

(RE: PROPOSED AMENDMENTS TO THE GUIDELINES ON THE CONDUCT OF VIDEOCONFERENCING)

A.M. No. 24-11-02-SC, November 04, 2025

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WHEREAS, the Supreme Court, under Section 5(5), Article VIII of the 1987 Constitution, is vested with the power to "promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged";

WHEREAS, pursuant to this power, the Supreme Court authorized "the presentation of testimonial evidence by electronic means" in both civil and criminal cases under the Rules on Electronic Evidence and the use of live-link television testimony in criminal cases where the witness or the victim is a child under the Rule on Examination of a Child Witness;

WHEREAS, the Supreme Court, recognizing the wide acceptance of "the use of videoconferencing technology" for "the remote appearance or testimony of the parties in court proceedings," approved the Guidelines on the Use of Videoconferencing Technology for the Remote Appearance and Testimony of Certain Persons Deprived of Liberty (PDLs) in Jails and National Penitentiaries, which were pilot-tested between the Davao City Hall of Justice and Davao City Jail beginning September 1, 2019, "for a period of not more than [two] years";

WHEREAS, in December 2020, the Supreme Court approved A.M. No. 20-12-01-SC (Re: Guidelines on the Conduct of Videoconferencing), which institutionalized the conduct of videoconferencing during the lockdowns and community quarantine measures imposed due to the COVID-19 pandemic;

WHEREAS, as per Memorandum Order No. 42-2022 dated March 30, 2022, the Committee on Virtual Hearings and Electronic Testimony was created to "further strengthen the rules and guidelines on virtual court hearings and electronic testimony to address the issues and concerns of the relevant stakeholders" and is composed of the following members:

Chairperson:

Hon. Jose Midas P. Marquez
Associate Justice, Supreme Court

Vice Chairperson:

Hon. Raul B. Villanueva
Court Administrator[*]

Members:

Hon. Sarah Jane T. Fernandez
Associate Justice, Sandiganbayan

Hon. Jennifer Joy C. Ong
Associate Justice, Court of Appeals

Hon. Michael P. Ong
Associate Justice, Court of Appeals

Hon. Jose Lorenzo R. Dela Rosa
Associate Justice, Court of Appeals

Hon. Lanee S. Cui-David
Associate Justice, Court of Tax Appeals

Hon. Lilian C. Barribal-Co
Assistant Court Administrator[*][*]

Hon. Maria Regina Adoracion Filomena M. Ignacio
Assistant Court Administrator

Atty. Camille Sue Mae L. Ting
Office of Associate Justice Jose Midas P.
Marquez[*][*][*]

Hon. Leilani Marie D. Grimares
Presiding Judge, Branch 294, Regional Trial
Court, Parañaque City

Hon. Jerlie P. Luis-Requerme
Presiding Judge, 3rd Municipal Circuit Trial
Court, Impasug-Ong-Samilao, Bukidnon

Atty. Laura C.H. Del Rosario
Deputy Clerk of Court and Judicial Reform
Program Administrator

Atty. Jed Sherwin G. Uy
Deputy Clerk of Court and Chief Technology
Officer

Atty. Marilou Marzan-Anigan
Chief, Court Management Office

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Atty. Kristine Leigh G. Domingo
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Atty. Micah Celine S. Carpio-Bibi
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Atty. Ariane P. Ong
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Consultants:

GOJUST Experts and Representatives

NOW, THEREFORE, acting on the recommendation of the chairperson and the vice chairperson of the Committee on Virtual Hearings and Electronic Testimony, the Court resolves to APPROVE the Proposed Amendments to the Guidelines on the Conduct of Videoconferencing.

