

ADMINISTRATIVE SUPERVISION OF COURTS

SC ADMINISTRATIVE CIRCULAR NO. 58, November 19, 1989

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TO

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ALL REGIONAL TRIAL COURTS, SHARIA DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT

:

ATTENDANCE OF GOVERNMENT EMPLOYEES, MILITARY AND POLICE OFFICERS, PHYSICIANS AND OTHER TECHNICAL EXPERTS OR WITNESSES IN COURT PROCEEDINGS

In order to avoid inconvenience and unnecessary expenditure of time on the part of government employees military and police officers, physicians, both in government and private practice as well as other technical experts the following guidelines are hereby established in the issuance of notices and subpoenas to witnesses:

- Before the trial dates are fixed for the attendance of the above-named witnesses, the Presiding Judge shall direct the trial fiscal and the branch clerk of court to ascertain the dates of availability of said witnesses;
- When an examination of these witnesses is terminated, the Branch Clerk of Court shall indicate on a space in the information or some other appropriate page of the records that the testimony of this witness has been completed, including the date when the testimony was taken;
- The Presiding Judge shall ascertain that no subpoena is issued to a witness who has already completed his testimony, unless he is recalled for rebuttal or a reopening of the proceedings;
- During the pre-trial, the Presiding Judge shall endeavor to secure admissions from the parties on the admissibility of the documents to eliminate the need for the appearance of witnesses who executed said documents;
- Whenever practical, the examination of a witness should be terminated in one hearing to obviate the need for his/her return;
- With respect to the unjustified non-appearance of a government witnesses, in addition to the exercise of contempt powers, the Presiding Judge shall furnish the head office of the government employee with the orders issued in connection with this non-appearance. Thus, in the case of police officers, the National Police

Commission should be given notice; and in the case of military officers, the Chief of Staff or the Secretary of National Defense.

This Circular shall take effect immediately.

November 19, 1989

(Sgd.) MARCELO B. FERNAN

Chief Justice

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