

SUBJECT : AMENDMENTS IN THE RULES ON THE INHIBITION OF DIVISION MEMBERS AND ON LEAVES AND VACANCIES IN A DIVISION

ADMINISTRATIVE CIRCULAR NO. 84-2007, September 18, 2007

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This Circular supersedes Administrative Circular No. 75-2007 effective immediately. The new rules on the inhibition of Division Members and on leaves and vacancies in a Division are as follows:

1. The ponente of a case shall inhibit herself or himself from the case, and the case shall be raffled among the Members of the two other Divisions of the Court in the following instances:

- a. Whenever the ponente was the ponente of the decision of the appellate or trial court below;
 - b. Whenever the ponente was counsel or partner or member of a law firm that is or was the counsel in the case before the Division;
 - c. Whenever the ponente or spouse or child of the ponente is pecuniarily interested in a case before the Division;
 - d. Whenever the ponente is related to either party in the case within the sixth degree of consanguinity or affinity, or to an attorney or any member of a law firm who is counsel of record in the case within the fourth degree of consanguinity or affinity;
 - e. Whenever the ponente was executor, administrator, guardian or trustee in the case;
 - f. Whenever the ponente was an official or is the spouse of an official or former official of a government agency or private entity that is a party to the case, and the ponente or her or his spouse had reviewed or acted on any matter relating to the case.
2. Whenever the ponente, in the exercise of sound discretion, inhibits herself or himself from the case for just and valid reasons other than those mentioned in paragraph 1, a to f above, the case shall be relumed to the Raffle Committee for re-raffling among the other Members of the same Division with one additional Member from the other two Divisions.
3. When a Member of the Division, not the ponente, recuses herself or himself from any case for reasons mentioned in paragraphs 1 b to f and 2, the case shall be decided by the four remaining Members and one additional Member from the other two Divisions chosen by raffle.
4. A Member of a Division, who is not the ponente in the Division, shall recuse herself or himself from a case if

she or he participated in the decision of the case in the lower court. The case shall be decided by the four remaining Members and one additional Member from the other two Divisions chosen by raffle.

5. When two or more Members of the Division, other than the ponente, recuse themselves from a case, Members from the other two Divisions chosen by raffle shall replace the Members who inhibited.

6. When the voting in a decision or motion for reconsideration of a decision in a Division is two against two, a Member from the other two Divisions, chosen by raffle, shall sit as additional Member to take part in and vote on the decision or motion for reconsideration.

7. A ponente who inhibits herself or himself because of grounds in paragraphs 1 and 2 shall be assigned an additional case during the next raffle of Division cases.

8. When a Member is on leave for more than five (5) working days, or a vacancy occurs in a Division, another Justice from the other Divisions shall be designated by the Chief Justice by rotation according to priority to act as Member of the Division until the regular Member reports back to work, or a newly appointed Member assumes office, as the case may

18 September 2007.

(Sgd)REYNATO S. PUNO

Chief Justice

September 24, 2007

HON. REYNATO S. PUNO

Chief Justice

Supreme Court

Dear Chief,

For your signature, the attached Administrative Circular on Amendments in the Rules on the Inhibition of Division Members and on Leaves and Vacancies in a Division, as adopted on September 18, 2007.

Thank you.

Yours truly,

ADOLF S. AZCUNA

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