PHILJA Bulletin

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Excellence in the Judiciary

From the Chancellor's Desk

Continuing to Make A Difference

"Knowing the metes and bounds of our national territory gives the nation a sense of self."

Thus spoke Ambassador Lauro L. Baja, Jr., former Ambassador and Philippine Permanent Representative to the United Nations, at the Third Distinguished Lecture, Series of 2008, on the topic *The Metes and Bounds of the Philippine Territory*. In his closing remarks, Chief Justice Reynato Puno echoed the importance of drawing our baselines as an archipelagic state and the extent of our continental shelf, beginning with his telling quote from an anecdote about a land dispute in Imperial China – *Land is the Foundation of the State. How could one give it away*? Likewise, the views expressed by the distinguished Panel of Reactors heightened the interest of the audience in this well-attended PHILJA activity.

PHILJA continues to receive international recognition while it carries on its commitment to provide timely and necessary training programs to our judges on topics of national significance and global implications. Our reactions were solicited by the U.S.-based Environmental Protection Agency on the draft environmental training program it had prepared and, subsequently, we discussed with AECEN plans for the pilot-training of environmental court judges. At this early stage, we are also communicating with the Italian Embassy for a proposed conference on the International Criminal Court and continuing with our partnership with the AusAid in the conduct of Multi-Sectoral Seminar-Workshops on Human Rights Issues.

Speaking at one of these workshops, His Excellency Roderick Richard Campbell Smith, Ambassador of Australia, commended the Court's deep concern for the protection of human rights and affirmed his country's continued support for concerted efforts to increase awareness and skills of our judges and enhance their capabilities. We thank our partners, the AusAID and the European Union, for making possible the conduct of five such seminars during this period.

(Continued on page 11)

Table of Contents

PHILJA ACADEMIC PROGRAMS

ORIENTATION SEMINAR-WORKSHOP FOR NEWLY APPOINTED CLERKS OF COURT

The *10th Orientation Seminar-Workshop for Newly Appointed Clerks of Court* was held on April 8 to 11, 2008, at the Montebello Villa Hotel, Banilad, Cebu City. The 30 participants were as follows:

REGIONAL TRIAL COURTS

REGION VI

Atty. Joan Marie B. Bargas-Betita
RTC Br. 14, Roxas City, Iloilo
Atty. Susanita F. Orleans
RTC Br. 22, Iloilo City

REGION VII

Atty. Armi Sylvia F. Lezama
RTC Br. 34, Dumaguete City, Negros Oriental
Atty. Pamela Faye S. Pesidas-Lubaton
RTC Br. 15, Cebu City

REGION VIII

Atty. Hubert Y. Lucban
RTC OCC, Laoang, Northern Samar
Atty. Vernon H. Oquiño
RTC Br. 27, Catbalogan, Samar
Atty. Estefanie Ripalda Plaza
RTC Br. 36, Carigara, Leyte
Atty. Isagani S. Espada
RTC Br. 10, Abuyog, Leyte
Atty. Aileen Falar Siayngco
RTC Br. 25, Maasin, Southern Leyte
Atty. Dexter M. Ricafort
RTC Br. 73, Caibiran, Biliran

REGION IX

Atty. Ahmad H. Arip
RTC Br. 11, Sindangan, Zamboanga del Norte
Atty. Ian O. Campiseño
RTC Br. 9, Dipolog City, Zamboanga del Norte
Atty. Jeanecel G. Vercide-Climaco
RTC Br. 24, Ipil, Zamboanga Sibugay

REGION X

Atty. Leah M. Sajulga
RTC Br. 7, Bayugan, Agusan del Sur

REGION XI

Atty. Emily G. Merced
RTC Br. 23, General Santos City, South Cotabato
Atty. Nelia Q. Tancio-Sedillo
RTC OCC Digos, Davao del Sur

MUNICIPAL TRIAL COURTS

REGION VIII

Ms. Marlene T. Bactol
MTC Barugo, Leyte

REGION XII

Mr. Norhani K. Mangelen-Magumpara
MTC Shariff Agual, Maguindanao

MUNICIPAL TRIAL COURTS IN CITIES

REGION VI

Ms. Ellen M. Carnazo
MTCC Br. 9, Iloilo City
Ms. Ma. D'clyn A. Dice
MTCC Br. 6, Iloilo City
Ms. Eva G. Genial
MTCC Br. 5, Iloilo City
Ms. Divinegrace J. Agrazada-Guillen
MTCC Br. 10, Iloilo City
Mr. Jofel M. Ladiet
MTCC Br. 2, Iloilo City
Ms. Julie D. Lira
MTCC Br. 3, Iloilo City
Ms. Ma. Fe E. Nieves
MTCC Br. 8, Iloilo City
Mr. Freddie S. Pamulag
MTCC Br. 4, Iloilo City
Mr. Susan C. Tarrazona
MTCC Br. 7, Iloilo City

MUNICIPAL CIRCUIT TRIAL COURTS

REGION VIII

Ms. Laurencia Lesil M. Reyes
MCTC Sta. Rita-Talalora, Samar
Ms. Elisea E. Sabagkit
MCTC Caibiran-Culaba, Biliran

SHARI'A COURT

REGION XII

Mr. Amer P. Macalawi
SCC, Pikit-Aleosan, North Cotabato

The *11th Orientation Seminar-Workshop for Newly Appointed Clerks of Court* was held on June 17 to 20, 2008, at the PHILJA Development Center, Tagaytay City. The 46 participants were as follows:

COURT OF TAX APPEALS

Atty. Margarette Y. Guzman
Court of Tax Appeals

Atty. Jesus P. Inocando, Jr.
Court of Tax Appeals

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Atty. Felomina F. Apostol
RTC Br. 107, Quezon City
Atty. Corazon Arafol-Eleria
RTC Br. 254, Las Piñas City
Atty. Noreen T. Basilio
RTC Br. 129, Caloocan City
Atty. Jane T. Javier
RTC Br. 2, Manila
Atty. Maria Corazon B. Millares
RTC Br. 195, Parañaque City
Atty. Butch M. Ordanza-Abutal
RTC Br. 95, Quezon City
Atty. Marlon N. Ramos
RTC Br. 41, Manila

REGION I
Atty. Alta Grace N. Briones
RTC Br. 69, Lingayen, Pangasinan
Atty. Helengrace G. Cabasal
RTC OCC, Narvacan, Ilocos Sur
Atty. Xandrine B. Lasam
RTC OCC San Fernando City, La Union
Atty. Ludy A. Palarca
RTC Br. 28, San Fernando City, La Union
Atty. Avelina J. Villegas-Rosario
RTC Br. 39, Lingayen, Pangasinan

REGION II
Atty. Genevieve D. Ande
RTC Br. 36, Santiago City, Isabela
Atty. Gina Lyn R. Rubio
RTC Br. 30, Bambang, Nueva Vizcaya
Atty. Edna P. Dupo
RTC OCC, Appari, Cagayan

REGION III
Atty. Mary Grace P. Carrasco-Mustard
RTC Br. 38, San Jose City, Nueva Ecija
Atty. Fernando C. Cunanan
RTC Br. 79, Malolos, Bulacan
Atty. Percyveranda A. Dela Cruz
RTC Br. 22, Malolos, Bulacan
Atty. Richard R. Laus
RTC Br. 63, Tarlac City, Tarlac
Atty. Maria Fe B. Velasco
RTC OCC, Gapan, Nueva Ecija

REGION IV
Atty. Elmer H. Alea
RTC Br. 2, Batangas City
Atty. Ludybeth B. Batoy
RTC Br. 49, Puerto Princesa City, Palawan
Atty. Lovette Joi O. Belza
RTC Br. 34, Biñan, Laguna
Atty. Jaarmy G. Bolus-Romero
RTC Br. 93, San Pedro, Laguna
Atty. Seter M. Dela Cruz
RTC Br. 22, Imus, Cavite
Atty. Jyl C. Lauros
RTC OCC, Puerto Princesa City, Palawan
Atty. Liza Manaog-Dela Cruz
RTC Br. 31, San Pedro, Laguna
Atty. Roberto B. Rivera
RTC Br. 32, San Pablo City, Laguna

REGION V
Atty. Jonel C. Martinez-Ursua
RTC Br. 22 Naga City, Camarines del Sur
Atty. Dominador A. Salanga
RTC Br. 49, Cataingan, Masbate

METROPOLITAN TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Mr. Rodrigo V. Bulatao, Jr.
MeTC Br. 14, Manila
Ms. Dyna J. Roldan
MeTC Br. 25, Manila
Mr. Agnes M. Vargas
MeTC Br. 19, Manila

MUNICIPAL TRIAL COURTS

REGION I
Mr. Efren L. Camat
MTC Naguilian, La Union

REGION III
Ms. Rosalie I. Cruz
MTC Norzagaray, Bulacan

REGION IV
Ms. Loida S. Mesa
MTC Morong, Rizal
Ms. Lira R. Siazar
MTC Claveria

MUNICIPAL TRIAL COURTS IN CITIES

REGION I
Mr. Alexander M. Llamas
MTCC Br. 2, Dagupan City, Pangasinan

REGION IV
Mr. Percival C. Banaga
MTCC Br. 1, Lipa City, Batangas

(Continued on NEXT page)

Ms. Marian B. Latayan
MTCC Br. 2, Lipa City, Batangas

REGION V
Ms. Annabella B. Hermosa
MTCC Masbate City, Masbate

MUNICIPAL CIRCUIT TRIAL COURTS

REGION II
Mr. Esteban D. Dacsig
MCTC Maddela-Nagtipunan, Quirino
Mr. Gerard N. Lindawan
MCTC Bagabag-Diadi, Nueva Vizcaya

REGION III
Ms. Fe R. Arcega
MCTC Moncada-San Manuel-Anao, Tarlac

52ND ORIENTATION SEMINAR-WORKSHOP FOR NEWLY APPOINTED JUDGES

The *52nd Orientation Seminar-Workshop for Newly Appointed Judges* was held on April 29 to May 8, 2008, at the PHILJA Development Center, Tagaytay City. In attendance were 20 judges, comprising 16 newly appointed judges and four promoted judges.

A. NEW APPOINTMENTS

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Hon. Carlos M. Flores
RTC Br. 73, Malabon
Hon. Antonietta Pablo-Medina
RTC Br. 276, Muntinlupa City

REGION I
Hon. Mona Lisa T. Tabora
RTC Br. 7, Baguio City

REGION III
Hon. Angelito I. Balderama
RTC Br. 1, Balanga, Bataan

REGION IV
Hon. Arnelo C. Mesa
RTC Br. 65, Infanta, Quezon

METROPOLITAN TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Hon. Jean Marie A. Bacorro-Villena
MeTC Br. 6, Manila
Hon. Marina B. Gaerlan-Mejorada
MeTC Br. 70, Pasig City
Hon. Alfonso C. Ruiz II
MeTC, Br. 4, Manila

MUNICIPAL TRIAL COURT IN CITIES

REGION III
Hon. Rose Mary E. Bautista
MTCC Br. 3, Olongapo City

MUNICIPAL TRIAL COURTS

REGION I
Hon. Mauro R. Muñoz, Jr.
MTC Infanta, Pangasinan
Hon. Amalia G. Ricablanca
MTC Mangatarem, Pangasinan
Hon. Plotinus T. Sanchez
MTC Umingan, Pangasinan

REGION IV
Hon. Emily R. Aliño-Geluz
MTC Imus, Cavite
Hon. Francisco V.L. Collado, Jr.
MTC Los Baños, Laguna

MUNICIPAL CIRCUIT TRIAL COURTS

REGION I
Hon. Edna Lou C. Ibe-Pulmano
1st MCTC, Burgos-Magini-Dasol, Pangasinan
Hon. Arleen T. Rodelas-Orpilla
MCTC Natividad-San Quintin, Pangasinan

2. PROMOTIONS

REGIONAL TRIAL COURTS

NATIONAL CAPITAL JUDICIAL REGION
Hon. Germano Francisco D. Legaspi
RTC Br. 31, Manila
Hon. Cristina Javalera-Sulit
RTC Br. 140, Makati City

REGION IV
Hon. Manuel Gonzales Salumbides
RTC Br. 63, Caluag, Quezon

REGION XI
Hon. George E. Omelo
RTC Br. 14, Davao City

RJCEP (Level 5)

The *Regional Judicial Career Enhancement Program (Level 5) for Regional Trial Court and First-Level Trial Court Judges* was conducted for Region III on April 22 to 24, 2008, at the Century Park Hotel, Malate, Manila and for Region IX on May 27 to 29, 2008, at the Top Plaza Hotel, Dipolog City, with 140 and 57 participants in attendance, respectively.

