to be assigned
  - d. Duration of the detail
3. Considering the confidentiality of court records and proceedings, locally-funded employees shall simply assist in the performance of clerical works, such as, receiving of letters and other communications for the office concerned, typing of address in envelopes for mailing, typing of certificate of appearance, and typing of monthly reports. They shall not be given duties involving custody of court records, implementation of judicial processes, and such other duties involving court proceedings. However, they may perform functions appertaining to that of a messenger, janitor and driver if these positions are provided in the plantilla of the Local Government Unit (LGU).
4. The detail shall be allowed only for a maximum period of one (1) year. Details beyond one year may be allowed provided it is with the consent of the detailed employee.
5. Request for renewal or extension of the period of the detail shall be submitted to and received

by the SC through the OCA fifteen (15) days before the expiration of the original/previous period of detail and must contain the information stated in paragraph 2 hereof.

6. During the period of the detail, the concerned LGU relinquishes its administrative supervision over the locally-funded employees to the SC. Administrative supervision refers to the authority to direct the performance of duties; restrain the commission of acts; and review, approve, reverse or modify acts or decisions of the detailed employee. In this regard, the SC through the lower court has the responsibility to monitor the punctuality and attendance of the detailed locally-funded employees, approve request for leave, evaluate their performance, grant authority to travel and exercise other acts necessary to effectively supervise the employees.
 

Prior to the effectivity of the detail, and insofar as those already detailed before the issuance of this administrative circular, the Presiding Judge/Executive Judge shall request the concerned LGU to furnish the lower court with a certification of the available sick and vacation leave credits of the detailed locally-funded employee. In the event the Presiding Judge/Executive Judge approves the request for leave by the detailed employee, a copy of the same shall be submitted by the Clerk of Court to the concerned LGU.
7. With respect to the personnel actions such as promotion, transfer, renewal, demotion, upgrading and reclassification of positions and the like, which requires the issuance of an appointment, and other personnel movement such as reassignment, detail, secondment, job rotation and designation which do not necessarily require the issuance of an appointment, including salary adjustment, step-increment and monetization of leave credits concerning the detailed locally-funded employee, the same shall still be under the jurisdiction of the concerned LGU.
8. Inasmuch as the locally-funded employee is detailed to an office which carries with it duties and functions related to the administration of justice, such employee has the status of an officer of the court, and as such can be held accountable, short of being

A.C. No. 28-2008 (continued)

dismissed or suspended from office, to the court he serves as well as to the Supreme Court for any negligence or conduct which impedes the efficient and speedy administration of justice, following the Supreme Court ruling in *Esperanza Malanyaon v. Rufino Galang*, AM. No. P-133, July 20, 1978.

Complaints against locally-funded employee shall be filed before the Supreme Court through the Office of the Court Administrator, except for offenses classified under Civil Service Rules as light offenses which shall be filed with the Office of the Executive Judge, who shall conduct an investigation pursuant to A.M. No 03-8-02-SC otherwise known as Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties. This is without prejudice to the authority of the concerned LGU to discipline locally-funded employee.

9. The Presiding Judge/Executive Judge shall submit to the SC through the OCA, within one month from receipt of this administrative circular, an inventory of all locally-funded employees detailed in their respective court branches including the OCC, specifying the names, position titles, assigned duties and duration of the detail. In addition, the Presiding Judge/Executive Judge shall regularly review the necessity for such details as well as the performance of the locally-funded employees, and recommend to the SC through the OCA the revocation of the detail for those whose services are no longer necessary in the lower courts or those with unsatisfactory or poor performance.
10. The Court Administrator is authorized to act on requests for detail of locally-funded employees and the revocation of such details.
11. Non-compliance and/or violation of this circular by the judge, court personnel or locally-funded employee shall be a ground for disciplinary action.

All other existing issuances that are inconsistent herewith are deemed superseded or modified accordingly.

March 11, 2008.

(Sgd.) REYNATOS S. PUNO  
Chief Justice

## OFFICE OF THE COURT ADMINISTRATOR

### OCA CIRCULAR NO. 14-2008

**TO: ALL JUDGES AND CLERKS OF COURT IN THE REGIONAL TRIAL COURTS**

**SUBJECT: MONTHLY REPORT ON STATUS OF CASES INVOLVING TERRORISM**

Pursuant to the Resolution of the Court *En Banc* dated December 4, 2007 in A.M. No. 07-11-604-RTC, the Office of the Court Administrator was directed to monitor all cases involving terrorism, and see to it that the judges concerned shall set these cases for continuous trial in accordance with Section 48 of R.A. No. 9372 (Human Security Act).

Section 48 of the said Act provides "x x x the judge shall set the case for continuous trial on a daily basis from Monday to Friday or other short-term trial calendar so as to ensure speedy trial."

