2013
THE JUDICIARY ANNUAL REPORT
Vol. I
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When I assumed the position of Chief Justice two years ago, one of the most pressing concerns that the judiciary had was the trust that the people had in it; that is, there was very little trust and what little trust remained was grudgingly given. The work of Chief Justice thus became even more challenging.

Since then, however, there has been a sea change in the way that our different publics have viewed the judiciary and its work.

In my many visits to the various trial courts all over the country, I have seen our trial judges transformed from being discouraged and indifferent to being highly motivated, deeply inspired and even fiercely passionate. I want to cite the Quezon City trial judges, with their “why not?” spirit, as an example; their passion is reminiscent of the earliest breed of servant-leaders who would lead not simply by word but also by deed.

In my consultations with lawyers, I have heard many good lawyers lament the state of the legal profession and the judicial process; I have listened to them complain about corruption. More than listening to and hearing these complaints,
however, I have chosen to challenge our lawyers to do something about corruption in our courts—to file cases and to name names.

In my interactions with my fellow judiciary workers, from my fellow Magistrates of the High Court, the Presiding Justices and Associate Justices of the three collegial courts, and the various Executive Judges and trial judges, to the clerks of courts, stenographers, sheriffs and process servers, and administrative personnel, I have seen how so many good men and women have given their life’s work to the courts and to the cause of justice. Through the years, they have labored under conditions that would have driven less hardy souls away, yet they have persevered.

In my official dealings with fellow workers in the Justice Sector, I have seen how they have excitedly embraced hitherto-unheard of initiatives that impose new demands on their already over-burdened dockets and workloads simply because they have just seen how relevant these initiatives are towards alleviating the plight of our fellow Filipinos.

In the way the public at large views the judiciary, I have seen how the perception and approval of the judiciary and the Supreme Court have remained consistent and stable.

All these, in the span of just two years.

Last year’s message was about the personal challenge I felt to bring the life of a judge, obscured by the natural way in which that life is manifested in work, to a level of transparency before the Filipino public that will leave no doubt that the decision of the judge is unalloyed by unethical personal or extra considerations. One lens through which I had proposed to do that in last year’s message was to generate annual reports that increasingly become more meaningful and whose data are more reliable. We have not yet achieved our ideal, but there is much to be pleased with the products of the team at the Supreme Court’s Public Information Office. Congratulations to them!

One desire I had shared last year was to have more reliable and clean data that we can, with confidence, present to the public. We are still in the process of getting all our baseline data correct. While we are getting more and more accurate with our data-reporting, I am pleased to say that, in all fronts, from the initial data that we are getting from our various judicial reform programs, we can already conclude that progress has been remarkable in the quality and speed with which things are being done in some of our courts today. More of these will be reported to the public as the results become clearer.
If this progress is to be sustained, then my key message to our countrymen this year is: invest in the judiciary, invest in judicial reform, invest in justice. Don’t just watch passively and then criticize aggressively the perceived failures of the judicial actors or the inefficiencies of the system, but rather, as responsible adults and citizens, believe our present and future well-being lie partly yet significantly in the quality of the justice that Filipino judges can deliver.

It is an investment proposition that cannot lose, because every resource spent to improve how our courts determine what is wrong and right is essential to keep not only the fabric, but the very soul of Philippine society together. It is justice when fair and reasonable bargains are upheld by the courts. It is justice when the oppressed have the means to have their grievances addressed and their freedoms restored by judicial writs. It is justice when the taxpayer has a chance to make public officials accountable for the public wealth. It is justice when people are not unduly aggravated by the weight of unjustly long court processes. Investing in Philippine justice is investing in Filipino lives.

This Annual Report is, for the first time, a Report of the entire judiciary, and not just the Supreme Court’s. It reflects the work already done for 2013 by all the courts but it also provides a glimpse of the work into the not-so-distant future—one where change is happening, at the speed of hope.

May I repeat what I said last year: this report is but a step to regaining public trust. Everyone can expect that many more will follow. Again, please accept my pledge, on behalf of the entire judiciary, that we will pour heart and soul into the presentation of a judiciary increasingly composed of persons of “proven competence, integrity, probity, and independence” – a judiciary that will, in the future, with the help of Almighty God, be a source of pride for the Filipino people.

MABUHAY PO ANG SAMBAYANANG PILIPINO!

