

SC ADMINISTRATIVE CIRCULAR NO. 5-98, February 18, 1998

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TO

: ALL JUDGES OF THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT : AMENDMENTS TO PARAGRAPH A OF ADMINISTRATIVE CIRCULAR NO. 3-94 DATED JANUARY 26, 1994

Sub-paragraph 1 paragraph A of Administrative Circular 3-94 was intended to expedite the disposition of cases. It instructed judges who had started hearing a case to continue to hear and decide the case even if a new judge has been appointed or designated to replace him. If the reassigned or replaced judge is only transferred to the branch in the same seat, the case shall be transferred to the branch to which he is assigned. While continuing to hear the unfinished case, the replaced judge continues as Assisting Judge.

Regrettably, as a result, there have been instances when the unfinished cases have dragged on for years, compelling some judges to commute long distances between their regular courts and the courts in which they still acted in the capacity of assisting judges. Worse, in some instances some judges, to extend their stay in the original courts as assisting judges, misused the guidelines whenever they found their new assignments less appealing. This does not conduce to an orderly and efficient administration of justice.

Henceforth, in line with its objective, paragraph A of Administrative Circular No. 3-94 dated January 26, 1994, as amended, is hereby further amended to read as follows:

1. Unless otherwise ordered by the Court, an Acting / Assisting Judge shall cease to continue hearing cases in the court where he is detailed and shall return to his official station upon the assumption of the appointed Presiding Judge or the newly designated Acting Presiding Judge thereat. Cases left by the former shall be tried and decided by the appointed Presiding Judge or the designated Acting Presiding Judge.
2. However cases submitted for decision and those past the trial stage i.e. where all the parties have finished presenting their evidence before such Acting / Assisting Judge at the time of the assumption of the Presiding Judge or the designated Acting Presiding Judge shall be decided by the former. This authority shall include resolutions of motions for reconsideration and motions for new trial thereafter filed. But if a new trial is granted, the Presiding Judge thereafter appointed or designated shall preside over the-trial until it is terminated and shall decide the same.
3. If the Acting / Assisting Judge is appointed to another branch the same station, cases heard by him shall be transferred to the branch where he is appointed and he shall continue to try them. He shall be credited for these cases by exempting him from receiving an equal number during the raffle of newly filed cases.

All other instructions not in conflict with the amendments of this circular shall continue to be in effect. Any administrative problem that may arise the implementation or interpretation of the above rules shall be brought the attention of the Court Administrator.

Effective immediately.

February 18, 1998.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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