

SC ADMINISTRATIVE CIRCULAR NO. 62-2002, November 20, 2002

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RE : SUBMISSION OF REPORTS ON THE STATUS OF TEMPORARY RESTRAINING ORDERS OR WRITS OF PRELIMINARY INJUNCTION ISSUED IN VARIOUS CASES

TO : ALL TRIAL JUDGES

There are still negative reports on the issuance of temporary restraining orders (TRO) or writs of preliminary injunction especially in cases involving Government projects, claims against the Government, or the validity of laws or ordinances, or in cases arising from loans granted by banking or financial institutions. There are also complaints about delays in the disposition of such cases after a TRO is converted into a writ of preliminary injunction.

It must be emphasized that an improvident issuance of TROs or writs of preliminary injunction or an unreasonable delay in the disposition on the merits of such cases would have serious impact on, inter alia, the parties affected thereby, Government projects, the banking industry, and the economy.

NOW THEREFORE, trial judges shall submit not later than 15 January 2003 a status report on TROs or writs of preliminary injunction issued in various cases, especially those involving Government projects or claims against the Government (national or local, or any government agency or instrumentality) or those arising out of loans granted by banking or financial institutions, such as foreclosure of mortgage or annulment of mortgage, or declaration of nullity of loan agreements; or in incidents related to, or connected with, such cases, such as the issuance of writs of possession.

The report shall indicate the (a) full caption of the case and the docket number; (b) nature of the case; (c) date of filing of the complaint or relevant motion; (d) date the TRO was issued; (e) date the writ of preliminary prohibitory injunction was issued, if any; (f) status of the TRO or writ of preliminary prohibitory injunction (whether it is still in force); (g) actual status of the case (whether on trial stage or deemed submitted for decision or already decided but on appeal); (h) if the case is already deemed submitted for decision, the date it was deemed submitted; (i) if the case has been pending for more than one (1) year, the reason therefor.

All cases subject of this Administrative Circular which are already deemed submitted for decision must be decided within the period provided in the Constitution. The trial on the merits of the remaining cases should be terminated within eight (8) months from 15 January 2003.

Trial Judges are reminded to strictly comply with Administrative Circular No. 07-99 (Exercise of Utmost Caution, Prudence, and Judiciousness in Issuance of Temporary Restraining Orders and Writs of Preliminary Injunction) and Administrative Circular No. 11-2000 (Re: Ban on the Issuance of Temporary Restraining Orders or Writs of Preliminary Prohibitory or Mandatory Injunction on Cases Involving Government Infrastructure Projects).

The Office of the Court Administrator shall see to it that this Administrative Circular is strictly complied with.

This Administrative Circular takes effect upon its issuance.

Issued this 20th day of November 2002.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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