MARIA LOURDES P. A. SERENO
Chief Justice
Maria Lourdes P. A. Sereno
Chief Justice

Antonio T. Carpio
Senior Associate Justice

Presbitero J. Velasco, Jr.
Associate Justice

Teresita J. Leonardo-de Castro
Associate Justice

Arturo D. Brion
Associate Justice

Diosdado M. Peralta
Associate Justice

Lucas P. Bersamin
Associate Justice

Mariano C. del Castillo
Associate Justice

Roberto A. Abad
Associate Justice

Martin S. Villarama, Jr.
Associate Justice

Jose Portugal Perez
Associate Justice

Jose Catal Mendoza
Associate Justice

Bienvenido L. Reyes
Associate Justice

Estela M. Perlas-Bernabe
Associate Justice

Marvic Mario Victor F. Leonen
Associate Justice
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MCTC - Municipal Circuit Trial Court
MeTC - Metropolitan Trial Court
MIRA - Maldives Inland Revenue Authority
MISD - Management Information Systems Division
MISO - Management Information Systems Office
MITHI - Medium-Term Information and Communications Technology Harmonization Initiative
MRC - Monthly Report of Cases
MRDP - MISO Re-engineering Development Plan
MTCC - Municipal Trial Court in Cities
NCCA - National Commission for the Culture and the Arts
OAS - Office of Administrative Services
OBC - Office of the Bar Confidant
OCA - Office of the Court Administrator
PALP - Philippine Association of Law Professors
PALS - Philippine Association of Law Schools
PARO - Provincial Agrarian Reform Officer
PCOS - Precinct Count Optical Scan
PDAF - Priority Development Assistance Fund
PDEA - Philippine Drug Enforcement Agency
PDF - Portable Document Format
PDS - Personnel Data Sheet
PET - Presidential Electoral Tribunal
PHILJA - Philippine Judicial Academy
PIO - Public Information Office
PMC - Philippine Mediation Center
PPC - Procurement Planning Committee
PRAISE - Program on Awards and Incentives for Service Excellence
PRF - Performance Rating Form
RA - Republic Act
RPC - Revised Penal Code
RTC - Regional Trial Court
SALN - Statement of Assets, Liabilities and Networth
SC - Supreme Court
SCC - Shari’a Circuit Court
SDC - Shari’a District Court
SC2MS - Small Claims Cases Monitoring System
SET - Senate Electoral Tribunal
TSN - Transcript of Stenographic Notes
TPO - Temporary Protection Order
USAID-ABA ROLI - United States Agency for International Development-American Bar Association Rule of Law Initiative
VAWC - Violence Against Women and their Children
WB - World Bank
ZBP - Zero Backlog Project
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INTRODUCTION

Coming off a year of transition and change in 2012, the year 2013 was another breakthrough year for the Philippine judiciary.

Through the hard work of the Justices and judges, officials and staff of the various organic offices, the various trial and appellate courts of the land continued the judiciary’s primary work of bringing justice through its reasoned decisions and effective interventions in legal disputes. The Supreme Court continued its innovations on established practices by introducing new ways of viewing and doing things, resulting in faster court processes, better service, and a stronger judiciary.

Sustaining the initiatives started in 2012 like the Judicial Affidavit Rule and the Efficient Use of Paper Rule, the Supreme Court continued to look into more intuitive ways of streamlining and automating court processes through the use of information and communications technology. Much needed reform of decades-long processes, that had led to overburdened court dockets and congested jails, became a reality with the intensive scrutiny given to the causes for congestion of both court dockets and jails. This scrutiny led to programs initiated to address court and case decongestion.

In its 112th year, the Supreme Court, led by Chief Justice Maria Lourdes P. A. Sereno and actively supported by the 14 Associate Justices, presided over a broad vista of reform and innovation that allowed many to see the judiciary in a different light and appreciate the onset of sustainable reform and meaningful change.

THE PHILIPPINE JUDICIARY

The Philippine Judiciary is a hierarchical organization consisting of four levels, with the Supreme Court at the top tier exercising administrative supervision over all courts and court personnel and wielding jurisdiction to “review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments or orders of lower courts” in cases specified in Article VIII, section 5(2) of the 1987 Constitution. Within each level, the courts are coordinate and equal and do not enjoy review jurisdiction over each other's decisions, resolutions, writs and processes.
FIRST LEVEL

In the first tier are the Courts of the First Level: the Metropolitan Trial Courts (MeTCs), which are established in Metropolitan Manila; the Municipal Trial Courts in Cities (MTCCs), in every city which does not form part of Metropolitan Manila; the Municipal Trial Courts (MTCs), established in each of the other cities or municipalities; and Municipal Circuit Trial Courts (MTCCs), created in each circuit comprising such cities and/or municipalities as grouped by law.

At the same level are the Shari’a Circuit Courts (SCCs). Shari’a Courts have been established in Islamic regions and provinces to interpret and apply the Code of Muslim Personal Laws (under Presidential Decree No. 1083). Their decisions are appealable to the Shari’a Appellate Court which, however, has yet to be organized.

SECOND LEVEL

The second tier consists of the Regional Trial Courts (RTCs) established in each of the thirteen (13) regions in the Philippines. Each RTC may be composed of a single sala or of several branches. RTCs have both original and appellate jurisdiction. In exercising the former jurisdiction, RTCs act as trial courts receiving evidence in the first instance from the parties to a case falling within its jurisdiction; in exercising the latter jurisdiction, the RTCs act as a court of appeal over the decisions of the Courts of the First Level.

