DIRECTING THE PARTICIPATION OF ALL JUDGES OF THE REGIONAL TRIAL COURTS AND FIRST LEVEL COURTS IN THE PROVINCES OF RIZAL AND CAVITE IN THE JUDICIAL DISPUTE RESOLUTION (JDR) INVEN...

SC ADMINISTRATIVE CIRCULAR NO. 37 -2013, April 17, 2013

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WHEREAS, the Supreme Court, in a Resolution, dated October 16, 2001, in A.M. No. 01-10-5- SC-PHILJA, designated the Philippine Judicial Academy (PHILJA) as its component unit for court-annexed mediation and established the Philippine Mediation Center (PMC) under the direction and management of PHILJA;

WHEREAS, the Supreme Court, in a Resolution, dated February 12, 2008, in A.M. No. 08-2-5-SC-PHILJA, defined the organization, powers, and functions of the Philippine Mediation Center Office (PMCO) and Mediation Center Units;

WHEREAS, the Supreme Court, in a Resolution dated January 20, 2004, in A.M. No. 04-1-12-SC-PHILJA, approved the Revised Guidelines for the Implementation of an Enhanced Pre-Trial Proceeding under the Justice Reform Initiative Support (JURIS) Project, and further resolved to approve Resolution No. 06-22, dated September 4, 2007, and Resolution No. 07-14, dated September 20, 2007, on the Revised Guidelines Amending A.M. No. 04-1-12- SC-PHILJA;

WHEREAS, the Court En Banc, in a Resolution, dated January 11, 2011, in A.M. No. 11-1-6-SC-PHILJA, approved the Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR);

WHEREAS, pursuant to the said issuances, PHILJA, under the JURIS Project, pilot-tested JDR from 2004 to 2007 and set-up model court sites for CAM and JDR Units in Pampanga, Negros Occidental, Benguet, Misamis Oriental, La Union, and Makati City;

WHEREAS, taking cognizance of the success of the JURIS Project in introducing JDR to complement and strengthen CAM, and in order to further encourage and explore all possibilities of amicable settlement of disputes during the pre-trial stage, through mediation, conciliation, and early neutral evaluation by judges, as a means to expedite the resolution of cases, help decongest court dockets, and broaden access to justice, it is deemed necessary to continue the implementation of JDR in other courts of the country;

WHEREAS, PHILJA, through the PMCO, trained the Judges in the Provinces of Rizal and Cavite on JDR resulting in the acquisition of new skills in connection with their roles as mediators, conciliators, and early neutral evaluators under the Rules of Court and other issuances of the Supreme Court;

WHEREAS, in order to put into practice the skills acquired by the Judges during the training and commence the roll-out of JDR in the Provinces of Rizal and Cavite, it is necessary that a designated period be allotted for them to go through a court-supervised internship program;

NOW, THEREFORE, the JDR Inventory Period from May 6-17, 2013 and Internship Period from June 10-14, 2013 are hereby declared for all Judges of the Regional Trial Courts and First Level Courts in the Provinces of Rizal and Cavite.

In connection therewith, the Judges in the above-mentioned Provinces shall undertake the following:

1. Conduct an inventory of cases in their respective dockets and select at least twenty (20) mediatable cases[1]which have undergone CAM but were not settled and are still in the pre-trial stage;

The possibility of settlement should be present considering, among other factors, the age of the case, relationship of the parties, and other similar circumstances;

2. Conduct JDR on the selected cases that were unsuccessfully mediated. If efforts to settle any of the said cases through JDR fail, the unsettled case(s) shall be forwarded to the Office of the Clerk of Court for re-raffle;

3. Allow peer-to-peer advise-assistance from JDR practitioners, at the option of the JDR judge concerned;

4. Enjoin their Branch Clerks of Court to see to it that orders and notices are promptly issued and served to the parties for them to appear on the dates their cases are scheduled for JDR;

5. Allow the JDR Staff of the PMC Unit to periodically coordinate with their Branch Clerks of Court with respect to the cases referred to JDR, for the purpose of submitting a JDR Report to the PMCO; and,

6. After the Internship Period, the Judges are authorized to continue with the conduct of JDR proceedings for the settlement of disputes pending in their courts, after the parties failed to settle their disputes during Court Annexed Mediation at the Philippine Mediation Center Units (PMCU), as mandated in the Consolidated and Revised Guidelines to Implement the Expanded Coverage of CAM and JDR.

The JDR proceedings are strictly confidential. No report shall be prepared regarding the proceedings, and in case of settlement, a compromise agreement shall be executed by the parties for approval and rendition of judgment.

The designated PMC Unit/JDR Staff shall submit to the PMCO, after proper coordination with the Branch Clerks of Court, the list of cases determined by the JDR Judges as mediatable, within five days from May 17, 2013. Thereafter, the PMC Unit/JDR Staff shall report to the PMCO the status of all referred cases, whether settled or unsuccessfully settled through JDR proceedings, on or before the 15 th day of the month following the termination of the JDR proceedings.

Questions concerning this Administrative Order and the activities pertaining to the JDR Internship Period may be directed to Hon. Adolfo S. Azcuna, Chancellor, PHILJA at telephone number (02) 552-95-14, who is hereby authorized to propose such changes in this Administrative Order as may be called for by the query.

Strict compliance with this Administrative Order is hereby enjoined.

Issued this 17th day of April 2013.

(SGD.) MARIA LOURDES P. A. SERENO
Chief Justice

[1]Under the Consolidated and Revised Guidelines to Implement the Expanded Coverage of CAM and JDR (A.M. No. 11-1-6-SC-PHILJA, dated January 11, 2011), the following are mediatable cases:

1. All civil cases and the civil liability of criminal cases covered by the Rule on Summary Procedure, including

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the civil liability for violation of B.P. 22, except those which by law may not be compromised;
2. Special proceedings for the settlement of estates;
3. All civil and criminal cases filed with a certificate to file action issued by the Punong Barangay or the Pangkat ng Tagapagkasundo under the Revised Katarungang Pambarangay Law
4. The civil aspect of Quasi-Offenses under Title 14 of the Revised Penal Code;
5. The civil aspect of less grave felonies punishable by correctional penalties not exceeding 6 years imprisonment, where the offended party is a private person;
6. The civil aspect of estafa, theft and libel;
7. All civil cases and probate proceedings, testate and intestate, brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par. (1) of the Judiciary Reorganization Act of 1980;
8. All cases of forcible entry and unlawful detainer brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par. (2) of the Judiciary Reorganization Act of 1980;
9. All civil cases involving title to or possession of real property or an interest therein brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par.(3) of the Judiciary Reorganization Act of 1980;
10. All habeas corpus cases decided by the first level courts in the absence of the Regional Trial Court judge, that are brought up on appeal fromthe special jurisdiction granted to the first level courts under Section 35 of the Judiciary Reorganization Act of 1980

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