(Sgd.) ALEXANDER G. GESMUNDO
Chief Justice

(Sgd.) MARVIC M.V.F. LEONEN
Senior Associate Justice

(Sgd.) ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(Sgd.) RAMON PAUL L. HERNANDO
Associate Justice

(on official business)
AMY C. LAZARO-JAVIER
Associate Justice

(Sgd.) HENRI JEAN PAUL B. INTING
Associate Justice

(Sgd.) RODIL V. ZALAMEDA
Associate Justice

(Sgd.) SAMUEL H. GAERLAN
Associate Justice

(Sgd.) RICARDO R. ROSARIO
Associate Justice

(on official business)
JHOSEP Y. LOPEZ
Associate Justice

(Sgd.) JAPAR B. DIMAAMPAO
Associate Justice

(Sgd.) JOSE MIDAS P. MARQUEZ
Associate Justice

(on official business)
ANTONIO T. KHO, JR.
Associate Justice

(on leave but left a concurring vote)
(Sgd.) MARIA FILOMENA D. SINGH
Associate Justice

(Sgd.) RAUL B. VILLANUEVA
Associate Justice

[*] Now associate justice of the Supreme Court.

[*][*] Now deputy court administrator for administration.

[*][*][*] Now Supreme Court spokesperson.

[*][*][*][*] Now acting deputy clerk of court and chief judicial records officer, Judicial Records Office.

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A.M. No. 24-11-02-SC

AMENDMENTS TO THE GUIDELINES ON THE CONDUCT OF VIDEOCONFERENCING

PART 1

PRELIMINARY PROVISIONS

Section 1. Policy

(a) Court proceedings subject to this Guidelines may be held through videoconferencing. Proceedings through

videoconferencing may either be fully remote or partially remote, as defined under Section 2(a).

(b) The court shall, at all times, control the videoconferencing proceedings.

(c) Videoconferencing proceedings shall closely resemble in-person proceedings, with remote locations treated as extensions of the courtroom. The dignity and solemnity required in in-person proceedings, as well as the rules and practices on proper court decorum, shall apply and be strictly observed in videoconferencing. Participants appearing remotely shall be equipped with sufficient connectivity, devices, and equipment and shall be situated in a location appropriate for videoconferencing.

(d) The rights of the accused to be present and defend in person at every stage of the proceedings and to testify as a witness in his or her own behalf, are deemed observed when such appearance and/or testimony is done remotely through videoconferencing under this Guidelines.

The right of the accused to meet the witnesses face to face is likewise deemed satisfied through videoconferencing, provided that the demeanor of the witness can be clearly observed by the court, the accused, and counsel; the cross-examination of the witness is done effectively; and the accused executes an informed written waiver of such right when the videoconferencing specifically involves the confrontation of a witness.

(e) The court shall ensure access and use of videoconferencing by digitally disadvantaged individuals, including those located in geographically or geopolitically marginalized areas. To this end, the Court may adopt measures to facilitate connectivity and participation, such as:

(i)

the deployment of court personnel to hard-to-reach areas to provide temporary or mobile internet access, including through the use of satellite connections; and

(ii)

the establishment of designated access points within judicial regions where litigants, witnesses, and other participants may use computers and videoconferencing equipment under court supervision.

The Committee on Access to Justice, together with the Office of the Court Administrator (OCA), shall ensure the implementation of this policy.

(f) Testimonies of child witnesses may likewise be taken remotely via videoconferencing under the Rule on Examination of a Child Witness. At all times, the court shall consider the best interests of the child.

Similarly, testimonies of victims of sexual abuse and gender-based violence may be taken remotely via videoconferencing to protect their physical and emotional well-being.

(g) The confidentiality of attorney-client communications shall always be preserved. The courts shall likewise ensure, at all times, the confidentiality of any personal and sensitive information that comes to their knowledge and possession.

(h) Laws, rules, and regulations on false testimony, contempt, data privacy and security, and all other relevant issuances shall apply. Participants in videoconferencing consent to the collection, processing, storage, retention, sharing, and disposal of their personal and sensitive personal information in accordance with applicable data privacy laws, rules, and regulations. This consent extends to all data necessary for the conduct and purposes of the videoconference. The data of the participants shall be handled with the utmost confidentiality and managed in full compliance with applicable data privacy laws, rules, and regulations.

(i) The Rules of Court and pertinent Supreme Court issuances shall continue to be observed during videoconferencing.