The topics discussed in the Level 5 of the RJCEP were as follows: Management of the Courts and of Court Personnel; Media Management and Relations with Media; Bench and Bar Relations; Special Civil Actions and Provisional Remedies; State Accountability for Human Rights Promotion and Protection (Human Security Act, Rule on the *Writ* of Amparo and Rule on *Habeas* Data); Emerging Trends and Issues in Jurisprudence in the Field of Civil Law; Criminal Law; Remedial Law; and Modes of Discovery.

Among the speakers were (from left to right): Professor Sedfrey M. Candelaria, Associate Justice Adolfo S. Azcuna, Chancellor Ameurfina A. Melencio Herrera, Undersecretary Ricardo R. Blancaflor, and Police Chief Superintendent Leopoldo N. Bataoil.

Special Focus Programs

Roundtable Discussion on Anti-Money Laundering for Judges

In collaboration with Anti-Money Laundering Council (AMLC) and American Bar Association–Rule of Law Initiative (ABA-ROLI), PHILJA conducted the *Roundtable Discussion on Anti-Money Laundering for Judges* on April 3, 2008, at the Training Room, Supreme Court, Manila. Twenty-two judges participated in the discussion of the salient features of the Anti-Money Laundering Act of 2001 and were presented with recent relevant jurisprudence. Other topics discussed were: Civil Forfeiture; Asset Preservation Order and Freeze Order; Enforcement of Foreign Judgments and Foreign Arbitral Awards; and Extradition and Mutual Legal Assistance.

Multi-Sectoral and Skills Building Seminar Workshop on Human Rights Issues: ExtraLegal Killings and Enforced Disappearances

PHILJA, in partnership with the Commission on Human Rights (CHR) and United States Agency for International Development (USAID), American Bar Association-Rule of Law Initiative (ABA-ROLI), conducted the program *Multi-Sectoral and Skills Building Seminar-Workshop on Human Rights Issues: ExtraLegal Killings and Enforced Disappearances* in five batches for the second, fourth, and fifth Judicial Regions.

Second Judicial Region
Venue: Hotel Elizabeth, Baguio City
106 participants - April 3 to 4

Fourth Judicial Region
Venue: Traders Hotel, Pasay City
57 participants - April 17 to 18
60 participants - May 8 to 9

Fifth Judicial Region
Venue: Avenue Plaza Hotel, Naga City
56 participants - May 22 to 23
58 participants - June 19 to 20

Special Focus Programs

CEDAW and Gender Sensitivity

The *Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts for Judges and Court Personnel of Davao del Sur* was held on April 9 to 10, 2008, at the Marco Polo Hotel, Davao City, with 43 participants comprising judges, clerks of court, legal researchers, and representatives of the Commission on Human Rights.

On the other hand, the *Seminar-Workshop on CEDAW and Gender Sensitivity for Sandiganbayan Employees,* was conducted on June 19, 2008, at the Multi-Purpose Hall, Centennial Building, Sandiganbayan, Quezon City. A total of 46 participants attended the program.

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 conducted the *4th Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary: Focus on International Commercial Arbitration for Cebu Court of Appeals Justices and Commercial Court Judges of the Visayas and Mindanao Judicial Regions* on April 21 to 22, 2008, at the Montebello Villa Hotel, Banilad, Cebu City.

Prof. Sedfrey M. Candelaria, Dean Eduardo D. Delos Angeles, and Atty. Rena M. Rico with the participants of the 4th Seminar-Workshop on Capacity- Building on Public and Private International Law Issues for the Philippine Judiciary: Focus on International Commercial Arbitration

Competency Enhancement Training for Family Court Judges and Personnel in Handling Child Abuse Cases

This quarter, PHILJA and the Child Protection Unit Network (CPU-Net), in cooperation with the United Nations Children's Fund (UNICEF), conducted the *Competency Enhancement Training for Family Court Judges and Personnel in Handling Child Abuse Cases* for Luzon, Visayas and Mindanao judicial regions .

Visayas Judicial Region
Venue: MetroCentre Hotel and Convention Center, Tagbilaran City, Bohol
Number of participants: 28
Date of Conduct: April 23 to 25

Luzon Judicial Region
Venue: Hotel Dominique, Tagaytay City
Number of participants: 51
Date of Conduct: May 28 to 30

Mindanao Judicial Region
Venue: Pryze Plaza Hotel, Cagayan De Oro City
Number of participants: 43
Date of Conduct: June 11 to 13

CODI Seminar-Workshop

The *Seminar-Workshop for the Members of the Committee on Decorum and Investigation (CODI)* was conducted for two batches this quarter.

In attendance on April 24 to 25, 2008, at the Asia Stars Hotel, Tacloban City, were 56 CODI members of Tacloban, Samar, and Leyte, comprising executive judges, clerks of court, and representatives of the different court employee associations.

On the other hand, there were 60 CODI members of the NCJR, Bulacan, Rizal, including officials and lawyers of OCA who attended on May 15 to 16, 2008, at the Bayview Park Hotel, Manila.

The program aimed to enhance the knowledge of CODI members in writing reports and conducting investigations on sexual harassment cases, while providing them with a solid backgrounder on the multi-faceted nature of sexual harassment and the laws that address the same.

eCFM for Lapu-Lapu City Judges and Court Personnel

PHILJA, in partnership with the Supreme Court Program Management Office, conducted the *Change Management and Leadership Workshop on the Enhanced Caseflow Management (eCFM) System for Lapu-Lapu City and Judges and Court Personnel* on April 28 to 29, 2008, at the Crown Regency Suites, Lapu-Lapu City, Cebu. This workshop prepared the 129 participants to be productive users of the eCFM system. Lectures on the principles of caseflow management were complemented with teambuilding activities. On May 2, 2008, an orientation and hands-on training in the newly-constructed Lapu-lapu Hall of Justice was conducted for a smaller group of key users to familiarize them with the features of the eCFM manual and computerized system.

Capacity-Building on Environmental Laws and Procedures for Lawyers of the DENR

The *Seminar-Workshop on Capacity-Building on Environmental Laws and Procedures for Lawyers of the Department of Environment and Natural Resources (DENR)* was conducted on May 19 to 23, 2008, at the Sulo Hotel, Quezon City. A total of 61 DENR lawyers from all over the country attended the said activity.

The lectures focused on the different areas of law pertaining to the environment. There were discussions on the Constitutional provisions on Natural Resources; Special Laws particularly on Mining, Land and Forest; Procedural Laws such as Modes of Discovery, Application of Search Warrants and Handling of Witnesses; Provisional Remedies on Environmental Cases including Appeals; International Law Conventions and Instruments; and Environmental Legal Ethics.

Seminar-Workshop on Access to Justice and Code of Conduct of Personnel

The Academy, in partnership with the European Commission (EC), Department of Social Welfare and Development (DSWD), Department of Justice (DOJ), Department of the Interior and Local Government (DILG), and the Alternative Law Groups (ALG), conducted four batches of the *Seminar-Workshop on Access to Justice and Code of Conduct for Court Personnel* in the second quarter of the year.

Venue: Sarabia Manor Hotel, Iloilo City
Batch 1 - 175 participants - June 4
Batch 2 - 209 participants - June 5

Venue: Hotel Veniz, Baguio City
Batch 3 - 145 participants - June 18
Batch 4 - 139 participants - June 19

Multi-Sectoral Seminar-Workshop on Agrarian Justice

In partnership with the Agrarian Justice Foundation, Inc. (AJFI), Department of Agrarian Reform (DAR), Department of Justice (DOJ), and Task Force Mapalad (TFM), the Academy conducted the *6th Multi-Sectoral Seminar-Workshop on Agrarian Justice for the Province of Negros Occidental* on June 3 to 5, 2008, at the Sugarland Hotel, Bacolod City. A total of 60 participants attended the said seminar-workshop comprising judges, prosecutors, PAO lawyers, and representatives from DAR, PNP, CHR, non-government organizations and people's organizations.

Participants of the 6th Multi-Sectoral Seminar-Workshop on Agrarian Justice for the Province of Negros Occidental.

Special Focus Programs

Third Distinguished Lecture of 2008

PHILJA, in cooperation with the Far Eastern University, conducted the *Third Distinguished Lecture of 2008* on "The Metes and Bounds of the Philippine Territory" on June 27, 2008, at the Far Eastern University, Manila. The Honoree and the Guest Speaker was Honorable Lauro L. Baja, Jr., former Philippine Permanent Representative to the United Nations. Retired Supreme Court Senior Justice Florentino P. Feliciano, Former Minister of Justice and Solicitor General Estelito P. Mendoza, and Secretary General of the Department of Foreign Affairs' Commission on Maritime and Ocean Affairs Atty. Henry S. Bensurto, Jr., served as Panel of Reactors. A total of 469 participants attended the lecture.

The lecture highlighted two issues, namely: 1) the importance of drawing the baselines, and 2) whether or not the drawing of baselines to include the Kalayaan Group of Islands violates the United Nations Convention on the Law of the Seas (UNCLOS).

On Mediation

Court-Annexed Mediation and Judicial Settlement Conference on JDR

In partnership with the JURIS Project, CIDA, and NJI, PHILJA through the PMC, conducted the *Court-Annexed Mediation and Judicial Settlement Conference on Judicial Dispute Resolution (JDR) (Skills Based Course)* on April 2 to 4, 2008, at the Baguio Country Club, Quezon City. A total of 57 participants attended the conference.

The three-day activity empowered the participating judges in developing new skills in connection with their functions under Rule 18 of the Rules of Court, and more specifically in JDR, as conciliators, neutral evaluators, and mediators. There was also a general discussion of issues relating to ethics, gender, and social context which may arise in JDR.

JDR Meeting for Cagayan de Oro and Misamis Oriental Judges and Court Personnel

The Philippine Judicial Academy through the Philippine Mediation Center (PMC), and in coordination with the Justice Reforms Initiatives Support (JURIS) Project, Canadian International Development Agency (CIDA), and the National Judicial Institute–Canada (NJI), conducted the *Judicial Dispute Resolution (JDR) Meeting for Cagayan de Oro and Misamis Oriental Judges and Court Personnel* on April 8, 2008, at the Mulberry Suites, Cagayan de Oro City. A total of 143 participants attended the meeting.

The meeting aimed to provide the participants with information regarding Judicial Dispute Resolution particularly the Amended Rules of JDR and JDR Statistics. After the activity, the participants were able to document their JDR experience through appropriate statistics and periodic reporting to PHILJA.

Advanced Course for Mediators

This quarter, the program *Advance Course for Mediators* was conducted in five batches, as follows:

Manila Mediation Program
Venue: College of Saint Benilde Hotel, Manila
Batch 1 - 41 participants - May 15
Batch 2 - 36 participants - May 16

Batangas Mediation Program
Venue: Hotel Pontefino, Batangas City
Batch 3 - 27 participants - June 5
Batch 4 - 118 participants - June 6

Zamboanga Mediation Program
Venue: Grand Astoria Hotel, Zamboanga City
Batch 5 - 18 participants - June 19

Culminating the Zamboanga Mediation Program was the *Inauguration of PMC Unit Zamboanga City, Oath-taking of Zamboanga Mediators and Program Assessment on Court-Annexed Mediation with Judges, Clerks of Court, Branch Clerks of Court, and Selected Stakeholders for the Zamboanga Mediation Program,* all held on June 20, 2009.

