

SC CIRCULAR NO. 65-99, October 28, 1999

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TO:

ALL PROCESS SERVERS OF THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT

MOTORCYCLE LOANS FOR PROCESS SERVERS

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court En Bane dated October 19, 1999 in Administrative Matter No. 99-8-12-SC Re: Motorcycle Loans for Process Servers.

"A.M. No. 99-8-12-SC Re: Motorcycle Loans for Process -Servers.

In a letter dated May 5, 1999, the Process Server Association of the Philippines (PROSAPHIL) thru its President requested the Chief Justice for the procurement of motorcycles for the use of process servers in the interest of speedy service of summons and other court processes. The request was forwarded to the Court Administrator and the Financial Management Office for recommendation and report.

The Financial Management Office filed Memorandum recommending approval of the request and stated that an estimated amount of seventy million two hundred thousand pesos (P70,200,000.00) will be necessary to fund the program. The FMO suggested that the grant of the loan should be made in batches and that the succeeding batch of loans shall not be approved until after the first batch shall have paid their loans in order not to deplete the resources of the JDF.

The Court Administrator filed Memorandum on September 30, 1999 recommending the approval of the request and stating that the purchase of the said motorcycles under the proposed Motorcycle Acquisition Program (MAP) may be deemed part of the welfare and personnel development plan mandated by Section 31, Chapter 5, Subtitle A, pertaining to the Civil Service Commission of Title I Book V of the 1987 Administrative Code. Moreover, the use of funds from the Judiciary Development Fund to finance personnel welfare program has been previously allowed by this Court in a Resolution dated August 18, 1998 in Administrative Matter No. 38-8-01-SC Re: Creation and Operation of the Supreme Court Health and Welfare Plan. The Court Administrator recommended the following guidelines for the implementation of the Motorcycle Acquisition Program (MAP) as follows:

- Recommendations:

We recommend the establishment of the Motorcycle Acquisition Program (MAP) for the Process Servers of the lower courts and the Office of the Court Administrator. We also recommend the following:

- The Office of the Court Administrator should be tasked to implement the Program;
 - The Court Administrator should be authorized to approve the applications under the said Program;
 - The Court Administrator should issue a circular to inform all Process Servers interested about the Motorcycle Acquisition Program and the qualifications, terms and conditions; and
 - The Court Administrator should assign the appropriate personnel in the Office of the Court Administrator to assist in the implementation and administration of the Program.
- and proposed the following qualifications, terms and conditions for the availment of motorcycle loans by process servers:

- (1) The employee must be a holder of a permanent item in the Judiciary,
 - (2) The employee must be appointed to a Process Server position;
 - (3) The employee must have rendered at least three (3) years of continuous service in the Judiciary;
 - (4) The employee must be fifty-nine (59) years of age or less as of the date of the application for the motorcycle.
 - (5) The employee must have no pending administrative or criminal case as of the date of the application for the motorcycle loan;
 - (6) The employee must have a minimum total of thirty (30) day; of earned vacation and/or sick leave credits as of the date of the application for the motorcycle loan and 50% of such minimum total must always be maintained and may be used only by the employee concerned for valid and meritorious reasons as determined by the Court Administrator.
 - (7) only the cost of the motorcycle shall be advanced from the Judiciary Development Fund The employee shall shoulder the costs of forwarding or freightage, if any; registration charges, insurance premiums as well as other incidental expenses. The employee shall also be responsible for the costs of maintenance and repair of the motorcycle.
 - (8) The cost of the motorcycle shall be amortized over a period of three (3) years. For this reason, the employee must render service obligation in the Judiciary for three (3) years immediately after receipt of the motorcycle during which period the installments shall be deducted monthly from his salary All payments shall accrue in favor of the JDF.
- Should the employee fail to render the required three -year service obligation through his own fault, negligence, unsatisfactory or poor performance or other causes within his control resulting in the nonpayment of the full cost of the motorcycle; or should the employee resign, transfer to an agency or office under another branch of Government, voluntarily retire, or be separated/removed from the service, the entire unpaid balance shall become due and payable
- (9) The deductions from the salary of the employee must not reduce his monthly take home pay to an amount lower than P2,000.00 after deducting all other statutory deductions (in accordance with the provisions of Section 36, General Provisions of the General Appropriations Act for 1999).
 - (10) The PROSAPHIL shall not in any manner collect or charge fees of any nature (processing, etc.) from Process Servers applying for a motorcycle under the Motorcycle Acquisition Program).

This Court hereby APPROVES the request of PROSAPHIL for the adoption of the Motorcycle Acquisition Program, as recommended by the FMO and the OCAD, with the following additional terms and conditions for the availment of motorcycle loans:

- The applicant is a licensed motorcycle driver;
- a co-maker/guarantor possessing the same qualifications required under terms and conditions nos. 1,3,4,5 and 6 and with a salary grade equal to or higher than that of the applicant should be required to guarantee payment of the loan.

October 28, 1999.

(SGD.) ALFREDO L. BENEPAYO

Court Administrator

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