Section 2. Definition of Terms

(a) Videoconferencing — all court proceedings conducted using video, audio, and data transmission devices to allow participants in different physical locations to communicate in real time by seeing and hearing each other

Videoconferencing may either be fully remote or partially remote:

i. Fully remote videoconferencing — videoconferencing where all participants join from remote locations without any of them being physically present inside the court

ii. Partially remote videoconferencing — videoconferencing where at least one participant is physically present inside the court, while others join from remote locations

(b) In-person proceedings — court proceedings where all participants physically and personally appear inside the court

(c) Authorized platform — software, application, or program provided to the courts by the Supreme Court

(d) Participants — justices, judges, counsel, litigants, witnesses, essential court staff, external interpreters, jail wardens, persons in charge of centers or facilities for children in conflict with the law (CICL), guardians, facilitators and support persons for child witnesses, members of the public when allowed under this Guidelines, and all other persons authorized by the court to participate

(e) Compelling state interest — a valid or legitimate interest of the state so paramount as to justify limiting or subordinating the constitutionally protected rights of the accused

(f) Public policy — principles and standards regarded by the legislature or courts as being of fundamental concern to the state and the whole of society

(g) External interpreters — foreign language, local dialect, sign language, and deaf-relay interpreters, other than the court interpreters

(h) Shared document repository — shared electronic storage space provided by the Supreme Court that can be accessed by authorized participants

(i) Virtual lobby or waiting area — virtual space where participants wait before they are admitted to the videoconferencing by the court

j) Overseas venues — Philippine consulates and embassies, other Philippine government offices abroad, other places allowed under applicable bilateral or multilateral agreements, and any other venue authorized by the Supreme Court for videoconferencing from abroad

Section 3. Coverage and Applicability

(a) Courts covered by the Guidelines. — This Guidelines shall govern the conduct of videoconferencing before the first- and second-level courts, the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals.

(b) Cases covered by the Guidelines. — This Guidelines shall apply to all actions and proceedings, at whatever stage thereof, including mediation, consultation, and deliberation before the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals, and the promulgation of decisions and resolutions, as provided in the Rules of Court, when such proceedings are conducted through videoconferencing.

When the proceedings, such as the hearing of cases, consultation, deliberation, and promulgation of decisions and resolutions, of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals are conducted through videoconferencing, the same must be certified by the chairperson of the division or the presiding justice, in accordance with their respective internal rules.

PART 2

COMMON PROVISIONS

Section 4. Videoconferencing; How Initiated. — In civil and criminal cases, the parties, through their counsel, individually or jointly, may, by written or oral motion, move that they be allowed to participate via videoconferencing.

In criminal cases, a motion to participate via videoconferencing shall be accompanied by a waiver of the right of the accused to meet witnesses face to face when the videoconferencing specifically involves the confrontation of a witness.

Videoconferencing shall be the preferred mode in cases involving persons deprived of liberty (PDLs) and CICL at all stages of the proceedings.

It shall also be the preferred mode for arraignment, bail hearings, and hearings involving minor incidents of other accused, such as, but not limited to, clarificatory hearings, compliance hearings, and other similar ancillary matters where the presence of the accused is not necessary, unless the court deems it appropriate for the accused to appear in person.

For a just, speedy, and inexpensive disposition of cases, the court may, on its own instance, order that the proceedings be conducted through videoconferencing at any or all stages.

Section 5. Written Motion; Contents Thereof. — A written motion to participate through videoconferencing, whether the concerned party is situated domestically or abroad, shall be electronically filed and served at least seven calendar days before the scheduled hearing date.

A written motion to participate through videoconferencing shall state the following:

- the names of the witnesses to be presented;
- the documentary and/or object evidence intended to be presented;
- the expected location of each participant;
- the valid email addresses of the concerned parties and their counsel, as provided under Rule 13-A, Rules of Court; and
- a statement that the movant and the intended witnesses are technically ready to participate in the videoconferencing, including, but not limited to, having an internet bandwidth connection of at least 4Mbps.

In the case of item (e), proof of technical readiness shall be presented or attached.

