

OCA CIRCULAR NO. 94-2007, October 03, 2007

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TO:

ALL EXECUTIVE JUDGES

SUBJECT:

GUIDELINES ON THE AUTHORITY OF THE INVESTIGATIVE EXECUTIVE JUDGE

The First Division acting on the letter dated 28 June 2007 of Judge Raul E. De Leon, Regional Trial Court, Branch 258, Parañaque City, requesting the opinion of the Court on whether he can continue with his investigation pursuant to the Resolution dated 22 November 2006, considering that a new Executive Judge had been designated in the Regional Trial Court, Parañaque City, Resolved:

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(2) to APPROVE the following guidelines on the authority of the Investigating Executive Judge, to wit:

(a) If the investigation in an administrative case had already started or if the parties therein had already submitted their evidence, the Investigating Executive Judge to whom the case had been assigned by the Court shall continue to hear the case or prepare the corresponding report, as the case may be, regardless of whether he is subsequently relieved as Executive Judge or his term as such expires. The designation of a new Executive Judge shall not work to undermine the authority of the former Investigating Executive Judge over the case;

(b) Conversely, if the investigation has not started and the Investigating Executive Judge is subsequently relieved as Executive Judge or his term as such expires, the new Executive Judge shall take over the investigation. The former Executive Judge to whom the case was originally referred to shall inform the Court, by way of a simple manifestation, of such development. He shall, however, immediately forward the records of the case to the new Executive Judge who shall begin the investigation;

c) If the Investigating Executive Judge to whom the case was originally assigned is dismissed/retires from the service, dies or is suspended by the Court, the new/acting Executive Judge shall take over the case regardless of the stage it is in. The new/acting Executive Judge shall inform the Court of such development by way of a simple manifestation; and

d) The new Executive Judge who takes over the case shall have the remaining period originally allotted by the Court to continue the investigation and submit the corresponding report. In the event that the remaining

balance of the period is not sufficient, the new Executive Judge shall make the appropriate request to the Court for an extension of the period; and

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For the information and guidance of all concerned.

October__3__, 2007.Untitled Document

CHRISTOPHER O. LOCK

Court Administrator

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