

CIRCULAR NO. 15, November 27, 1986

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ADMINISTRATIVE SUPERVISION OF COURTS

CIRCULAR NO. __15__

TO :

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT:

Prohibiting Judges from Public Involvement in the Campaign for Ratification of the 1986 Draft Constitution

Quoted hereunder, for the information and guidance of all concerned, is the Resolution of the Court En Banc, dated November 27, 1986, in Administrative Matter No. 86-11-3690-Tel.- Re: Query of the Municipal Trial Judges League of Zamboanga del Norte:

"Adm. Matter No. 86-11-3690-Tel.- Re: Query of the Municipal Trial Judges League, Zamboanga del Norte. - Acting on the telegraphic message to the Chief Justice of the Municipal Trial Judges League of Zamboanga del Norte thru its President, Judge Pacifico M. Garcia of the Municipal Trial Court at Dapitan City, expressing the judges' desire to get involved in the campaign for ratification of the Draft Constitution and requesting advice as to the possible legal implications that may arise relative to their public positions, stating that 'we feel we are in a better position to shed light on the provisions of the proposed charter for the better understanding by our people especially those in the rural areas, the Court Resolved to DECLARE, for the information and guidance of all judges concerned, that -they should refrain from public involvement in the said campaign for ratification of the Draft Constitution as approved by the Constitutional Commission. Such campaign is best left to the officers and members of the Constitutional Commission who are already conducting the information campaign, and to the Executive and leaders of the administration, together with the officers and members of the Integrated Bar of the Philippines, who are so minded. It is, of course, understood that they are free to express in private discussions their views for or against the provisions of the proposed charter, as well as to state how they intend to vote at the plebiscite called for the purpose.

"The Court adopts and reiterates as its own the compelling considerations now Chief Justice in Sanidad vs. Commission on Elections, 73 SCRA 333, 427-428, joined by then Justices Felix V. Makasiar and applicable, mutatis mutandis, 'that the non-participation of judges in such public discussions and debates on the referendum-plebiscite questions would preserve the traditional non-involvement of the judiciary issues. This is essential for the maintenance and enhancement of the people's faith and confidence in the judiciary. x x x

"The lifting of the traditional inhibition of judges from public discussion and debate might blemish the image and independence might blemish the image and independence of the judiciary. Aside from the fact that the fixing of a time limit for the acceptance of their courtesy resignations to avoid an indefinite state of insecurity of their tenure in office still pends, litigants and their relatives and friends as well as a good sector of the public would be hesitant to air views contrary to that of the judge.'

"Let copies hereof be circulated to all courts."

November 27, 1986.

(SGD.) LEO D. MEDIALDEA

Court Administrator

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