Section 6. Comments of the Adverse Party. — The adverse party may file and serve electronically their comment within three calendar days from receipt of the motion. If such party will participate through videoconferencing, the comment shall state the technical readiness of the concerned participants to participate in the videoconferencing.

Section 7. Oral Motion. — Any oral motion to participate through videoconferencing shall be made in open court, and the parties shall immediately be given the opportunity to argue their respective positions. Thereafter, a ruling

on the matter shall be made by the judge on the same hearing date.

Section 8. Action of the Court. — The court shall resolve a written motion within three calendar days before the scheduled videoconferencing, with or without the comment from the adverse party.

The order granting the written or oral motion, or directing the conduct of videoconferencing at the court's instance, shall be served electronically within 24 hours from its issuance and shall contain the following matters:

- the date and time of videoconferencing;
- the proceedings covered;
- the names of the witnesses;
- the expected location of each participant;
- the software or platform to be used for videoconferencing;
- a directive to the concerned participants to furnish the court, and not any other party, with the email addresses and mobile numbers of the intended witnesses within 24 hours before the scheduled videoconferencing;
- a directive to the concerned participants to submit, when applicable, to the court and furnish the adverse party, the electronic copies of documentary evidence and photographs of object evidence intended to be presented during the conduct of videoconferencing within 24 hours before the scheduled videoconferencing;
- a statement that the entire videoconferencing shall be recorded and that by their participation, the participants have given their consent to such recording; and
- such other matters as may be necessary to define the parameters of the videoconferencing.

Section 9. Effect of Granting or Denying a Motion for Videoconferencing. — The order of the court granting or denying the motion for videoconferencing, or directing the conduct of videoconferencing at its instance, shall not be subject to a motion for reconsideration or petition for certiorari, except on constitutional grounds, but may instead be raised in an appeal on the merits.

An order denying the motion shall direct the conduct of in-person proceedings as scheduled.

Section 10. Electronic Filing and Service of Pleadings and Court Submissions. — The electronic filing and service of pleadings and other documents shall be governed by the relevant provisions of the Rules of Court and Supreme Court issuances.

Section 11. No Cancellation of Scheduled Videoconferencing. — Except on meritorious grounds, the court shall not cancel the scheduled videoconferencing.

Section 12. Court Orders During Videoconferencing; Service. — Orders and court actions during videoconferencing shall have the same effect as those issued and done during in-person proceedings. Periods shall commence to run as if the orders were issued in person.

The orders issued during videoconferencing shall reflect such fact, including any inconvenience or difficulty experienced and any technical issues encountered that may affect the regularity of the proceedings.

The court shall, on the same day of the videoconferencing, serve electronic copies of the orders issued to the parties and their counsel. The court may likewise produce paper copies of the orders issued, which shall form part of the records of the case.

Section 13. Minutes of Videoconferencing. — The minutes of the videoconferencing shall indicate the respective locations of the participants. They shall be signed by the authorized court personnel and shall form part of the records of the case.

Section 14. Recording of the Videoconferencing; Storage. — All videoconferencing proceedings shall be recorded by the court, except proceedings during Court-Annexed Mediation or Judicial Dispute Resolution, which are prohibited under the 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases.[1] Such recordings shall form part of the records of the case.

The link to the videoconferencing recording and the relevant electronic documents taken up or issued during the hearing shall form part of the minutes of the case.

Litigants and their counsel may be allowed to view the recording upon application with, and approval of, the court. The court stenographer or other authorized recorder shall nonetheless transcribe the stenographic notes which shall be attached to the records of the case.

Unauthorized recording, through any means, of the videoconferencing or any portion thereof is strictly prohibited. Without prejudice to any civil, criminal, or administrative liabilities, unauthorized recording shall constitute contempt of court and shall be permanently deleted or surrendered to the court for proper disposal.

Section 15. Elevation of Videoconferencing Recordings in Cases of Appeals. — In the event of an appeal, the videoconferencing recordings shall form part of the records elevated to the higher court.

