

2002 INTERNAL RULES OF THE COURT OF APPEALS

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Pursuant to Section 12 of the Judiciary Reorganization Act of 1980 (Batas Pambansa Blg. 129), as amended, the Court of Appeals hereby adopts and promulgates these rules governing its internal operating procedures. These rules shall be known and may be cited as the 2002 INTERNAL RULES OF THE COURT OF APPEALS (IRCA).

RULE I THE COURT, ITS ORGANIZATION AND OFFICIALS SECTION. 1. Composition of the Court of Appeals. Unless otherwise provided by law, the Court of Appeals is composed of a Presiding Justice and sixty eight (68) Associate Justices. It shall sit en banc, or in twenty-three (23) Divisions of three (3) Justices each. The members of the Court are classified into three groups according to the order of their seniority. The first twenty-three most senior members, including the Presiding Justice, shall be Chairmen of the twenty-three Divisions in consecutive numerical sequence. The next twenty-three members shall be the senior members of the Divisions, while the rest shall be the junior members. (Sec. 1, Rule 1, RIRCA [a]) Until the full implementation of Republic Act No. 8246, the Court shall sit in seventeen (17) Divisions of three (3) justices each in Manila, as presently constituted. (n) When a senior member is designated to act as Chairman of a Division, he shall be an “Acting Chairman”. In like manner, a junior member designated to act as senior member of a Division shall be an “Acting Senior Member”. (Sec. 5 [c], Rule 1, RIRCA [a])

SEC. 2. Station and Place of Holding Sessions. — (a) Upon full implementation of Republic Act No. 8246, the Court shall have its permanent stations as follows: the first seventeen (17) Divisions shall be in the City of Manila for cases coming from the National Capital Judicial Region and the First, Second, Third, Fourth and Fifth Judicial Regions; the eighteenth, nineteenth and twentieth Divisions shall be in Cebu City for cases coming from the Sixth, Seventh and Eighth Judicial Regions; and the twenty-first, twenty-second and twenty-third Divisions shall be in Cagayan de Oro City for cases coming from the Ninth, Tenth, Eleventh and Twelfth Judicial Regions. (b) Whenever demanded by public interest, or whenever justified by an increase in case load, the Supreme Court, upon its own initiative or upon recommendation of the Presiding Justice, may authorize any division of the Court to hold sessions periodically, or for such periods and at such places as the Supreme Court may determine, for the purpose of hearing and deciding cases. (Sec. 3, R.A. No. 8246)

SEC. 3. Exercise of Powers and Functions. — The Court of Appeals shall exercise its adjudicative powers, functions and duties through its Divisions. It sits en banc in the exercise of administrative, ceremonial and non-adjudicative functions. (Sec. 1, Rule 2, RIRCA [a])

SEC. 4. Court En Banc. The Court en banc shall be presided by the Presiding Justice or, in his absence, by the most senior Justice in attendance. A majority of the actual members of the Court shall constitute a quorum for its session en banc. (Sec. 11, B.P. 129) The affirmative vote of a majority of those in attendance and who are participating shall be necessary to approve any matter submitted for its consideration. (Secs. 3 and 4, Rule 1, RIRCA [a])

SEC. 5. Matters Cognizable by the Court En Banc. — The Court en banc shall, inter alia: (a) Promulgate rules relative to the organization or reorganization of the Divisions, assignment of the Justices, distribution of cases and other matters concerning the operation and management of the Court and its Divisions; (b) Act on administrative matters, including regrouping, merger or abolition of existing offices, units or services, creation of new ones, or transfer of functions of one office, unit or service to another as the exigencies of the service may require; (c) Adopt uniform administrative measures, procedures and policies for the protection and preservation of the integrity of the judicial processes, the speedy disposition of cases and the promotion of efficiency of the personnel; (d) Discuss and thresh out divergent views on a particular question of law so as to reach a consensus thereon or minimize, if not eliminate, conflict in

decisions and resolutions of the different divisions on the interpretation and application of a provision of law; (e) Take up other administrative matters which the Presiding Justice or any member may submit for consideration and inclusion in its agenda; (f) Recommend to the Supreme Court the appointment of the Clerk of Court, Assistant Clerk of Court, Court Reporter and Division Clerks of Court; and (g) Receive foreign and local dignitaries, important guests and visitors, honor a colleague or retiring member of the Court, hold necrological services for its members who die in office and honor former members who die after retirement. (Sec. 2, Rule 2, RIRCA) SEC. 6. Division of the Court. — A Division of the Court shall be presided by the Chairman or, in his absence, by the senior member thereof. If the substitute member is the most senior, he shall be the Acting Chairman. (Sec. 3, Rule 1, RIRCA [a]) SEC. 7. Standing Committees. — There shall be standing committees, each of which shall be composed of a Chairman and at least two (2) members, all of whom shall be appointed by the Presiding Justice with the concurrence of the Court en banc. They shall serve for a term of one (1) year. The standing committees which shall assist the Court on various matters are the following: (a) Committee on Ethics and Special Concerns — On matters involving:

(1) Ethics and discipline of the members of the Court, its other judicial officers and employees. The Committee's tasks include the following: (1.1) identify and address problem areas in the performance of duties of the Court to ensure honest, effective, efficient and speedy administration of justice; (1.2) prepare and submit to the Presiding Justice recommendations and suggestions to solve the problems mentioned in the preceding paragraph; (1.3) review and submit comments and recommendations on reports of Investigating Officers on administrative complaints against officers and employees of the Court; (1.4) formulate and recommend policies and administrative procedures on the discipline of Court personnel; and (1.5) perform other tasks or duties as may be assigned to it by the Presiding Justice or the Court. (n) (2) Questions involving consolidation of cases. The Committee shall determine the propriety of the proposed consolidation and to make its written recommendation to the Presiding Justice within five (5) days from referral to it.

(b) Committee on Personnel - On matters involving personnel, such as recruitment, appointment, monitoring of leaves of absence, training, change of organizational structure, creation of positions, discipline, retirement and termination of services. (c) Committee on Budget and Finance - On matters involving: (1) the preparation of annual budget, (2) allotment of funds, (3) accounting, and (4) all financial transactions. (d) Committee on Security and Safety - On matters involving: (1) formulation of security policies, (2) enforcement and implementation of safety measures such as wearing of I.D. cards, control of visitors, etc. (e) Committee on Records Management and Information Service - On matters involving the management of records, information, statistical data and computerization. (f) Committee on Employees' Welfare and Benefits - On matters involving: (1) creation and maintenance of medical and dental services, (2) establishment and operation of a health and welfare plan, (3) establishment and supervision of canteen for Justices, officials and employees, cultural and sports activities, (4) maintenance of shuttle buses and other equipment and facilities for employees. (g) Committee on Legal and Research Services - On matters involving the operations of the Office of the Court Reporter and the Court Library, especially in the publication of decisions and circulars of the Court, research on legal issues, acquisition of new books and research tools and other related matters referred to it by the Court. (h) Committee on Buildings and Grounds - On matters involving: (1) the construction, repairs, improvements and maintenance of buildings and grounds, and (2) the installation of safety and necessary devices. (i) Committee on Purchase and Acquisition of Court Facilities, Equipment and Supplies - On matters involving the purchase, acquisition and maintenance and disposal of vehicles, office equipment, supplies, books, computers and furniture, and conducting required biddings and awards. (j) Committee on Rules - On matters involving the amendments or revision of internal rules of the Court. (k) Committee on Court of Appeals Journal - On the matter of maintaining and improving the Court of Appeals official journal. (l) Committee on Foreign Travels - On the matter of formulating guidelines and determining on the basis thereof, the Justices and other judicial officers of the Court who are entitled or be given

