

SUBMISSION OF MEMORANDA.

SC ADMINISTRATIVE CIRCULAR NO. 28, July 03, 1989

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TO

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ALL JUSTICE OF THE SANDIGANBAYAN, JUDGES OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS.

SUBJECT

:

SUBMISSION OF MEMORANDA.

In the interest of the speedy disposition of cases, and to enable the courts to better control the progress of cases, the Supreme Court has adopted the following rules governing the submission of memoranda for purposes of deciding cases.

- (1) As a general rule, the submission of memoranda is not mandatory or required as a matter of course but shall be left to the sound discretion of the court. A memorandum may not be filed unless required or allowed by the court.
- (2) The court may require or allow the parties to submit their respective memoranda including citation of authorities within a definite date from submission of the case for decision but not exceeding thirty (30) days therefrom. This shall cover the filing of simultaneous memoranda or a memorandum in chief and a reply memorandum of the adverse party, in the discretion of the court but in no case may its filing exceed thirty (30) days from submission of the case for decision.
- (3) A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the Court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same.
- (4) The court may grant extension of time to file memoranda, but the ninety (90) day period for deciding the case shall not be interrupted thereby.

(5) The foregoing rules shall not apply to Special Criminal Court under Circular 20 dated August 7, 1987, and to cases covered by the Rule on Summary Procedure in which memoranda are prohibited.

(6) This Administrative Circular shall take effect immediately

Manila, Philippines.

July 3, 1989.

(Sgd.) MARCELO B. FERNAN

Chief Justice

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