

ADOPTING EFFECTIVE MEASURES TO REDUCE EXPENDITURES AND INCREASE SAVINGS IN APPROPRIATIONS IN THE JUDICIARY

ADMINISTRATIVE CIRCULAR NO. 44-2004, September 10, 2004

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WHEREAS, a fiscal crisis in this country is no longer a distant threat;

WHEREAS, Her Excellency President Gloria Macapagal-Arroyo has taken bold and decisive steps to prevent or minimize the impact of the crisis; on 31 August 2004 she issued Administrative Order No. 103 entitled Directing the Continued Adoption of Austerity Measures in the Government;

WHEREAS, the Judiciary, although independent from the Executive Branch of the Government, would inevitably be affected by the impact of the crisis; all other agencies and instrumentalities of the government, the people and the country would similarly be affected; and

WHEREAS, it is thus incumbent upon the Judiciary and upon all other instrumentalities and agencies of the Government and all government officials and employees not only to support the policies that the President may promulgate for the purpose, but also to adopt effective measures to reduce expenditures and increase savings in appropriations in their respective areas of responsibility.

NOW, THEREFORE, without in any way impairing the effective and efficient performance by the Supreme Court and the entire Judiciary of their constitutional and statutory duties and responsibilities, and without causing any unnecessary delay in the pursuit of the Court's Action Program for Judicial Reform (APJR), the following measures to reduce expenditures and increase savings in the appropriations for the Judiciary are hereby adopted for the Judiciary:

A. Strict Observance of Official Time

To obviate the necessity of hiring casual employees or the rendition of overtime service, official working hours or official time must be faithfully observed and productively used.

Heads of offices must adopt and follow a working plan or system and strictly monitor attendance of personnel to ensure useful and productive use of official time.

B. Filling-up of Vacant Positions

No vacant positions in the plantilla of the levels shall be filled up except (a) Judicial positions, (b) those in the offices of the Chief Justice and Associate Justices, or (c) when warranted by the exigency of the service or the need to strengthen further the capabilities, effectiveness and efficiency of offices as part of the APJR.

This provision shall not apply to vacant positions already declared open for filling-up and applicants for which have already been considered by the Selection and Promotions Boards for the Supreme Court and for the Lower Courts.

C. Creation of New Positions

No new positions may be created unless justified by a compelling need therefor in order not to prejudice the

effective and efficient delivery of justice or to hamper the pursuit of the goals of the APJR.

D. Overtime Service

Effective 15 September 2004, no more overtime work with pay shall be allowed except (a) when so required by the Chief Justice or Associate Justices but only for a maximum of three personnel for each of their offices; (b) for the official drivers of the Chief Justice and the Associate Justices; and c) when work has to be done even beyond office hours due to compelling reasons or in emergency situations.

With respect to personnel in the Supreme Court who voluntarily extend their working hours to finish urgent tasks without overtime pay, a written authority from the Chief of Office or Judicial Staff Head must be submitted to the Office of Administrative Services, copy furnished the Security Division. Extending work beyond 7:00 p.m. is hereby discouraged. Reporting early in the morning to work to finish such urgent tasks would be preferred.

E. Hiring of Casual Employees

Effective immediately, and subject to the last sentence of the succeeding paragraph, no new casual employees shall be hired.

Upon the expiration of the appointments of incumbent casual employees in the Supreme Court, no extension or renewal thereof shall be allowed unless the appointees' services are extremely and urgently needed in the highest interest of public service: Provided that at most only sixty percent (60%) of the present number of casual employees may be retained effective January 2005, and provided, further, that their performance ratings for the immediately preceding six (6) months are at least very satisfactory. Should there be a need to appoint new casual employees to replace those whose appointment could not be extended or renewed because of failure to score a very satisfactory performance rating new casuals may be appointed, provided, however, that the maximum herein fixed starting January 2005 shall not be exceeded.

F. Hiring of Consultants and Contractual Laborers

(1) The consultancy contracts of incumbent consultants shall no longer be renewed upon the expiration unless there is an absolute necessity for the continuation of their service either because (i) their work cannot be done by the organic personnel of an office, or (2) it is a requirement under a grant or loan agreement.

No new consultant shall be hired, except when required under a grant or loan agreement for a program or project covered by the APJR.

(2) The number of laborers or those covered by contracts for services in the Supreme Court should be reduced by at least forty percentum (40%). The head of the Maintenance Division shall submit a list of at most the 60% who may be retained. Only those who have been rendering very satisfactory service in the immediately preceding six (6) months may be retained.

G. Use of SC Vehicles, Fuel Consumptions, and Availment of Automotive Maintenance Services

Memorandum Order No. 58-2004 issued by the Chief Justice on 6 September 2004 entitled Prescribing the Guidelines on the Use of Supreme Court Vehicles, Fuel Consumption and Availment of Automotive Maintenance Services should be strictly complied with. For convenience, a copy of the Memorandum Order is hereto attached and is made a part of this Administrative Circular.

H. Creation of Committees

No more committees or task forces shall be created except (1) when urgently needed as determined by the Chief Justice, or (2) when required to expedite the implementation of a program or project under the APJR.

A review of the existing committees shall be done as soon as possible with the end in view of reducing their number or their composition.

I. Reduction of Electricity Consumption

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As to electric lights, only such as are reasonably needed should be used. Lights in hallways should be kept to a minimum during the day when natural lighting illumines the area.

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Air-conditioning units shall be put on not earlier than 7-30 a.m. and put off thirty (30) minutes before the close of official time in the afternoon, except when a Justice, Judge, or clerk of court has to stay longer because of a work to be done even beyond office hours.

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Elevators should be turned off in the evening at 8:00 p.m., unless an official activity such as extended hearings or oral arguments, go beyond such time.