Section 16. Disposal of the Videoconferencing Recordings. — The recordings shall be retained for as long as they are necessary in accordance with the relevant privacy laws and shall be disposed of pursuant to the pertinent Supreme Court issuances on the disposition and destruction of court records, papers, and exhibits.

Section 17. Official Platform for Videoconferencing. — Courts shall conduct videoconferencing using only the authorized platform, except in small claims cases where the courts may authorize the use of another platform, software, or application known or available to the parties.

Section 18. Notices, Invitations, and Links for Videoconferencing. — Except in small claims cases where the authorized platform may not be used, the following shall be observed prior to a videoconferencing:

- The court shall send out the invitation or link to the videoconferencing to the respective email addresses of the participants at least 24 hours before the scheduled hearing. Separate invitations or links shall be sent for morning and afternoon videoconferencing sessions. If the participant is a PDL, the invitation or link to the videoconferencing shall also be sent to the jail warden, or if a CICL, to the person in charge of the center or facility where they are committed.
- Upon receipt of the invitation or link, participants shall immediately respond to the invite or send an acknowledgment email confirming the receipt of the invitation or link to the videoconferencing. Proof of such receipt shall be properly recorded by the court. Participants are advised to familiarize themselves with the basic functions of the designated videoconference application and should ensure that their equipment, peripheral devices, and physical environment are suitable for the smooth conduct of a formal proceeding.
- Any participant who has not received an invitation or link at least 24 hours before the scheduled videoconferencing, or who cannot access the invitation or link, shall immediately inform the court of such fact through email, phone call, or other electronic means.
- The invitation or link must be treated with strict confidentiality and shall not be shared by its recipient with any unauthorized person. A counsel who is unable to participate in the scheduled videoconferencing may forward the

invitation or link to the designated substitute counsel, with notice to the court. Without prejudice to any civil, criminal, or administrative liabilities, the unauthorized sharing or forwarding of the invitation or link shall be considered contempt of court.

Section 19. Public Access to Videoconferencing. — Any individual who wishes to attend a videoconferencing proceeding shall send a request to the court at least two calendar days before the scheduled videoconferencing through the court's official email address and provide the following information:

- full name;
- email address;
- contact number;
- scanned copy of a government-issued identity document (ID) bearing his or her photograph and signature; and
- statement of interest in attending the videoconferencing.

If the request is approved, the court shall send the invitation or link to the videoconference through email not later than the day before the scheduled hearing. The invitation or link must be treated with strict confidentiality and shall not be shared by the recipient with any other person. Without prejudice to any civil, criminal, or administrative liabilities, the unauthorized sharing of the details and information contained in the invitation or link shall be considered contempt of court.

The court may deny access if it finds that the information given is erroneous or fictitious, if the evidence to be presented requires the exclusion of the public in the interest of morality or decency, if a child witness will testify, or if a law or Supreme Court issuance specifically provides for such exclusion.

During the hearing, the court may immediately order an individual's removal from the videoconference to protect and preserve the dignity and solemnity of the proceedings.

Section 20. Location of Justices or Judges and Court Personnel During Videoconferencing. — Justices, judges, and court personnel shall attend videoconferencing from their respective courtrooms or chambers.

On justifiable grounds and with prior notice to the chairperson and members of the division, a justice may participate in the videoconferencing from a remote location within the country.

Likewise on justifiable grounds, judges may preside from remote locations within the country, provided that, if they will preside outside the court's territorial jurisdiction but within the judicial region, they shall give prior written notice to the concerned Office of the Regional Court Manager; and provided further that, if they will preside from outside their court's judicial region, they shall seek prior clearance or permission from OCA, in accordance with existing OCA circulars.

Section 21. Pre-videoconferencing Protocol. — Participants appearing remotely must be in the virtual lobby or waiting area at least 20 minutes before the scheduled videoconferencing.

