OCA CIRCULAR NO. 54-2007, May 22, 2007

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TO:

ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT:

GUIDELINES ON THE CONDUCT OF ELECTION OF JUDGES' ASSOCIATIONS

For your information and guidance, the Supreme Court En Banc in its Resolution dated May 3, 2007 , prescribed the guidelines on the conduct of elections of judges' association, to wit:

"RESOLUTION

PRESCRIBING GUIDELINES ON THE
CONDUCT OF ELECTIONS OF JUDGES' ASSOCIATIONS

Whereas, the 1987 Constitution entrusts to the Supreme Court administrative supervision over all courts and the personnel thereof;

Whereas, the New Code of Judicial Conduct for the Philippine Judiciary requires judges to "avoid impropriety and the appearance of impropriety in all their activities" and to "conduct themselves in a way that is consistent with the dignity of the judicial office;"

Whereas, under the New Code of Judicial Conduct for the Philippine Judiciary, "judges may form or join associations of judges;" and judges of the first and second level courts have formed associations for the promotion and protection of their common welfare and interests; the enhancement of their competencies and skills; and the provision of the appropriate forum where issues and concerns relating to their work could be discussed and addressed;

Whereas, it is in the interest of the Judiciary that judges' associations engage in activities which maintain, enhance and uphold public confidence in the courts and in those who hold judicial office

Whereas, the judges' associations are governed by Boards of Officers, the members of which are elected at regular intervals by all the members during national conventions or assemblies

Whereas, aspects of the elections of judges' associations have the capacity to affect adversely the public perception of the judges' professional and personal behavior;

Whereas, there had been reports, subsequently verified, that during the previous years, judges seeking positions in their associations had engaged in blatant electioneering activities, to the extent that some of these candidates

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traveled to different provinces, held caucuses with the association members in expensive venues, and provided them free food, drinks and entertainment all for the purpose of soliciting their support and votes;

Whereas, there is need to structure the elections of these judges' associations along lines that would depoliticize this important activity and redirect efforts towards acceptable and non-partisan interests;

Whereas, the Court deems it imperative to prescribe guidelines that would ensure that the different judges' associations would prudently manage as well as undertake honest, simple, clean, transparent and orderly elections of their officers; and

Whereas, these guidelines seek to keep the amount of campaigning and electioneering within reasonable limits and to assist in the maintenance of a spirit of collegiality and essential fairness in such elections;

Now, therefore, the Court hereby promulgates this Resolution prescribing guidelines on the conduct of elections of the different judges' associations:

SECTION 1. Policy on elections. - The election process for the officers of all judges' associations shall at all time be honest, simple, clean, transparent and orderly.

SEC. 2. Candidacy in judges' associations. - All officers of judges' associations shall be exemplars of integrity, propriety and professionalism.

SEC. 3. Campaign activities. - Judges' associations shall see to it that candidates for any elective office in such associations shall refrain from and avoid campaign activities and situations that might bring the Judiciary into disrepute or give rise to embarrassment on the part of the associations and their membership.

SEC. 4. Prohibited acts and practices relative to elections. - Judges' associations and their members, whether singly or collectively and whether or not a candidate for any elective office in the association, shall refrain, directly or indirectly, in any form or manner, by himself or through another person, from the following acts and practices relative to elections:

a. Distributing and disseminating any election campaign material other than the curriculum vitae or the biodata of a candidate and
flyers indicating the candidate's qualifications, plan of action, platform or other information on his vision and objectives for the association. No other election campaign material like posters, streamers, banners or other printed propaganda matters
shall be prepared, used and distributed by candidates;

b. (1) Paying the dues or other indebtedness of any member; or (2) giving money or other material consideration or making a promise of expenditure or causing an expenditure to be made, offered or promised to any member, all for the purpose of inducing or influencing the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;

c. Providing or giving, free of charge, food, drinks or other refreshment, and any nature of entertainment to any member for the purpose of inducing or influencing the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;

d. Providing or giving, free of charge, transportation through any mode and accommodations, regardless of category, at hotels, motels or other lodging places to any member for the purpose of inducing or influencing the said member to withhold his vote, or to vote for or against a candidate at elections to be conducted;

e. Installing, opening and maintaining any booth, stall or desk within the venue of the convention or assembly for the purpose of displaying and distributing any election campaign material;

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f. Soliciting, demanding, taking or accepting from parties or other persons, electoral campaign propaganda, items and gadgets;

g. Soliciting, demanding or receiving from other persons and parties, contribution or donation in cash for the purpose of an election campaign fund;

h. Assigning, directing or utilizing the services of any court personnel in the preparation, typing, printing, reproduction and distribution of any election campaign material;

i. Using or allowing the use by other members of the association or their personnel, any court equipment such as fax and photocopying machines for the printing and duplication of election campaign material; and

j. Using or allowing the use by any court personnel of the franking privilege granted by Presidential Decree No. 26 to the courts in the distribution or dissemination of any communication or papers relating to the elections.

SEC. 5. Prohibition against intervention by officials of the courts and the Office of the Court Administrator. - Officials of the courts under the Judiciary and the Office of the Court Administrator shall not, directly or indirectly, intervene in the elections of the judges' associations or engage in any partisan election activity.

SEC. 6. Monitoring compliance with the Guidelines. - The Court Administrator shall be primarily and directly responsible for the implementation of this Resolution and shall see to the faithful compliance with its provisions by all judges' associations. For this purpose, the Court Administrator may adopt such measures, including the creation of monitoring teams, to ensure observance by all judges' associations and their members.

SEC. 7. Liability for non-compliance with the Guidelines. - Failure by any member of the judges' association to observe or comply with the provisions of this Resolution shall constitute a serious administrative offense and shall be dealt with in accordance with Rule 140 of the Revised Rules of Court. Court officials and personnel who violate provisions of the Resolution shall be administratively liable and proceeded against in conformity with existing Supreme Court and Civil Service rules and regulations.

SEC. 8. Effectivity. - This Resolution shall take effect on May 30, 2007 following its publication in a newspaper of general circulation in the Philippines not later than May 15, 2007 ."

The Resolution was published in the May 11, 2007 issue of the Manila Bulletin.

For strict compliance.

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CHRISTOPHER O. LOCK

Court Administrator

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