CONVENTIONS

JACOPHIL

The *Sixth Convention and Seminar of the Judiciary Association of Clerks of the Philippines (JACOPHIL)* was held on April 16 to 18, 2008, at the Bacolod Pavilion, Bacolod City, with the theme, *The JACOPHIL: Vanguards on Strengthening and Maintaining Judicial Integrity.* A total of 901 participants attended the convention-seminar.

Topics discussed included Updates on Issuances Affecting Clerks in the Judiciary; Job Satisfaction; Stress Management; and Records Management.

CLERAP

The *Convention and Seminar of the Court Legal Researchers Association of the Philippines(CLERAP)* was conducted on April 23 to 25, 2008, at the Palawan Convention Center, Puerto Princesa City, Palawan, with the theme, *Career and Moral Enrichment of Legal Researchers as Indispensable Partners in the Administration of Justice.* A total of 282 legal researchers from all over the Philippines attended the convention and seminar.

The lectures comprised Environmental Law Issues and Jurisprudence; Rule on Children Charged under R.A. No. 9165; Rule on the Admissibility of DNA Evidence, Innovation in Legal Research with the Use of New Technology; Training Needs Analysis for Comprehensive Computer Training; and State Accountability for Human Rights Promotion and Protection.

COSTRAPHIL

The *Fifth National Convention and Seminar of the Court Stenographers Association of the Philippines (COSTRAPHIL)* was held on May 5 to 7, 2008, at the Quezon Convention Center, Lucena City, with the theme, *COSTRAPHIL'S PRIDE: A Useful Tool in the Delivery of Efficient, Professional, and Dedicated Service in the Judiciary.* A total of 2034 participants attended the said program.

PHILACI

The *Fifth National Convention and Seminar of the Philippine Association of Court Interpreters* was conducted on May 7 to 9, 2008, at the Bohol Tropics Hotel, Tagbilaran City, Bohol, with the theme, *COURT INTERPRETERS: Responding to the Challenges of the Philippine Judicial System.*

A total of 451 participants attended the convention. The seminar portion highlighted on the lecture *The Ways and Means of Proper Translation of Languages.*

PACSWI

The *Sixth Convention Seminar of the Philippine Association of Court Social Workers, Inc. (PACSWI)* was held on May 14 to 16, 2008, at The Baluarte, Vigan, Ilocos Sur, with the theme, *Family Court Social Workers: Movants for Change.* A total of 117 participants were apprised on the salient provisions of Republic Act No. 9344, otherwise known as Juvenile Justice Law; Social Implications of Adoption, Nullity of Marriage and Guardianship; Preparation and Problems encountered in Making Case Studies; and Stress Management.

FLECCAP

The *Convention and Seminar of First Level Clerks of Court Association of the Philippines (FLECCAP)* was conducted on May 28 to 30, 2008, at the Baguio Convention Center, Baguio City, with the theme, *Making Excellence in Public Service a Way of Life.* A total of 452 participants attended the said program.

There were a number of lectures on various areas of Remedial Law relevant to the works of first level clerks of court.

JUDICIAL MOVES

Court of Appeals

Associate Justice Ruben C. Ayson
appointed on May 15, 2008

Associate Justice Edgardo L. Delos Santos
appointed on May 15, 2008

Sandiganbayan

Associate Justice Napoleon E. Inoturan
appointed on April 4, 2008

Philja

Justice Marina L. Buzon
Executive Secretary
appointed on June 2, 2008

Justice Delilah V. Magtolis
Head, Academic Affairs Office
appointed on June 2, 2008

REMEDIAL LAW
(Continued from page 12)

Indeed, the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives. *Graham v. State* positively acknowledged this danger. In that case where a substance later analyzed as heroin—was handled by two police officers prior to examination who however did not testify in court on the condition and whereabouts of the exhibit at the time it was in their possession—was excluded from the prosecution evidence, the court pointing out that the white powder seized could have been indeed heroin or it could have been sugar or baking powder. It ruled that unless the state can show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into the possession of police officers until it was tested in the laboratory to determine its composition, testimony of the state as to the laboratory's findings is inadmissible.

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases—by accident or otherwise—in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.

(Tinga, *J.* Junie Mallillin Y. Lopez *v.* People of the Philippines, G.R. No. 172953, April 30, 2008.)

From the Chancellor's Desk (Continued from page 1)

With legal borders diminishing between nations and regions due to advances in communication technology and to emerging issues involving international law, we kept our judges abreast of such developments through capacity-building programs on Public and Private International Law with focus on International Commercial Arbitration. *Extent of Jurisdiction of Forfeiture Court as Compared with Insolvency Court* was among the issues resolved during the Roundtable Discussion for Judges on Anti-Money Laundering.

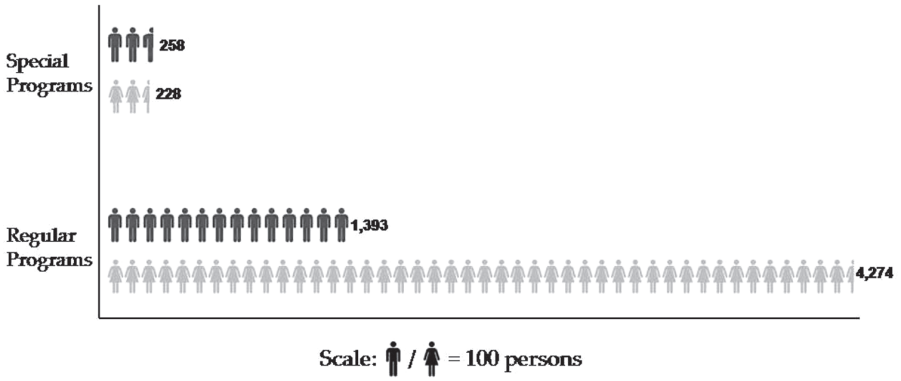
Three Regional Judicial Career Enhancement Programs (RJCEPs), now conducted regularly with available funding, enriched the judges' knowledge on procedural and substantive law. All were rated an average of 100 percent in Profitability.

Pursuant to Chief Justice Puno's recommendation at a PHILJA Board of Trustees meeting, we included the topic on *Solemnization of Marriage* and *Reforms in Property Registration and Related Proceedings* in the 52nd Seminar-Workshop for Newly Appointed Judges, which was also rated 100 percent in Profitability.

We incorporated lectures on the Anti-Sexual Harassment Law and Proper Work Decorum in the programs for court personnel associations such as FLECCAP, PHILACI and COSTRAPHIL pursuant to the goals of the Committee on Decorum and Investigation (CODI) of the Supreme Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals, and in cooperation with the Committee on Gender Responsiveness in the Judiciary. This topic was also included in four seminar-workshops on Access to Justice and Code of Conduct for Court Personnel.

CEDAW and Gender Sensitivity programs, seminar-workshops for newly appointed Clerks of Court, Change Management and Leadership Workshop on Enhanced Caseflow Management (eCFM) System round up our special programs for court personnel.

Participants in the PHILJA Programs for 2nd Quarter: April – June 2008



The pictograph shows a total of 6,153 participants benefiting from 23 Regular Programs and 10 Special Programs held during the period. On the average, there were 49 participants for each of the Special Programs comprising an almost equal number of men and women participants. The 6 convention-seminars for the various court employees' associations increased the average number of participants to 246 and also accounted for the distinctly higher percentage of female participants in the PHILJA Regular Programs.

PHILJA continues to intensify its efforts to maintain the quality of its programs. With the same ardor, it is in constant watch for innovations and recent developments that it avails of to continue to make a difference in the delivery of quality judicial education.

Once again, many thanks to all who steadfastly support our cause and share our vision.

Ameurfina A. Melencio Herrera
Chancellor

CIVIL LAW

Implied Trust

Petitioner contends that the EDSA property, while registered in the name of his son Alexander Ty, is covered by an implied trust in his favor under Article 1448 of the Civil Code. This, petitioner argues, is because he paid the price when the property was purchased and did so for the purpose of having the beneficial interest of the property.

Article 1448 of the Civil Code provides:

> **ART. 1448.** There is an implied trust when property is sold, and the legal estate is granted to one party but the price is paid by another for the purpose of having the beneficial interest of the property. The former is the trustee, while the latter is the beneficiary. However, if the person to whom the title is conveyed is a child, legitimate or illegitimate, of one paying the price of the sale, no trust is implied by law, it being disputably presumed that there is a gift in favor of the child.

The CA conceded that at least part of the purchase price of the EDSA property came from petitioner. However, it ruled out the existence of an implied trust because of the last sentence of Article 1448: x x x However, if the person to whom the title is conveyed is a child, legitimate or illegitimate, of the one paying the price of the sale, no trust is implied by law, it being disputably presumed that there is a gift in favor of the child.

Petitioner now claims that in so ruling, the CA departed from jurisprudence in that such was not the theory of the parties.

Petitioner, however, forgets that it was he who invoked Article 1448 of the Civil Code to claim the existence of an implied trust. But Article 1448 itself, in providing for the so-called purchase money resulting in trust, also provides the parameters of such trust and adds, in the same breath, the proviso: "However, if the person to whom the title is conveyed is a child, legitimate or illegitimate, of the one paying the price of the sale, NO TRUST IS IMPLIED BY LAW, it being disputably presumed that there is a gift in favor of the child.

Stated otherwise, the outcome is the necessary consequence of petitioner's theory and argument and is inextricably linked to it by the law itself.

The CA, therefore, did not err in simply applying the law.

Article 1448 of the Civil Code is clear. If the person to whom the title is conveyed is the child of the one paying the price of the sale, and in this case this is undisputed, NO TRUST IS IMPLIED BY LAW. The law, instead, disputably presumes a donation in favor of the child.

(Azcuna, *J.* Alejandro B. Ty *v.* Sylvia S. Ty, in her capacity as Administratix of the Intestate Estate of Alexander Ty, G.R. No. 165696, April 30, 2008.)

REMEDIAL LAW

Chain of Custody Rule

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable, or when its condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering—without regard to whether the same is advertent or otherwise not—dictates the level of strictness in the application of the chain of custody rule. *(Continued on page 10)*

CONSTITUTIONAL LAW

Valid Transfer of Appropriation; its requisites

Clearly, there are two essential requisites in order that a transfer of appropriation with the corresponding funds may legally be effected. ***First***, there must be savings in the programmed appropriation of the transferring agency. ***Second***, there must be an existing item, project or activity with an appropriation in the receiving agency to which the savings will be transferred.

Actual savings is a *sine qua non* to a valid transfer of funds from one government agency to another. The word "actual" denotes that something is real or substantial, or **exists presently in fact** as opposed to something which is merely theoretical, possible, potential or hypothetical.

As a case in point, **the Chief Justice himself transfers funds only when there are actual savings,** *e.g.*, from unfilled positions in the Judiciary.

The thesis that savings may and should be presumed from the mere transfer of funds is plainly anathema to the doctrine laid down in *Demetria v. Alba* as it makes the prohibition against transfer of appropriations the general rule rather than the stringent exception the constitutional framers clearly intended it to be. It makes a mockery of *Demetria v. Alba* as it would have the Court allow the mere expectancy of savings to be transferred.

Contrary to another submission in this case, the President, Chief Justice, Senate President, and the heads of constitutional commissions need not first prove and declare the existence of savings before transferring funds, the Court in *Philconsa v. Enriquez, supra,* categorically declared that the Senate President and the Speaker of the House of Representatives, as the case may be, shall approve the realignment (of savings). However, "[B]efore giving their stamp of approval, these two officials will have to see to it that: (1) **The funds to be realigned or transferred are actually savings in the items of expenditures from which the same are to be taken; and (2) The transfer or realignment is for the purpose of augmenting the items of expenditure to which said transfer or realignment is to be made."**

As it is, the fact that the permissible transfers contemplated by Section 25(5), Article VI of the 1987 Constitution would occur entirely within the framework of the executive, legislative, judiciary, or the constitutional commissions, already makes wanton and unmitigated malversation of public funds all too easy, without the Court abetting it by ruling that transfer of funds *ipso facto* denotes the existence of savings.

Precisely, the restriction on the transfer of funds, and similar constitutional limitations such as the specification of purpose for special appropriations bill, the restriction on disbursement of discretionary funds, the conditions on the release of money from the Treasury, among others, "were all safeguards designed to forestall abuses in the expenditure of public funds."

