

SC CIRCULAR NO. 1-89, January 19, 1989

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS, ALL MEMBERS OF THE GOVERNMENT PROSECUTION SERVICE, AND ALL MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES.

SUBJECT: Guidelines to be observed, by designated branches of the trial courts in the conduct of mandatory continuous trial.

A pilot project to test the efficacy of continuous trial was established under Administrative Circular No. 4, dated September 22, 1988. Under Administrative Order No. 134, dated December 20, 1988, the court designated the branches of trial courts that shall participate in the pilot project for mandatory continuous trial.

The continuous trial system envisioned under Administrative Circular No. 4 is a mode of judicial fact-finding and adjudication conducted with speed and dispatch so that trials are held on the scheduled dates without needless postponement, the factual issues for trial well defined at pre-trial and the whole proceedings terminated and ready for judgment within ninety (90) days from the date of initial hearing, unless for meritorious reasons; an extension is permitted, as hereinafter provided for.

The system requires that the Presiding Judge (a) adhere faithfully to the session hours prescribed by law, (b) maintain full control of the proceedings, and (c) efficiently allocate and use time and court resources to avoid court delays.

Considering the provisions of Section 12, Article XVIII of the 1987 Constitution, mandating the adoption of a systematic plan to expedite the decision or solution of cases in the trial courts and complementing further the Courts Resolution of April 7, 1988, implementing Administrative Circular No. 1 of January 28, 1988, the Supreme Court, EFFECTIVE FEBRUARY 1, 1989, hereby establishes the following guidelines to be observed by designated branches of the trial courts in the conduct of mandatory continuous trial under Administrative Order No. 134:

- PRE-TRIAL

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Civil Cases

- The parties shall submit at least three (3) days before the conference pre-trial briefs containing the following:
- Brief statement of the parties' respective claims and defenses;
- The number of witnesses to be presented;
- An abstract of the testimonies of witnesses to be presented by the parties, and the approximate number of hours that will be required by them for the presentation of their respective evidence;
- Copies of all documents intended to be presented;
- Admissions;
- Applicable laws and jurisprudence;
- The parties' respective statement of the issues; and
- The available trial dates of counsel for complete evidence presentation, which must be within a period of three months from the first day of trial.
- At the pre-trial conference:
- The judge with all tact and patience shall endeavor to persuade the parties to arrive at a settlement of the dispute, or agree to stipulation of facts including the authenticity of documents to submitted during the trial.
- The judge shall then define the factual issues arising from the pleadings and endeavor to narrow them down to material issues.
- If only legal issues are presented, the judge shall require the parties to submit their respective memoranda on the issues, and shall render judgment thereon.
- If a trial is to be conducted, the judge shall fix the necessary trial dates to complete presentation of evidence by both parties within 90 days from initial hearing.
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The pre-trial order shall include the following:

- A statement of the nature of the case;
- The stipulations or admissions of the parties, including testimonial and documentary evidence;
- The issues involved: (1) factual and (2) legal;
- Number of witnesses;
- The dates of trial.
- This is without prejudice to a finding that either judgment on the pleadings or summary judgment is appropriate.
- Failure to file pre-trial briefs may be given the same effect as the failure to appear at the pre-trial.
- Criminal Cases
- The private offended party shall be required to appear at the arraignment for purposes of plea-bargaining, determination of civil liability or other matters requiring his presence.
- Where the accused and counsel agree to a pre-trial, the pre-trial shall proceed in accordance with Rule 118.

- If the accused does not agree to a pre-trial, the Court shall fix the trial dates for the presentation of evidence by the parties. The trial fiscal, the accused, and counsel shall affix their signatures in the minutes to signify their availability on the scheduled dates set for reception of evidence.
- TRIAL (Civil, Criminal)
- Not more than three (3) cases shall be scheduled for daily trial.
- The Presiding Judge shall make arrangements with the prosecutor and the CLAO attorney so that a relief prosecutor and CLAO attorney are always available in case the regular prosecutor and CLAO attorney are absent.
- Likewise, contingency measures must be taken for any unexpected absence of the stenographer and other support staff assisting in the trial.
- The issuance and service of subpoenas shall be done in accordance with Administrative Circular No. 4 dated September 22, 1988.
- A strict policy on postponements shall be observed.
- The judge shall conduct the trial with utmost dispatch, with judicious exercise of the court's power to control the trial to avoid delay.
- The trial shall be terminated within ninety (90) days from initial hearing. Appropriate disciplinary sanctions may be imposed on the judge and the lawyers for failure to comply with this requirement due to causes attributable to them.
- Each party is bound to complete the presentation of his evidence within the trial dates assigned to him. After the lapse of said dates, the party is deemed to have completed his evidence presentation. However, upon verified motion based on serious reasons, the judge may allow a party additional trial dates in the afternoon; provided that said extension will not go beyond the three-month limit computed from the first trial date.
- Copies of all judgments rendered by the designated courts shall be furnished the Office of the Court Administrator within five (5) days from rendition.

January 19, 1989.

(Sgd.) MAXIMO A. MACEREN

Court Administrator

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