Also on the same level are the Shari’a District Courts (SDC), whose decisions are appealable to the still-to-be organized Shari’a Appellate Court. Pending such organization, SDC decisions are reviewed by the Supreme Court through the special civil action of certiorari under Rule 65 if the issue is one of jurisdiction, or through a petition for review on certiorari by way of appeal under Rule 45. (Macaraig v. Balindong, GR No. 159210, September 20, 2006)

THIRD LEVEL

At the third tier is the Court of Appeals (CA) which exercises its powers, functions and duties through twenty three (23) divisions of three members each. The CA’s 18th, 19th and 20th Divisions comprise the CA Visayas and are located in Cebu City, while its 21st, 22nd and 23rd Divisions comprise the CA Mindanao and are based in Cagayan de Oro City.

The CA is assigned to review cases elevated to it from the RTCs as well as quasi-judicial agencies such as the Civil Service Commission, Securities and Exchange Commission, National Labor Relations Commission and the Land Registration Authority. The CA also reviews cases where the sentence is reclusion perpetua or life imprisonment, as well as decisions of the Office of the Ombudsman in administrative disciplinary cases. The CA is a collegial court and sits en banc only to exercise administrative, ceremonial or other non-adjudicatory functions. Being an appellate court, it generally resolves cases based on the record of the
proceedings from the trial court; in certain cases, however, the CA also conducts hearings and receives evidence such as, for instance, in applications for the writ of *Amparo* or *Habeas Data*, whether in the exercise of original jurisdiction or on remand from the Supreme Court.

The CA also has the original and exclusive jurisdiction to issue freeze orders over any monetary instrument or property under the Anti-Money Laundering Act of 2001 or RA No. 9160. It is also the Court with original and exclusive jurisdiction to allow surveillance and monitoring of communications under the Human Security Act of 2007 or RA No. 9372.

There are two special courts which, like the CA are collegial courts, but, unlike the CA, have very specific jurisdictions.

The first is the Sandiganbayan, an anti-graft court that has jurisdiction to try public officers with a salary grade of 27 and above (including any co-accused who are private persons) charged with criminal cases involving violation of the country’s laws on graft and corruption and corresponding civil cases for recovery of civil liability arising from the offense. The Sandiganbayan is composed of a Presiding Justice and fourteen (14) Associate Justices who sit in five divisions of three Justices each. Its decisions are directly appealable to the Supreme Court.

The second is the Court of Tax Appeals created under RA No. 9503. It is composed of a Presiding Justice and eight (8) Associate Justices; it may sit *en banc* or in three divisions of three Justices each. RA No. 9282, which took effect on March 30, 2004, has elevated the status of the CTA to that of the Court of Appeals. The CTA has exclusive jurisdiction to review on appeal decisions in cases involving disputed assessments, refunds of internal revenue taxes, fees, or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue Code. It also exercises original jurisdiction over all criminal offenses arising from violations of the Tax or Tariff Codes and other laws administered by the Bureau of Internal Revenue or the Bureau of Customs.

**HIGHEST LEVEL**

At the top tier is the Supreme Court. It is presided over by a Chief Justice and is composed of fifteen (15) Justices, including the Chief Justice. The Court may adjudicate *En Banc* or in three divisions of five Justices each. Under the Constitution, it has supervision over the courts and court personnel as well as over all the members of the judiciary. Its members sit until retirement at age 70 or unless sooner removed by reason of ill health, death or conviction after impeachment.

Decisions of the Court, whether sitting *En Banc* or in division, are imbued with authoritativeness and, unless reconsidered by the Court, are considered part of the law of the land.
THE WORK OF THE COURTS

1. The Supreme Court

Adjudication

The judicial power in vested in “one Supreme Court and in such lower courts as may be established by law.”¹ This judicial power is exercised through the judiciary’s primary role of adjudication, which includes the “duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government.”²

In 2013, the Supreme Court, sitting En Banc and in division, promulgated one thousand fifty (1,050) full decisions. Of these decisions, one hundred forty two (142) were by the Court En Banc; three hundred four (304) by the First Division; three hundred twelve (312) by the Second Division; and two hundred ninety two (292) by the Third Division.

Judicial Matters

In 2013, Supreme Court’s Case Input for Judicial Matters³ was 11,990. Of these 11,990 cases, 6,929 were pending cases as of December 31, 2012, while 5,026 and 35 were newly filed and reinstated⁴ cases, respectively.

The total Case Output for Judicial Matters⁵ includes petitions denied/dismissed by minute/extended resolutions, denied motions for extension of time to file petition, transferred cases to other courts, and cases disposed of by decisions/signed resolutions. Of the total Case Output of 4,647, 3,590 were disposed of by minute resolution,⁶ 1,050 by full ponencia,⁷ and seven (7) were transferred to other courts.

The total Case Output of 4,647 as against the total Case Input of 11,990 provides a case disposal percentage of thirty-nine percent (39%). A total of 7,343 cases remain pending as of December 31, 2013.

