

SC CIRCULAR NO. 11-99, February 23, 1999

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TO:

THE JUDGES AND CLERKS OF COURTS OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT

TRANSFER TO THE REGIONAL TRIAL COURTS OF CASES FALLING WITHIN THE JURISDICTION OF THE FAMILY COURTS FROM THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

For the information and guidance of all concerned, quoted hereunder is the resolution of the Court En Bane dated February 9, 1999 in A.M. No. 99-1-13-SC - Re: Transfer to Regional Trial Courts of cases falling within the jurisdiction of the family courts from the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts.

"WHEREAS, Section 32 of the Judiciary Reorganization Act of 1980, as amended by Republic Act No. 7691, provides, on the one hand, that the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise exclusive original jurisdiction over, among others, 'all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof xxx.'

WHEREAS, on the other hand, Section 5 of Republic Act No. 8369, otherwise known as the Family Courts Act of 1997, provides that the Family Courts shall have original jurisdiction to hear and decide the following cases, regardless of the penalty imposable by law:

- 'a) Criminal cases where one or more of the accused is below eighteen (18) years of age but not less than nine (9) years of age, or one or more of the victims is a minor at the time of the commission of the offense, xxx
- h) Cases against minors cognizable under the Dangerous Drugs Act, as amended; [and]
- i) Violations of Republic Act No. 7610, otherwise known as the 'Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act,' as amended by Republic Act No. 7658.'

WHEREAS, pending the constitution and organization of the Family Courts and the designation of branches of

the Regional Trial Courts as Family Courts in accordance with Section 17 (Transitory Provisions) of R.A. No. 8369, there is need to provide guidelines in the hearing and determination of criminal cases falling within the jurisdiction of Family Courts which have heretofore been filed with first level courts.

NOW, THEREFORE, the Court has RESOLVED, as it hereby resolves, that all criminal cases within the jurisdiction of the Family Courts filed with the first level courts shall be transferred to the Regional Trial Courts which shall take cognizance thereof as follows:

Section 1. Inventory of cases. - All judges of Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts shall cause (1) the taking of an inventory within ten (10) days from receipt of a copy of this issuance of all criminal cases falling within the jurisdiction of the Family Courts filed with their respective courts; and (2) the preparation of the appropriate inventory list. The list shall indicate the case number and the status of each case - whether for pre-trial, trial or submitted for decision. A copy of the list shall be submitted to the Court Management Office (Attention: The Chief, Statistical Reports Division) of the Office of the Court Administrator.

Sec. 2. Transfer of cases in provinces or cities with only a single sala Regional Trial Court. -- Where the Regional Trial Court of the province or city has a single sala, judges of the Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts within the administrative area of the said Regional Trial Court shall forward the listed cases, together with the corresponding records, to the Regional Trial Court within five (5) days from the completion of the inventory, except the cases which have already been submitted for decision as of the effectivity of this Resolution.

Sec. 3. Transfer of cases in provinces or cities with multiple sala Regional Trial Court. --Where the Regional Trial Court of the province or city has two (2) or more branches, judges of the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts within the administrative area of the said Regional Trial Court shall submit the listed cases, together with the corresponding records, except the cases which have already been submitted for decision[^] as of the effectivity of this Resolution, to the Executive Judge of the Regional Trial Court. The said Executive Judge shall then effect the distribution of the listed cases to the branch or branches of the Regional Trial Court designated to handle juvenile and domestic relations cases and cases involving youthful offenders.

(a) In case only one (1) branch of the Regional Trial Court has been designated- to handle juvenile and domestic relations cases and cases involving youthful offenders, the Executive Judge shall cause the transfer of the listed cases to the Regional Trial Court branch so designated immediately after receipt of the records.

(b) In case two (2) or more branches of the Regional Trial Court have been designated to handle the aforementioned cases, the Executive Judge shall, within ten (10) days from receipt of the records, conduct the raffle, with notice to the parties, and distribute the cases, together with the records to the Regional Trial Court branches involved.

(c) In provinces or cities with multiple-sala Regional Trial Court but no branch or branches thereof have been designated to handle juvenile and domestic relations cases or cases involving youthful offenders, the Executive Judge shall conduct the appropriate raffle and distribute the said cases, together with the records, to the branches of the Regional Trial Court within ten (10) days from receipt of such records.

Sec. 4. Resolution of and decision on cases already submitted for decision. - Cases which have already been submitted for decision before the effectivity of this Resolution in Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts in which they have been filed and heard shall be resolved by such courts, as the case may be.

Sec. 5. Publication and effectivity. - This Resolution shall take effect on 1 March 1999 and shall be published in two (2) newspapers of general circulation in the Philippines before 15 February 1999.

Promulgated this 9[th] day of February, 1999."

February 23, 1999.

(SGD.) ALFREDO L. BENEPAYO

Court Administrator

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