

OCA CIRCULAR NO. 69-2015, April 17, 2015

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TO :

THE CONCERNED MUNICIPAL TRIAL COURTS IN CITIES (MTCCS) IN MANDAUE CITY AND LAPU-LAPU CITY

SUBJECT :

IMPLEMENTING GUIDELINES FOR THE PILOT TESTING OF AN ASSISTING MTCC IN MANDAUE CITY TO HELP THE OVERBURDENED MTCC IN LAPU-LAPU CITY

Pursuant to the 10 March 2015 Resolution of the Court en banc in A.M. No. 14-11-393-RTC (Authorizing the Piloting of Assisting Courts to Help Nearby Overburdened Courts Deal With Their Case Loads) directing, the Court Administrator to, among others, "conduct the pilot testing of the...Assisting Court in Branch 2, MTCC of Mandaue City for the Assisted Court in the MTCC of Lapu-Lapu City" and "issue the necessary guidelines" to fully implement this Project, the following implementing guidelines shall be observed:

I. Branch 1, MTCC, Lapu-Lapu City, presided by Hon. Allan Francisco S. Garciano (otherwise known as the "Assisted Court"), shall be assisted by Branch 2, MTCC, Mandaue City, presided by Hon. Carlos C. Fernando (otherwise known as the "Assisting Court").

II. This Assisting Court Project shall only cover all newly-filed civil cases, including small claims cases.

III. Beginning 20 April 2015, upon the filing of all civil cases, including small claims cases, before the Assisted Court, the Branch Clerk of Court (BCG) of the Assisted Court shall require the parties to provide their landline or mobile phone numbers and email addresses, which shall form part of the official records of these cases. After recording the case, the BCC of the Assisted Court shall then transmit the case records to the BCC of the Assisting Court. The case records shall have a covering Transmittal Form for civil and small claims cases (Annex "A").

III. In urgent cases that require immediate action, the Presiding Judge of the Assisted Court station where the case was filed may act on urgent temporary reliefs prayed for, as provided under the Rules of Court, before the case is forwarded to the Assisting Court.

IV. The caption of these newly-filed cases must include the identities of both the Assisted and Assisting Courts, to wit:

REPUBLIC OF THE PHILIPPINES
MUNICIPAL TRIAL COURT IN CITIES
7th JUDICIAL REGION
BRANCH 2
CITY OF MANDAUE

For

BRANCH 1

CITY OF LAPU-LAPU

V. Where the Assisting Court judge is disqualified or voluntarily inhibits from the case, or when Judicial Dispute Resolution (JDR) fails, the case shall be returned to the Assisted Court for trial, hearing, and resolution.

VI. The BCC of the Assisting Court shall issue the corresponding summons and notices to the parties, which shall include a notice that all proceedings of the case until its termination shall be conducted in the Assisting Court.

VII. The Sheriff's Trust Fund (STF) for the transmitted civil cases shall be taken from the filing fees paid to the Assisted Court. The judge of the Assisting Court shall approve the estimated travel expense and cost of service submitted by the sheriff of the Assisting Court and issue the order to release the STF to the sheriff. The STF shall be released and liquidated in accordance with existing rules and procedure. The sheriff of the Assisted Court may also be ordered by the judge of the Assisting Court to serve summons and notices.

VIII. Any motion for reconsideration shall be filed with the Assisting Court within the time allowed by the Rules of Court.

X. Appeals from the judgment or final order of the First Level Assisting Court shall be taken to the Second Level Court of the Assisted Court station.

XI. If no appeal or motion for reconsideration is filed within the time prescribed by the Rules of Court, the case records shall be forwarded from the Assisting Court to the Assisted Court for execution. The judgment or final order shall be entered by the BCC of the Assisted Court in its book of entries of judgment.

XII. Records of provisionally dismissed cases by the Assisting Court shall remain therein until the termination of this Project, whereupon the records of the cases shall be transmitted back to the Assisted Court.

XIII. For reporting purposes, the Assisted Court shall indicate in its monthly report forms the cases forwarded to the Assisting Court. The Assisting Court, on the other hand, shall maintain a separate monthly report form for cases forwarded to it by the Assisted Court.

XIV. The transmittal of case records, pleadings, decisions, and other court documents from the Assisted Court to the Assisting Court and vice versa, shall generally be done every Friday.

XV. The provisions in OCA Circular No. 01-2015 (Implementation of Sections 11 and 12 of the Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial [A.M. No. 12-11-12-SC] in Relation with the Full Roll out of Hustisyeah! in Hustisyeah! Courts [AM. No. 13-04-11-SC]) shall be observed by the Assisting Court, when applicable.

For strict compliance.

17 April 2015

(SGD.) JOSE MIDAS P. MARQUEZ

Court Administrator

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