The statistics on Judicial Matters for the period of January to December 2013 from the SC Clerk of Court are provided in the table below:
In 2013, the Supreme Court promulgated many significant rulings on various issues of national concern. These ranged from the conduct of the May 2013 elections, the appreciation of picture images of ballots to the budgetary process and post-enactment intervention of members of the legislative branch. Some of the more important decisions are excerpted below.

In Vinzons-Chato v. House of Representatives Electoral Tribunal (HRET) and Panotes (consolidated with Panotes v. HRET and Vinzons-Chato), the Court ruled that the picture images of the ballots, as scanned and recorded by the Precinct Count Optical Scan (PCOS) machines, are likewise “official ballots” that faithfully capture in electronic form the votes cast by the voter, as defined by Section 2 (3) of RA No. 9369. The Court declared that the printouts of the ballot images in the Compact Flash (CF) cards are the functional equivalent of the paper ballots filled out by the voters and, thus, may be used for purposes of revision of votes in an electoral protest. (GR No. 199149; GR No. 201350, January 22, 2013, En Banc)

In Heirs of Luna, et al. v. Afable, et al., the Court ruled on the power of a Local Government Unit (LGU) to convert or reclassify lands from agricultural to non-agricultural prior to the passage of RA No. 6657 (The Comprehensive Agrarian Reform Law [CARL]). The Court held that the LGU’s power to convert and reclassify is not subject to the approval of the Department of Agrarian Reform, and that the authority of the of the local government units to reclassify land before June 15, 1988—the date of effectivity of the CARL—may be said to be absolute. In this case, a petition was filed by co-owners of a parcel of land located
in Barangay Guinobatan, Calapan City, Oriental Mindoro. The land had been subjected to compulsory acquisition under the Comprehensive Agrarian Reform Program (CARP) through a Notice of Land Valuation and Acquisition issued by the Provincial Agrarian Reform Officer. The petition was anchored mainly on the reclassification of the land in question into a light intensity industrial zone pursuant to Municipal Ordinance No. 21, series of 1981, enacted by the Sangguniang Bayan of Calapan, thereby excluding the same from the coverage of the agrarian law. (GR No. 188299, January 23, 2013, Second Division)

In *Commissioner of Internal Revenue v. San Roque Power Corporation*, the Court denied a ₱483,797,599.65 tax refund claim of San Roque Power Corporation. In its ruling, the Court held that the assertion that the Bureau of Internal Revenue and the Court of Tax Appeals, in actual practice, did not observe and did not require refund seekers to comply with the 120 + 30 day periods “was a glaring error because an administrative practice is neither a law nor an executive issuance” and, in the instant case, there was even no such administrative practice by the BIR as claimed by San Roque. (GR No. 187485, February 12, 2013, *En Banc*; Motion for Reconsideration denied with finality on October 8, 2013)

In *Ligot, et al. v. Republic*, the Court lifted a freeze order that had been issued by the Court of Appeals (CA) for an indefinite period of time in violation of the *Rule in Civil Forfeiture Cases*. The Court lifted the freeze order issued by the CA. The Court noted that the Republic has not explained why it took six years from the time it secured a freeze order to file a civil forfeiture case in court, despite the clear tenor of the *Rule in Civil Forfeiture Cases* allowing the extension of freeze orders for only a period of six months. (GR No. 176944, March 6, 2013, Second Division)

In *Tagolino v. HRET and Torres-Gomez*, the Court ousted a sitting member of the House of Representatives on the basis of an invalid substitution of candidacy. The Court reversed and set aside the decision of the HRET, which had declared as valid a substitution of candidacy that allowed private respondent Lucy Torres-Gomez to run as the Liberal Party’s replacement candidate for the position of Leyte Representative (Fourth Legislative District) in lieu of her disqualified husband, Richard Gomez. The Court observed that HRET wantonly disregarded the law by deliberately adopting the Commission on Election (COMELEC) *En Banc*’s flawed findings regarding private respondent’s eligibility to run for public office, which essentially stemmed from her substitution. Owing to the lack of proper substitution in this case, private respondent was therefore not a *bona fide* candidate for the position of Representative for the Fourth District of Leyte when she ran for office, which means that she could not have been elected. (GR No. 202202, March 19, 2013, *En Banc*)

In *Bongalon v. People*, a case involving child abuse, the Court ruled that it is only when the laying of hands on a child is shown beyond reasonable doubt to be intended by the accused to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being that the act is considered as child abuse
under RA No. 7610, the *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act*; otherwise, it is punished as a felony under the *Revised Penal Code*. (GR No. 169533, March 20, 2013, First Division)

In *Atong Paglaum v. COMELEC*, the Court set new parameters for determining eligibility for participation in elections under the party-list system. In doing so, the Court overruled two precedents which had been controlling in determining eligibility of party-list groups in the elections. The case originated from various petitions filed by 52 party-list groups and organizations assailing the separate Resolutions issued by the COMELEC disqualifying them from participating in the May 13, 2013 party-list elections, either by denial of their petitions for registration under the party-list system, or cancellation of their registration and accreditation as party-list organizations. The Court ruled that the COMELEC did not commit grave discretion in disqualifying petitioners from participating in the 2013 party-list elections following prevailing decisions of the Supreme Court. However, because of the new parameters in the qualification of national, regional, and sectoral parties under the party-list system set in this case, thereby abandoning the rulings in the decisions applied by the COMELEC in disqualifying petitioners, the Court remanded to the COMELEC all the present petitions for the COMELEC to determine who are qualified to register under the party-list system to participate in the coming May 13, 2013 party-list elections, under the new parameters prescribed in the Decision. The new parameters, as set forth in this case are the following:

1. Three different groups may participate in the party-list system: (1) national parties or organizations, (2) regional parties or organizations, and (3) sectoral parties or organizations.
2. National parties or organizations and regional parties or organizations do not need to organize along sectoral lines and do not need to represent “any marginalized and underrepresented” sector.
3. Political parties can participate in party-list elections provided they register under the party-list system and do not field candidate in legislative district elections. A political party, whether major or not, that fields candidates in legislative district election can participate in party-list elections only through its sectoral wing that can separately register under the party-list system. The sectoral wing is by itself an independent party, and is linked to a political party through a coalition.
4. Sectoral parties or organizations may either be “marginalized and underrepresented” or lacking in “well-defined political constituencies.” It is enough that their principal advocacy pertains to the special interest and concerns of the sector. The sectors that are marginalized and underrepresented” include labor, peasant, fisherfolk, urban poor, indigenous cultural communities, handicapped, veterans and overseas workers. The sectors that lack well-defined political constituencies include professionals, the elderly, women, and the youth.
5. A majority of the members of sectoral parties or organization that represent the “marginalized and underrepresented” must belong to the marginalized and underrepresented sector that they represent. Similarly,
a majority of the members of sectoral parties or organization that lack “well defined political constituencies” must belong to the sector that they represent. The nominees of either sector must either belong to their respective sectors, or must have a track record of advocacy.

6. National, regional, and sectoral parties or organizations shall not be disqualified if some of their nominees are disqualified, provided that they have at least five other nominees who remain qualified. (GR No. 203766, April 2, 2013, En Banc)

In Ampatuan, Jr. v. De Lima, et al., the Court reiterated its previous rulings that mandamus cannot be used to direct the manner or the particular way judgment or discretion is to be exercised by a public officer vested with such discretion. The Secretary of Justice may thus be compelled by writ of mandamus to act on a letter-request or a motion to include a person in the information, but may not be compelled by writ of mandamus to act in a certain way, i.e., to grant or deny such letter request or motion. The Court also ruled that the admission of a witness into the Witness Protection Program of the Government as a state witness was warranted by the absolute necessity of his testimony for the successful prosecution of the criminal charges. All the conditions prescribed by RA No. 6981 were met in his case. That he admitted his participation in the commission of the Maguindanao massacre was no hindrance to his admission into the Witness Protection Program as a state witness, for all that was necessary was for him to appear as not the most guilty. (GR No. 197291, April 3, 2013, First Division)

In Maliksi v. COMELEC and Saquilayan, the Court had two separate rulings. In the first, the Court ruled, with a vote of 8-7, on March 12, 2013 to affirm the COMELEC’s declaration of private respondent Saquilayan as the duly elected Municipal Mayor of Imus, Cavite. In this ruling, the Court held that ballot images in the Compact Flash (CF) cards, as well as the printout of such images, are the functional equivalent of the official physical ballots filled up by the voters, and may be used in an election protest. The ruling was made immediately executory considering that the remainder of the term to be occupied was less than five (5) months. On motion for reconsideration by petitioner Maliksi, however, the Court ruled, also 8-7, on April 11, 2013, to partially grant the same. In so doing, it directed the COMELEC En Banc to conduct proceedings for the decryption of the picture images of the ballots involved in the protest after due authentication, and for the recount of ballots by using the printouts of the ballot images, with notice to and in the presence of the parties or their representatives in accordance with the procedure laid down by Rule 15 of COMELEC Resolution No. 8804, as amended by Resolution No. 9164. (G.R. No. 203302, Maliksi v. COMELEC, March 12, 2013, reconsidered April 11, 2013, En Banc)

In Chavez v. Judicial and Bar Council (JBC), et al., the Court settled the issue of representation of Congress in the JBC, interpreting the first paragraph of Section 8, Article VIII of the 1987 Constitution as allowing only one (1) member of Congress to sit and vote in the Judicial and Bar Council (JBC). The Court ruled that the practice of having one representative from each House of Congress sit on the JBC with one (1) vote each is not sanctioned by the Constitution and
the Court has no power to add another member by judicial construction. (GR No. 202242, April 16, 2014, *En Banc*)

In *Jalosjos v. COMELEC, et al.*, the Court dismissed a petition challenging the COMELEC’s action to deny due course to and/or cancel Jalosjos’ certificate of candidacy as Mayor of Zamboanga City. The COMELEC’s action was based on his previous conviction by final judgment of two (2) counts of statutory rape and six (6) counts of acts of lasciviousness where he was sentenced to *reclusion perpetua* and *reclusion temporal* for each count, respectively, which carried the accessory penalty of perpetual absolute disqualification pursuant to Article 41 of the *Revised Penal Code*. (GR No. 205033, June 18, 2013, *En Banc*)

