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CHAPTER XII

DISPOSAL AND/OR DESTRUCTION OF COURT RECORDS, PAPERS AND EXHIBITS

A. PROCEDURE[1]

To establish a uniform procedure in the disposal or destruction of records, papers and exhibits pertaining to court cases terminated for at least fifteen (15) years, it is hereby provided that all Courts except the Supreme Court, are enjoined to strictly comply with the following rules:

- Notice of the intention to dispose of and/or destroy Court records, papers and exhibits should be made known to all interested parties by publication in a newspaper of general circulation, once a week for two (2) consecutive weeks;
- Such notice should likewise be posted for two (2) weeks in three (3) public places, such as the provincial capitol, the city or municipal hall, the public market and the courthouse;
- Such Court records, papers and exhibits to be disposed of and/ or destroyed should pertain to cases already terminated for at least fifteen (15) years; permission of the Supreme Court is necessary if the papers to be disposed of are less than fifteen (15) years;
- Any party or counsel of record interested in withdrawing any record or exhibit intended to be disposed of and/or destroyed may file the corresponding motion for such purpose before the scheduled date of disposal and/or destruction;
- The destruction shall be carried out not earlier than one (1) month from and after the date of the last publication which shall be done by selling or burning said records, papers and exhibits, or by some other practicable manner;
- The sale shall be conducted in the presence of the Executive Judge or the Clerk of Court and the Resident Auditor of the lower courts. If the sale is made in provincial courts, the Executive Judge and the Clerk of Court shall be present during the conduct of the sale with the representative of the Commission on Audit in the area;
- The Clerk of Court shall issue the official receipt to the buyer of the court records, papers, or exhibits;

7.1. The Clerk of Court shall report to the Court Administrator the collection in a separate report of collection, specifying the nature of the income; and

7.2. The Clerk of Court shall remit to the National Treasury the proceeds from the sale under a separate Remittance Advice to the credit of the courts concerned, with notice of such remittance furnished the Court Administrator.

In the resolution of April 18, 1989, in Adm. Matter No. 89-3-287 MeTC (where Court records were found to be totally destroyed) the Supreme Court granted an exception to paragraph (3) of Adm. Order No. 13 by giving permission to dispose of records which had already been destroyed by termites and which were at least ten (10)

years old.

B. DISPOSITION OF EXHIBITS IN THE CUSTODY OF COURTS WHICH ARE NO LONGER NEEDED AS EVIDENCE

- Dangerous Drugs

All seized, confiscated or surrendered dangerous drugs in the custody of the Courts which are no longer needed as evidence in court proceedings must be turned over directly to the Director of the National Bureau of Investigation as Drug Custodian of the Dangerous Drugs Board.[2]

- Firearms, Ammunitions and Explosives

Courts are directed to turn over to the nearest Constabulary Command all firearms in their custody after the cases involving such shall have been terminated.

In Metro Manila, the firearms may be turned over to the Firearms and Explosives Unit at Camp Crame, Quezon City, while in the provinces, the firearms may be turned over to the respective PC Provincial Commands.[3]

- Moneys

Moneys confiscated in favor of the government shall be turned over by the Clerk of Court to the National Treasury.[4]

- Other Real Evidence

All other real evidence confiscated in favor of the government shall be reported by the Clerk of Court to the Commission on Audit (to the Office of the Commissioner of the Commission on Audit for Clerks of Court in Metro Manila or directly to the provincial or city auditor regarding Clerks of Court in the provinces or other cities) as waste materials by accomplishing Gen. Form No. 64 (a) of said Commission for the latter to dispose of said evidence either by sale at public auction, private sale, destruction or transfer to another office.[5]

[1] SC Adm. Order No. 13, April 29, 1981.

[2] SC Circular No. 9, July 18, 1973; Rep. Act No. 6425, Sec. 36(b) Subsec. (1).

[3] SC Administrative Circular No. 2, May 13, 1983.

[4] Auditor General Circular No. 139 and Unnumbered General Circular, July 1 1927.

[5] Civil Service Rule (1959), Rule XVI, Sec. 1.

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