

SC ADMINISTRATIVE CIRCULAR NO. 20-2003, March 19, 2003

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TO

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EXECUTIVE JUDGES OF REGIONAL TRIAL COURTS

PRESIDING JUDGES OF SPECIAL COURTS FOR DRUGS CASES AND FAMILY COURTS

SUBJECT

:

JURISDICTION OVER DRUGS CASES INVOLVING MINORS

WHEREAS, the attention of the Court was called on the supposed conflicting provisions in Republic Act No. 8369 (the "Family Courts Act of 1997") and R.A. No. 9165 (the "Comprehensive Dangerous Drugs Act of 2002") on the jurisdiction over drugs cases involving minors;

WHEREAS, under Section 5(i) of R.A. No. 8369, the Family Courts shall have exclusive original jurisdiction to hear and decide cases against minors for violation of the Dangerous Drugs Act, as amended;

WHEREAS, under Section 90 of R.A. No. 9165, the Court is mandated to designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of said law;

WHEREAS, in its resolution, dated 1 August 2000, in A.M. No. 00-8-01-SC, the Court designated certain branches of the Regional Trial Courts as special courts for drugs cases to exclusively handle dangerous drugs cases irrespective of the quantity of the drugs involved;

WHEREAS, the repealing clause of R.A. No. 9165 under Section 100 provides "Republic Act No. 6425, as amended, is hereby repealed and all other laws, administrative orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly";

WHEREAS, there is a need to harmonize the supposed conflicting provisions of R.A. No. 8369 and R.A. No. 9165 on the jurisdiction over drugs cases involving minors.

NOW, THEREFORE, pursuant to the Resolution dated 11 February 2003, reiterated in the Resolution of 18 March 2003 of the Court in A.M. No. 02-12-19-SC (Re: Clarification as to Which Court Has Exclusive Jurisdiction over Drugs Cases Involving Minors), the following guidelines shall be observed:

- (1) As a rule, family courts shall have jurisdiction over drugs cases involving minors.
- (2) In areas where there are no family courts but there are special drugs courts, the latter shall take jurisdiction over the case.
- (3) In areas where both family courts and special drugs courts have been designated, the case shall be assigned or raffled to a family court.
- (4) In areas where both family courts and special drugs courts have not been designated, the case shall be raffled among the branches of the Regional Trial Court within the same station.
- (5) In areas where there is only a single-sala Regional Trial Court, which has been designated either as a family court or as a special drugs court or has not been designated as such at all, it shall take jurisdiction over the case.

The Office of the Court Administrator shall see to it that this Administrative Circular, which shall take effect upon its issuance, is strictly complied with.

Issued this 19th day of March 2003.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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