All concerned participants in the virtual lobby or waiting area shall be admitted by the court right before their case is called. Upon admitting the participants, the clerk of court or authorized court personnel shall ensure that the participants are audible and visible and are informed of the following:

- the protocol for viewability, which includes the requirement that all participants must be visible from a frontal angle and that their video must be turned on at all times, except when the court directs a participant to turn off their video;

- the protocol for audibility, which includes the order in which the participants shall speak, the procedure for interrupting another participant, raising objections during the hearing, and conferring privately with counsel;
- the procedure for informing the court of any technical difficulties encountered during the proceeding;
- that the proceeding is being recorded; and
- the prohibition on the use of cellphones, tablets, and other similar gadgets and materials during the videoconferencing to avoid coaching and disturbance.

Section 22. Videoconference Opening. — The court can officially start the videoconference proceeding by stating the following:

"Good day. This hearing is being conducted via videoconference pursuant to the authority granted under the Order dated [insert date], and in accordance with the Court's guidelines on the conduct of videoconferencing.

I am Judge/Presiding Justice [Full Name], presiding over the matter of [Case Title and Docket Number], scheduled for [type of hearing, e.g., arraignment, motion hearing, trial] today, [date].

Before we proceed, let me confirm the identities and locations of all participants. Please state your full name, role in the case, and current location when called upon. All participants must adhere to all videoconferencing protocols as previously communicated.

Should any technical issues arise, please notify the court immediately. We will pause as necessary to ensure fairness and clarity.

Let us now proceed with the confirmation of appearances."

Section 23. Virtual Inspection of Remote Locations. — At the start or at any point of the videoconferencing, the court may require the witnesses and interpreters at remote locations to pan their cameras around their respective areas to confirm that they are alone, unless otherwise authorized by the court. The court shall ensure that there will be no coaching or disturbance that may affect the proceedings.

Section 24. Digital Signing of Documents During Videoconferencing. — The digital signing of documents during videoconferencing shall be in accordance with the guidelines to be approved and issued by the Court.

Section 25. Suspension or Discontinuance of Videoconferencing. — If the court, at any time, determines that technological or technical issues may adversely affect the regularity or fairness of the videoconferencing, or may violate the rights of the accused, or that matters have arisen warranting the physical appearance of an individual in the courtroom, the court shall suspend the videoconferencing and direct the conduct of in-person proceedings as may be necessary. In such event, the reasons for such suspension shall be included in the order of the court.

The court may likewise order the proceedings to be in-person for the purpose of presenting or completing the testimony of a witness when (i) the exhibition, examination, or viewing of the documentary or object evidence is rendered impossible, insufficient, or difficult by the limitations of the platform; (ii) such evidence involves sensitive videos, photographs, or recordings, or confidential information; or (iii) there are other compelling reasons.

Section 26. Documentary Evidence and Judicial Affidavits. — Documentary evidence and judicial affidavits, including attachments thereto, unless already part of the records of the case, shall be filed and served within the period prescribed pursuant to the relevant provisions of the Rules of Court and Supreme Court issuances. The electronic copies of such documents shall comply with the requirements set forth under Rule 13-A of the Rules of Court.

During the videoconferencing, the court may direct counsel to share documentary evidence on screen for purposes of marking, authenticating and presenting them through document cameras, digital screen-sharing function of the authorized platform, and other electronic means.

Section 27. Object Evidence. — Object evidence may be presented during videoconferencing if the same can be exhibited, examined, or viewed by all participants, by displaying the object on the screen, or physically showing it to the witness testifying thereto at his or her location within full view of the participants.

Section 28. Testimonial Evidence. — In all cases, the videoconferencing shall be conducted in a way that will allow the court to observe the demeanor and conduct of the witnesses for purposes of evaluating their credibility and testimony.

For child witnesses and victims of gender-based violence, the court may, on its own or upon motion, direct that the accused will not be visible to them.

Section 29. Participation of an Interpreter During Videoconferencing. — When interpreters are necessary during videoconferencing, they shall always have a clear frontal view of all participants to allow observation of lip movements, expressions and other nonverbal communications and ensure a more accurate interpretation. The interpreters shall inform the court when the audio or video has become inaudible or unclear.

Section 30. Private Communications Between Litigants and Counsel. — When litigants and their counsel are not co-located during videoconferencing, they may be permitted to confer privately without the other participants overhearing them through separate meeting rooms within the videoconferencing platform, the parties' private phone lines, and other suitable means, except when the litigant is the witness testifying.