In this connection, you are hereby directed to **SUBMIT** to this Office thru the Court Management Office, a report on the cases involving terrorism stating in complete details the latest status thereof on or before February 15, 2008. Thereafter, a monthly report on the status of the cases shall be submitted on or before the tenth day of the succeeding month.

In determining the cases involving terrorism, Sec. of R.A. No. 9372 is hereby quoted for your information:

**"SEC. 3. Terrorism.** – Any person who commits an act punishable under any of the following provisions of the Revised Penal Code:

- a. Article 122 (*Piracy in General and Mutiny in the High Seas or in the Philippine Waters*);
- b. Article 134 (*Rebellion or Insurrection*);
- c. Article 134-a (*Coup d'Etat*), including acts committed by private persons;
- d. Article 248 (*Murder*);
- e. Article 267 (*Kidnapping and Serious Illegal Detention*);
- f. Article 324 (*Crimes Involving Destruction*), or under
  - (1) Presidential decree No. 1613 (The Law on Arson);
  - (2) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);

(Continued on NEXT page)



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- (3) Republic Act 5207  
(Atomic Energy Regulatory and Liability Act of 1968);
- (4) Republic Act No. 6235  
(Anti-Hijacking Law);
- (5) Presidential Decree No. 532  
(Anti-Piracy and Anti-Highway Robbery Law of 1974); and
- (6) Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunitions or Explosives)

thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended."

For strict compliance.

January 24, 2008.

(Sgd.) ZENAIDAN. ELEPAÑO  
Court Administrator



#### OCA CIRCULAR NO. 35-2008

**TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS AND THE INTEGRATED BAR OF THE PHILIPPINES.**

**SUBJECT : ADDITIONAL GUIDELINES IN THE PRINTING AND DISTRIBUTION OF NOTARIAL REGISTERS, PARTICULARLY ON THE PAYMENT OF SHIPPING CHARGES FOR NOTARIAL REGISTERS.**

For the information and guidance of all concerned, quoted hereunder are the resolutions of the Court *En Banc* in A.M. No. 02-8-13-SC.- Re: 2004 Rules on Notarial Practice:

1. Resolution dated February 12, 2008.

"A.M. No. 02-08-13-SC - Re: 2004 Rules on Notarial Practice (Additional Guidelines for the Implementation of the MOA between OCA and OSG on Notarial Registers).

x x x x

The Court further Resolved, upon the recommendation of the Sub-Committee on the Revision of Rules Governing Notaries Public to:

(a) **APPROVE** the following Guidelines on the Printing and Distribution of Notarial Registers, particularly on the payment of shipping charges for notarial registers, and in line with the resolution of August 15, 2006 in A.M. No. 02-8-13-SC Re: 2004 Rules on Notarial Practice, to wit:

- (1) A fixed rate of Fifty Pesos (Php50.00) per notarial book purchased shall be charged irrespective of the distance from point of origin to the point of destination (SC – Luzon/Visayas/Mindanao).

Should there be an increase in the shipping charge by the contracted freight forwarder, proper adjustment shall be made in the fixed rate and the Clerk of Court (CoC)/Accountable Officer shall be notified accordingly by this Office.

The shipping charge shall be added to the cost of the notarial register (P1,200.00 + P50.00) so the total amount to be collected per notarial register shall be One Thousand Two Hundred Fifty Pesos (P1,250.00).

The CoC/OIC shall properly indicate in the Office Receipt (OR) to be issued, the collection of One Thousand Two Hundred Pesos (Php1,200.00) for the cost of printing and binding of notarial registers and collection of Fifty Pesos (Php50.00) for shipping cost/charge per notarial book purchased.

The ORs requisitioned from the Property Division, Office of Administrative Services, Office of the Court Administrator shall be used for this purpose.

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- (2) All collections for the shipping cost/charges shall be deposited to the account of the NRF in the Land Bank of the Philippines (LBP) Savings Account (SA) No. 3472-1000-32.
- (3) The Court Administrator and the Chief of Financial Management Office (FMO) are authorized to withdraw and disburse the amount collected for payment of the shipping charges incurred in transporting the notarial books.

x x x x."

2. Resolution dated February 19, 2008.

"A.M. No. 02-8-13-SC. – Re: 2004 Rules on Notarial Practice. – The Court Resolved, upon the recommendation of the Sub--Committee on the Revision of the Rules Governing Notaries Public, to **AMEND** Sec. 12(a), Rule II of the 2004 Rules on Notarial Practice, to wit:

**Rule II**

DEFINITIONS

x x x x

"**SEC. 12. Competent Evidence of Identity.** – The phrase "competent evidence of identity" refers to the identification of an individual based on:

- (a) at least one current identification document issued by an official agency, bearing the photograph and signature of the individual, such as but not limited to, passport, driver's license, Professional Regulation Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disabled Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification. or

(b) x x x x"

x x x x

For strict compliance.