(Tinga, *J.*, Andres Sanchez, Leonardo D. Regala, Rafael D. Barata, Norma Agbayani, and Cesar N. Sarino *v.* Commission on Audit, G.R. No. 127545, April 23, 2008.)

ADMINISTRATIVE LAW

Grave Misconduct; Elements of

In grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. The act of petitioner of fondling one of his students is against a law, R.A. No. 7877, and is doubtless inexcusable. The particular act of petitioner cannot in any way be construed as a case of simple misconduct. Sexually molesting a child is, by any norm, a revolting act that it cannot but be categorized as a grave offense. Parents entrust the care and molding of their children to teachers, and expect them to be their guardians while in school. Petitioner has violated that trust. The charge of grave misconduct proven against petitioner demonstrates his unfitness to remain as a teacher and continue to discharge the functions of his office.

(Velasco, Jr., *J.* Dioscoro F. Bacsin *v.* Eduardo O. Wahiman, G.R. No. 146053, April 30, 2008.)

CIVIL LAW

What constitutes psychological incapacity

Although petitioner was able to establish his immaturity, as evidenced by the psychological report and as testified to by him and Dr. Dayan, the same hardly constituted sufficient cause for declaring the marriage null and void on the ground of psychological incapacity. It had to be characterized by gravity, juridical antecedence and incurability.

In *Republic v. CA and Molina*, the Supreme Court ruled that the psychological incapacity must be more than just a "difficulty," a "refusal" or a "neglect" in the performance of some marital obligations. A mere showing of irreconcilable differences and conflicting personalities does not equate to psychological incapacity. Proof of a natal or supervening disabling factor, an adverse integral element in petitioner's personality structure that effectively incapacitated him from complying with his essential marital obligations, had to be shown. In this, petitioner failed.

The evidence adduced by petitioner merely showed that he and respondent had difficulty getting along with each other as they constantly fought over petty things. However, there was no showing of the *gravity and incurability* of the psychological disorder supposedly inherent in petitioner, except for the mere statement or conclusion to that effect in the psychological report. The report, and even the testimonies given by petitioner and his expert witness at the trial, dismally failed to prove that petitioner's alleged disorder was grave enough and incurable to bring about his disability to assume the essential obligations of marriage.

Petitioner also made much of the fact that he and respondent never lived together as husband and wife. This, however, fails to move us considering that there may be instances when, for economic and practical reasons, a married couple might have to live separately though the marital bond between them remains. In fact, both parties were college students when they got married and were obviously without the financial means to live on their own. Thus, their not having lived together under one roof did not necessarily give rise to the conclusion that one of them was psychologically incapacitated to comply with the essential marital obligations. It is worth noting that petitioner himself admitted that he and respondent continued the relationship after the marriage ceremony. It was only when they started fighting constantly a year later that he decided to file a petition to have the marriage annulled. It appears that petitioner just chose to give up on the marriage too soon and too easily.

(Corona, *J.* Lester Benjamin S. Halili *v.* Chona M. Santos-Halili and the Republic of the Philippines, G.R. No. 165424, April 16, 2008)

CRIMINAL LAW

Element to prove violation of B.P. Blg. 22, Bouncing Checks Law

Unless the following elements are shown to have been proven by the prosecution, an accused will not be convicted for violation of B.P. Blg. 22:

1. The accused makes, draws or issues any check to apply to account or for value;
2. **The accused knows at the time of the issuance that he or she does not have sufficient funds in, or credit with, the drawee bank for the payment of the check in full upon its presentment;** and
3. The check is subsequently dishonored by the drawee bank for insufficiency of funds or credit, or it would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment. (Emphasis supplied)

While issuing of a bouncing check is *malum prohibitum*, the prosecution is not excused from its responsibility of proving beyond reasonable doubt all the elements of the offense.

Respecting the second element of the crime, the prosecution must prove that the accused knew, at the time of issuance, that he does not have sufficient funds or credit for the full payment of the check upon its presentment.

The element of "knowledge" involves a state of mind that obviously would be difficult to establish, hence, the statute creates a *prima facie* presumption of knowledge on the insufficiency of funds or credit coincidental with the attendance of the two other elements.

> *Evidence of knowledge of insufficient funds.*– The making, drawing and issuance of a check payment of which is refused by the drawee because of insufficient funds in or credit with such bank, when presented within 90 days from the date of the check, shall be ***prima facie*** **evidence of knowledge of such insufficiency of funds or credit *unless* such maker or drawer pays the holder thereof the amount due thereon, or makes arrangements for payment in full by the drawee of such check within five (5) banking days after receiving notice that such check has not been paid by the drawee.** (Emphasis supplied)

In order to create such presumption, it must be shown that the drawer or maker received a notice of dishonor and, within five banking days thereafter, failed to satisfy the amount of the check or arrange for its payment. The above-quoted provision creates a presumption *juris tantum* that the second element *prima facie* exists when the first and third elements of the offense are present.

The presumption is not conclusive, however, as it may be rebutted by full payment. If the maker or drawer pays, or makes arrangement with the drawee bank for the payment of the amount due within the five-day period from notice of the dishonor, he or she may no longer be indicted for such violation. It is a complete defense that would lie regardless of the strength of the evidence presented by the prosecution. In essence, the law affords the drawer or maker the opportunity to avert prosecution by performing some acts that would operate to preempt the criminal action, which opportunity serves to mitigate the harshness of the law in its application.

It is a general rule that only a full payment **at the time of its presentment or during the five-day grace period** could exonerate one from criminal liability under B.P. Blg. 22 and that subsequent payments can only affect the civil, but not the criminal, liability.

(Carpio Morales, *J.*, Marciano Tan *v.* Philippine Commercial International Bank, G.R. No. 152666, April 23, 2008.)

REMEDIAL LAW

Differences between *certiorari* and appeal

The CA was, therefore, correct when it dismissed outright the petition for *certiorari*. This Court has invariably upheld dismissals of *certiorari* petitions erroneously filed, appeal being the correct remedy. It is a very basic rule in our jurisprudence that *certiorari* cannot be availed of when the party has adequate remedy such as an appeal.

Section 1, Rule 65 of the 1997 Rule of Civil Procedure explicitly states when a petition for *certiorari* may be availed of, to wit:

> SECTION 1. *Petition for certiorari*. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and **there is no appeal**, or any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. (Emphasis supplied)

The Court has exhaustively enumerated and painstakingly discussed the differences between these two remedies in *Madrigal Transport, Inc. v. Lapanday Holdings Corporation*, *viz.*:

> ***Appeal and Certiorari Distinguished***
>
> Between an appeal and a petition for *certiorari*, there are substantial distinctions which shall be explained below.
>
> **As to the Purpose**. ***Certiorari* is a remedy designed for the correction of errors of jurisdiction, not errors of judgment**. In *Pure Foods Corporation v. NLRC*, we explained the simple reason for the rule in this light:
>
> "When a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error is committed. If it did, every error committed by a court would deprive it of its jurisdiction and every erroneous

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REMEDIAL LAW (Continued)

judgment would be a void judgment. This cannot be allowed. The administration of justice would not survive such a rule. Consequently, **an error of judgment that the court may commit in the exercise of its jurisdiction is not correctable through the original civil action of *certiorari*.**"

The supervisory jurisdiction of a court over the issuance of a writ of *certiorari* cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court-on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of *certiorari*. **Where the error is not one of jurisdiction, but of an error of law or fact – a mistake of judgment-appeal is the remedy.**

As to the Manner of Filing. Over an appeal, the CA exercises its appellate jurisdiction and power of review. Over a *certiorari*, the higher court uses its original jurisdiction in accordance with its power of control and supervision over the proceedings of lower courts. An appeal is thus a continuation of the original suit, while a petition for *certiorari* is an original and independent action that was not part of the trial that had resulted in the rendition of the judgment or order complained of. The parties to an appeal are the original parties to the action. In contrast, the parties to a petition for *certiorari* are the aggrieved party (who thereby becomes the petitioner) against the lower court or *quasi*-judicial agency, and the prevailing parties (the public and the private respondents, respectively).

As to the Subject Matter. Only judgments or final orders and those that the Rules of Court so declare are appealable. Since the issue is jurisdiction, an original action for *certiorari* may be directed against an interlocutory order of the lower court prior to an appeal from the judgment; or where there is no appeal or any plain, speedy or adequate remedy.

As to the Period of Filing. Ordinary appeals should be filed within 15 days from the notice of judgment or final order appealed from. Where a record on appeal is required, the appellant must file a notice of appeal and a record on appeal within 30 days from the said notice of judgment or final order. A petition for review should be filed and served within 15 days from the notice of denial of the decision, or of the petitioner's timely filed motion for new trial or motion for reconsideration. In an appeal by *certiorari*, the petition should be filed also within 15 days from the notice of judgment or final order, or of the denial of the petitioner's motion for new trial or motion for reconsideration.

On the other hand, a petition for *certiorari* should be filed not later than 60 days from the notice of judgment, order, or resolution. If a motion for new trial or motion for reconsideration was timely filed, the period shall be counted from the denial of the motion.

As to the Need for a Motion for Reconsideration. A motion for reconsideration is generally required prior to the filing of a petition for *certiorari*, in order to afford the tribunal an opportunity to correct the alleged errors. Note also that this motion is a plain and adequate remedy expressly available under the law. Such motion is not required before appealing a judgment or final order.

With these distinctions, it is plainly discernible why a party is precluded from filing a petition for *certiorari* when appeal is available, or why the two remedies of appeal and *certiorari* are mutually exclusive and not alternative or successive. Where appeal is available, *certiorari* will not prosper, even if the ground availed of is grave abuse of discretion.

(Reyes, R.T., *J.* Tible & Tible Company, Inc., Heirs of Emilio G. Tible, Jr., namely: Almabella Menla Vda. De Tible, Emilio M. Tible IV, Ma. Myleen Tible, Victor M. Tible, Eric M. Tible, Allan M. Tible, Norman M. Tible and Johann Emil M. Tible *v.* Royal Savings and Loan Association (now assigned to Comsavings Bank) and Godofredo E. Quiling, Deputy Provincial Sheriff of Calamba, Laguna, G.R. No. 155806, April 8, 2008.)

REMEDIAL LAW (Continued)

Conditions for the validity of Memorandum Decision

However, also in *Permskul*, this Court laid down the conditions for the validity of memorandum decisions, to wit:

> The memorandum decision, to be valid, **cannot incorporate the findings of fact and the conclusions of law of the lower court only by remote reference, which is to say that the challenged decision is not easily and immediately available to the person reading the memorandum decision**. For the incorporation by reference to be allowed, **it must provide for direct access to the facts and the law being adopted, which must be contained in a statement *attached* to the said decision**. In other words, the memorandum decision authorized under Section 40 of B.P. Blg. 129 **should actually embody the findings of fact and conclusions of law of the lower court in an annex attached to and made an indispensable part of the decision**.
>
> It is expected that this requirement will allay the suspicion that no study was made of the decision of the lower court and that its decision was merely affirmed without a proper examination of the facts and the law on which it is based. **The *proximity* at least of the annexed statement should suggest that such an examination has been undertaken**. It is, of course, also understood **that the decision being adopted should, to begin with, comply with Article VIII, Section 14** as no amount of incorporation or adoption will rectify its violation.
>
> The Court finds necessary to emphasize that the memorandum decision should be sparingly used lest it become an addictive excuse for judicial sloth. It is an **additional condition for the validity that this kind of decision may be resorted to only in cases where the facts are in the main accepted by both parties and easily determinable by the judge and there are no doctrinal complications involved that will require an extended discussion of the laws involved**. The memorandum decision may be employed in simple litigations only, such as ordinary collection cases, where the appeal is obviously groundless and deserves no more than the time needed to dismiss it. x x x
>
> Henceforth, **all memorandum decisions shall comply with the requirements herein set forth both as to the form prescribed and the occasions when they may be rendered. Any deviation will summon the strict enforcement of Article VIII, Section 14 of the Constitution and strike down the flawed judgment as a lawless disobedience**.