PART 3

ADDITIONAL PROCEDURE IN CRIMINAL CASES

Section 31. Notices and Service to PDLs and CICL. — Notices and service of pleadings, motions, and other court papers shall be sent to the counsel of record. In accordance with the Rules of Court, where several counsels appear for one party, such party shall be entitled to only one copy of any pleading or paper to be served upon the lead counsel if one is designated, or upon any one of them if there is no designation of a lead counsel.

However, if there is a need to serve directly to the PDLs, the same shall be sent to the official email address provided by the person in charge of the detention center or jail facility where the PDLs are currently detained. With respect to CICL committed in a center or facility, notices may be sent to the official email address of the person in charge of the said center or facility.

Section 32. PDLs and CICL Appearing From Remote Locations. — PDLs participating remotely shall appear from an enclosed room in the detention center, jail, or other facility where they are being detained. These facilities shall have sufficient rooms and equipment to enable the conduct of simultaneous videoconferences presided by different courts. In the case of CICL committed in a center or facility, they shall testify from an enclosed room in such center or facility.

Section 33. Location of Counsel for PDLs and CICL. — At the option of PDLs and CICL, their counsel may be physically present with them at the facility or center where they are committed when practicable. Such option shall be manifested to the court prior to the scheduled videoconference hearing to allow the counsel and the detention facility to make the necessary arrangements without delay.

When PDLs and CICL and their counsel are remotely located, they shall be provided with facilities or means to privately communicate with each other throughout the videoconferencing.

In any case, the court shall ensure that there will be no coaching to preserve the integrity of the proceedings. The court may employ measures such as restricting the access to the messaging function exclusively to the court and adopting other appropriate safeguards as may be necessary.

Section 34. Right to Meet the Witness Face to Face. — In accordance with Section 1(d) hereof, the informed written waiver shall refer to a voluntary and intelligent relinquishment by the accused of the right to meet the witnesses face to face during trial. It shall:

- be executed personally by the accused in writing, in a language known and understood by him or her;
- state that the accused has been fully informed by the court, and with the assistance of counsel, of the nature and consequences of the right being waived;
- be signed in the presence of counsel and attested to by the court to ensure that the waiver was made freely, voluntarily, and with full comprehension of its consequences; and
- be attached and shall form part of the record of the case.

The waiver shall be required only when the hearing specifically involves the direct confrontation of a witness through videoconferencing.

Despite such waiver, an accused may invoke his or her constitutional right to meet the witness face to face at any stage of the proceedings through proper motion, provided it is shown that the waiver was not made freely, voluntarily, and knowingly. The court shall grant the same, unless its denial is warranted by a compelling state interest or public policy. Should the motion be granted, the court shall suspend the videoconference testimony of the witness and direct all concerned parties to appear in court for the next scheduled hearings. The court may, at its own instance, order that the confrontation of a witness be conducted in person when the demeanor of the witness cannot be clearly observed.

Section 35. Certification Issued by the Clerk of Court. — When through videoconferencing, the accused is arraigned and personally enters a plea of guilty or not guilty, or refuses to enter a plea, as the case may be, the certification issued by the clerk of court of such arraignment, in lieu of the certificate of arraignment signed by the accused, shall be sufficient.

If the accused waives the reading of the information, the certification issued by the clerk of court shall state such waiver.

Section 36. Promulgation of Judgment. — Subject to the relevant provisions of the Rules of Court and pertinent Supreme Court issuances, the promulgation of judgments may be done through videoconferencing. In such cases, the accused may avail of all applicable remedies in the Rules of Court, within the same periods stated therein, as if they were physically present in court during promulgation.

PART 4

ADDITIONAL PROCEDURE FOR VIDEOCONFERENCING FROM OVERSEAS VENUES

Section 37. Videoconferencing From Overseas Venues. — Litigants, witnesses, and counsel who are overseas and intend to participate or testify through videoconferencing may do so upon proper and timely motion filed with the court where the case is pending, subject to Sections 4, 5, 6, 7, and 8, Part 2 of this Guidelines, applicable laws, procedures, and restrictions under bilateral or multilateral treaties and agreements with the concerned states.

