

STRICT OBSERVANCE OF SESSION HOURS OF TRIAL COURTS AND EFFECTIVE MANAGEMENT OF CASES TO ENSURE THEIR SPEEDY DISPOSITION

SC ADMINISTRATIVE CIRCULAR 3-99, January 15, 1999

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T O : ALL TRIAL COURT JUDGES AND THEIR PERSONNEL AND THE INTEGRATED BAR OF THE PHILIPPINES:

To insure speedy disposition of cases, the following guidelines must be faithfully observed:

I.

The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions, or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circulars in specified cases.

However, in multi-sala courts in places where there are few practicing lawyers, the schedule may be modified upon request of the Integrated Bar of the Philippines such that one-half of the branches may hold their trial in the morning and the other half in the afternoon.

Except those requiring immediate action, all motions should be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next business day. The unauthorized practice of some judges of entertaining motions or setting them for hearing on any other day or time must be immediately stopped.

II.

Judges must be punctual at all times.

III.

The Clerk of Court, under the direct supervision of the Judge, must comply with Rule 20 of the 1997 Rules of Civil Procedure regarding the calendar of cases.

IV.

There should be strict adherence to the policy on avoiding postponements and needless delay.

Sections 2, 3 and 4 of Rule 30, 1997 Rules on Civil Procedure on adjournments and postponements and on the requisites of a motion to postpone trial for absence of evidence or for illness of a party or counsel should be faithfully observed.

Lawyers, as officers of the court, are enjoined to cooperate with judges to ensure swift disposition of cases.

V.

The mandatory continuous trial system in civil cases contemplated in Administrative Circular No. 4, dated 22 September 1988, and the guidelines provided for in Circular No. 1-89, dated 19 January 1989, must be effectively implemented. For expediency, these guidelines in civil cases are hereunder restated with modifications, taking into account the relevant provisions of the 1997 Rules of Civil Procedure:

A. Pre-Trial

1. Within five (5) days after the last pleading joining the issues has been filed and served, the plaintiff must move ex parte that the case be set for pre-trial conference.
2. The parties shall submit, at least three (3) days before the conference, pre-trial briefs containing the following:
 - a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof, or to submit the case to any of the alternative modes of dispute resolution;
 - b. A summary of admitted facts and proposed stipulation of facts;
 - c. The issues to be tried or resolved;
 - d. The number and names of the witnesses to be presented, an abstract of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective evidence;
 - e. Copies of all documents intended to be presented with a statement of the purposes of their offer;
 - f. A manifestation of their having availed or their intention to avail themselves of any discovery procedure, or of the need of referral of any issues to commissioners;
 - g. Applicable laws and jurisprudence;
 - h. The available trial dates of counsel for complete presentation of evidence, which must be within a period of three months from the first day of trial.
3. Before the pre-trial conference, the judge must study the pleadings of every case, and determine the issues thereof and the respective positions of the parties thereon to enable him to intelligently steer the parties toward a possible amicable settlement of the case or, at the very least, to help reduce and limit the issues. The judge should avoid the undesirable practice of terminating the pre-trial as soon as the parties have indicated that they cannot settle the controversy. He must be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.
4. At the pre-trial conference, the following shall be done:

- The judge with all tact, patience and impartiality shall endeavor to persuade the parties to arrive at a settlement of the dispute; if no amicable settlement is reached, then he must effectively direct the parties toward the achievement of the other objectives or goals of pre-trial set forth in Section 2, Rule 18, 1997 Rules of Civil Procedure.
 - If warranted by the disclosures at the pre-trial, the judge may either forthwith dismiss the action, or determine the propriety of rendering a judgment on the pleadings or a summary judgment.
 - The judge shall define the factual issues arising from the pleadings and endeavor to cull the material issues.
 - If only legal issues are presented, the judge shall require the parties to submit their respective memoranda and thereafter render judgment.
 - If trial is necessary, the judge shall fix the trial dates required to complete presentation of evidence by both parties within ninety (90) days from the date of initial hearing.
5. After the pre-trial conference, the judge should not fail to prepare and issue the requisite pre-trial order, which shall embody the matters mentioned in Sec. 7, Rule 18 of the 1997 Rules of Civil Procedure.
6. Failure of the plaintiff to appear at the pre-trial shall be a cause for dismissal of the action. A similar failure of the defendant shall be a cause to allow the plaintiff to present his evidence ex-parte and the court to render judgment on the basis thereof.
7. Failure to file pre-trial briefs shall have the same effect as failure to appear at the pre-trial.
8. The judge should encourage the effective use of pre-trial discovery procedures (Administrative Circular No. 1 dated 28 January 1988, 2.1)

B. Trial

- Unless the docket of the court requires otherwise, not more than four (4) cases shall be scheduled for trial daily.
- The Presiding Judge shall make arrangements with the prosecutor and the Public Attorney's Office (PAO) so that a relief prosecutor and a PAO attorney are always available in case the regular prosecutor or (PAO) attorneys are absent.
- Contingency measures must likewise be taken for any unexpected absence of the stenographer and other support staff assisting in the trial.
- The issuance and service of subpoenae shall be done in accordance with Administrative Circular No. 4 dated 22 September 1988.
- The judge shall conduct trial with utmost dispatch, with judicious exercise of the court's power to control trial proceedings to avoid delay.
- The judge must take notes of the material and relevant testimonies of witnesses to facilitate his decision-making.
- 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 the presentation of evidence. However, upon verified motion based on compelling 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 except when authorized in writing by the Court Administrator, Supreme Court.

VI .All trial judges must strictly comply with Circular No. 38-98, entitled "Implementing the Provisions of Republic Act No. 8493" ("An Act to Ensure a Speedy Trial of All Cases Before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, Appropriating Funds Therefor, and for Other Purposes") issued by the Honorable Chief Justice Andres R. Narvasa on 11 August 1998 and which took effect on 15 September 1998.

VII.

- As a constant reminder of what cases must be decided or resolved, the judge must keep a calendar of cases submitted for decision, noting therein the exact day, month and year when the 90-day period is to expire. As soon as a case is submitted for decision, it must be noted in the calendar of the judge; moreover, the records shall be duly collated with the exhibits and the transcripts of stenographic notes, as well as the trial notes of the judge, and placed in the judge's chamber.

- In criminal cases, the judge will do well to announce in open court at the termination of the trial the date of the promulgation of the decision, which should be set within 90 days from the submission of the case for decision.

- All Judges must scrupulously observe the period prescribed in Section 15, Article VIII of the Constitution.

This Circular shall take effect on 1 February 1999, and the Office of Court Administrator shall ensure faithful compliance therewith.

City of Manila, 15 January 1999.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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