In *Garcia v. Drilon*, a landmark case involving the application of RA No. 9262, the *Anti-Violence Against Women and their Children Act*, the Court addressed the challenge to the law on grounds of being violative of the equal protection and due process clauses, and the prohibition against undue delegation of judicial power to barangay officials. The Court held that the grant of a Temporary Protection Order (TPO) *ex parte* cannot be challenged as violative of the right to due process. It noted that the victim of Violence Against Women and their Children (VAWC) may already have suffered harrowing experiences in the hands of her tormentor, and possibly even death, if notice and hearing were required before such acts could be prevented by the TPO. (GR No. 179267, June 25, 2013, *En Banc*)

In *Ongsiako Reyes v. COMELEC and Tan*, the Court, voting 7-4-3, ruled that the COMELEC did not commit grave abuse of discretion when it disqualified Regina Ongsiako Reyes for being an American citizen, maintaining that the COMELEC did not impose additional qualifications on candidates for the House of Representatives who have acquired foreign citizenship. The COMELEC had ordered the cancellation of her Certificate of Candidacy for the position of Representative of the lone district of Marinduque in the 2013 midterm elections. The Court ruled that the COMELEC “merely applied the qualifications prescribed by Section 6, Article VI of the 1987 Constitution that the candidate must be a natural-born citizen of the Philippines and must have one-year residency prior to the date of elections.” The Court on December 3, 2013 denied with finality Reyes’s second motion for reconsideration which sought to reverse the earlier ruling. (GR No. 207264, June 25, 2013; *motions for reconsideration denied with finality* on December 3, 2013, *En Banc*)

In *Almario, et al. v. Executive Secretary, et al.*, the Court, voting 12-1-2, declared invalid Proclamation Nos. 1826 to 1829 dated July 6, 2009 naming private respondents Cecile Guidote-Alvarez, Carlo Magno Jose Caparas, Francisco Mañasosa, and Jose Moreno as National Artists for having been issued in grave abuse of discretion. The Court held that the discretion of the President in the matter of the Order of National Artists is confined to the names submitted to her by the National Commission for Culture and the Arts and the Cultural Center of the Philippines Boards. This means that the President could not have considered conferment of the Order of National Artists on any person not considered and
recommended by the NCCA and the CCP Boards such as the private respondents. (GR No. 189028, July 16, 2013, En Banc)

In *Cocofed-Philippine Coconut Producers Federation Inc. v. COMELEC*, the Court dismissed the petition of COCOFED-Philippine Coconut Producers Federation, Inc. (COCOFED) to be declared eligible to participate in the 2013 party-list elections due to COCOFED’s failure to submit a list of five nominees despite ample opportunity to do so before the elections. The violation was imputable to the party under Section 6(5) of RA No. 7941. The Court opted to rule on the case despite COCOFED’s failure to win in the 2013 elections as it found that the validity of the party-list’s status “remains a very live issue” and “not moot notwithstanding its failure to attain the required votes for a congressional seat in the 2013 elections.” (GR No. 207026, August 6, 2013, En Banc)

In *Abang Lingkod Party List v. COMELEC*, the Court ordered the COMELEC to proclaim the previously disqualified Abang Lingkod Party-List as one of the winning party-list groups during the May 13, 2013 elections with the number of seats it may be entitled to, based on the total number of votes it garnered during the said elections. The Court found that the COMELEC gravely abused its discretion in requiring Abang Lingkod to prove its track record notwithstanding that a group’s track record is no longer required for participation in the party-list elections under the ruling in the earlier case of *Atong Paglaum v. COMELEC*. (GR No. 206952, October 22, 2013, En Banc)

In *Belgica, et al. v. Executive Secretary, et al.*, voting 14-0, the Court declared as unconstitutional the entire 2013 Priority Development Assistance Fund (PDAF) article in the *General Appropriations Act*. In striking down the PDAF, more commonly known as the “Pork Barrel” system, the Court also declared unconstitutional “all legal provisions of past and present Congressional Pork Barrel Laws... which authorize/d legislators—whether individually or collectively organized into committees—to intervene, assume or participate in any of the various post-enactment stages of the budget execution and those which conferred personal, lump-sum allocations to legislators from which they are able to fund specific projects which they themselves determine, as well as all informal practices of similar import and effect.” The Court also ordered the Department of Justice and the Office of the Ombudsman to investigate and prosecute, as may be warranted, the needed cases against all government officials as well as private individuals involved in the improper disbursement of PDAF funds. (GR No. 208566, November 11, 2013, En Banc)