The presentation of a witness through videoconferencing may only be conducted in overseas venues authorized by

the Supreme Court as defined under this Guidelines and must be scheduled during the working hours of the Philippine courts. Priority in the calendars must be given by the courts to those cases where the witnesses and/or parties will remotely appear from abroad.

Section 38. Motion To Participate Through Videoconferencing From Overseas Venues. — A written motion shall be initiated by the parties interested in participating from overseas venues through videoconferencing. The court cannot compel any litigant or witness to participate or testify through videoconferencing from overseas venues.

The written motion to participate through videoconferencing from overseas shall comply with Section 5 of this Guidelines and shall also state the following:

- the participation through videoconferencing of the individual located in the foreign jurisdiction is not prohibited;
- the movant has made prior arrangements with the concerned overseas venue, which has allowed the use of its facilities for videoconferencing at that particular date and time; and
- the email address of the overseas venue.

When the assistance of an external interpreter is needed in the videoconferencing, the movant shall secure the services of the external interpreter recommended by the head of the overseas venue.

Section 39. Overseas Venues To Be Furnished With a Copy of the Court Order. — Should the motion for videoconferencing be granted, the court shall also furnish the concerned overseas venue and the Philippine embassy or consulate having jurisdiction over the overseas venue with a copy of the said order by the fastest means available.

Section 40. Costs of Videoconferencing From an Overseas Venue. — The movant shall defray all the expenses and costs that may be necessary for the conduct of videoconferencing from an overseas venue.

PART 5

GROSS MISCONDUCT IN VIDEOCONFERENCING

Section 41. Gross Misconduct. — Any intentional disruption of digital communications, coaching of any witness presented for examination, knowingly presenting falsified digital images or evidence, or any similar acts shall be considered gross misconduct and direct contempt of court and shall be dealt with severely in accordance with applicable laws and rules.

PART 6

TRAINING AND SUPPORT SERVICES

Section 42. Technical Support. — Technical support shall be provided to maintain, troubleshoot, and repair videoconferencing equipment and manage internet connectivity.

Section 43. Technical Training. — Justices, judges, concerned court personnel, jail personnel for PDLs, and persons in charge of centers or facilities for CICL, and members of the Philippine and Shari'ah bar shall undergo regular training on this Guidelines and the basic and essential features of the authorized platform and videoconferencing equipment. The training shall be facilitated or conducted by the Philippine Judicial Academy in coordination with the Management Information Systems Office of the Supreme Court and the Management Information Systems Divisions of the tertiary courts.

PART 7

REPORTING AND REVIEW

Section 44. Reporting and Review of OCA. — OCA shall set a mechanism for the reporting of the experience, issues, and challenges encountered by the courts, participants, and other stakeholders in the conduct of videoconferencing for the regular review and improvement of this Guidelines.

PART 8

SUPPLETORY APPLICATION

Section 45. Suppletory Application of the Rules of Court. — In the absence of any applicable provision in this Guidelines, the pertinent provisions of the Rules of Court shall apply in a suppletory manner.

PART 9

POSTING

Section 46. Posting. — This Guidelines shall be circularized by OCA and posted in every courtroom and on every floor of all Halls of Justice nationwide; on the Supreme Court website, OCA website, and websites of the tertiary courts; and in, among others and not limited to, offices of concerned government agencies, penal institutions and detention centers, centers or facilities operated or accredited by the Department of Social Welfare and Development, the Integrated Bar of the Philippines, and other bar associations.

PART 10

REPEALING CLAUSE

Section 47. Repealing Clause. — All prior Supreme Court issuances inconsistent with this Guidelines are hereby repealed and modified accordingly.

PART 11

EFFECTIVITY

Section 48. Effectivity. — This Guidelines shall take effect on February 16, 2026, 15 days following its posting on the Supreme Court and OCA websites.

[1] A.M. No. 19-10-20-SC (2021).

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