(Chico-Nazario, *J.* Solid Homes, Inc. *v.* Evelina Laserna and Gloria Cajipe, represented by Proceso F. Cruz, G.R. No. 166051, April 8, 2008)

Right to Counsel

The CA failed to consider the fact that the petition before it was filed by petitioner, a detained prisoner, without the benefit of counsel. A litigant who is not a lawyer is not expected to know the rules of procedure. In fact, even the most experienced lawyers get tangled in the web of procedure. We have held in a civil case that to demand as much from ordinary citizens whose only *compelle intrare* is their sense of right would turn the legal system into an intimidating monstrosity where an individual may be stripped of his property rights not because he has no right to the property but because he does not know how to establish such right. This finds application specially if the liberty of a person is at stake. As we held in *Telan v. Court of Appeals*:

> The right to counsel in civil cases exists just as forcefully as in criminal cases, specially so when as a consequence, life, liberty, or property is subjected to restraint or in danger of loss.
>
> **In criminal cases, the right of an accused person to be assisted by a member of the bar is immutable. Otherwise, there would be a grave denial of due process. Thus, even if the judgment had become final and executory, it may still be recalled, and the accused afforded the opportunity to be heard by himself and counsel.**
>
> x x x x

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REMEDIAL LAW (Continued)

> Even the most experienced lawyers get tangled in the web of procedure. The demand as much from ordinary citizens whose only *compelle intrare* is their sense of right would turn the legal system into an intimidating monstrosity where an individual may be stripped of his property rights not because he has no right to the property but because he does not know how to establish such right.
>
> The right to counsel is absolute and may be invoked at all times. More so, in the case of an on-going litigation, it is a right that must be exercised at every step of the way, with the lawyer faithfully keeping his client company.
>
> **No arrangement or interpretation of law could be as absurd as the position that the right to counsel exists only in the trial courts and that thereafter, the right ceases in the pursuit of the appeal**. (Emphasis supplied)

The filing of the petition for *certiorari* by petitioner without counsel should have alerted the CA and should have required petitioner to cause the entry of appearance of his counsel. Although the petition filed before the CA was a petition for *certiorari* assailing the RTC Order dismissing the petition for relief, the ultimate relief being sought by petitioner was to be given the chance to file an appeal from his conviction, thus the need for a counsel is more pronounced. To repeat the ruling in *Telan*, no arrangement or interpretation of law could be as absurd as the position that the right to counsel exists only in the trial courts and that thereafter, the right ceases in the pursuit of the appeal. It is even more important to note that petitioner was not assisted by counsel when he filed his petition for relief from judgment with the RTC.

It cannot be overstressed therefore, that in criminal cases, as held in *Telan*, the right of an accused person to be assisted by a member of the bar is immutable; otherwise, there would be a grave denial of due process.

(Austria-Martinez, *J.*, John Hilario y Sibal *v.* People of the Philippines, G.R. No. 161070, April 14, 2008.)

Issuance of a writ of possession in favor of purchaser in a foreclosure case is ministerial

The RTC, Branch 158, which issued the writ of possession cannot be adjudged to have committed grave abuse of discretion, nor can its order directing the issuance of said writ be considered patently illegal for, *a fortiori,* there is no discretion involved in its issuance of such an order, it being the ministerial duty of the trial court under the circumstances.

In *Mamerto Maniquiz Foundation, Inc. v. Pizarro,* we emphasized the principle that the issuance of a writ of possession in favor of the purchaser in a foreclosure sale is a ministerial act and does not entail the exercise of discretion:

> **This Court has consistently held that the duty of the trial court to grant a writ of possession is ministerial. Such writ issues as a matter of course upon the filing of the proper motion and the approval of the corresponding bond. No discretion is left to the trial court.** Any question regarding regularity and validity of the sale, as well as the consequent cancellation of the writ, is to be determined in a subsequent proceeding as outlined in Section 8 of Act 3135. Such question cannot be raised to oppose the issuance of the writ, since the proceeding is *ex parte*. The recourse is available even before the expiration of the redemption period provided by law and the Rules of Court.
>
> **The purchaser, who has a right to possession that extends after the expiration of the redemption period, becomes the absolute owner of the property when no redemption is made. Hence, at any time following the consolidation of ownership and the issuance of a new transfer certificate of title in the name of the purchaser, he or she is even more entitled to possession of the property.** In such a case, the bond required under Section 7 of Act 3135 is no longer necessary, since possession becomes an absolute right of the purchaser as the confirmed owner. (Emphasis supplied.)

The order for a writ of possession issues as a matter of course upon the filing of the proper motion and the approval of the corresponding bond, if applied for by the purchaser during the

REMEDIAL LAW (Continued)

redemption period; and upon the filing of the proper motion, with no more need for a bond, if applied for by the purchaser after the lapse of the redemption period. The judge issuing the order, following the express provisions of law and settled jurisprudence, cannot be charged with having acted with grave abuse of discretion.

(Chico-Nazario, *J.*, Hon. Jose Fernandez, RTC of Pasig City, Br. 158 and United Overseas Bank, Phils. *v.* Sps. Gregoria Espinoza and Joji Gador-Espinoza, G.R. No. 156421, April 14, 2008.)

Expropriation procedures under R.A. No. 8974 and Rule 67 of the Rules of Court distinguished

At the outset, we call attention to a significant oversight in the TRB's line of reasoning. It failed to distinguish between the expropriation procedures under R.A. No. 8974 and Rule 67 of the Rules of Court. R.A. No. 8974 and Rule 67 of the Rules of Court speak of different procedures, with the former specifically governing expropriation proceedings for national government infrastructure projects. Thus, in *Republic v. Gingoyon*, we held:

> There are at least two crucial differences between the respective procedures under R. A. No. 8974 and Rule 67. **Under the statute, the Government is required to make immediate payment to the property owner upon the filing of the complaint to be entitled to a writ of possession, whereas in Rule 67, the Government is required only to make an initial deposit with an authorized government depositary.** Moreover, Rule 67 prescribes that the initial deposit be equivalent to the assessed value of the property for purposes of taxation, unlike R.A. No. 8974 which provides, as the relevant standard for initial compensation, the market value of the property as stated in the tax declaration or the current relevant zonal valuation of the Bureau of Internal Revenue (BIR), whichever is higher, and the value of the improvements and/or structures using the replacement cost method.
>
> x x x x
>
> Rule 67 outlines the procedure under which eminent domain may be exercised by the Government. Yet by no means does it serve at present as the solitary guideline through which the State may expropriate private property. For example, Section 19 of the Local Government Code governs as to the exercise by local government units of the power of eminent domain through an enabling ordinance. And then there is R.A. No. 8974, which covers expropriation proceedings intended for national government infrastructure projects.
>
> R.A. No. 8974, which provides for a procedure eminently more favorable to the property owner than Rule 67, inescapably applies in instances when the national government expropriates property "for national government infrastructure projects." Thus, if expropriation is engaged in by the national government for purposes other than national infrastructure projects, the assessed value standard and the deposit mode prescribed in Rule 67 continues to apply.

There is no question that the proceedings in this case deal with the expropriation of properties intended for a national government infrastructure project. Therefore, the RTC correctly applied the procedure laid out in R.A. No. 8974, by requiring the deposit of the amount equivalent to 100 percent of the zonal value of the properties sought to be expropriated before the issuance of a writ of possession in favor of the Republic.

(Chico-Nazario, *J.*, Republic of the Philippines, Represented by the Toll Regulatory Board (TRB) *v.* Holy Trinity Realty Development Corp., G.R. No. 172410, April 14, 2008.)

Distinction between a Petition for review on *Certiorari* and a Petition for *Certiorari*

> **As to the Purpose.** *Certiorari* is a remedy designed for the correction of errors of jurisdiction, not errors of judgment. *In Pure Foods Corporation v. NLRC,* we explained the simple reason for the rule in this light:
>
> 'When a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised

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REMEDIAL LAW (Continued)

> when the error is committed. If it did, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. This cannot be allowed. The administration of justice would not survive such a rule. Consequently, an error of judgment that the court may commit in the exercise of its jurisdiction is not correct[a]ble through the original civil action of *certiorari.'*

The supervisory jurisdiction of a court over the issuance of a writ of *certiorari* cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court—on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of *certiorari*. Where the error is not one of jurisdiction, but of an error of law or fact—a mistake of judgment—appeal is the remedy.

As to the Manner of Filing. Over an appeal, the CA exercises its appellate jurisdiction and power of review. Over a certiorari, the higher court uses its original jurisdiction in accordance with its power of control and supervision over the proceedings of lower courts. An appeal is thus a continuation of the original suit, while a petition for *certiorari* is an original and independent action that was not part of the trial that had resulted in the rendition of the judgment or order complained of. The parties to an appeal are the original parties to the action. In contrast, the parties to a petition for *certiorari* are the aggrieved party (who thereby becomes the petitioner) against the lower court or *quasi*-judicial agency, and the prevailing parties (the public and the private respondents, respectively).

As to the Subject Matter. Only judgments or final orders and those that the Rules of Court so declared are appealable. Since the issue is jurisdiction, an original action for *certiorari* may be directed against an interlocutory order of the lower court prior to an appeal from the judgment; or where there is no appeal or any plain, speedy or adequate remedy.

As to the Period of Filing. Ordinary appeals should be filed within 15 days from the notice of judgment or final order appealed from. Where a record on appeal is required, the appellant must file a notice of appeal and a record on appeal within 30 days from the said notice of judgment or final order. A petition for review should be filed and served within 15 days from the notice of denial of the decision, or of the petitioner's timely filed motion for new trial or motion for reconsideration. In an appeal by *certiorari,* the petition should be filed also within 15 days from the notice of judgment or final order, or of the denial of the petitioner's motion for new trial or motion for reconsideration.

On the other hand, a petition for *certiorari* should be filed not later than 60 days from the notice of judgment, order, or resolution. If a motion for new trial or motion for reconsideration was timely filed, the period shall be counted from the denial of the motion.

As to the Need for a Motion for Reconsideration. A motion for reconsideration is generally required prior to the filing of a petition for *certiorari,* in order to afford the tribunal an opportunity to correct the alleged errors. Note also that this motion is a plain and adequate remedy expressly available under the law. Such motion is not required before appealing a judgment or final order.

(Chico-Nazario, *J.*, Alfredo Tagle *v.* Equitable PCI Bank (Formerly Philippine Commercial International Bank) and the Honorable Herminia V. Pasamba, Acting Presiding Judge, Regional Trial Court, Branch 82, City of Malolos, Bulacan, G.R. No. 172299, April 22, 2008.)

REMEDIAL LAW (Continued)

Offer of Evidence

Under Section 8 of R.A. No. 1125, the CTA is categorically described as a court of record. As cases filed before it are litigated *de novo*, party-litigants shall prove every minute aspect of their cases. Indubitably, no evidentiary value can be given the pieces of evidence submitted by the BIR, as the rules on documentary evidence require that these documents must be formally offered before the CTA. Pertinent is Section 34, Rule 132 of the Revised Rules on Evidence which reads:

> **Sec. 34.** *Offer of evidence.* — The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

The CTA and the CA rely solely on the case of *Vda. de Oñate*, which reiterated this Court's previous rulings in *People v. Napat-a* and *People v. Mate* on the admission and consideration of exhibits which were not formally offered during the trial. Although in a long line of cases many of which were decided after *Vda. de Oñate*, we held that courts cannot consider evidence which has not been formally offered, nevertheless, petitioner cannot validly assume that the doctrine laid down in *Vda. de Oñate* has already been abandoned. Recently, in *Ramos v. Dizon*, this Court, applying the said doctrine, ruled that the trial court judge therein committed no error when he admitted and considered the respondents' exhibits in the resolution of the case, notwithstanding the fact that the same were not formally offered. Likewise, in *Far East Bank & Trust Company v. Commissioner of Internal Revenue*, the Court made reference to said doctrine in resolving the issues therein. Indubitably, the doctrine laid down in *Vda. De Oñate* still subsists in this jurisdiction. In *Vda. de Oñate*, we held that:

> From the foregoing provision, it is clear that for evidence to be considered, the same must be formally offered. Corollarily, the mere fact that a particular document is identified and marked as an exhibit does not mean that it has already been offered as part of the evidence of a party. In *Interpacific Transit, Inc. v. Aviles* [186 SCRA 385], we had the occasion to make a distinction between identification of documentary evidence and its formal offer as an exhibit. We said that the first is done in the course of the trial and is accompanied by the marking of the evidence as an exhibit while the second is done only when the party rests its case and not before. A party, therefore, may opt to formally offer his evidence if he believes that it will advance his cause or not to do so at all. In the event he chooses to do the latter, the trial court is not authorized by the Rules to consider the same.
>
> However, in *People v. Napat-a* [179 SCRA 403] citing *People v. Mate* [103 SCRA 484], **we relaxed the foregoing rule and allowed evidence not formally offered to be admitted and considered by the trial court provided the following requirements are present, *viz.:* first, the same must have been duly identified by testimony duly recorded and, second, the same must have been incorporated in the records of the case**.