In *Posadas and Dayco v. Sandiganbayan and People*, the Supreme Court granted the motions for reconsideration filed by Dr. Roger Posadas and Dr. Rolando Dayco, former Chancellor and Vice-Chancellor of University of the Philippines Diliman, respectively, asking it to overturn its July 17, 2013 ruling that upheld a Sandiganbayan decision in 2005 finding petitioners guilty of violating RA No. 3019, the *Anti-Graft and Corrupt Practices Act*, and RA No. 6713, the *Code of Ethics for Government Officials and Employees*. The overturned decision of the
Sandiganbayan had ruled that Posadas and Dayco conspired to benefit the establishment of the Technology Management Center, which offers a technology management graduate course on policy analysis and formulation for government, in 1995. (GR Nos. 168951 and 169000, November 27, 2013, First Division)

In *Manila Memorial Park, Inc., et al. v. Secretary of Social Welfare and Development, et al.*, the Court, voting 13-1, dismissed the petition for prohibition under Rule 65 filed by two funeral companies against the Secretaries of the Department of Social Welfare and Development and the Department of Finance assailing the constitutionality of Section 4 of RA No. 7432, *An Act to Maximize the Contribution to Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes*, as amended by RA No. 9257, the *Expanded Senior Citizens Act of 2003*, and the implementing rules and regulations issued by the executive departments involved insofar as these allow business establishments to claim the 20% discount given to senior citizens as a tax deduction. The Court maintained that both the 20% discount and the tax deduction scheme afforded to senior citizens were valid exercises of police power. (GR No. 175356, December 3, 2013, En Banc)

In *Re: Nomination of Atty. Lynda Chaguile, IBP Ifugao President, as replacement for IBP Governor for Northern Luzon, Denis B. Habawel*, the Court, exercising its constitutional power over the Integrated Bar of the Philippines (IBP), resolved yet another controversy involving the IBP’s leadership by declaring that Atty. Lynda Chaguile was a *de facto* officer during her tenure as IBP Governor for Northern Luzon and that her acts as *de facto* officer—including her having voted in the May 22, 2013 election for the Executive Vice President of the IBP—are valid and binding. The Court, however, stated that “It is worthwhile to consider if there are other means of integrating the members of the Bar—alternative ways that might enable the Integrated Bar to satisfy its objectives more effectively, democratize its leadership, and minimize its need to seek the intervention of this Court.” (AM No. 13-04-03-SC, December 10, 2013, En Banc)

**Disciplinary, Administrative, and Bar Matters**

Article VIII, Section 6 of the 1987 Constitution mandates that the Supreme Court shall have administrative supervision over all courts and the personnel thereof.

In 2013, the Supreme Court registered a 50% case disposal percentage as to Administrative and Bar Matters, with a total Case Output of 2,133 (1,993 by minute resolution and 140 by ponencia) as against a total Case Input of 4,232 (2,285 pending cases as of December 31, 2012; 1,881 new cases; and 66 reinstated cases). There are only 2,099 pending cases by the end of 2013.
Highlights of Selected 2013 Decisions on Administrative Matters

In 2013, the Supreme Court continued to uphold the trust and confidence of the public in the judiciary by imposing administrative sanctions on erring members of the Bench and the Bar as well as on court personnel who were found to have violated the norms of public accountability. Selected rulings of the Court are excerpted below.

In *Re: Complaint of Leonardo Velasco Against Justices Villaruz, Quiroz, and Martires of the Sandiganbayan*, the Supreme Court admonished three Justices of the Sandiganbayan for their failure to immediately execute the judgment of conviction of a former Ilocos Norte municipal mayor, with a warning that a repetition of their acts would be dealt with more severely. However, the Court found that the said Sandiganbayan Justices committed no grave misconduct or violation of a specific provision of the *Code of Judicial Conduct* as alleged in the complaint against them, as it found that the actions of the three Sandiganbayan Justices “were shown to be in respectful deference to the Court’s action” on the various petitions filed by the accused. (AM OCA IPI-No. 10-25-SB-J, January 15, 2013)

In *Ong v. Basiya-Saratan*, a clerk of court who repeatedly refused to issue an alias writ of execution despite repeated directives from the court to do so was suspended for six months and one day for her refusal to perform her official duty. (AM No. P-12-3090, January 7, 2013)
Panes Jr., et al. v. Dinopol involved a former RTC judge who, in 2011, had already been dismissed from service for gross misconduct on account of repeatedly committing numerous infractions and breaches of the standard ethical conduct demanded of judges. In this case, the said judge was found guilty of gross ignorance of the law for issuing Orders which “violated the most basic requirements for the proper observance of due process, resulting in the unwarranted arrest and incarceration of powerless individuals.” The Court pointed out that the respondent’s previous dismissal from service did not render the present case moot and academic, maintaining that for reasons of public policy “this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public.” (AM No. OCA-IPI No. 07-2618-R.T.J., February 12, 2013)

In Anonymous v. Achas, the Court reprimanded a judge for going out in public with a woman not his wife. The first level court judge, who was also allegedly involved in cockfighting and gambling, was found to have failed to abide by Canons 2 and 4 of the New Code of Judicial Conduct for Philippine Judiciary and was consequently reprimanded and fined in the amount of ₱5,000. He was also admonished not to socially mingle with cockfighting enthusiasts and bettors. (AM No. MTJ-11-1801, February 27, 2013)

