

ADMINISTRATIVE SUPERVISION OF COURTS

SC ADMINISTRATIVE CIRCULAR NO. 4, September 22, 1988

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T O : ALL JUDGES OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT : EXPEDITIOUS DISPOSITION OF CASES

The flow of cases in the trial courts from the time of filing until their final disposition has been the subject of constant public criticism. The trial period is exceedingly long. It usually takes more than two to three years to finish. The slow grind of the trial court machinery has made the legal maxim "justice delayed is justice denied" aptly descriptive of the dismal situation obtaining in that level of jurisdiction. Indeed the ultimate victims are always the ordinary litigants. The real culprit is the common practice of piecemeal trial of cases that sets cases for trial one day at a time and thereafter continued or postponed to another date until all the parties have finished their presentation of evidence.

A. General Guidelines for All Trial Courts

In order to minimize the aforesaid delay in the processing of cases in the trial court the following guidelines are hereby issued for strict compliance by all the trial judges in the management of their trial calendar:

1. During the pre-trial of all civil cases - including special proceedings and special civil actions whenever practicable - which does not result in an amicable settlement, the following matters, aside from those already mentioned in Rule 20, Rules of Court, must be agreed upon by the parties before the pre-trial is terminated:

- (a) the number of witnesses to be presented;
- (b) the approximate number of hours that will be required by them for the presentation of their respective evidence; and
- (c) the specific trial dates needed to complete evidence presentation by all parties which must be within a period of three (3) months from the first day of trial.

1.1 Where a case has passed the pre-trial stage but not yet tried at the time of the issuance of this Circular, the parties shall be called to a conference for the purpose of making the agreement referred to above.

1.2 Cases already being tried at the time of the issuance of this Circular, shall be immediately set for conference in accordance with the procedure set forth in Section 6, Rule 22 of the Rules of Court with the end in view of eventually setting them for completion of the trial phase within three (3) months. The older case shall be given priority in the trial calendar.

1.3 in criminal cases, the parties must also agree on the matters stated in paragraph 1 above, immediately after

arraignment if there is still a need for trial thereafter.

1.4 These agreements must be made in open court before the dismissed from the courtroom. The agreed dates shall be written on the record of the case and the parties and their counsel shall be required to affix their signatures below the dates inscribed on the record of the case in open court. They shall be advised by the court that they are all deemed notified of these agreed trial dates in open court and that no further notice will be sent to them. the parties shall be further advised that they will be responsible for bringing their respective witnesses on the dates they are scheduled to testify.

1.5 The names and addresses of witnesses that need to be summoned by subpoena shall be given at the same time when the foregoing matters are agreed upon, so that the necessary subpoenas may be issued on time for the dates of their appearance in court. Counsel or their representatives may be allowed to serve the subpoenas to insure service thereof and the submission of the returns on time.

2. Each party is bound to complete the presentation of his evidence within the trial dates assigned to him. After the lapse of said dates, the party is deemed to have completed his evidence presentation. However, upon verified motion based on serious reasons, the judge may allow a party additional trial dates in the afternoon; provided that said extension will not go beyond the three-month limit computed from the first trial date.

3. Except in those cases where the law gives them preferential attention, priority in calendaring of cases shall be according to the dates they become ready for trial. A case is deemed ready for trial after completion of the pre-trial conference and factual issues still remain.

4. Cases which shall be given preferential attention - such as habeas corpus, tourist cases, election cases, criminal cases where the accused is detained, special civil actions, or cases tried under the Rule on Summary Procedure - if not accommodated in the regular calendar, shall be tried in the afternoons in addition, but without prejudice, to those cases already scheduled for the day.

B. Pilot Project to Test Efficacy of Continuous Trial

To find out whether continuous trial of one or at most three (3) cases, a pilot project will be established in selected courts where is this method of trial will be adopted.

1. Within three months from issuance of this Circular, the Court Administrator shall submit to the Court a list of branches of the trial courts where on the bases of existing dockets, court facilities, support resources and in consultation with the Integrated Bar of the Philippines, continuous trial of cases may be conducted. In such pilot courts, all cases shall be tried continuously until the cases are finally decided, and in no case shall the entire trial period exceed three (3) months from the first day of trial unless otherwise authorized by the Chief Justice pursuant to Section 3, Rule 22 of the Rules of Court.

The following guidelines shall be observed in the selection of the court for inclusion in this pilot project:

- (a) The average docket should not exceed 200 for RTC and 300 for MTC:
- (b) The courts are situated in areas where the local governments are financially able to extend support for immediate services of summons and subpoenas;
- (c) There are sufficient number of practicing lawyers in proportion to the number of cases in the docket.

Upon submission of the list, the selected judges shall undergo a two week orientation seminar, and thereafter on a date to be fixed by the Court, the continuous trial program shall be implemented.

2. Within a period of six months from operation of the continuous trial program in pilot areas, the Court

Administrator shall submit to the Court a study on the feasibility of applying the program to all trial courts in the Philippines, together with the implementing circulars and proposed Amendments to the Rules of Court necessary for a continuous trial program.

September 22, 1988.

(Sgd.) MARCELO B. FERNAN

Chief Justice

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