

OCA CIRCULAR NO. 40-2008, April 10, 2008

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TO:

ALL TRIAL JUDGES

SUBJECT:

PROPOSED GUIDELINES ON THE HANDGUN ACQUISITION PROGRAM FOR JUDGES

The Supreme Court En Banc in its Resolution dated 1 April 2008 in A.VI. No. 08-3-13-SC, Re: Proposed Guidelines on the Handgun Acquisition Program for Judges. Resolved to APPROVE the Proposed Guidelines on the Handgun Acquisition Program for Judges, to wit

PROPOSED GUIDELINES ON THE HANDGUN ACQUISITION
PROGRAM FOR JUDGES

OBJECTIVE

To provide judges of the lower courts the opportunity to acquire handguns for their personal protection, safety and security.

CONCEPT

An interest free handgun loan will be made available to judges on repayment scheme of not more than thirty-six (36) monthly installment. An initial revolving fund of P10 M shall be made available for this purpose.

DEFINITION OF TERMS

A. Qualified judges refers to those appointed to Municipal Trial Courts, Municipal Circuit Trial Courts, Municipal Trial Courts in Cities, and Metropolitan Trial Courts, and Regional Trial Courts, who:

- are not more than sixty-seven years of age as of the date of the application;
- are not under preventive suspension from office;
- have a minimum thirty (30) days leave credits;
- have met the minimum of P3,000.00 net take home pay as required by the General Appropriations Act; and
- have at least three (3) qualified co-makers.

B. Qualified co-makers are judges of the court with the same qualification as qualified judges.

C. Committee refers to the Supreme Court-Motorcycle and Computer Acquisition Program Committee who shall be tasked to handle the administration and operation of the program.

D. Distributor or supplier refers to a private company engaged by the Committee on an exclusive basis to sell, deliver and service guns granted to judge-borrowers.

STATEMENT OF DUTIES AND RESPONSIBILITIES A. The Committee shall:

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negotiate and enter into contract or agreement with gun companies to sell, distribute and service guns under the program at the lowest possible cost;

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give out individual loans without interest in an amount not exceeding Fifty thousand Pesos (P50,000.00) payable in thirty-six (36) equal monthly installment; Provided, that loans not exceeding twenty Four Thousand Pesos (P24,000.00) shall be payable in twenty four (24) equal monthly installments;

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see to it that all necessary document relating to the loan as required by its rules and regulations are satisfied: and

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render necessary reports to the Court through the Committee on Security.

B. The Distributor or Supplier shall: ;

- administer the non-policy aspects of the program as agreed upon in a final memorandum of agreement; and
- process the application of the license and permit to carry in favor of the judge-borrower.

C. The judge-borrower shall:

- pay his obligation within the stipulated period:
- use the gun exclusively for their personal protection, safety and security:
- exercise thorough care in choosing the brand, model and caliber of the handgun. No change of brand, model or caliber will be allowed after the approval of the application and corresponding Delivery Order is issued to the distributor or supplier;
- not transfer, assign or encumber the gun without the approval of Committee or until full payment of the loan has been made; immediately report to the Committee on the Security in case of transfer, resignation, separation, retirement, discharge or dismissal from service; and
- secure a clearance from the Committee in case of resignation, transfer, separation, retirement or discharge or dismissal from service.

FILING AND PROCESSING OF APPLICATION, DELIVERY AND PAYMENT

A. Filing and Processing of Applications

Application forms together with all the necessary documents (application, promissory note, request for automatic salary deduction and service obligation undertaking) will be made available at the Office of the Court

Administrator-Property Division.

Qualified judges desiring to acquire a handgun under the program shall fill out the application form specifying the Make, Model and Kind of the handgun applied for. They shall be made to choose among the different loan schemes based on the handgun's predetermined price and the distributor or supplier. All duly accomplished application forms and its enclosures shall be submitted to the Committee.

If the loan application is approved, the Committee shall immediately forward copy of the approval to the concerned distributor or supplier. The concerned distributor or supplier shall process the license and permit to carry of the judge-borrower. It is the duty of the concerned borrower to coordinate with and to supply the distributor or supplier all documents required by law for the issuance of a license and permit to carry. All fees and expenses in the processing of the license and permit to carry shall be on account of the judge- borrower.

Upon the issuance of the license and permit to carry in the name of the judge-borrower concerned, the Committee shall issue a Delivery Order to the concerned distributor or supplier for the issuance of handgun. The distributor or supplier shall personally deliver the gun to the judge-borrower concerned.

The judge-borrower shall be responsible for the costs of maintenance and repair of the gun, if the same is not covered or beyond the period warranty.

It is understood that the gun shall remain the property of the Supreme Court until the judge-borrower satisfies in full his/her obligation to the Court.

B. Payment

The judge-borrower shall pay in cash the equity or difference between the cost/price of the gun and amount of loan.

The distributor or supplier will forward the Invoice of the gun together with the Delivery Order to the Committee for payment of the gun issued to the judge-borrower.

The loan shall be amortized over a period not exceeding three years. For this purpose, the judge-borrower must render service obligation for the same- period immediately after receipt of the gun during which period the installments shall be deducted monthly from his/her salary.

Should the judge-borrower fail to render the required service obligation through his own fault, negligence, unsatisfactory or poor performance or other causes within his control resulting in the non-payment of the full cost of the handgun; or should the judge-borrower resign, transfer to an agency or office, voluntarily retire, or be separated or removed from the service, the entire unpaid balance shall become due and demandable. The judge-borrower shall pay the unpaid balance within thirty (30) days from such retirement, separation or removal from service

The Committee on security may change or suspend any provision of the program if it becomes necessary and desirable considering the availability of fund.

For your information and guidance.

April __10__, 2008.

ZENAIDA N. ELIPAÑO

Court Administrator

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