priority to travel abroad on official time or business and to make the necessary recommendations thereon. (m) Committee on Baguio Cottages and Administrative Building - On matters involving the maintenance and improvement of the Court's Baguio Cottages, supervision of the employees therein and the operation of the Administrative Building in said City. (n) SEC. 8. Jurisdiction and Manner of Exercise of Adjudicative Powers of the Court by Divisions. — The Court shall have original and appellate jurisdiction as provided for by law. In the exercise and discharge of the adjudicative powers, functions and duties of the Court, the Divisions shall hold consultations. (Sec. 3, Rule 2 RIRCA [a]) SEC. 9. Reorganization of Divisions. — (a) Reorganization of Divisions shall be effected whenever a permanent vacancy occurs in the chairmanship of a Division. Assignment of Justices to the Divisions shall be in accordance with the order of seniority. (n) (b) Should appointments to the Court require the creation of a new Division or Divisions, the most ranking senior members shall be the Chairman or Chairmen of such new Division or Divisions, and the resulting vacancies in the senior membership shall be filled by the most ranking junior members. The new appointees shall be assigned to the resulting vacancies as junior members. (Sec. 5[a], Rule 1, RIRCA) (c) A permanent vacancy in the ranks of junior members shall be filled by the most junior member as acting junior member of the Division where the vacancy exists pending reorganization of the Divisions, in addition to his duties as regular member of his current Division. (Sec. 5, Rule 1, RIRCA [a]) (d) When the members of a Division fail to reach a unanimous vote, its Chairman shall direct the Raffle Committee to designate by raffle two (2) additional members to constitute a Special Division of Five. In the selection of the additional members, the rule on equal assignment shall be observed. (Sec. 6, Rule 1, RIRCA [a]) SEC. 10. Other Court Officials and their Duties. — (a) Clerk of Court. — The Clerk of Court is the administrative officer of the Court. He shall be under the direct supervision of the Presiding Justice and is accountable to the Court. He shall take charge of the administrative supervision of the Court and exercise general or administrative supervision over subordinate officials and employees, except the co-terminus staff. He shall assist the Presiding Justice in the formulation of programs and policies for consideration of the Court en banc. (Sec. 11, Rule 1, RIRCA [a]) It shall also be the duty of the Clerk of Court to: (1) Disseminate information concerning court activities of public interest and answer questions concerning the Court and official actuations of Justices; (2) Answer queries from litigants, counsel and interested parties pertaining to the status of cases pending in the Court; and (3) Perform other functions as may, from time to time, be assigned to him by the Presiding Justice or the Court. (b) Assistant Clerk of Court. — The Assistant Clerk of Court shall assist the Clerk of Court in the performance of his duties and functions and perform such other duties and functions as may be assigned to him by the Presiding Justice or the Clerk of Court. In case of vacancy in the position of the Clerk of Court, the Assistant Clerk of Court shall act as Acting Clerk of Court until his successor shall have been appointed and qualified; in case of absence or incapacity of the Clerk of Court, the Assistant Clerk of Court shall perform the duties of the Clerk of Court, until the latter reports for duty. (Sec. 11, Rule 1, RIRCA [a]) (c) Division Clerk of Court. — Each Division shall be assisted by a staff composed of one (1) Division Clerk of Court (Executive Clerk of Court III), one (1) Assistant Division Clerk of Court and such personnel as the exigencies of the service may warrant. The Division Clerk of Court shall be under the direct control and supervision of the Chairman of the Division. The Division Clerk of Court shall: (1) Direct and supervise the staff of the Division; maintain the records of the Division in an orderly manner; keep tract of the status and progress of cases assigned to the Division; monitor pleadings, motions and papers filed with the Receiving Section of the Judicial Records Division; update the records of cases; examine the records of cases to be acted upon by the Division, such as but not limited to the payment of docket and other legal fees, filing of briefs, memoranda and other papers within the allowable periods; prepare the agenda of motions and other incidents for action by the Division; issue minute resolutions, notices of decisions, resolutions and hearings, summonses, subpoenas, writs and other processes under the authority of the Division; attend the hearings of the Division, supervise the stenographers in recording the proceedings and prepare the minutes thereof; receive the decisions and resolutions of the Division for promulgation; and make

