

SC ADMINISTRATIVE CIRCULAR NO. 83-2015, July 27, 2015

SC ADMINISTRATIVE CIRCULAR NO. 83-2015, July 27, 2015

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f3ec8edfb343/>

TO: ALL JUSTICES AND CLERKS OF COURT OF THE SUPREME COURT

ALL JUSTICES AND CLERKS OF COURT OF THE COURT OF APPEALS AND THE SANDIGANBAYAN

ALL JUDGES AND CLERKS OF COURT OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, AND MUNICIPAL TRIAL COURTS

CC: OFFICE OF THE COURT ADMINISTRATOR

OFFICE OF THE COURT REPORTER

PUBLIC INFORMATION OFFICE

SUPREME COURT LIBRARY

OTHER COURT LIBRARIES

SUBJECT: PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES

In Administrative Matter No. 12-7-15-SC (Re: Recommendation of Atty. Maria Victoria Gleoresty Sp. Guerra, Director IV and Acting Chief, Public Information Office, to Remove or Modify the Decisions Posted on the SC Website involving Cases of Violence against Women and their Children), the Court issued Guidelines for the purpose of protecting the privacy and dignity of victims, including their relatives, in cases where the confidentiality of court proceedings and the identities of parties is mandated by law.

For the guidance of all courts, their respective clerks of court, and other court personnel, we issue the present Administrative Circular reiterating and supplementing our Guidelines in A.M. No. 12-7-15-SC by-further detailing the procedures in the promulgation, publication, and posting of decisions, resolutions, and final and interlocutory orders in the cases covered by this Protocol.

I. Covered cases

1. This Protocol shall govern the procedure in the promulgation, publication and posting of decisions, resolutions, and final and interlocutory orders of the courts in cases where the confidentiality of the identities of the parties, records, and court proceedings is mandated by law and/or by the rules.

2. Confidentiality of the identities of the parties, records, and court proceedings is mandated by the following laws: Republic Act (R.A.) No. 7610 [1] in cases of child abuse, exploitation, and discrimination; R.A. No. 8508[2] in cases of rape and other forms of sexual abuse or assault; R.A. No. 9208[3] in cases of human trafficking; R.A. No. 9262[4] in cases of violence against women and their children; and R.A. No. 9344[5] in cases involving children at risk and those in conflict with the law.

This Protocol shall also apply to cases where the confidentiality of the identities of the parties, records, and court

proceedings is mandated by laws or rules not expressly mentioned herein and by similar laws or rules to be enacted in the future.

II. Prospective and Limited Retroactive Application

3. The decisions, resolutions, and orders issued or promulgated or to be issued or promulgated by the courts in cases covered by this Protocol shall be modified in accordance with the provisions of this Administrative Circular.

The modification of previously issued and promulgated decisions, resolutions, and orders shall extend only to those published on the Official Website of the Supreme Court (SC Website) beginning 1996, the earliest year when decisions of the Court were uploaded and made publicly accessible.

III. Modification Requirements for Covered cases

4. The cases covered by this Protocol shall be modified in the following manner:

a. By replacing with fictitious initials the complete names of the women and children victims in the decisions, resolutions, and orders of the court in cases covered by this Protocol. For example, AAA should be written in place of the name of the woman victim in the crime of rape.

The courts may, in the exercise of their discretion, use different combinations of letters as long as the fictitious initials used shall not identify, directly or indirectly, the individual whose real name is replaced by the fictitious initials.

b. The personal circumstances or other information which tend to establish or compromise, directly or indirectly, the identities of the women and children victims, such as, but not limited to, their date of birth, complete address, complete names of parents, relatives, or other household members, shall be blotted out from the decision, resolution, and order of the courts in covered cases.

The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution, shall likewise be similarly treated.

c. At the victim's instance or if the victim is a minor that of his or her guardian, the complete name of the accused may be replaced by fictitious initials and his or her personal circumstances blotted out from the decision, resolution, or order if the name and personal circumstances of the accused may tend to establish or compromise the victims' identities. The victims or their guardians should manifest to the trial court at the earliest opportunity, i.e., after the filing of the complaint, information, or original petition, their desire to have the name of the accused be replaced with fictitious initials and his personal circumstances be blotted out from the decision, resolution, and order of the court.

