

OCA CIRCULAR NO. 265-2016, December 01, 2016

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TO :

CONCERNED JUDGES AND BRANCH CLERKS OF COURT OF THE FIRST AND THE SECOND LEVEL COURTS OF CALOOCAN, VALENZUELA, MALABON, MANDALUYONG, MUNTINLUPA, PARANAQUE, PASAY AND LAS PINAS UNDER THE HUSTISYEAH! PROJECT

SUBJECT :

IMPLEMENTATION OF SECTIONS 11 AND 12 OF THE GUIDELINES FOR DECONGESTING HOLDING JAILS BY ENFORCING THE RIGHTS OF ACCUSED PERSONS TO BAIL AND TO SPEEDY TRIAL (A.M. NO. 12-11-12- SC), IN RELATION WITH THE FULL ROLL OUT OF HUSTISYEAH! IN HUSTISYEAH! COURTS (A.M. NO. 13- 04-11-SC)

On 18 March 2014, the Supreme Court en banc in A.M. No. 12-11- 2-SC issued the Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial, authorizing trial courts to serve subpoenas and notices to parties and witnesses through electronic mails (e-mail), telephone calls (landline or mobile phone), or by short messaging service (SMS) in criminal cases. On 5 August 2014, the Court en banc in A.M. No. 13-04-11-SC extended such service to civil cases. Pursuant thereto:

1. In addition to the other modes of service of subpoenas and notices under the Rules of Court, trial courts may serve subpoenas and notices to parties, their counsels, and witnesses in criminal and civil cases through e-mail, telephone calls (landline or mobile phone), or by SMS. In cases where there are detainees, such service shall be made through the officer having the management of the jail or penal institution where the inmates are detained.
2. Each court shall use the official e-mail address, mobile phone and landline,. numbers provided by the Supreme Court Management Information Systems Office (MISO) for the service of subpoenas and notices. The trial court shall also inform the parties, their counsels, witnesses, or the officer having the management of the jail or penal institution, of the court's official e-mail address, landline and mobile phone numbers.
3. Unless otherwise directed by the judge or the branch clerk of court, only the criminal docket clerk in criminal cases and the civil docket clerk in civil cases are authorized to call or electronically serve subpoenas and notices. In the absence of the criminal or civil docket clerks, judges shall designate in writing the court personnel who will effect such service.
4. Each court shall submit to the Office of the Court Administrator the names of the authorized personnel who may call or electronically serve subpoenas and notices in criminal and civil cases. For this purpose, the attached Form A shall be used and the accomplished form shall be sent via e-mail to oca.enotice@gmail.com.
5. In criminal cases, the court shall direct the public prosecutors to furnish the court his or her e-mail address, landline and mobile phone numbers, including those of the complainant/s and his or her witnesses. Where a

private prosecutor enters his appearance in the case, the duty to furnish these data shall be on the private prosecutor. Where the accused is represented by a counsel de parte, or counsel de oficio, including the public attorney, the responsibility of supplying the above data shall belong to them. The court shall see to it that these requirements are complied with. For this purpose, the attached Form B shall be used.

6. In civil cases, the court shall direct the counsels, or in their absence, the parties, to furnish the court the e-mail addresses, and the landline and mobile phone numbers of the parties, their counsels, and witnesses through which they can be served with subpoenas and notices. For this purpose, the attached Form B shall be used.

7. The subpoenas and notices shall first be electronically served through e-mail or SMS. If these modes of service are not feasible, then the notices and subpoenas shall, with prior clearance from the judge, be served by telephone calls, either through landline or mobile phone. For this purpose, the attached Form C shall be used.

8. For accuracy and uniformity, service through SMS should include the court of origin, the case number, and the notice itself. The SMS should resemble the sample SMS in Annex A.

9. The electronic service or service by telephone call under these guidelines shall be proved by any of the following:

- a. printouts of sent e-mail and the acknowledgment by the recipient;
- b. printouts of SMS transmitted through the court's equipment or device and the acknowledgment by the recipient; or
- c. report of phone call made by the designated court personnel.

10. The postal and e-mail addresses, as well as the mobile phone and landline numbers of the counsels, the parties and the witnesses, shall be part of the official court records and shall enjoy the same degree of confidentiality.

11. Any person who uses the said addresses or numbers without proper authority, or for purposes other than the sending of court subpoenas or notices, may be cited for indirect contempt and accordingly sanctioned.

12. In highly-sensitive and confidential cases where the disclosure of e-mail addresses, landline and mobile phone numbers may pose security risks or breach of confidentiality rules, the regular mode of service shall be observed. In this regard, the e-mail addresses, landline and mobile phone numbers of the parties concerned need not be obtained by the court.

For compliance.

1 December 2016

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

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