entries of judgment; (2) Immediately report to the Justice concerned the failure of a party to comply with the resolution or order of the Court within the prescribed period; (3) Transmit the original and two (2) copies of the decision and resolution to the Court Reporter within twenty-four (24) hours from promulgation; (Sec. 11, Rule 1, RIRCA [a]); and (4) Perform such other duties as may be assigned by the Division Chairman. If only one or two Justices are left after a decision is promulgated, it shall be the duty of the Division Clerk of the former ponente to request the Raffle Committee for substitution; but if no Justice is left, the Chief of the Judicial Records Division shall make the request for raffle. (d) Court Reporter. — The Court Reporter shall: (1) Keep custody of the originals of the decisions and final resolutions, which shall not be brought out of the Court premises without the written authority of the Presiding Justice; cause the binding thereof in separate volumes; have supervision and control over his staff; and distribute to the Justices copies of decisions of first impression; (2) Release certified copies of decisions and resolutions only upon written request, payment of the proper fees and presentation of the corresponding receipt to the Court Reporter; (3) Publish in the Official Gazette and the Court of Appeals Reports Annotated decisions and final resolutions together with their syllabi in consultation with the ponentes; (4) Separate syllabi of decisions and final resolutions of the Court that have become final and executory and distribute them to the members of the Court; (5) Prepare and publish with each reported decision and final resolution a concise synopsis of the facts necessary for a clear understanding of the case, the names of counsel, the material and controverted points involved, the authorities cited therein and a syllabus which shall be confined to points of law; and (6) Call the attention of the Presiding Justice to conflicting decisions, in which case the Presiding Justice shall convoke the Divisions concerned to resolve the same. (Sec. 11, Rule 1, RIRCA [a]) SEC. 11. Appointments and Resignation of Court Officials and Other Employees. — Appointments of the Clerk of Court, Assistant Clerk of Court, Division Clerks of Court and Court Reporter shall be recommended by the Court en banc to the Supreme Court. Appointments of all other personnel shall be recommended by the Presiding Justice. Upon receipt of the Supreme Court resolution approving the recommendation, the Presiding Justice shall immediately issue to the appointee the corresponding commission evidencing the appointment. The appointee may then take his oath and perform his duties and responsibilities. No recommendee shall assume the duties of the position to which he was recommended for appointment before issuance of his appointment, except in meritorious cases and with prior approval of the Chief Justice. For purposes of the Civil Service Law, the commission shall serve as the appointment paper of the appointee and a copy thereof shall be forwarded to the Civil Service Commission, together with supporting papers. All resignations from office shall be indorsed by the Presiding Justice to the Supreme Court for appropriate action. (Sec. 12, Rule 1, RIRCA [a]) RULE II RULE ON PRECEDENCE AND PROTOCOL SEC. 1. Concept. — The Presiding Justice enjoys precedence over all the other members of the Court in all official functions. The Associate Justices shall have precedence according to the order of their appointments as officially transmitted to the Supreme Court. (Sec. 7, Rule 1, RIRCA [a]) SEC. 2. When Rule on Precedence is Applicable. — The rule on precedence shall be applied in the following instances: (a) In case of vacancy in the office of the Presiding Justice or in his absence or inability to perform the powers, functions and duties of his office, the Associate Justice who is first in precedence shall perform his powers, functions and duties until another Presiding Justice is appointed and has qualified or such disability is removed; (b) In the determination of the chairmanship of the Divisions; (c) In the sitting arrangement of the Justices in all official functions; (d) In the choice of supporting personnel and other employees; and (e) In the choice of office space, facilities, equipment, transportation and cottages. (Rule 1, Sec. 8, RIRCA [a]) SEC. 3. When Rule on Precedence is Not Applicable. — Precedence in rank shall not be observed in social and other non-official functions nor be used to justify discrimination in the assignment of cases, amount of compensation, allowances or other forms of remuneration, except in the case of the Presiding Justice or whoever is acting in his place and the Chairmen of the Divisions. (Sec. 9, Rule 1, RIRCA [a]) SEC. 4. Ceremonial Protocol in En Banc Session and Division Hearing. - (a) During an en banc session the most junior member of the Court enters first and the

Presiding Justice exits first. During a Division hearing, the Chairman enters and exits first, followed by the members according to seniority. (b) As the first Justice enters the session hall for an en banc session, the Clerk of Court announces: "The Honorable Court of Appeals En Banc, presided by Mr./Madame Presiding Justice _____, is now in session. Silence is enjoined." With that announcement and after he reaches his chair, the Presiding Justice bangs the gavel. All shall then take their seats. In Division hearings, the Division Clerk of Court announces: "The _____ Division of the Honorable Court of Appeals, presided by its Chairman, Mr./Madame Justice _____, is now in session. Silence is enjoined." With that announcement and after he reaches his chair, the Chairman bangs the gavel. All shall then take their seats. (n) SEC. 5. Conduct of Hearing in Divisions. - The Chairman controls the proceedings during the hearing. He shall rule on all motions and objections interposed therein in consultation with the members. He may, however, yield the conduct of the proceedings to any member who shall exercise the powers of the Chairman. (n) SEC. 6. Attendance of Justices in Hearings. — Except where a hearing to receive the evidence of the parties is referred by a Division to one of its members, the members of a Division shall be present at all hearings of the Division, otherwise the hearings shall be postponed. Unexplained or unjustified absence shall be a ground for disciplinary action. RULE III PROCEDURE IN RECEIVING, ASSIGNMENT AND DISTRIBUTION OF CASES SEC. 1. Manner of Filing; Duty of Receiving Section. — (a) Pleadings, motions and other papers shall be filed with the Receiving Section of the Judicial Records Division of the Court. (Sec. 3, Rule 3, RIRCA [a]). (b) Upon receipt of the pleadings, motions or other papers filed by personal delivery, the Receiving Section shall forthwith legibly stamp on the first page thereof the exact date and hour of such receipt, duly signed by the receiving clerk. (Sec. 3(b), Rule 3, RIRCA [a]) (c) If the filing is by registered mail, the Receiving Section shall legibly stamp or indicate on the first page of the pleading, motion or other paper the date of receipt thereof by the Court, the fact that the same was received by registered mail and the date of posting thereof, duly signed by the receiving clerk. The corresponding envelope or portion thereof showing the date of posting and registry stamp shall be attached to the rollo. (Sec. (c), Rule 3, RIRCA [a]) (d) Pleadings, motions and other papers may also be filed by ordinary mail, private messengerial service or any mode other than personal delivery and registered mail as may be allowed by law or the Rules. However, they shall be deemed filed on the date and time of receipt by the Court, which shall be legibly stamped by the receiving clerk on the first page thereof and on the envelope containing the same, and signed by him. (Sec. 4, Rule 3, RIRCA[a]) SEC. 2. Raffle of Cases. -- (a) Assignment of cases to a Justice, whether for completion of records or for study and report, shall be by raffle, subject to the following rules:

(1) Appealed cases for completion of records shall be raffled to individual Justices; (Sec. 5(a), Rule 3, RIRCA [a])

(1.1) Records are deemed completed upon filing of the required briefs or memoranda or the expiration of the period for the filing thereof and resolution of all pending incidents. Thereupon, the Division Clerk of Court shall report the case to the Justice concerned for the issuance of a resolution declaring the case submitted for decision and referring the same to the Raffle Committee for raffle to a Justice for study and report; (Sec. 5(b), Rule 3, RIRCA [a]) (1.2.) After such raffle, all incidents shall be referred to the Justice to whom the case is assigned for study and report, except in cases where there are missing transcripts of stenographic notes or other parts of the records, in which event, the case shall be returned to the Justice for completion of records; (n)

(2) Petitions for review under Rules 42 and 43 and Sec. 3 (b) of Rule 122, annulment of judgments under Rule 47, special civil actions under Rules 65, 66 and 71, and habeas corpus under Rule 102 of the Rules of Court shall be raffled to a Justice for completion, study and report; (n) (3) When a Justice to whom a case is raffled for study and report inhibits himself, is suspended or is on leave of absence for at least six (6) months, the case shall be re-raffled courtwide to another Justice, with right of replacement of another case of similar nature and status. (Sec. 5(d), Rule 3, RIRCA[a])