From the foregoing declaration, however, it is clear that *Vda. de Oñate* is merely an exception to the general rule. Being an exception, it may be applied only when there is strict compliance with the requisites mentioned therein; otherwise, the general rule in Section 34 of Rule 132 of the Rules of Court should prevail.

(Nachura, *J.*, Rafael Arsenio S. Dizon, in his capacity as the Judicial Administrator of the Estate of the deceased Jose P. Fernandez *v.* Court of Tax Appeals and Commissioner of Internal Revenue, G.R. No. 140944, April 30, 2008.)

Modes of Discovery; fishing for evidence; requisites in order that a party may compel the other party to produce or allow inspection of documents or things

Section 1, Rule 27 of the Rules of Court provides:

> Section 1. *Motion for production or inspection; order.*—Upon motion of any party showing good cause therefor, the court in which an action is pending may (a) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, not

(Continued on the NEXT page)

REMEDIAL LAW (Continued)

> privileged, which constitute or contain evidence material to any matter involved in the action and which are in his possession, custody or control; or (b) order any party or permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated relevant object or operation thereon. The order shall specify the time, place and manner of making the inspection and taking copies and photographs, and may prescribe such terms and conditions as are just.

The aforecited rule provides the mechanics for the production of documents and the inspection of things during the pendency of a case. It also deals with the inspection of sources of evidence other than documents, such as land or other property in the possession or control of the other party. This remedial measure is intended to assist in the administration of justice by facilitating and expediting the preparation of cases for trial and guarding against undesirable surprise and delay; and it is designed to simplify procedure and obtain admissions of facts and evidence, thereby shortening costly and time-consuming trials. It is based on ancient principles of equity. More specifically, the purpose of the statute is to enable a party-litigant to discover material information which, by reason of an opponent's control, would otherwise be unavailable for judicial scrutiny, and to provide a convenient and summary method of obtaining material and competent documentary evidence in the custody or under the control of an adversary. It is a further extension of the concept of pretrial.

The modes of discovery are accorded a broad and liberal treatment. Rule 27 of the Revised Rules of Court permits "fishing" for evidence, the only limitation being that the documents, papers, etc., sought to be produced are not privileged, that they are in the possession of the party ordered to produce them and that they are material to any matter involved in the action. The lament against a fishing expedition no longer precludes a party from prying into the facts underlying his opponent's case. Mutual knowledge of all relevant facts gathered by both parties is essential to proper litigation. To that end, either party may compel the other to disgorge whatever facts he has in his possession. However, fishing for evidence that is allowed under the rules is not without limitations. In *Security Bank Corporation v. Court of Appeals*, the Court enumerated the requisites in order that a party may compel the other party to produce or allow the inspection of documents or things, *viz.*:

(a) The party must file a motion for the production or inspection of documents or things, showing good cause therefor;

(b) Notice of the motion must be served to all other parties of the case;

(c) The motion must designate the documents, papers, books, accounts, letters, photographs, objects or tangible things which the party wishes to be produced and inspected;

(d) Such documents, etc., are not privileged;

(e) Such documents, etc., constitute or contain evidence material to any matter involved in the action; and

(f) Such documents, etc., are in the possession, custody or control of the other party.

(Nachura, *J.*, Solidbank Corporation, Now Known as Metropolitan Bank and Trust Company *v.* Gateway Electronics Corporation, Jaime M. Hidalgo and Israel Maducdoc, G.R. No. 164805, April 30, 2008.)

Doctrine of *Res Judicata;* two main rules and concepts of the doctrine

The doctrine of *res judicata* thus lays down two main rules which may be stated as follows: (1) The judgment or decree of a court of competent jurisdiction on the merits concludes the parties and their privies to the litigation and constitutes a bar to a new action or suit involving the same cause of action either before the same or any other tribunal; and (2) Any right, fact, or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which a judgment or decree is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claims or demands, purposes, or subject matters of the two suits are the same. These two main rules mark the distinction between the principles governing the

REMEDIAL LAW (Continued)

two typical cases in which a judgment may operate as evidence. In speaking of these cases, the first general rule above stated, and which corresponds to the afore-quoted paragraph (b) of Section 47, Rule 39 of the Rules of Court, is referred to as "bar by former judgment"; while the second general rule, which is embodied in paragraph (c) of the same section and rule, is known as "conclusiveness of judgment."

The Resolution of this Court in *Calalang v. Register of Deeds* provides the following enlightening discourse on conclusiveness of judgment:

> The doctrine *res judicata* actually embraces two different concepts: (1) bar by former judgment and (b) conclusiveness of judgment.
>
> The second concept—conclusiveness of judgment—states that a fact or question which was in issue in a former suit and was there judicially passed upon and determined by a court of competent jurisdiction, is conclusively settled by the judgment therein as far as the parties to that action and persons in privity with them are concerned and cannot be again litigated in any future action between such parties or their privies, in the same court or any other court of concurrent jurisdiction on either the same or different cause of action, while the judgment remains unreversed by proper authority. It has been held that in order that a judgment in one action can be conclusive as to a particular matter in another action between the same parties or their privies, it is essential that the issue be identical. If a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit (*Nabus v. Court of Appeals*, 193 SCRA 732 [1991]). Identity of cause of action is not required but merely identity of issues.
>
> Justice Feliciano, in *Smith Bell & Company (Phils.), Inc. v. Court of Appeals* (197 SCRA 201, 210 [1991]), reiterated *Lopez v. Reyes* (76 SCRA 179 [1977]) in regard to the distinction between bar by former judgment which bars the prosecution of a second action upon the same claim, demand, or cause of action, and conclusiveness of judgment which bars the relitigation of particular facts or issues in another litigation between the same parties on a different claim or cause of action.
>
> > The general rule precluding the relitigation of material facts or questions which were in issue and adjudicated in former action are commonly applied to all matters essentially connected with the subject matter of the litigation. Thus, it extends to questions necessarily implied in the final judgment, although no specific finding may have been made in reference thereto and although such matters were directly referred to in the pleadings and were not actually or formally presented. Under this rule, if the record of the former trial shows that the judgment could not have been rendered without deciding the particular matter, it will be considered as having settled that matter as to all future actions between the parties and if a judgment necessarily presupposes certain premises, they are as conclusive as the judgment itself.

Another case, *Oropeza Marketing Corporation v. Allied Banking Corporation*, further differentiated between the two rules of *res judicata*, as follows:

> There is **"bar by prior judgment"** when, as between the first case where the judgment was rendered and the second case that is sought to be barred, **there is identity of parties, subject matter, and causes of action**. In this instance, the judgment in the first case constitutes an absolute bar to the second action. Otherwise put, the judgment or decree of the court of competent jurisdiction on the merits concludes the litigation between the parties, as well as their privies, and constitutes a bar to a new action or suit involving the same cause of action before the same or other tribunal.

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REMEDIAL LAW (Continued)

> But where **there is identity of parties** in the first and second cases, **but no identity of causes of action**, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of *res judicata* known as **"conclusiveness of judgment."** Stated differently, any right, fact, or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.

In sum, conclusiveness of judgment bars the re-litigation in a second case of a fact or question already settled in a previous case. The second case, however, may still proceed provided that it will no longer touch on the same fact or question adjudged in the first case. Conclusiveness of judgment requires only the identity of issues and parties, but not of causes of action.

(Chico-Nazario, *J.*, Lolita R. Alamayri *v.* Rommel, Elmer, Erwin, Roiler and Amanda, all surnamed Pabale, G.R. No. 151243, April 30, 2008.)

Motion to dismiss under Section 1, Rule 17 of the 1997 Rules of Civil Procedure

Section 1, Rule 17 of the 1997 Rules of Civil Procedure provides:

> **SECTION 1.** *Dismissal upon notice by plaintiff.* – A complaint may be dismissed by the plaintiff by filing a notice of dismissal **at any time before service of the answer or of a motion for summary judgment**. Upon such notice being filed, the court shall issue an order confirming the dismissal. **Unless otherwise stated in the notice, the dismissal is without prejudice**, except that a notice operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in a competent court an action based on or including the same claim.

Under this provision, it is mandatory that the trial court issue an order confirming such dismissal and, unless otherwise stated in the notice, the dismissal is without prejudice and could be accomplished by the plaintiff through mere notice of dismissal, and not through motion subject to approval by the court. Dismissal is *ipso facto* upon notice, and without prejudice unless otherwise stated in the notice. The trial court has no choice but to consider the complaint as dismissed, since the plaintiff may opt for such dismissal as a matter of right, regardless of the ground.

Respondents argue that the Motion to Dismiss they filed precedes the Notice of Dismissal filed by petitioner and hence, the trial court correctly gave it precedence and ruled based on the motion.

This argument is erroneous. Section 1 of Rule 17 does not encompass a Motion to Dismiss. The provision specifically provides that a plaintiff may file a notice of dismissal before service of the **answer** or a **motion for summary judgment**. Thus, upon the filing of the Notice of Dismissal by the plaintiff, the Motion to Dismiss filed by respondents became moot and academic and the trial court should have dismissed the case without prejudice based on the Notice of Dismissal filed by the petitioner.

Moreover, to allow the case to be dismissed with prejudice would erroneously result in *res judicata* and imply that petitioner can no longer file a case against respondents without giving him a chance to present evidence to prove otherwise.

(Quisumbing, *J.*, Frederick Dael *v.* Spouses Benedicto and Vilma Beltran, G.R. No. 156470, April 30, 2008.)

Forfeiture of bond

Section 21, Rule 114 of the Revised Rules on Criminal Procedure states:

> SEC. 21. — *Forfeiture of bail*. When the presence of the accused is required by the court or these Rules, his bondsmen shall be notified to produce him before the court on a given date and time. If the accused fails to appear in person as required, his bail shall be declared forfeited and the bondsmen given 30 days within which to produce their principal and to show cause why no judgment should be rendered against them for the amount of their bail. Within the said period, the bondsmen must:

REMEDIAL LAW (Continued)

(a) produce the body of their principal or give the reason for his non-production; and

(b) explain why the accused did not appear before the court when first required to do so.

Failing in these two requisites, a judgment shall be rendered against the bondsmen, jointly and severally, for the amount of the bail. The court shall not reduce or otherwise mitigate the liability of the bondsmen, unless the accused has been surrendered or is acquitted.

The provision clearly provides for the procedure to be followed before a bail bond may be forfeited and a judgment on the bond rendered against the surety. In *Reliance Surety & Insurance Co., Inc. v. Amante, Jr.*, we outlined the two occasions upon which the trial court judge may rule adversely against the bondsmen in cases when the accused fails to appear in court. *First*, the non-appearance by the accused is cause for the judge to summarily declare the bond as forfeited. *Second*, the bondsmen, after the summary forfeiture of the bond, are given 30 days within which to produce the principal and to show cause why a judgment should not be rendered against them for the amount of the bond. It is only after this 30-day period, during which the bondsmen are afforded the opportunity to be heard by the trial court, that the trial court may render a judgment on the bond against the bondsmen. Judgment against the bondsmen cannot be entered unless such judgment is preceded by the order of forfeiture and an opportunity given to the bondsmen to produce the accused or to adduce satisfactory reason for their inability to do so.