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The Management Information Office shall make a study and submit its report not later than 30 September 2004 on the possibility of engaging a study and submit its report not later than 30 September 2004 on the possibility of engaging a single internet provider which can give all the features needed by the Court.

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Air-conditioning units in the courtrooms should only be put on 30 minutes before the start of the morning or afternoon sessions, as the case may be, and put off immediately after the end of such sessions.

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Except by reason of work beyond official time contemplated in no. 2 above, employees allowed to render overtime work shall not use the air-conditioning units unless their rooms or offices are poorly ventilated.

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Computers shall be used for official purposes only. Playing of computer games in the office is strictly prohibited. In the Supreme Court, the Management Information Systems Office (MISO) must, within five (5) days from the effectivity of this Administrative Circular, disable the modems from all computer games presently installed in the computers of the Court. Similar offices or officials in charge of monitoring computers in all other courts must do the same.

J. Seminars, Workshops, or Conferences

For CY 2005, workshops, thinkshops, seminars, conferences, or other similar activities funded from the regular appropriations or from savings shall be limited only to those which are extremely or urgently necessary in relation to a specific program, project, or activity of the Judiciary, subject to the approval of the Chief Justice. If funded from grant or loan, they may be conducted or held pursuant to the terms and conditions of the grant or loan at the least counter-part cost to the Judiciary.

For the rest of CY 2004, workshops, thinkshops, seminars or conferences which have already been scheduled

must be re-evaluated as to their necessity and urgency. Only those whose cancellation would greatly affect the timetable for the effective implementation of a program, project, or activity may be conducted.

In this regard, the chiefs or heads of offices who have already scheduled workshops, thinkshops, seminars or conferences must submit to the Chief Justice not later than 30 September 2004, a revised schedule in compliance with the criteria herein provided.

K. Meetings

Unless warranted by justifiable cause, the holding of luncheon meetings should be avoided. Service of light snacks is sufficient.

I. Travels

- Foreign Travels

The only foreign travels that may be allowed are those of Members or personnel of the Judiciary for the purpose of attending international conferences, seminars, trainings or the like which are funded by the organizers or sponsors of the international program; or by the Supreme Court with respect to programs, projects, or activities under the APJR: provided that, in either case only 50% of the daily allowance and of the representation allowance authorized under Joint Resolution No. 2 of the CFAG, or any amendment thereto, shall be granted; and provided, further, that no clothing and pre-departure allowances under Joint Resolution No. 4, or any amendment thereto, shall be given.

- Local Travels

Local travels should be done only if it is in connection with the performance of official duties and when demanded by the urgency of the service.

a. Official local travels to conduct judicial and financial audits should be rationalized. Priority should be given to (1) courts subject of a written report of anomalies, based on records submitted by judges or clerks of courts; and (2) courts whose judges are about to retire.

For judicial audit, the number of traveling personnel and the duration thereof must be based on the caseload of the court to be audited.

For financial audits, the task must be accomplished within a fairly reasonable period.

The Office of the Court Administrator is directed to submit to the Chief Justice not later than 15 October 2004 a Circular embodying the procedures and guidelines for judicial and financial audit of courts or judges, which the audit teams must strictly follow.

M. Purchase of Equipment and Supplies

Specifications of necessary equipment and supplies to be purchased must be in accordance with the main function and purposes of the end-users. High-end specifications are discouraged.

N. Emergency Purchases

Except in emergency situations or in connection with the computerization program of the Judiciary, no emergency purchase shall be allowed of equipment or supplies not included in the procurement plan prepared by the Procurement Planning Committee.

O. Use of Equipment and Supplies

Office equipment, such as photocopying machines- and supplies such as paper, pencils or paper clips, must be

used for official purposes only. Wastage should be avoided.

Unserviceable equipment on property must forthwith be disposed in accordance with the prescribed guidelines to realize income therefrom.

P. Repairs or Renovations

Repairs or renovations of offices are discouraged except when failure to do so would endanger the lives and limbs of the personnel.

FINAL PROVISIONS

The measures herein adopted shall apply to all courts and offices in the Judiciary.

The Presiding Justices of the Court of Appeals, Sandiganbayan and the Court of Tax Appeals are enjoined to promulgate guidelines for the strict observance of this Administrative Circular within their respective jurisdictions.

The Clerk of Court, the Chief of the Office of Administrative Services; the Chief of the Fiscal Management and Budget Office of the Supreme Court; the Presiding Justices of the Court of Appeals, Sandiganbayan, and Court of Tax Appeals; the Court Administrator; the Deputy Court Administrators; and Executive Judges shall oversee the implementation of this Administrative Circular in their respective jurisdictions.

This Administrative Circular shall take effect on 15 September 2004.

Issued this 10th day of September 2004.

HILARIO G. DAVIDE , JR.

Chief Justice

Copy furnished:

- Office of the Chief Justice
- Offices of Associate Justices
- Office of the Presiding Justice, Court of Appeals
- Office of the Presiding Justice, Sandiganbayan
- Office of the Presiding Justice, Court of Tax Appeals
- Office of the Court Administrator
- Office of the Clerk of Court
- Office of the Clerk of Court, First Division
- Office of the Clerk of Court, Second Division
- Office of the Clerk of Court, Third Division
- Offices of the Deputy Court Administrators
- Offices of the Assistant Court Administrators
- Philippine Judicial Academy
- Office of Administrative Services, SC
- Office of the Reporter
- Office of the Chief Attorney
- Office of Administrative Services, OCA

Fiscal Management and Budget Office, SC
Financial Management Office, OCA
Court Management Office
Management Information Systems Office
Public Information Office
Judicial Records Office
Records Control Division

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