(b) Raffle of cases for completion of records under paragraph (a)(1) of this section shall be open to the public and

conducted in chronological order every working day at 10:30 A.M. Raffle of cases for study and report under paragraph (a)(1.1) or the re-raffle thereof under paragraph (a)(3) shall be confidential. Petitions, actions and proceedings under paragraph (a)(2) shall be raffled to a Justice and shall be undisclosed to the parties to the case and the public. (Sec. 6, Rule 3, RIRCA [a]) (c) Raffle of cases shall be conducted by the Raffle Committee composed of all the Justices of the Division chosen for the day which, in turn, shall choose by raffle the Raffle Committee for the following working day. The members of the Raffle Committee who are present shall be exempt from assignment of cases for the day. In the event that one or more members of the Raffle Committee is/are absent or not available, the Raffle Staff shall report the matter to the Presiding Justice who shall thereupon choose by raffle the members which shall constitute the Raffle Committee for the day. The staff of the Raffle Committee as designated by the Presiding Justice shall be under his direct control and supervision. (Sec. 6(b), Rule 3, RIRCA[a]) (d) No special raffle shall be conducted except for urgent necessity therefor as determined and authorized in writing by the Presiding Justice, or in his absence or unavailability, the most senior Justice present. The special raffle shall be confidential and shall be conducted during office hours by the Raffle Committee for the day or any of its members. In their absence, the Presiding Justice may personally conduct the raffle or assign another Justice to do so. (Sec. 6(e), Rule 3, RIRCA [a]) (e) To ensure equality in the number and nature of the cases assigned to the Justices, the Raffle Staff shall prepare separate lists of cases under the following categories: (1) appealed civil cases; (2) appealed criminal cases; (3) appealed criminal cases involving detention prisoners; (4) appealed special civil actions; (5) appealed special proceedings; (6) habeas corpus; (7) annulment of judgments; (8) petitions for review of the decisions of the Court of Tax Appeals and quasi-judicial agencies; (9) petitions for certiorari, prohibition and mandamus; (10) cases involving substitution of a ponente or designation of Justices to fill vacancies in a Division or to create a Special Division of Five; and (11) administrative cases referred by the Supreme Court to the Court. (Sec. 6(c), Rule 3, RIRCA [a]) (f) The Raffle Staff shall furnish the Justices with the result of the raffle not later than the following working day. The result of the raffle intended to be undisclosed shall be held in strictest confidence by everyone concerned. (Sec. 6(f), Rule 3, RIRCA [a]) (g) Only civil and criminal cases not involving detention prisoners shall be raffled to the Presiding Justice in the ratio of 1:4. (n) (h) A Justice with an approved leave of absence exceeding thirty (30) days shall be exempt from the raffle of cases for the period covered thereby. (Sec. 6(h), Rule 3, RIRCA [a]) (i) The Raffle Committee shall be furnished with a copy of the approved leave of absence of a Justice at least a day before its commencement. In case of unavoidable circumstances, a written notice of his absence from the Justice or an authorized member of his staff must be served on the Raffle Committee not later than 9:30 a.m. of the day that said Justice cannot report for work. Within two (2) working days from the written notice, a formal leave of absence of said Justice, duly approved by the Presiding Justice, shall be filed with the Raffle Staff. The Raffle Staff shall report the failure of a Justice to file said formal leave of absence to the Presiding Justice, who shall then direct the Raffle Committee to include said Justice in the succeeding raffle of cases for raffle to him of such number and nature of cases which should have been assigned to him were it not for the aforesaid notice. (n) (j) A Justice shall be excluded from raffle of cases three (3) months before his retirement. (Sec. 6(i), Rule 3, RIRCA [a]) (k) Within three (3) months from retirement or cessation from office of a Justice, his pending cases shall be raffled to the other Justices, except those cases which must be raffled among the remaining members of the Division who participated therein, unless otherwise directed by the Presiding Justice. (n). SEC. 3. Consolidation of Cases. — When related cases are assigned to different Justices, they may be consolidated and assigned to one Justice. (a) At the instance of a party with notice to the other party; or at the instance of the Justice to whom the case is assigned, and with the conformity of the Justice to whom the cases shall be consolidated, upon notice to the parties, consolidation may be allowed when the cases involve the same parties and/or related questions of fact and/or law. (b) Consolidated cases shall pertain to the Justice –

- (1) (1) To whom the case with the lowest docket number is assigned, if they are of the same kind; (2) (2) To

whom the criminal case with the lowest docket number is assigned, if two or more of the cases are criminal and the others are civil or special; (3) (3) To whom the criminal case is assigned and the others are civil or special; and (4) (4) To whom the civil case is assigned, or to whom the civil case with the lowest docket number is assigned, if the cases involved are civil and special. (c) Notice of the consolidation and replacement shall be given to the Raffle Staff and the Judicial Records Division. (Sec. 7, Rule 3, RIRCA [a])

SEC. 4. Replacement of Cases. – (a) When cases pertaining to different Justices are consolidated, the Justice to whom the consolidated cases are assigned may transfer to the Justice, from whom the consolidated case was taken, a case of his own in exchange for the re-assigned case, which should as much as possible be of similar nature and status as the one replaced. (Sec. 7, Rule 3, RIRCA [a]) (b) If a ponente voluntarily inhibits himself or is disqualified, the Justice to whom the case is re-raffled may transfer to the former another case of similar nature and status. (n) (c) A case in which any of the actions or proceedings mentioned in Sec. 2(d), Rule VI hereof has been taken shall not be given as replacement. (n) (d) If the replacement is acceptable, the Justice to whom a replacement case is delivered shall send the rollo of the same to the Raffle Staff which shall indicate on the cover of the rollo that it is a replacement case naming therein the Justice to whom it is given. (n) SEC. 5. Distribution of Cases Upon Appointment of a New Justice. – Upon appointment and assumption to office of a new Justice, he shall be assigned an initial caseload equal to the average caseload of an incumbent Justice as shown in the latest report of the Information and Statistical Data Division. The initial caseload shall first be taken from the unre-assigned cases submitted for decision left behind by a Justice who retired from the service or otherwise ceased to be a member of the Court, and then from those unloaded by the incumbent Justices of such number and nature as determined by the Presiding Justice. (n) SEC. 6. Disposition of Pending Cases When a Justice Ceases to be a Member of the Court. – (a) When a Justice retires, is promoted or otherwise ceases to be a member of the Court, he shall, within thirty (30) days therefrom, submit to the Presiding Justice a complete inventory of cases assigned to him, copy furnished the Clerk of Court, the Judicial Records Division and the Raffle Staff. Within the same period, the records of said cases shall be forwarded to the Judicial Records Division. (n) (b) Cases submitted for decision and other pending cases which are left behind by a Justice who retires, is promoted or otherwise ceases to be a member of the Court, but are not included in the initial caseload of a newly appointed Justice, shall be re-raffled courtwide among all the sitting Justices. (n) RULE IV PROCESSING OF CASES AND ACTION ON INTERLOCUTORY MATTERS SEC. 1. Procedure in the Disposition of Pleadings, Motions and Other Papers. –