In the present case, it is undisputed that the accused failed to appear in person before the court and that the trial court declared his bail forfeited. The trial court gave the bondsmen, respondents in this case, a 30-day period to produce the accused or a reasonable explanation for their non-production. However, two years had passed from the time the court ordered the forfeiture and still no judgment had been rendered against the bondsmen for the amount of the bail. Instead, an order of execution was issued and the property was put up for sale and awarded to petitioners, the highest bidders.

This turn of events distinctly show that there was a failure of due process of law. The execution was issued, not on a judgment, because there was none, but simply and solely on the declaration of forfeiture.

An order of forfeiture of the bail bond is conditional and interlocutory, there being something more to be done such as the production of the accused within 30 days. This process is also called confiscation of bond. In *People v. Dizon*, we held that an order of forfeiture is interlocutory and merely requires appellant "to show cause why judgment should not be rendered against it for the amount of the bond." Such order is different from a judgment on the bond which is issued if the accused was not produced within the 30-day period. The judgment on the bond is the one that ultimately determines the liability of the surety, and when it becomes final, execution may issue at once. However, in this case, no such judgment was ever issued and neither has an amount been fixed for which the bondsmen may be held liable. The law was not strictly observed and this violated respondents' right to procedural due process.

(Carpio, *J.*, Winston Mendoza and Fe Miclat *v.* Fernando Alarma and Fausta Alarma, G.R. No. 151970, May 7, 2008.)

OCA CIRCULAR NO. 45-2008
(Continued from page 31)

SEC. 7. Motion day—Except for motions requiring immediate action, all motions shall be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next working day. *(underlining supplied)*

The aforequoted Rule provides for its own exception and any grounds invoke by the trial court on scheduling of hearing of motions other than what is prescribed by the Rules should only be based on meritorious considerations and should properly be informed to the parties in advance.

Strict compliance herewith is enjoined.

April 18, 2008.

(Sgd.) ZENAIDA N. ELEPAÑO
Court Administrator

SUPREME COURT

RESOLUTION of the COURT *En Banc* dated June 3, 2008 on Bar Matter No. 1922

"Bar Matter No. 1922—Re: Recommendation of the Mandatory Continuing Legal Education (MCLE) Board to Indicate in All Pleadings Filed with the Courts the Counsel's MCLE Certificate of Compliance or Certificate of Exemption. The Court Resolved to **NOTE** the Letter, dated May 2, 2008, of Associate Justice Antonio Eduardo B. Nachura, Chairperson, Committee on Legal Education and Bar Matters, informing the Court of the diminishing interest of the members of the Bar in the MCLE requirement program.

The Court further Resolved, upon the recommendation of the Committee on Legal Education and Bar Matters, to **REQUIRE** practicing members of the bar to **INDICATE** in all pleadings filed before the courts or *quasi*-judicial bodies, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. **Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records.**

The New Rule shall take effect 60 days after its publication in a newspaper of general circulation." Carpio-Morales, Velasco, Jr., Nachura, JJ., on official leave.

Very truly yours,

(Sgd.) FELIPA B. ANAMA
Assistant Clerk of Court
For: MA. LUISA D. VILLARAMA
Clerk of Court

RESOLUTION of the COURT *En Banc* dated June 3, 2008, on A.M. No. 08-3-09-SC

"A.M. No. 08-3-09-SC.—Re: Amendment of Administrative Circular No. 84-2007 on Amendments in the Rules on Inhibition of Division Members and on Leaves and Vacancies in a Division.—The Court Resolved to APPROVE the amendment to paragraph 3 of Administrative Circular No. 84-2007 on Amendments in the Rules on Inhibition of Division Members and on Leaves and Vacancies in a Division, to wit:

> "3. When a Member of the Division, not the *ponente,* was counsel or a partner or member of a law firm that is or was counsel in the case before the Division, such Member shall recuse herself or himself, unless the Member was no longer a partner or member of the law firm when the firm was engaged as counsel in the case and the Member votes against the client of such firm. In any event, the mandatory inhibition shall cease after the lapse of 10 years from the resignation or withdrawal of the Member from the law firm, unless the Member personally handled the case when the Member was a partner or member of the law firm."

With respect to the instances covered by paragraphs 1-c to 1-f and 2, it is discretionary on the Member of a Division, who is not the *ponente,* to inhibit herself or himself from the case.

When a Member who is not the *ponente* has to recuse herself or himself, the case shall be decided by the four remaining members and one additional member from the other two Divisions chosen by raffle.

Paragraphs 1 and 2 of the circular covers the instances where the Member of the Division is the *ponente,* while paragraph 3 applies when the Member of the Division is **not** the *ponente.*

This amendment shall take effect upon its publication." Carpio-Morales, Velasco, Jr., Nachura, JJ., on official leave. (adv178a)

Very truly yours,

(Sgd.) FELIPA B. ANAMA
Assistant Clerk of Court
For: MA. LUISA D. VILLARAMA
Clerk of Court

RESOLUTION of the COURT *En Banc* dated June 3, 2008, on A.M. No. 08-4-1-SC

"A.M. No. 08-4-1-SC.—Re: Inhibition and/or Disqualification of Clerks of Court in all levels, under Section 1, Canon III of the Code of Conduct of Court Personnel and Section 1, Rule 137 of the Rules of Court)

Section 1, Rule 137 of the Rules of Court is hereby amended to include the disqualification of clerks of court, *viz:*

> SEC. 1. *Disqualification of judges.* – No judge or *judicial officer* shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which

he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

The above disqualification shall likewise apply to all clerks of court, assistant clerks of court, deputy clerks of court and branch clerks of court in all court levels insofar as relevant to them in the performance of their respective functions and duties.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

This amendment shall take effect immediately after its publication in a newspaper of general circulation."

Very truly yours,

(Sgd.) FELIPA B. ANAMA
Assistant Clerk of Court
For: MA. LUISA D. VILLARAMA
Clerk of Court

RESOLUTION of the COURT *En Banc* dated June 17, 2008 on Bar Matter No. 1755

B.M. No. 1755 (*Re: Rules of Procedure of the Commission on Bar Discipline*)

Rule 139-B of the Rules of Court governs the investigation of administrative complaints against lawyers by the Integrated Bar of the Philippines (IBP). Section 12 of said rule prescribes the procedure before the IBP, thus:

a) Every case heard by an investigator shall be reviewed by the IBP Board of Governors upon the record and evidence transmitted to it by the Investigator with his report. The decision of the Board upon such review shall be in writing and shall clearly and distinctly state the facts and the reasons on which it is based. It shall be promulgated within a period not exceeding 30 days from the next meeting of the Board following the submittal of the Investigator's report.

b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

c) If the respondent is exonerated by the Board or the disciplinary sanction imposed by it is less than suspension or disbarment (such as admonition, reprimand, or fine) it shall issue a decision exonerating respondent or imposing such sanction. The case shall be deemed terminated unless upon petition of the complainant or other interested party filed with the Supreme Court within 15 days from notice of the Board's resolution, the Supreme Court orders otherwise.

d) Notice of the resolution or decision of the Board shall be given to all parties through their counsel. A copy of the same shall be transmitted to the Supreme Court.

To implement Rule 139-B, the Court, in Bar Matter No. 1755, approved the Rules of Procedure of the Commission on Bar Discipline (CBD) of the IBP on September 25, 2007. The rules pertinent to pleadings, notices, and appearances are provided in Secs. 1 and 2 of Rule III which read:

RULE III
PLEADINGS, NOTICES AND APPEARANCES

SECTION 1. **Pleadings**. The only pleadings allowed are verified complaint, verified answer and verified position papers and motion for reconsideration of a resolution.

SEC. 2. **Prohibited Pleadings**. The following pleadings shall not be allowed, to wit:

a. Motion to dismiss the complaint or petition
b. Motion for a bill of particulars
c. Motion for new trial
d. Petition for relief from judgment
e. Motion for reconsideration
f. Supplemental pleadings

(Continued on the NEXT page)

RESOLUTION on Bar Matter No. 1755 *(Continued)*

Upon query of IBP National President Feliciano M. Bautista, the Court issued on February 12, 2008 a Resolution amending Sec. 1, Rule III of the same rules by deleting the phrase "motion for reconsideration of a resolution," to resolve the conflicting provisions of Secs. 1 and 2 of said Rule III, thus:

> SEC. 1. *Pleadings.* The only pleadings allowed are verified complaint, verified answer and verified position papers.

Pursuant to the February 12, 2008 Resolution, a party cannot file a motion for reconsideration of any order or resolution with the Investigating Commissioner of the CBD hearing the case.

In the Resolution dated July 31, 2006 in A.C. No. 7055 entitled *Ramientas v. Reyala*, the Court held that:

> IN CONCURRENCE WITH THE ABOVE, NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that in accordance with our ruling in *Halimao v. Villanueva*, pertinent provisions of Rule III of the Rules of Procedure of the Commission on Bar Discipline, as contained in the By-Laws of the IBP, particularly Subsection 1 and Subsection 2, are hereby deemed amended. Accordingly, Subsection 1 of said rules now reads as follows:
>
> SECTION 1. Pleadings. – The only pleadings allowed are verified complaint, verified answer and verified position papers and *motion for reconsideration of a resolution*. x x x
>
> And in Subsection 2, a motion for reconsideration is, thus, removed from the purview of the class of prohibited pleadings.
>
> Further, the following guidelines shall be observed by the IBP in respect of disciplinary cases against lawyers:
>
> 1. The IBP must first afford a chance to either party to file a motion for reconsideration of the IBP resolution containing its findings and recommendations within 15 days from notice of receipt by the parties thereon;
>
> 2. If a motion for reconsideration has been timely filed by an aggrieved party, the IBP must first resolve the same prior to elevating to this Court the subject resolution together with the whole record of the case;
>
> 3. If no motion for reconsideration has been filed within the period provided for, the IBP is directed to forthwith transmit to this Court, for final action, the subject resolution together with the whole record of the case;
>
> 4. A party desiring to appeal from the resolution of the IBP may file a petition for review before this Court within 15 days from notice of said resolution sought to be reviewed; and
>
> 5. For records of cases already transmitted to this Court where there exist pending motions for reconsideration filed in due time before the IBP, the latter is directed to withdraw from this Court the subject resolutions together with the whole records of the cases, within 30 days from notice, and, thereafter, to act on said motions with reasonable dispatch.[1]

In view of the February 12, 2008 Resolution, the *fallo* of *Ramientas* amending Secs. 1 and 2 of Rule III of the Rules of Procedure of the CBD is consequently repealed. At present, a motion for reconsideration is a prohibited pleading in CBD proceedings before the Investigating Commissioner. It has to be clarified further that said CBD rules of procedure apply exclusively to proceedings before said CBD Commissioner and not to proceedings before the IBP Board of Governors (BOG) which are governed by Sec. 12, Rule 139-B of the Rules of Court. As such, the other dispositions in *Ramientas* relative to the filing of a motion for reconsideration before the IBP BOG are still valid and subsisting. In fact, *Ramientas* has amplified the rules laid down in Rule 139-B by supplying the procedure for the filing of motions for reconsiderations before the BOG.

Thus, in answer to the query of Deputy Clerk of Court and Bar Confidant Ma. Cristina B. Layusa dated March 17, 2008 on whether the February 12, 2008 Resolution in Bar Matter No. 1755 has effectively superseded *Ramientas*, the Court resolved as follows:

1. On the amendment to Secs.1 and 2 of Rule III of the CBD Rules of Procedure, the *fallo in Ramientas* is repealed and superseded by the February 12, 2008 Resolution. A party can no longer file a motion for reconsideration of any order or resolution of the Investigating Commissioner, such motion being a prohibited pleading.

2. Regarding the issue of whether a motion for reconsideration of a decision or

[1] 497 SCRA 130, 137-198

RESOLUTION on Bar Matter No. 1755 *(Continued)*

resolution of the BOG can be entertained, an aggrieved party can file said motion with the BOG within 15 days from notice of receipt thereof by said party.

