

SC ADMINISTRATIVE CIRCULAR NO. 12-94, June 30, 1994

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SUBJECT

:

AMENDMENTS ON THE RULES ON THE / INHIBITION OF DIVISION MEMBERS.

This Circular supersedes Administrative Circular No. 20-93, effective immediately. The new rules on the inhibitions/of Division Members are as follows:

- Whenever a Member of a Division was the ponente in the decision of the lower, court which is before the Division for review, said Member will inhibit himself from the case, and the same shall be raffled among the Members of the other two (2) Divisions of the Court.
- Whenever a Member of a Division, was counsel or member of a law firm which was counsel in a case before the Division, or he, his wife or child is pecuniarily interested in said case as heir, legatee, creditor, or otherwise, or he is related to either party in the case within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or he has been executor, administrator, guardian or trustee in the case, said Member shall inhibit himself from the case, and the same shall be raffled among the members of the other two (2) Divisions of the Court.
- If the Member to whom the case is re-raffled is also inhibited for the same reasons mentioned in nos. 1 and 2 above, the case shall be raffled among the members of the remaining Division, And. if the Member of that Division to whom the case is re-raffled is again inhibited for the same reasons stated in nos. 1 and 2, above, the case shall be re-raffled among the members of the Court en banc, with the exclusion of the inhibited Members, and the case shall then be deemed an en banc case, notwithstanding Bar Matter. No. 209 as amended.
- A Division Member to whom a case was originally assigned but relieved thereof by, reason of grounds stated in nos. 1 and 2, above, shall during the next, turn in the raffle of Division cases be assigned, one (1) additional case.
- For a compelling reason other than those mentioned in nos. 1 and 2 above, a Division Member may also inhibit himself from a case before the Division but the case shall not be raffled among the members of the other two (2) Divisions. Instead, if the inhibiting Member is the ponente in the Division, the case shall be re-assigned by the Division Chairman to another member of the same Division in accordance with its rules on re-assignment of cases within the Division.

30 June 1994

(Sgd.) ANDRES R. NARVASA

Chief Justice

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