(a) (a) Within two (2) working days, all pleadings, motions and other papers filed with the Receiving Section of the Judicial Records Division shall be entered in the docket book, stitched to the rollo of the case, paged consecutively and then forwarded to the Division Clerk of Court concerned. (b) (b) If the Division Clerk of Court has no authority to act on such pleadings, motions and other papers, he shall prepare the agenda and submit the same to the Division, thru the Justice concerned, within three (3) working days from receipt in his office of the rollo, together with the pleadings, motions or other papers. (c) (c) The Division Clerk of Court shall state in the agenda, with page references, the antecedents of the case which are necessary for an understanding thereof, a synopsis of the motion or incident and the opposition thereto, if any, the issues involved and his remarks or recommendations. (Rule 3, Sec. 12, RIRCA [a])

SEC. 2. Action by the Presiding Justice. – When a petition involves an urgent matter, such as an application for writ of habeas corpus or temporary restraining order, and there is no way of convening the Raffle Committee or calling any of its members, the Presiding Justice may conduct the raffle or act on the petition, subject to raffle on the next working day in accordance with Rule III hereof. (n) SEC. 3. Action by the Division Clerk of Court. — Unless disauthorized by the Chairman in consultation with the members of the Division, the Division Clerk of Court may, within three days from date of receipt of motions, pleadings, Judicial Records Division reports and other communications by his office, without need of an agenda, perform the following:

(a) (a) Require proof of receipt of copies of briefs, pleadings, motions and other papers by the parties; (b) (b) Enter judgment upon finality of a decision or final resolution; (c) (c) Require the parties to submit the required number of copies of their pleadings and/or legible copies of the assailed decision or order; (d) (d) Note the formal entry of appearance of counsel; (e) (e) Note the substitution of counsel, provided it is accompanied by a written conformity of the client; if there is no such written conformity, to require the counsel to submit the same; (f) (f) Note notices of change of address of counsel, parties and firm name; (g) (g) Require the stenographic reporter concerned, in case of unsigned transcripts of stenographic notes, to sign the same in this Court, if he is within Metro Manila; or to furnish the stenographic reporter concerned with a copy of the unsigned transcripts and to require him to submit a certification attesting to the authenticity and correctness of said unsigned transcripts within five (5) days from notice, if he is outside Metro Manila; (h) (h) Send letter-tracers to the postmaster concerned for the submission of the official date of receipt of decisions and resolutions by the parties; (i) (i) Note the compliances of stenographic reporters, branch clerks of court and postmasters; (j) (j) Send copies of decisions and resolutions directly to the parties in case the same, which were originally addressed to their counsel, have been returned with the postal notation: "Deceased" or other words of similar import; and (k) (k) Cause personal service of temporary restraining orders and writs of preliminary injunction on counsel and parties, if within Metro Manila, and by telegram, to be followed by either special registered speed mail or airmail, if outside Metro Manila. (Rule 3, Sec. 8, RIRCA[a])

SEC. 4. Processing of Ordinary Appeals. – (a) (a) In Civil Cases. – (1) Upon receipt of the original record, whether by personal delivery or by mail, the Civil Cases Section of the Judicial Records Division shall immediately:

(1.1) Check proof of payment of the full amount of the appellate court docket and other lawful fees and deposits for costs to the clerk of court of the court which rendered the appealed judgment or order; (1.2) Check if all the documents and papers required under the Rules of Court have been transmitted, prepare the corresponding rollo, docket the case and assign the corresponding CA-G.R. CV number; (1.3) Submit the case to the raffle staff for inclusion in the list of cases for raffle; (1.4) After the raffle, report to the Division Clerk of Court concerned the lacking portions of the records for appropriate action, if the records transmitted are incomplete; (1.5) Write the branch clerk of the court which rendered the appealed judgment or order, copy furnished the appellant, if the incomplete record is received by mail without explanation for its incompleteness, for him to get the records personally from the Court or submit the missing parts of the records; and (1.6) Within ten (10) days from completion of the records, issue a notice to file appellant's brief within forty-five (45) days from receipt thereof. The notice shall require that a certified true copy of the appealed decision or order be appended to the brief. (Sec. 2, Rule 4, RIRCA [a])

(2) If the records are being transmitted personally, the Civil Cases Section shall immediately examine the same in the presence of the filer and, if incomplete, issue a list of the missing portions. [n] (3) If the transcript of stenographic notes are incomplete, the Civil Cases Section shall send a notice to the stenographic reporter concerned to submit the missing transcripts within thirty (30) days from notice. A notice shall also be issued to the appellant's counsel with a warning that failure on his part to take the necessary steps to complete the transcripts within thirty (30) days from notice may result in the dismissal of the appeal. (Rule 4, Sec. 2, RIRCA [a]) (4) Issuance of Notices. – All notices mentioned in this Rule shall be issued in the name of the Clerk of Court by the Division Clerk of Court or the Chief, Judicial Records Division. (Sec. 3, Rule 4, RIRCA) (5) When Case Deemed Submitted. – After the briefs have been filed or the period for their filing has expired, the Judicial Records Division shall immediately forward the rollo to the Division Clerk of Court with a certification that the records of the case are complete. The Division Clerk of Court shall then report to the Division that the case may be deemed submitted for decision. (n) (b) (b) In Criminal Cases. – The original records of criminal cases shall be processed by the Criminal Cases Section in accordance with this Section, insofar as applicable, and assigned a corresponding CA-G.R. CR number. (Rule 5, Sec. 2, RIRCA [a]) (1) Docket and Other Lawful Fees and Deposit

