

OCA CIRCULAR NO. 05-2013, January 10, 2013

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TO : ALL JUSTICES OF THE COURT OF APPEALS, SANDIGANBAYAN AND COURT OF TAX APPEALS, JUDGES OF THE TRIAL COURTS, THE INVESTIGATING OFFICERS AND BODIES AUTHORIZED BY THE SUPREME COURT TO RECEIVE EVIDENCE, INCLUDING THE INTEGRATED BAR OF THE PHILIPPINES AND ARBITERS OF SPECIAL COURTS AND QUASI-JUDICIAL BODIES WHOSE RULES OF PROCEDURE ARE SUBJECT TO DISAPPROVAL OF THE SUPREME COURT, INsofar AS THEIR EXISTING RULES OF PROCEDURES CONTRAVENE THE PROVISIONS OF THIS RULE

SUBJECT : MODIFICATION OF THE PUBLIC PROSECUTORS' COMPLIANCE WITH THE PROVISIONS ON THE JUDICIAL AFFIDAVIT RULE

On 8 January 2013 the Supreme Court En Banc issued a Resolution modifying the public prosecutors' compliance with the provisions set forth on the Judicial Affidavit Rule for a period of one year, from 1 January to 31 December 2013, quoted hereunder as follows:

"A.M. No. 12-8-8-SC (Judicial Affidavit Rule) Acting on the petition of the Prosecutors' League of the Philippines dated 12 December 2012 for the deferment of the effectivity of the judicial Affidavit Rule insofar as the prosecution of criminal cases is concerned, the Court resolves not to defer the effectivity of the Rule in such cases but instead to modify the public prosecutors' compliance with its provisions for a period of one year, from 1 January to 31 December 2013, as follows:

1. The public prosecutors shall use, for the purpose of complying with the Judicial Affidavit Rule in the first and second level courts during the one-year period, the sworn statements that the complainant and his or her witnesses submit during the initiation of the criminal action before the office of the public prosecutor or directly before the trial court. In such cases, the attending public prosecutor shall, when presenting the witness, require him or her to affirm the truth of what the sworn statement contains and ask the witness only those additional direct examination questions that have not been amply covered by the sworn statement.
2. The one-year modified compliance here granted shall not apply where the complainant is represented by private prosecutor duly empowered in accordance with the Rules of Court to appear in court and prosecute the case. The private prosecutor shall be charged in the applicable cases with the duty to prepare the required judicial affidavits of the complainant and his or her witnesses and cause the service of copies of the same upon the accused.
3. The Court expects the public prosecutors in both first and second level courts to take steps during the one-year modified compliance period (i) to seek the needed augmentation of their ranks; and (ii) to develop methods and systems that would enable them to fully comply with the requirements of the Judicial Affidavit Rule when the modified compliance period ends. The Court notes that 80% of the backlog in the first and second level courts involve criminal cases, and that delays in those cases are caused mainly by lack of prosecutors, absence of the prosecution witnesses, and lack of PAO lawyers.

4. The judicial affidavit rule shall remain in full force and effect in all other cases and situations not covered by this resolution.

This resolution shall take effect immediately (Underscoring supplied)."

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

For your information, guidance and strict compliance.

10 January 2013

(SGD.)JOSE MIDAS P. MARQUEZ

Court Administrator

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