

SC CIRCULAR NO. 3, March 12, 1986

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

ALL JUSTICES OF THE INTERMEDIATE APPELLATE COURT AND SANDIGANBAYAN; AND ALL JUDGES OR THE COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS/ MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A COURTS.

SUBJECT: Procedure in cases involving Government Officers who have ceased to hold office

For your guidance and ready reference, quoted hereunder is Section 18 of Rule 3 of the Revised Rules of Court:

"SEC. 18. Death or separation of a party who is a government officer. - When an officer of the Philippines is a party in an action and, during its pendency dies, resigns, or otherwise ceases to hold office, the action may be continued and maintained by or against his successor, if within thirty (30) days after the successor takes office it is satisfactorily shown to the court that there is a substantial need for so continuing and maintaining it. Substitution pursuant to this rule maybe made, when it, is shown by supplemental pleading that the successor of an officer adopts or continues or threatens to adopt or continue the action of his predecessor in enforcing a law averred to be in violation of the Constitution of the Philippines. Before a substitution is made, the officer or party to be affected, unless expressly assenting thereto, shall be given reasonable notice of the application therefore and accorded an opportunity to object." (Emphasis supplied)

In consonance with the above Rule, and to help clear the dockets, the Courts may motu proprio send notices to the parties to file their manifestations within the reglementary thirty-day period whether there is still a substantial need for continuing or maintaining the pending cases filed by or against government officers who have ceased to hold office under the new government headed by President Corazon C. Aquino.

Please be guided accordingly.

Manila, March 12, 1986.

(Sgd.) CLAUDIO TEEHANKEE

Acting Chief Justice

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