for Costs. – No payment of docket and other lawful fees, and deposit for costs shall be required in criminal cases except in petitions for review of criminal cases and appeals from confiscation or forfeiture of bail bonds. (Rule 5, Sec. 3, RIRCA [a]) (2) Appeals from Confiscation of Bond. – Appeals from orders of confiscation or forfeiture of bail bonds shall be treated as appeals in civil cases. The green-colored rollo cover for civil cases shall be used over the cream-colored cover for criminal cases. The case shall be re-captioned “Republic of the Philippines, plaintiff-appellee, versus (the name of the bondsman/surety), defendant-appellant”. (Rule 5, Sec. 7, RIRCA) (3) Appeals from Contempt of Court. – Appeals from orders finding a person in indirect contempt of court shall be treated as appeals in criminal cases. [n] SEC. 5. Processing of Petitions for Review and Original Actions. - (a) The petition shall be accompanied by an amount sufficient to cover payment of the prescribed docket and other lawful fees and deposit for costs, unless the petitioner is exempt from such payment and deposit. (Rule 6, Sec. 1, RIRCA [a]) (b) Upon filing of the petition and payment of the docket and other lawful fees as well as the deposit for costs, the Special Cases Section shall prepare the rollo, record the same in the docket book for special cases and then assign the corresponding CA-G.R. SP number. Upon payment of the full docket fee, the Special Cases Section shall assign the petition a docket number, otherwise a UDK-SP number. A notation of the payment or non-payment of the other lawful fee and deposit for costs or the insufficiency thereof shall be made by the Special Cases Section on the first page of the rollo. The rollo shall then be forwarded to the Raffle Staff for assignment to a Justice for appropriate action. The Special Cases Section, through the Division Clerk of Court, shall likewise make a simultaneous report to the Justice concerned of the non-payment of the docket fee and other lawful fees and deposit for costs or the insufficiency thereof. (Rule 6, Sec. 1[b] RIRCA [a]) (c) Certiorari, Prohibition, Mandamus and Quo Warranto. - The provisions of Rule 46 as far as applicable, Rules 65 and 66 of the Rules of Court shall govern petitions for certiorari, prohibition and mandamus and petitions for quo warranto, respectively. (n) (d) Habeas corpus. - The provisions of Rule 102 of the Rules of Court shall govern petitions for habeas corpus. (n) RULE V INHIBITION OF JUSTICES SEC. 1. Mandatory Inhibition of Justices. – When a Justice is disqualified under any of the grounds enumerated in the first paragraph of Sec. 1, Rule 137 of the Rules of Court and in Rule 3.12 of the Code of Judicial Conduct, he shall immediately notify the Raffle Committee and the members of his Division. (n) SEC. 2. Voluntary Inhibition of a Justice. – A Justice may voluntarily inhibit himself from sitting in a case for a just or valid reason other than those referred to in Section 1 of this Rule. In that event, he shall notify in writing the Raffle Committee and the members of his Division. (n) SEC. 3. Motion to Inhibit a Division or a Justice – A motion for inhibition must be in writing and shall state the grounds therefor. A motion seeking the inhibition of a Division shall be acted upon by that Division. A motion for voluntary inhibition of a Justice shall be acted upon by him alone in writing, copy furnished the other members of the Division, the Presiding Justice, the Raffle Committee and the Division Clerk of Court. (n) SEC. 4. Action on Inhibition. – The action on the inhibition shall be attached to the rollo and pagged. (n) SEC. 5. Right of Replacement – When a Justice inhibits himself from a case, the Justice to whom it is raffled can replace it with another case of similar nature and status, subject to Sec. 4 (d), Rule III. (n) Rule VI PROCESS OF ADJUDICATION SEC. 1. Justice Assigned For Study and Report. – Every case, whether appealed or original, assigned to a Justice for study and report shall be retained by him even if he is transferred to another Division. (Sec. 2, Rule 8, RIRCA [a]) SEC. 2. Justices Who May Participate in the Adjudication of Cases. – In the determination of the two other Justices who shall participate in the adjudication of cases, the following shall be observed: (a) The case shall be the subject of consultation among the members of the Division; (b) If the Justice to whom the case is assigned for study and report is disqualified, his replacement shall be chosen by raffle; (c) If one or both of the other members of the Division is/are on leave of absence, disqualified or no longer members of the Court, his/their replacement shall be chosen by raffle. The Division shall be called Special (No.) Division; (d) When, in an original action or petition for review, any of these actions or proceedings, namely: (1) giving due course; (2) granting writ of preliminary injunction; (3) granting new trial; and (4) granting execution pending appeal have been taken, the case shall

remain with the Justice to whom the case is assigned for study and report and the Justices who participated therein, regardless of their transfer to other Divisions. (e) If only one member of the Division who participated in any of the actions or proceedings mentioned in the preceding paragraph remains, the Raffle Committee shall automatically assign the case to him; (f) Where the composition of a Division which decided a case has changed, the Division which shall subsequently act on the case shall be called the Former (No.) Division; and (Sec. 2, Rule 8, RIRCA [a]) (g) If the ponente is no longer a member of the Court but at least one member of his Division remains, the Division Clerk of Court of the former shall request the Raffle Committee for substitution of said ponente. However, if all the members of said Division are no longer with the Court, the Judicial Records Division shall make said request. (n) SEC. 3. Power of the Court to Receive Evidence. — The Court may receive evidence in the following cases:

- (a) (a) In actions falling within its original jurisdiction, such as: (1) certiorari, prohibition and mandamus under Rules 46 and 65 of the Rules of Court; (2) action for annulment of judgment or final order under Rule 47 of the Rules of Court; (3) quo warranto under Rule 66 of the Rules of Court; and (4) habeas corpus under Sections 2 and 12, Rule 102 of the Rules of Court; (b) (b) In appeals in civil cases where the court grants a new trial on the ground of newly discovered evidence, pursuant to Sec. 3, Rule 53 of the Rules of Court; (c) (c) In appeals in criminal cases where the court grants a new trial on the ground of newly discovered evidence, pursuant to Section 12, Rule 124 of the Rules of Court; and (d) (d) In appeals involving claims for damages arising from provisional remedies.

Sec. 4. Hearing on Preliminary Injunction. — The requirement of a hearing on an application for preliminary injunction is satisfied with the issuance by the Court of a resolution served upon the party sought to be enjoined requiring him to comment on said application within a period of not more than ten (10) days from notice. Said party may attach to his comment documents which may show why the application for preliminary injunction should be denied. The Court may require the party seeking the injunctive relief to file his reply to the comment within five (5) days from receipt of the latter. If the party sought to be enjoined fails to file his comment as provided for in the preceding paragraph, the Court may resolve the application on the basis of the petition and its annexes. The preceding paragraphs, notwithstanding, the Court may, in its sound discretion, set the application for a preliminary injunction for hearing during which the parties may present their respective positions or submit evidence in support thereof. (n) SEC. 5. Action by a Justice. — All members of the Division shall act upon an application for a temporary restraining order and writ of preliminary injunction. However, if the matter is of extreme urgency, and a Justice is absent, the two other justices shall act upon the application. If only the ponente is present, then he shall act alone upon the application. The action of the two Justices or of the ponente shall however be submitted on the next working day to the absent member or members of the Division for ratification, modification or recall. SEC. 6. Judicial Action on Certain Petitions. — (a) In petitions for review, after the receipt of the respondent's comment on the petition, or if no comment is filed upon the expiration of the time to file it, the Court may dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration, otherwise, it shall give due course to it. Before a petition is given due course, the Court shall not require the court a quo or quasi-judicial agency to elevate the original records of the case. The Court, however, may require the court a quo or quasi-judicial agency to supply it with copies of relevant pleadings and documents which the Court needs in acting upon the petition at that stage of the proceedings. If the petition is given due course, the Court may consider the case submitted for decision or require the parties to submit their memoranda or set the case for oral argument. The Court may require the court a quo or quasi-judicial agency to elevate the records of the case. After the oral argument or upon submission of the memoranda or upon the expiration of the time to file it, the case shall be deemed submitted for decision. (b) In petitions for certiorari, prohibition and mandamus, the provisions of Rule 65 of the Rules of Court shall apply. (n) SEC. 7. The Justices Who Shall Act on Motions. — (a) If during the

