

OCA CIRCULAR NO. 45-2008, April 18, 2008

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TO:

ALL TRIAL COURT JUDGES AND BRANCH CLERKS OF COURT

SUBJECT:

STRICT OBSERVANCE OF THE RULE ON MOTION DAY

It has been brought to the attention of this Court of the prevalent practice of hearing of motions on a day or time other than what was prescribed by the Rules of Court, thereby creating confusion among party litigants and their counsel. Moreover, a number of administrative complaints have also been filed assailing the orders allegedly given on a particular "non-motion day".

For this purpose and for the guidance of all concerned, Section 7 of Rule 15 of the Revised Rules of Court is reproduced hereunder:

Sec. 7 . Motion day - Except for motions requiring immediate action, ail motions shall be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next working day.
(underlining supplied)

The aforequoted Rule provides for its own exception and any grounds invoke by the trial court on scheduling of hearing of motions other than what is prescribed by the Rules should only be based on meritorious considerations and should properly be informed to the parties in advance.

Strict compliance herewith is enjoined.

April 18, 2008. Untitled Document

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