If the accused is a minor, the complete name of the accused shall be replaced with fictitious initials and his or her personal circumstances, except for the fact of minority, shall be blotted out from the decision, resolution or order.

d. As to geographical location, the decisions, resolutions, and orders in covered cases should refer only to the province where the incident occurred or where the crime was committed. References to the specific barangay or town should be blotted out from the body of the decision, resolution, or order if its identification could lead to the disclosure of the identities of the women or children victims.

5. The court shall determine the use of fictitious initials in place of the victims' complete names at the earliest opportunity, i.e., after the filing of the complaint, information, or original petition, and shall then issue an order or resolution to this effect.

The fictitious initials determined by the court to replace the real names of the victims in covered cases should be

used consistently in the body and dispositive portion of the decision, resolution, or order and in all subsequent court issuances.

The court may, however, use the real names of the victims in its issuance of interlocutory orders, where the identification of the victims is necessary to avoid mistake or confusion in the enforcement of these orders.

The use of fictitious initials, however, may be waived by the victims in accordance with paragraph 9 of this Protocol.

6. The order or resolution issued by the court under paragraph 5 of this Protocol shall be effective in all subsequent proceedings in the case, even on appeal to the higher courts.

The court's order or resolution shall also apply to petitions for certiorari under Rule 65 of the Rules of Court, filed by either the accused-appellant or the minor or children victims, assailing the proceedings, orders, or judgment by a lower court in covered cases.

7. In cases where the victims or their guardians have manifested their desire to replace the complete name of the accused with fictitious initials, the caption or title of the case should be written as follows:

a. The fictitious initials in the caption or title of the case shall be followed by the case number, or government record (G.R.) number, assigned to the case written in parenthesis. For example, in the lower courts, 'People of the Philippines v. AAA (Case No. _____ / '

b. If the case is appealed to the higher courts, the fictitious initials shall be followed by the case number assigned by the appellate court with proper notation of the original case number of the case before the trial court written in parenthesis. For example, 'BBB v. People (current appellate court case number [formerly lower court case number]).'

c. If the case filed is a separate and independent petition for certiorari under Rule 65, the fictitious initials shall be followed by the case number assigned by the higher court. Examples are: 'BBB v Public/Private Respondents (Case No. _____),' and 'People of the Philippines and BBB v. Public/Private Respondents (Case No. _____).'

8. The rules under this Protocol shall also be observed in modifying the decisions, resolutions, and orders to be uploaded and already uploaded on the SC Website or the SC E-Library.

IV. Waiver by the Victims

9. The women and children victims in covered cases may, at any time, consent to the disclosure of their real names and personal circumstances in the decisions, resolutions, and orders of the court. In such case, the victims giving the consent must personally, or with the assistance of counsel, execute a written waiver in the presence of the court or before a notary public.

In cases where the victim giving the consent is a minor, the waiver must be executed by the minor's parent or guardian. In the absence of a parent or guardian, the court shall designate a person who shall execute the waiver on the minor's behalf. The person so designated by the court must fully explain the consequences of the waiver to the minor. The waiver may be executed in the presence of the handling court or before a notary public, and must be approved by the handling court.

10. For good and meritorious cause shown to the handling court, the waiver under paragraph 9 of this Protocol may be revoked by the victims who gave their consent to the disclosure of their real names and personal circumstances in the decisions, resolutions, and orders of the court.

The revocation of the waiver must be in writing and executed in the presence of the handling court or before a notary public. In the latter case, the revocation shall be effective upon the approval by the handling court.

In cases where the waiver was executed on behalf of a minor, the revocation of such waiver may be executed by either the minor's parent, guardian or person duly designated by the court.

The handling court to which the revocation is submitted shall give its approval if, in the exercise of its discretion, the revocation will serve the greater good of the women or children victims. The handling court shall set the terms for the modification of decisions, resolutions, or orders between the time a waiver is made and its revocation.

11. The women or children victims waiving the confidentiality of their identities or revoking such waiver must present the waiver or revocation of the waiver, duly executed under the provisions of paragraphs 9 and 10 of this Protocol, to the handling judge or the court office or officer responsible for the modification of the decisions, resolutions, and orders in cases covered by this Protocol.

V. Promulgation

12. In the promulgation of decisions, final resolutions, and final orders in covered cases, the court shall prepare two copies of its decision, resolution, and final order. The first copy shall be the unmodified version of the decision, resolution, and final order, where the real names of the parties are used and the parties' personal circumstances are disclosed. The second copy shall be the version of the decision, resolution, and order as modified in accordance with this Protocol. Both copies shall be attached and made part of the records.