completion-of-record stage in both appealed civil and criminal cases, there is no unanimous concurrence of the members of the Division on the resolution disposing of an interlocutory matter and a Division of Five is constituted, the latter shall act on said matter only up to the resolution of a motion for reconsideration thereof. The adjudication on the merits of the appeal shall be made by the current members of the Division of the Justice to whom the case is assigned for study and report. (n) (b) A motion for reconsideration of a decision or resolution shall be acted upon by the ponente and the other members of the Division, whether of three or five, and whether regular or acting, who participated in the rendition of the decision or resolution sought to be reconsidered, irrespective of whether such members are already in other Divisions at the time the motion for reconsideration is filed or acted upon. (n) (c) If the ponente is no longer a member of the Court or has inhibited himself from acting on the motion, he shall be replaced by another Justice who shall be chosen by raffle from among the remaining members of the Division, whether regular or acting, who participated in the rendition of the decision or resolution, and the resulting vacancy therein shall be filled by raffle from among the other members of the Court. If only one member of the Division, whether regular or acting, who participated in the rendition of the decision or resolution, remains, the motion shall be sent to him by the Raffle Committee and he shall act thereon with the participation of the other members of his Division. (n) (d) If the ponente and all the members of the Division, whether regular or acting, who rendered the decision or resolution are no longer members of the Court, the case shall be raffled to any member of the Court and the motion shall be acted upon by him with the participation of the other members of his Division. (n) SEC. 8. Priorities in Adjudication of Cases. – Subject to existing laws and as far as practicable, cases shall be adjudicated in accordance with the following priorities: (a) In Civil Cases. –

(1) Those where temporary restraining orders, writs of preliminary injunction or execution pending appeal or other auxiliary writs were issued; (2) Those involving a prejudicial question; and (3) The oldest cases submitted for decision.

(b) In Criminal Cases. –

(1) Those where the accused is detained; (2) Those where the Solicitor General recommends the acquittal of the accused; and (3) The oldest cases submitted for decision.

(c) In Original Actions and Petitions for Review. –

(1) Habeas corpus cases; (2) Agrarian cases; (3) Original petitions where injunctive reliefs have been granted; and (4) Petitions for review which have been pending in the Court for a long time. (Sec. 3, Rule 8, RIRCA [a])

SEC. 9. Study, Report and Deliberation on the Case. – The Justice to whom the case is assigned for study and report shall submit a written report thereon to the other members of his Division for consultation. The Chairman of the Division shall include the case in an agenda for a meeting of the Division for its deliberation. After such deliberation, if the other members agree with the report, the ponente shall write the decision for signature and immediate promulgation. Minutes of the meeting shall be kept. (Sec. 4, Rule 8, RIRCA [a]) SEC. 10. Procedure in Case of Dissent. - When the unanimous vote of the members of the Division cannot be attained, the following shall be observed: (a) Within fifteen (15) days from the date of the deliberation, the dissenting Justice shall furnish a copy of his written dissent to the two other members of his Division. The written dissenting opinion shall not be attached to the rollo. The Chairman of the Division shall then in writing refer the case, together with the rollo, to the Raffle Committee which shall designate two Justices by raffle from among the other members of the Court to sit temporarily with them, forming a Special Division of Five. However, for compelling reasons, the Chairman, without awaiting the written dissenting opinion, may forthwith request the Raffle Committee to designate by raffle the two additional members. The dissenting Justice, however, shall submit his written dissenting opinion to all members of the Special Division of Five within ten (10) days from its constitution. (b) The Special Division of Five shall retain the case until its final disposition regardless of reorganization. Any

member of the Division of Five may write a separate concurring or dissenting opinion. (Sec. 4, Rule 8, RIRCA [a]) (c) After a member of the Division has expressed his dissent in writing and the Special Division of Five is thus constituted, it shall retain the case until its final disposition despite changes in its membership caused by reorganization or other causes. (Supreme Court Resolution dated May 25, 1993) (d) The concurrence of a majority shall be necessary for the pronouncement of a decision or resolution of the Special Division of Five. The most senior among the five members shall be the Chairman. (e) After due consultation, the members of the Special Division of Five whose opinions constitute the majority shall choose from among them the ponente. (f) Any member of the Special Division of Five may write a separate concurring or dissenting opinion which, together with the majority opinion, shall be promulgated and attached to the rollo. (n) (g) If the consultation in the Special Division of Five results in a unanimous concurrence, all its members shall sign the decision or resolution. SEC. 11. Certification — Every decision shall be accompanied by a certification signed by the Chairman or the most senior member as the Acting Chairman of the Division in the following form: “CERTIFICATION

“Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.”
(Sec. 5, Rule 8, RIRCA [a])

SEC. 12. Resolutions. — Any disposition other than on the merits shall be embodied in a resolution. (Sec. 6, Rule 8, RIRCA) Any action modifying or reversing a decision of the Division shall be denominated as “ Amended Decision.” (n) SEC. 13. Promulgation of Decisions and Resolutions. — Promulgation of decisions and resolutions shall be the direct responsibility of the Division Clerk of Court. (a) Promulgation is made by filing the decision or resolution with the Division Clerk of Court who shall forthwith annotate the date and time thereof and attest to it by his signature thereon. (b) The Division Clerk of Court shall record in the Promulgation Book the docket number, title of the case, the ponente and other members, nature of the document (whether decision or resolution), and the action taken by the Division. The Promulgation Book shall be under his care and custody. (c) Within one working day from promulgation of a decision or resolution, the Division Clerk of Court shall send notices and copies thereof in sealed envelopes to the parties through their counsel, either personally or by registered mail. However, a judgment of acquittal of an accused who is detained, shall, whenever practicable, be served personally on the Director of Prisons or whoever has official custody of said accused. (d) Immediately after promulgation of a decision or resolution, the Division Clerk of Court shall forward the original and two copies thereof to the Court Reporter and a copy each to the Information and Statistical Data Division and the Judicial Records Division, the latter to forward the same copy to the Archives Section. (Sec. 8, Rule 8, RIRCA [a]) SEC. 14. Number of Copies and Distribution. — Decisions and resolutions of the Court shall be distributed as follows: (a) original plus two copies to the Court Reporter; (b) one copy to be attached to the rollo; (c) one copy to the ponente; (d) one copy to the Information & Statistical Data Division; and (e) one copy to the Judicial Records Division. In addition, sufficient copies shall be prepared for the counsel of the parties in the case. (Sec. 7, Rule 8, RIRCA [a]) SEC. 15. Effect of Filing an Appeal in the Supreme Court. — No motion for reconsideration or rehearing shall be acted upon if the movant has previously filed in the Supreme Court a petition for review on certiorari or a motion for extension of time to file such petition. If such petition or motion is subsequently filed, the motion for reconsideration pending in this Court shall be deemed abandoned. (Sec. 8, Rule 9, RIRCA) RULE VII ENTRY OF JUDGMENT AND REMAND OF CASES SEC. 1. Entry of Judgment. — Unless a motion for reconsideration or new trial is filed or an appeal taken to the Supreme Court, judgments and final resolutions of the Court shall be entered upon expiration of fifteen (15) days from notice to the parties.

