

SC CIRCULAR NO. 5-98, January 12, 1998

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OFFICE OF THE COURT OF ADMINISTRATOR

12 January 1998

TO :

All Executive Judges

SUBJECT: Requirements for the Publication of Judicial Notices and Other Similar Announcements

To forestall complaints from publishers of newspapers relative to the participation of publications not qualified to publish judicial notices and other similar announcements in the distribution by raffle of the said notices and to prevent the commission of any irregularity, unnecessary commercialism and unfair competition among community newspapers, all Executive Judges concerned should strictly comply with the following provisions of Presidential Decree No. 1079 (1977):

- "SECTION 1. All notices of auction sales in extra-judicial foreclosure of real estate mortgage under Act No. 3135, as amended, judicial notices such as notices of sale on execution of real properties, notices in special proceedings, court orders and summonses and all similar announcements arising from court litigation required by law to be published in a newspaper or periodical of general circulation in particular provinces and/or cities shall be published in newspapers or publications published, edited and circulated in the same city and/or province where the requirement of general circulation applies: Provided, That the province or city where the publication's principal office is located shall be considered the place where it is edited and published: Provided, further, That in the event there is no newspaper or periodical published in the locality, the same may be published in the newspaper or periodical published, edited and circulated in the nearest city or province: Provided, finally, That no newspaper or periodical which has not been authorized by law to publish and which has not been regularly published for at least one year before the date of publication of the notices or announcements which may be , assigned to it shall be qualified to publish the said notices;" and

- "SEC. 2. The executive judge of the [Regional Trial Court] shall designate a regular working day and a definite time each week during which the said judicial notices or advertisements shall be distributed personally by him for publication to qualified newspapers or periodicals as defined in the preceding section, which distribution shall be done by raffle: Provided, That should the circumstances require that another day be set for the purpose, he shall notify in writing the editors and publishers concerned at least three (3) days in advance of the designated date: Provided further, That the distribution of the said notices by raffle shall be dispensed with in case only one newspaper or periodical is in operation in a particular province or city."

Attention is also invited to the following provisions of Presidential Decree No. 1079:

- "SEC. 5. No publishers, editors, media personnel or any other person shall directly or indirectly offer or give money, commission or gift of any kind to executive judges of the [Regional Trial Courts] or any court employees in consideration of the award of legal and judicial notices and similar announcements defined in Section 1 hereof. Neither shall the latter directly or indirectly demand of any kind in consideration of any publication herein referred to;" and

- "SEC. 6. Violation of any provision of the Decree shall be punished by a fine of not less than five thousand pesos (P5,000.00) for more than twenty thousand pesos (20,000.00) and imprisonment for not less than six (6) months nor more than two (2) years. The offending executive judge or court personnel shall be perpetually disqualified from holding any public office in the government.

For strict compliance.

(SGD.) ALFREDO L. BENIPAYO

Court Administrator

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