The unmodified version (or first copy) of the promulgated decision, final resolution, and final order of the court is confidential and shall be sealed in an envelope before it is attached to the records. The sealed envelope shall only be opened upon the authority of the handling judge/justice and must be re-sealed thereafter. The second copy shall form part of the open records of the case.

VI. Publication and Posting

13. Only the decisions, final resolutions, and final orders in covered cases promulgated by the Supreme Court and modified under this Protocol shall be published in the Philippine Reports and in the Supreme Court Reports Annotated.

14. Only the decisions, final resolutions, and final orders in covered cases promulgated by the Supreme Court and modified under this Protocol shall be posted on the SC Website and the Court's E-Library.

The modified version of the decisions, final resolutions and final orders promulgated by the Court of Appeals, Sandiganbayan and the lower courts may also be posted in the SC Website, if so directed by the Supreme Court.

VII. Prohibition Against Release to the Public and the Media

15. Hard and soft copies of the original or unmodified version (first copy) of promulgated decisions, resolutions, and orders in covered cases shall not be released to the public and to the media, except when the victims have executed a written waiver in accordance with paragraph 9 of this Protocol.

Neither shall the records containing the real names and personal circumstances of the parties, mentioned under paragraph 5 above, be released to the public and to the media, except with the authority of the handling court.

VIII. Responsibility for the Modification of Promulgated Decisions, Final Resolutions, and Orders

16. The clerks of court of the Regional Trial Courts and the First Level Courts shall be responsible for the modification of the decisions, resolutions, and orders in their respective courts, as instructed in the order or

resolution issued by the court referred to in paragraph 5 of this Protocol.

17. The handling clerks of court of the Court of Appeals and the Sandiganbayan shall be responsible for the modification of the decisions, resolutions, and orders of their respective courts in covered cases. They shall furnish their respective libraries, the SC Library, the PHILJA libraries, and the Court's Public Information Office with a monthly list of modified decisions, resolutions, and orders.

18. The Office of the Court Administrator, through its Legal/Court Management Office, shall be responsible for the modification of the decisions, resolutions, and orders of the lower courts to be uploaded on the SC Website, as directed by the Supreme Court.

19. The Public Information Office shall be responsible for the modification of the decisions, resolutions, and orders of the Supreme Court already uploaded and to be uploaded on the SC Website.

The PIO shall also be responsible for the modification of the decisions, resolutions, and orders of the Court of Appeals and the Sandiganbayan that are directed by the Supreme Court to be uploaded on the SC Website.

The PIO shall furnish the SC Clerk of Court, the Office of the Reporter, the SC Library, and the PHILJA libraries with a monthly list of its modified decisions, resolutions, and orders.

20. The SC Library shall be responsible for the modification of decisions, resolutions, and orders uploaded on the E-Library and other websites of the Supreme Court which are accessed by a "username" and "password" provided by the SC Library.

IX. Liability

21. The court officials responsible for the modification of the decisions, resolutions, and orders by the courts in covered cases or tasked to handle the covered cases under the terms of this Protocol, as well as the court employees designated to carry out tasks related to the implementation of this Protocol, must strictly observe the provisions of this Protocol. The judges, justices, clerks of court and heads of court offices concerned shall adopt appropriate measures within their courts or offices to fully implement the terms and purpose of this Protocol.

22. The unauthorized release to the public or to the media of hard or soft copies of the unmodified version (first copy) of the decision, resolution, or order of the courts in covered cases shall be considered a grave offense and shall be punishable with the penalties provided under the Civil Service Rules on Administrative Cases for grave offenses, without prejudice to the criminal liabilities that the violators may incur under applicable laws.

23. Third parties who do not have any direct responsibility for the implementation of this Protocol and who violate the confidentiality covered by this Protocol, may be held liable under the appropriate laws or rules.

X. Effectivity

24. This Protocol shall take effect immediately.

Issued this 27 day of July 2015.

(SGD.) ANTONIO T. CARPIO
Acting Chief Justice

[1] Known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

[2] Known as the "Rape Victim Assistance and Protection Act of 1998."

[3]Known as the "Anti-Trajficking in Persons Act of 2003."

[4]Known as the "Anti-Violence Against Women and Their Children Act of 2004"

[5]Known as the "Juvenile Justice and Welfare Act of 2006."

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.