(a) With respect to the criminal aspect, entry of judgment in criminal cases shall be made immediately when the accused is acquitted or his withdrawal of appeal is granted. However, if the motion withdrawing an appeal is signed by the appellant only, the Court shall first take steps to ensure that the motion is made voluntarily,

intelligently and knowingly or may require his counsel to comment thereon. When there are several accused in a case, some of whom appealed and others did not, entry of judgment shall be made only as to those who did not appeal. The same rule shall apply where there are several accused in a case, some of whom withdrew their appeal and others did not.

(b) Entry of judgment in civil cases shall be made immediately when an appeal is withdrawn or when a decision based on a compromise agreement is rendered. (Secs. 1 and 7, Rule 11, RIRCA [a])

SEC. 2. Form. – Entry of judgment shall be made in the prescribed form, signed by the Division Clerk of Court concerned, who shall certify under the seal of the Court the date when the decision or final resolution was promulgated and the date it became final and executory. (Sec. 3, Rule 11, RIRCA [a]) SEC. 3. Disposition of Copies. – Copies of the entry of judgment shall be furnished the parties through their counsel by the Division Clerk of Court who shall then attach a copy to the rollo and transmit the original, together with the rollo, to the Chief of the Archives Section. The Chief of the Archives Section shall cause the entries of judgments to be bound in chronological order and indexed. In criminal cases where the accused is detained, the Director of Prisons, the Jail Warden or whoever has custody of the accused shall be furnished a copy of the entry of judgment. In land registration cases, a copy shall also be furnished the Land Registration Authority. (Sec. 4, Rule 11, RIRCA [a])

SEC. 4. Allowance for Delay of Mail in Making Entries of Judgment. – In making entries of judgment, the Division Clerk of Court shall determine the finality of the decision by making allowance for delay of mail, computed from the last day of the period of appeal, as follows: forty-five (45) days, if the addressee is from Mindanao, including Palawan; thirty (30) days, if the addressee is from Visayas; twenty (20) days, if the addressee is from Luzon, except Metro Manila; and fifteen (15) days, if the addressee is from Metro Manila. (Sec. 6, Rule 11, RIRCA [a])

SEC. 5. Entry of Judgment and Final Resolution. — If no appeal or motion for new trial or reconsideration is filed within the time provided in these Rules, the judgment or final resolution shall forthwith be entered by the clerk in the book of entries of judgments. The date when the judgment or final resolution becomes executory shall be deemed as the date of its entry. The record shall contain the dispositive part of the judgment or final resolution and shall be signed by the clerk, with a certificate that such judgment or final resolution has become final and executory. SEC. 6. Transmittal of Records. – Within five (5) working days from receipt of the rollo, the Chief of the Archives Section shall cause the remand of the original records to the court or quasi-judicial agency of origin. (Sec. 8, Rule 11, RIRCA [a])

RULE VIII MISCELLANEOUS PROVISIONS

SEC. 1. Erroneous Transmittal of Records. – If it clearly appears from the notice of appeal that the appellant had directed his appeal to another court, but the lower court erroneously transmitted the records of the case to the Court of Appeals, the Judicial Records Division shall refer the case to the Presiding Justice for proper disposition. (Sec. 1, Rule 12, RIRCA)

SEC. 2. Case Received Without Docket and Other Legal Fees and Deposit for Costs. – When an original petition is received by mail without docket and other lawful fees and deposit for costs, the Judicial Records Division shall assign to it an undocketed special case number (UDK-SP) and submit said case to the Raffle Committee for raffle. The Special Cases Section shall maintain a record book of undocketed special cases for this purpose. (n)

SEC. 3. Cases Referred by the Supreme Court. – Cases filed and docketed in the Supreme Court but subsequently referred by it to the Court of Appeals shall be entered by the latter in the docket book and given the corresponding docket number. (Sec. 3, Rule 12, RIRCA [a])

SEC. 4. Docket and Other Legal Fees for Multiple Appellants. – If two or more parties in a case file separate notices of appeal, each shall pay the full amount of the docket and other lawful fees and deposit for costs. (Sec. 4, Rule 12, RIRCA [a])

SEC. 5. Docket Fees and Docket Number for Consolidated Cases. – (a) In an appeal from the Regional Trial Court involving two (2) or more cases, which were tried and decided jointly, only one docket and other lawful fees and deposit for costs shall be paid by the appellants to the Clerk of Court of the Regional Trial Court, except when separate notices of appeal were filed by them. The multiple appeals shall be assigned only one docket number. (b) In an original petition involving two or more consolidated cases, only one docket and other lawful fees and deposit for

costs shall be paid by the petitioners. (Sec. 5, Rule 12, RIRCA [a]) SEC. 6. Payment of Docket and Other Lawful Fees and Deposit for Costs. – Payment of docket and other lawful fees and deposit for costs may be made in cash, postal money order, certified checks or manager's or cashier's checks payable to the Court. Personal checks shall be returned to the payor. (Sec. 6, Rule 12, RIRCA [a]) SEC. 7. Report on Late Payment. – Payment of docket and other lawful fees and deposit for costs made after the elevation of the original records shall be reported to the Court for appropriate action. (n) SEC. 8. Non-Refund of Docket Fees. – The docket and other lawful fees and deposit for costs, once paid, shall be non-refundable, except when erroneously made. (Sec. 7 [b], Rule 12, RIRCA [a]) SEC. 9. Color Code of Rollos. – To facilitate the identification of cases, the cover of rollos shall have the following colors:

(a) Green for appealed civil cases; (b) Cream for appealed criminal cases where the accused is out on bail; (c) Orange for criminal cases where the accused is detained and petitions for review of criminal cases; (d) Mustard for agrarian cases; (e) Red for habeas corpus cases; (f) Gray for special cases on appeal; (g) Yellow for petitions for review of quasi-judicial agencies; (h) Pink for annulment of judgment cases; and (i) Blue for all other special cases. (Sec. 8, Rule 12, RIRCA)

SEC. 10. Sessions in Baguio – Unless otherwise determined by the Presiding Justice, sessions shall be held in Baguio City by at least one (1) Division of the Court for a week every month and by not more than seven (7) Divisions on rotation basis during the summer months. The Presiding Justice shall prepare a schedule of sessions in Baguio City. (n) SEC. 11. Separability Clause. – If the effectivity of any provision of these Rules is suspended or disapproved by the Supreme Court, the unaffected provisions shall remain in force. Unless otherwise provided for in existing rules, the Presiding Justice or any one acting in his place is authorized to act on any matter not covered by these Rules. Such action shall, however, be reported to the Court en banc. (Sec. 10, Rule 12, RIRCA [a]) SEC. 12. Repealing Clause. – Upon effectivity of these Rules, all resolutions, orders, memoranda and circulars of this Court which are inconsistent therewith are hereby repealed or modified accordingly. (Sec. 11, Rule 12, RIRCA [a]) SEC. 13. Effectivity Clause. – These Rules shall become effective on August 22, 2002 after publication in a newspaper of general circulation. (n)

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