

## OCA CIRCULAR NO. 63-2012, July 10, 2012

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**TO :**

**ALL CONCERNED JUDGES AND LOWER COURT PERSONNEL**

**SUBJECT:**

**GUIDELINES ON THE ENFORCEMENT OF THE PAYMENT OF FINES IN ADMINISTRATIVE CASES**

WHEREAS, it has been observed that there has been a substantial number of administrative cases wherein the respondents have failed to pay the fines imposed upon them despite the lapse of a considerable length of time since they received the decisions/resolutions therein;

WHEREAS, such failure undermines the disciplinary power of the Supreme Court over court officials and personnel;

WHEREAS, the timely and prompt enforcement of the payment of administrative fines is of paramount importance for the realization of the desired purpose of administrative penalty;

WHEREAS, as a matter of practice, only direct and full payment of administrative fines is allowed;

WHEREAS, for one reason or another, some court officials and personnel who have been administratively fined by the Court request for the payment of such fines on a staggered basis through salary deductions, but requests of such nature are invariably denied; and

WHEREAS, for humanitarian consideration, there is a need to revisit the long-standing practice of denying requests for a staggered payment through salary deductions of administrative fines such that if circumstances so warrant, such requests may be recommended for approval by the Court.

NOW, THEREFORE, for and in consideration of the foregoing premises, the following guidelines shall be observed in the enforcement of the payment of fines in administrative cases:

1. The Documentation Division of the OCA-Legal Office shall maintain and update regularly an inventory of administrative cases in which fines have been imposed by the Court;
2. Fines imposed against judges and lower court personnel must be paid within thirty (30) days from receipt of the decision, unless a different period has been prescribed by the Court;
3. If a fine remains unpaid beyond thirty (30) days following the expiration of the prescribed period for its payment, or in the event that the payment of a fine is not time-bound and it remains unpaid for more than thirty (30) days after receipt by the court official or employee concerned of a copy of the decision or resolution imposing such fine, the same shall be reported in writing to the Court Administrator or the Deputy Court Administrator concerned accompanied by a letter addressed to the court official or employee concerned, directing

the latter to explain his/her failure to comply with the Court decision or resolution and to pay the fine within ten (10) days from receipt thereof;

4. Should the said court official or employee fail to comply with directive, the OCA-Legal Office shall prepare and submit, for review, to the Court Administrator or Deputy Court Administrator concerned within thirty (30) days from the expiration of the 10-day period a report and recommendation on the matter addressed to the Court for its consideration and approval;

5. Should there be a request for a mode of payment other than direct and full payment of a fine, the same shall be referred to the OCA-Fiscal Management Office, which shall forthwith evaluate the same, taking into consideration the capacity to pay of the requesting court official or employee; and

6. Within thirty (30) days from receipt of the request, the OCA-Fiscal Management Office shall submit, for review, to the Court Administrator or Deputy Court Administrator concerned a report and recommendation thereon addressed to the Court for its consideration and approval.

For strict compliance.

10 July 2012.

**(SGD.)JOSE MIDAS P. MARQUEZ**

Court Administrator

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