In case a decision is rendered by the BOG that exonerates the respondent or imposes a sanction less than suspension or disbarment, the aggrieved party can file a motion for reconsideration within the 15-day period from notice. If the motion is denied, said party can file a petition for a review under Rule 45 of the Rules of Court with this Court within 15 days from notice of the resolution resolving the motion. If no motion for reconsideration is filed, the decision shall become final and executory and a copy of said decision shall be furnished this Court.

If the imposable penalty is suspension from the practice of law or disbarment, the BOG shall issue a resolution setting forth its findings and recommendations. The aggrieved party can file a motion for reconsideration of said resolution with the BOG within 15 days from notice. The BOG shall first resolve the incident and shall thereafter elevate the assailed resolution with the entire case records to this Court for final action. If the 15-day period lapses without any motion for reconsideration having been filed, then the BOG shall likewise transmit to this Court the resolution with the entire case records for appropriate action.

Let this Resolution be published once in a newspaper of general circulation.

Very truly yours,

(Sgd.) MA. LUISA D. VILLARAMA
Clerk of Court

ADMINISTRATIVE CIRCULAR NO. 58-2008

SUBJECT: Implementation of Section 1, Rule 137 of the Rules of Court, as amended by the *En Banc* Resolution dated June 3, 2008, in A.M. No. 08-4-1-SC, re: disqualification of all clerks of court, assistant clerks of court, deputy clerks of court and branch clerks of court, in all levels in the performance of their respective functions and duties.

Effective immediately:

1. Clerks of court, assistant clerks of court, deputy clerks of court and branch clerks of court in all levels shall conduct a screening of cases now pending before their respective courts or divisions to verify and report in writing to their respective presiding judges, Chairpersons of Divisions, or in *en banc* cases, to the Presiding Justice and Chief Justice, as the case may be, if there are grounds for their disqualification in regard to the performance of their functions and duties, under the first paragraph of Section 1, Rule 137 of the Rules of Court.

2. The Court Administrator shall cause the immediate dissemination of this Administrative Circular to all clerks of court, assistant clerks of court, deputy clerks of court, branch clerks of court, trial courts and judges of the first and second level; and submit within 30 days from notice of herein Circular, for approval by the Court, an appropriate procedure for the temporary replacements of clerks of court in the handling of the particular cases from which they are disqualified under Section 1, Rule 137 of the Rules of Court, as amended.

3. The Presiding Justices of the Court of Appeals, Sandiganbayan, and Court of Tax Appeals are directed to submit within 30 days from notice of herein Circular, for approval by the Court, their respective internal rules on the temporary replacements of their respective clerks of court in the handling of the particular cases from which they are disqualified in regard to the performance of their respective functions and duties under Section 1, Rule 137 of the Rules of Court, as amended.

4. The Clerk of Court of the Supreme Court is directed to submit, within 30 days from notice of herein Circular, for approval of the Court, the procedure for temporary replacement of the SC Clerks of Court and Assistant Clerks of Court covering particular cases from which they are disqualified under Section 1, Rule 137 of the Rules of Court, as amended.

Issued this 3rd day of June, 2008.

(Sgd.) REYNATO S. PUNO
Chief Justice

OFFICE OF THE COURT ADMINISTRATOR

OCA CIRCULAR NO. 40-2008

TO : ALL TRIAL JUDGES

SUBJECT: PROPOSED GUIDELINES ON THE HANDGUN ACQUISITION PROGRAM FOR JUDGES

The Supreme Court *En Banc* in its Resolution dated 1 April 2008 in A. M. No. 08-3-13-SC, Re: Proposed Guidelines on the Handgun Acquisition Program for Judges, Resolved to APPROVE the Proposed Guidelines on the Handgun Acquisition Program for Judges, to wit:

PROPOSED GUIDELINES ON THE HANDGUN ACQUISITION PROGRAM FOR JUDGES

OBJECTIVE

To provide judges *of* the lower courts the opportunity to acquire handguns for their personal protection, safety and security.

CONCEPT

An interest free handgun loan will be made available to judge: repayment scheme of not more than 36 monthly installment. An initial revolving fund of P10M shall be made available for this purpose.

DEFINITION OF TERMS

A. **Qualified judges** refers to those appointed to Municipal Trial Courts, Municipal Circuit Trial Courts, Municipal Trial Courts in Cities, Metropolitan Trial Courts, and Regional Trial Courts, who:

   I. are not more than 67 years of age as of the date application;
   2. are not under preventive suspension from office;
   3. have a minimum 30 days leave credits;
   4. have met the minimum of P3,000.00 net take home pay as required by the General Appropriations Act; and
   5. have at least three qualified co-makers.

B. **Qualified co-makers** are judges of the court with the same qualification as qualified judges.

C. **Committee** refers to the Supreme Court-Motorcycle and Computer Acquisition Program Committee who shall be tasked to handle the administration and operation of the program.

D. **Distributor or supplier** refers to a private company engaged by the Committee on an exclusive basis to sell, deliver and service guns judge-borrowers.

STATEMENT OF DUTIES AND RESPONSIBILITIES

A. **The Committee shall:**

   I. negotiate and enter into contract or agreement with gun companies to sell, distribute and service guns under the program at the lowest possible cost;
   2. give out individual loans without interest in an amount not exceeding Fifty Thousand Pesos (P50,000.00) payable in36 equal monthly installment; *Provided,* that loans not exceeding Twenty-Four Thousand Pesos (P24,000.00) shall be payable in 24 equal monthly installments;
   3. see to it that all necessary document relating to the loan as required by its rules and regulations are satisfied; and
   4. render necessary reports to the Court through the Committee on Security.

B. **The Distributor or Supplier shall:**

   I. administer the non-policy aspects or the program as agreed upon in a final memorandum or agreement; and
   2. process the application or the license and permit to carry in favor of the judge-borrower.

C. The judge-borrower shall:

   I. pay his obligation within the stipulated period;
   2. use the gun exclusively for their personal protection, safety and security;
   3. exercise thorough care in choosing the brand, model and caliber of the handgun. No change of brand, model or caliber will be allowed after the approval or the application and corresponding Delivery Order is issued to the distributor or supplier;
   4. not transfer, assign or encumber the gun without the approval of Committee or until full payment of the loan has been made; immediately report to the Committee on the Security in case of transfer, resignation, separation, retirement, discharge or dismissal from service.
   5. secure a clearance from the Committee in case of resign, transfer, separation, retirement or discharge or dismissal from service.

FILING AND PROCESSING OF APPLICATION DELIVERY AND PAYMENT

A. **Filing and Processing of Applications**

Application forms together with the

necessary documents (application, promissory note, request for automatic salary deduction and service obligation undertaking) will be made available at the Office of the Court Administrator-Property Division.

Qualified judges desiring to acquire a handgun under the program shall fill out the application form specifying the Make, Model and Kind of the handgun applied for. They shall be made to choose among the different loan schemes based on the handgun's predetermined price and the distributor or supplier. All duly accomplished application forms and its enclosures shall be submitted to the Committee.

If the loan application is approved, the Committee shall immediately forward copy of the approval to the concerned distributor or supplier. The concerned distributor or supplier shall process the license and permit of the judge-borrower. It is the duty of the concerned borrower to coordinate with and to supply the distributor or supplier all documents required by law for the issuance of a license and permit to carry. All fees and expenses in the processing of the license and permit to carry shall be on account of the judge-borrower.

Upon the issuance of the license and permit to carry in the name of the judge-borrower concerned, the Committee shall issue a Delivery Order to the concerned distributor or supplier for the issuance or handgun. The distributor or supplier shall personally deliver the gun to the judge-borrower concerned.

The judge-borrower shall be responsible for the costs of maintenance and repair of the gun, if the same is not covered or beyond the period warranty.

It is understood that the gun shall remain the property of the Supreme Court until the judge-borrower satisfies in full his/her obligation to the Court.

B. **Payment**

The judge-borrower shall pay in cash the equity or difference between the cost/price of the gun and amount of loan.

The distributor or supplier will forward the Invoice of the gun together with the Delivery Order to the Committee for payment of the gun issued to the judge-borrower.

The loan shall be amortized over a period not exceeding three years. For this purpose, the judge-borrower must render service obligation for the same period immediately after receipt of the gun during which period the installments shall be deducted monthly from his/her salary.

Should the judge-borrower fail to render the required service obligation through his own fault, negligence, unsatisfactory or poor performance or other causes within his control resulting in the non-payment of the full cost of the handgun; or should the judge-borrower resign, transfer to an agency or office, voluntarily retire, or be separated or removed from the service, the entire unpaid balance shall become due and demandable. The judge-borrower shall pay the unpaid balance within 30 days from such retirement, separation or removal from service.

The Committee on security may change or suspend any provision of the program if it becomes necessary and desirable considering the availability of fund.

For your information and guidance.

April 10, 2008.

(Sgd.) ZENAIDA N. ELEPAÑO
Court Administrator

OCA CIRCULAR NO. 45-2008

TO : ALL TRIAL COURT JUDGES AND BRANCH CLERKS OF COURT

SUBJECT : STRICT OBSERVANCE OF THE RULE ON MOTION DAY

It has been brought to the attention of this Court of the prevalent practice of hearing of motions on a day or time other than what was prescribed by the Rules of Court, thereby creating confusion among party litigants and their counsel. Moreover, a number of administrative complaints have also been filed assailing the orders allegedly given on a particular "non-motion day."

For this purpose and for the guidance of all concerned, Section 7 of Rule 15 of the Revised Rules of Court is reproduced hereunder:

(Continued on page 25)

PHILJA Bulletin

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

2008 Upcoming PHILJA Events

- RJCEP Level 5
  Region I: July 1-3, Baguio City
  Region VII: July 22-24, Cebu City
  Region XI: August 26-28, Davao City
- Seminar-Workshop on Access to Justice and Code of Conduct for Court Personnel
  July 2 and 3, Subic, Zambales
  July 9 and 10, Dumaguete City
  July 29 and 30, Legazpi City
- Advance Course for Mediators
  La Union Mediation Program
  July 3, San Fernando City, La Union
  Cebu Mediation Program
  July 17, Hotel Fortuna, Cebu City
  Leyte Mediation Program
  July 31, Hotel Alejandro, Tacloban City
  Bulacan Mediation Program
  August 5, Supreme Court, Manila
  Davao Mediation Program
  August 13, Waterfront Hotel, Davao City
  Cagayan Mediation Program
  August 26, Villa Blanca Hotel, Tuguegarao City
- 53rd Orientation Seminar-Workshop for Newly Appointed Judges
  July 8-17, CSB Hotel, Malate, Manila
- Study Program on the Judicial Help-Book on R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003)
  July 10-11, Clarkfield Pampanga
- Multi-Sectoral Consultative Workshop on the Manual and Training Design for Green Courts
  July 16-18, Pearl Manila Hotel
- Personal Security Training for Judges
  July 24-26, Waterfront Hotel, Davao City
  August 27-29, Hotel Veniz, Baguio City
- 16th Pre- Judicature Program
  August 4-14, Dumaguete City
- Seminar-Workshop on Managing Environmental Cases
  August 4-6, Traders Hotel, Pasay City
- Roundtable Discussion on Public and Private International Law
  August 14, Pan Pacific Hotel, Manila
- 12th Orientation Seminar-Workshop for Newly- Appointed Clerks of Court
  April 19-22, Hotel Fortuna, Cebu City
- Multi-Sectoral and Skills-Building Seminar-Workshop on Human Rights Issues: Extralegal Killings and Enforced Disappearances
  August 28-29, Tagbilaran City, Bohol
- 10th Convention Seminar of MetcJAP
  September 1-5, Bacolod City
- Seminar-Workshop on CEDAW and Gender Sensitivity for Sandiganbayan Employees
  September 11, Sandiganbayan, Quezon City
- Roundtable Discussion of Women Leaders in Biodiversity Conservation
  September 16, Pan Pacific Hotel, Manila
- International Conference on the International Criminal Court
  September 25-26, Renaissance Makati City Hotel
- Seminar-Workshop on the Rule of Procedure for Small Claims Cases
  September 29, Manila Pavilion Hotel, Manila