

SC CIRCULAR NO. 13, July 01, 1987

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

ALL JUSTICES OF THE COURT OF APPEALS AND THE SANDIGANBAYAN; TO ALL JUDGES OF THE COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COUKTS . AND SHARI'A CIRCUIT COURTS

SUBJECT:

GUIDELINES IN THE ADMINISTRATION OF JUSTICE

The installation of the new government of President Corazon C. Aquino and Vice-President Salvador H. Laurel following the presidential snap elections raised the hopes and dreams of the Filipino people of finally securing for themselves and their posterity the blessings of true independence and democracy under the rule of law and regime of truth, justice, freedom, love, equality and peace, as declared in the preamble of the 1937 Constitution. The reorganization of the new judiciary was completed last January 30, 1987, after a careful screening of all those who were extended new appointments.

With the ratification of the 1987 Constitution and the restoration of Congress following the last May 11, 1937 congressional elections, all the structures for a strong and democratic Republic with separation of powers and checks and balances have been put in place. Your security of tenure and the independence of the judiciary are now ensured. In turn, our primary and fundamental task is to restore the full confidence of our people in the courts. To succeed in this endeavor, the complete and dedicated support of all of us in the judiciary is needed.

The reorganized judiciary is tasked with the tremendous responsibility of assisting parties litigants in obtaining just, speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Sec. 2 of the Rules of Court. Delay is a recurring complaint of every litigants. The main objective of every judge, particularly of trial judges, should be to avoid delays, or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics.

GENERAL GUIDELINES

For all members of the judiciary, the following guidelines are hereby issued:

- All members of the judiciary must always to live up to the criterion prescribed in Article VIII, Section 7(3), of the Constitution that "a Member of the Judiciary must be a person of proven competence, integrity, probity and independence."

- Judges should keep abreast of the rulings and doctrines laid down by the Supreme Court and apply them to appropriate cases regardless of their personal opinion.
- Judges shall observe scrupulously the periods prescribed by Article VIII, Section 16, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so.
- All decisions should express clearly and distinctly the facts and the laws on which they are based. No petition or review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor. (Article VIII, Section 14, 1987 Constitution)
- All courts are enjoined to exercise extra care and circumspection in the issuance of temporary restraining orders and preliminary injunctions or improvident or arbitrary orders or resolutions that are manifestly marked by grave abuse of discretion. They must take note that the effective period of temporary restraining orders is limited to 20 days and subject to the requirements provided in BP No. 224 and the Interim Rules.

GUIDELINES FOR TRIAL COURTS

The following guidelines are hereby issued for all trial courts:

- Punctuality and strict observance of office hours.- Punctuality in the holding of scheduled hearings is an imperative. Trial judges should strictly observe the requirement of at least eight hours of service a day, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. as required by par. 5 of the Interim Rules issued by the Supreme Court on January 11, 1933, pursuant to Sec. 1+ of BP 129.
- Maximize use of pre-trial and discovery procedures. - Pre-trials are not intended merely to determine whether the parties can arrive at compromises. Exhaustive pre-trials should be conducted to reduce areas of conflict and simplify issues, secure stipulations or admissions of facts, limit the number, of witnesses, consider the advisability of preliminary reference of issues to a commissioner and other matters as may aid in the prompt disposition of the action. (Rule 20, Section 1 of the Rules of Court)

Judges should exert more effort to resolve the remaining issues by judgment on the pleadings or summary judgments specially in simple collection cases where the pleadings manifestly raise no genuine issues or only sham issues, as enjoined by Rule 20, Section 3 in relation to Rule 19 and Rule 34 of the Rules of Court.

- Availment of discovery procedures. - Lawyers and parties should be encouraged to avail of discovery procedures provided for in Rule 24 to Rule 29 of the Rule of Court. This is a neglected area in our adversarial process. Its use would greatly expedite the trial of cases.
- Active management of trials, minimum postponements. -
 - (a) Judges should actively manage trial of their cases of rational calendaring of cases, avoid unnecessary postponements of cases, plan the course and direction of trials so that waste of time is avoided. Judges should closely supervise court personnel so that adequate precautions are taken in sending out subpoenas, summons and court processes to ensure that they are timely served and received.

(b) A rational policy on postponements should be observed by the judge so that the courts are not at the mercy of the lawyers and the parties without at the same time imposing abusive, unnecessary and oppressive denial of meritorious motions for postponements, Court should strictly enforce the provisions of Sections 3, 4, and 5 of Rule 22 on the matter of adjournment and postponements, judges should note that, under Rule 22,

Section 3, the court has no authority to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, unless authorized in writing by the Chief Justice.

(c) Trial of cases should be conducted punctually, expeditiously and efficiently for the speedy disposition of cases.

In criminal cases, judges should strictly observe the provisions of Rule 119, Section 2 for a continuous day to day trial as practicable until terminated.

(d) There should be a rational and realistic calendar management so that only a sufficient number of cases are calendared that will permit the judge to hear all the cases as scheduled.

- Annual Conferences on pending cases. - Judges should avail of annual conferences mandated by the Rules of Court (Rule 22, Section 6) to determine the causes of delay. The conference should be held at the end of one year from the day the trial proper has commenced and every year thereafter. At the conference, ways and means should be devised for the proper termination of the trial.

As required under Rule 22, Section 6, a statement of the result of the conference should be attached to the record.

- Inventory of Cases. - There should be a continuous and a physical inventory of cases on a monthly basis so that the trial judge is aware of the status of each case. With the assistance of the branch clerk of court, a checklist should be prepared indicating the steps to be taken to keep cases moving.

- Preparation of concise and brief decisions. - While decision writing is a matter of personal style, judges should endeavor to prepare brief decisions, orders or resolutions. Every judge should have on his desk a table or calendar indicating the cases submitted for decision.

- Visitations by Supreme Court personnel. - In order to assist trial judges and so that appropriate audits can be affected, the Supreme Court through the Office of the Court Administrator shall from time to time be sending out teams of staff attorneys and personnel of the Office of the Court Administrator to conduct visitations of the different courts. This shall be done periodically and without previous notice. Such teams shall so conduct themselves so as not to interfere with the work of the trial judges but shall observe proceedings, conduct dialogues, make audits of case dispositions and report to the Supreme Court their observations and recommendations. Your utmost cooperation with these teams is enjoined.

- Exemplars in the Community. - Finally, all trial judges should, endeavor to conduct themselves strictly accordance with the mandate of existing laws and the Code of Judicial Ethics that they be exemplars in their communities and the living personification of Justice and the Rule of Law.

July 1, 1987.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

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