SUBJECT : AMENDMENTS IN THE RULES ON THE INHIBITION OF DIVISION MEMBERS AND ON LEAVES AND VACANCIES IN A DIVISION

ADMINISTRATIVE CIRCULAR NO. 75-2007, August 17, 2007

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This Circular supersedes Administrative Circular No. 12-94-A effective immediately. The new rules on the inhibition of Division Members and on leaves and vacancies in a Division are as follows:

1. The ponente of a case shall inhibit herself or himself from the case, and the case shall be raffled among the Members of the two other Divisions of the Court in the following instances:

a. Whenever the ponente, or another Member of the Division, was the ponente of the decision of the appellate or trial court below;

b. Whenever the ponente was counsel, or partner or member of a law firm thai is or was the counsel in the case before the Division;

c. Whenever the ponente or spouse or child of the ponente is pecuniarily interested in a case before the Division;

d. Whenever the ponente is related to either party in the case within the sixth degree of consanguinity or affinity, or to an attorney or any member of a law firm who is counsel of record in the case within the fourth degree of consanguinity or affinity;

e. Whenever the ponente had been executor, administrator, guardian or trustee in the case;

f. Whenever the ponente was an official, or is the spouse of an official or former official of a government agency or private entity that is a party to the case and the ponente or her or his spouse had reviewed or acted on any matter relating to the case.

2. Whenever the ponente, in the exercise of sound discretion, inhibits herself or himself from the case for just and valid reasons other than those mentioned in paragraph 1, a to f above, the case shall be returned to the Raffle Committee for re-raffling among the other Members of the same Division with one additional Member from the other two Divisions.

3. When a Member of the Division, not the ponente, recuses herself or himself from any case for reasons mentioned in paragraphs 1 and 2, the case shall be decided by the four remaining Members and one additional Member from the other two Divisions chosen by raffle. A Member of a Division shall recuse herself or himself

from a case if he or she participated, although not as a ponente, in the decision of the case in the appellate court.

4. When two or more Members of the Division, other than the ponente, recuse themselves from a case, Members from the other two Divisions chosen by raffle shall replace the Members who inhibited.

5. When the voting in a decision or motion for reconsideration of a decision in a Division is two against two, a Member from the other two Divisions, chosen by raffle, shall sit as additional Member to take part in and vote on the decision or motion for reconsideration.

6. A ponente who inhibits herself or himself because of grounds in paragraphs 1 and 2 shall be assigned an additional case during the next raffle of Division cases.

7. When a Member is on leave for more than five (5) working days, or a vacancy occurs in a Division, another Justice from the other Divisions shall be designated by the Chief Justice by rotation according to seniority to act as Member of the Division until the regular Member reports back to work or a newly appointed Member has assumed office, as the case may be.

14 August 2007.

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Chief Justice

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