March 25 ,2008.

(Sgd.) JOSE P. PEREZ  
Deputy Court Administrator  
Officer-in-Charge, Office of the Court Administrator



**JUSTICE AMEURFINA A. MELENCIO HERRERA**  
*Chancellor, Philippine Judicial Academy*

**PROFESSOR SEDFREY M. CANDELARIA**  
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*Printing Services*

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Telephone No. 552-9524; Telefax No. 552-9621  
E-mail address: research\_philja@yahoo.com  
Website address: <http://philja.judiciary.gov.ph>

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

## 2008 Upcoming PHILJA Events

- Court-Annexed Mediation and Judicial Settlement Conference on JDR (Skills Based Course)  
*April 2-4, Baguio City*
- RTD on Anti-Money Laundering for Judges  
*April 3, Supreme Court, Manila*
- Multi-Sectoral and Skills Building Seminar Workshop on Human Rights Issues: ExtraLegal Killings and Enforced Disappearances  
*2<sup>nd</sup> Judicial Region: April 3-4, Baguio City*  
*4<sup>th</sup> Judicial Region:*  
*1<sup>st</sup> Batch: April 17-18, Pasay City*  
*2<sup>nd</sup> Batch: May 8-9, Pasay City*  
*5<sup>th</sup> Judicial Region*  
*1<sup>st</sup> Batch: May 22-23, Naga City*  
*2<sup>nd</sup> Batch: June 19-20, Naga City*
- JDR Meeting for Cagayan de Oro and Misamis Oriental Judges and Court Personnel  
*April 8, Cagayan de Oro City*
- Orientation Seminar-Workshops for Newly Appointed Clerks of Courts  
*10<sup>th</sup>: April 8-11, Cebu City*  
*11<sup>th</sup>: June 17-20, PHILJA Tagaytay*
- 6<sup>th</sup> Convention and Seminar of JACOPHIL  
*April 16-18, Bacolod City*
- 4<sup>th</sup> Seminar-Workshop on Capacity Building on PPIL Issues for the Philippine Judiciary  
*April 21-22, Cebu City*
- RJCEP (Level 5)  
*Region III: April 22-24, Manila*  
*Region I: June 24-26, Baguio City*  
*Region IX: May 27-29, Dipolog City*
- Convention and Seminar of CLERAP  
*April 23-25, Palawan*
- CET for Family Court Judges and Personnel in Handling Child Abuse Cases  
*1<sup>st</sup> Batch: April 23-25, Bohol*  
*2<sup>nd</sup> Batch: May 28-30, Tagaytay*  
*3<sup>rd</sup> Batch: June 11-13, Cagayan de Oro City*
- Seminar-Workshop for the Members of the CODI Tacloban, Samar and Leyte: April 24-25, Tacloban City  
NCJR, Bulacan, Rizal and the Officials and Lawyers of the OCA: May 15-16, Manila
- 52<sup>nd</sup> Orientation Seminar-Workshop for Newly Appointed Judges  
*April 29-May 8, PHILJA Tagaytay*
- 5<sup>th</sup> National Convention and Seminar of the COSTRAPHIL  
*May 5-7, Lucena City*
- 5<sup>th</sup> National Convention and Seminar of the PHILACI  
*May 7-9, Bohol*
- 6<sup>th</sup> Convention and Seminar of the PACSWI  
*May 14-16, Ilocos Sur*
- Convention and Seminar of the FLECCAP  
*May 28-30, Baguio City*
- 6<sup>th</sup> Multi-Sectoral Seminar-Workshop on Agrarian Justice for the Province of Negros Occidental  
*June 3-5, Bacolod City*
- Seminar-Workshop on Access to Justice and Code of Conduct of Personnel  
*1<sup>st</sup> Batch: June 4, Iloilo City*  
*2<sup>nd</sup> Batch: June 5, Iloilo City*  
*3<sup>rd</sup> Batch: June 18, Baguio City*  
*4<sup>th</sup> Batch: June 19, Baguio City*
- Seminar-Workshop on CEDAW and Gender Sensitivity and the Courts  
*June 9-10, Davao City*
- Inauguration of PMC Unit Zamboanga City, Oath-Taking of Zamboanga Mediators and Program Assessment on CAM with Judges, COCs, BCOCs and Selected Stakeholders (Zamboanga Mediation Program)  
*June 20, Zamboanga City*
- Third DLS of 2008  
*June 27, FEU, Manila*