OCA v. Necessario, et al. involved a mass marriage scheme with no less than four judges and several court personnel involved. The Court dismissed from the service three of four judges complained of, the fourth having already been dismissed for an earlier separate offense. The Court underscored that “[the] administration of justice is circumscribed with a heavy burden of responsibility. It requires that everyone involved in its dispensation—from the presiding judge to the lowliest clerk—live up to the strictest standards of competence, honesty, and integrity in the public service.” The four judges were found guilty of gross inefficiency or neglect of duty and of gross ignorance of the law. They solemnized marriages without marriage licenses or with incomplete or questionable requirements submitted by the couples, with documents showing visible signs of tampering, erasures, corrections or superimpositions of entries related to the parties’ places of residence; they also solemnized marriages where legal impediments existed during cohabitation, such as the minority status of one party. The Court also dismissed from the service a Court Interpreter and an Administrative Officer I, suspended for six months a Process Server and another Court Interpreter, and admonished a Stenographer III and Clerk III for their respective participation in the irregular solemnization of marriages in the Cebu City MTCC and RTC. (AM No. MTJ-07-1691, April 2, 2013)

In Office of the Court Administrator v. Gesultura, the Court ruled that “the safekeeping of funds and collections is essential to the goal of an orderly administration of justice [and t]he act of misappropriating judiciary funds constitutes dishonesty and grave misconduct which are grave offenses punishable by dismissal upon the commission of even the first offense.” The
In Bonono, Jr. v. Sunit, the Court suspended a sheriff for one month and one day without pay for simple misconduct, after he challenged one of the complainants against him to a fight and then assaulted the other, all while bragging that he was an officer of the court and brandishing his badge as a sheriff. (AM No. P-12-3073, April 3, 2013) In Rufon v. Genita, the Court fined a legal researcher of the Bacolod City RTC an amount equivalent to his three months’ salary after he was found to have clearly falsified his Daily Time Record by making it appear that he was present for work from June 1 to 10, 2009 when in fact he was not. (AM No. P-12-3044, April 8, 2013) In Lozada and Millado v. Zerrudo, a Clerk of Court IV and a Clerk IV were reprimanded by the High Court for discourtesy, after the two shouted at two security guards of the CJ Ramon Avancena Hall of Justice while “angrily pointing their fingers” at the latter in front of numerous court personnel and visitors. (AM No. P-13-3108, April 10, 2013) In CSC v. Hadji Ali, a stenographer from the Shari’a Circuit Court of Tubod, Lanao del Norte who misrepresented that he himself took his Civil Service Examination when someone else took it for him, was found guilty of dishonesty and was dismissed from the service. (AM No. SCC-08-11-P, June 18, 2013)

In Civil Service Commission v. Ramoneda-Pita, the Court dismissed a Danao City MTCC clerk for dishonesty for not disclosing in her Personnel Data Sheet (PDS) that she had been previously dismissed from service by the Civil Service Commission (CSC) in 2001. The Court lamented that the discovery by the CSC “of the perfidy in her acquisition of her civil service eligibility and her insistence in stating that she is civil service eligible in her PDS when she had been already found guilty of an administrative charge even after the finality of the CSC Resolution and even after her seeking clemency” showed that the respondent failed to meet the high standards demanded of a court employee. (AM No. P-08-2531, April 11, 2013)

In Clemente v. Bautista, a Pasay Metropolitan Trial Court (MeTC) clerk was found guilty of insubordination, simple neglect of duty, and violation of reasonable office rules and regulations for having been remiss in performing his assigned tasks because of his unauthorized absences, for sleeping during office hours, loitering around the premises, and munching food while inside the courtroom. (AM No. P-10-2879, June 3, 2013)

In Reyes v. Fangonil, the Court dismissed from the service a Baguio City RTC process server who was found to have solicited money from a litigant in exchange for favorable results. The Supreme Court emphasized that the act of collecting or receiving money from a litigant constitutes grave misconduct in office, and that “this kind of gross misconduct by those charged with administering and
rendering justice erodes the respect for law and the courts.” (AM No. P-10-2741, June 4, 2013)

In *Arienda v. Monilla*, a retired stenographer was found guilty of simple misconduct after she led other people to believe that she had the authority and capability to prepare and finalize an extrajudicial settlement of estate even when she was not a lawyer. She was made to pay a fine equivalent to four months' salary, to be deducted from her retirement benefits. (AM No. P-11-2980, June 10, 2013)

In *OCA v. Martinez*, the Court dismissed from the service a clerk of court for cash shortages in the Judiciary Development Fund (JDF) amounting to ₱12,273.33 and in the Fiduciary Fund (FF) of ₱882,250, without presenting a satisfactory explanation regarding her cash shortages, her improper use of official receipts, and the withdrawal of cash bonds. The Court stated that “(b)eing the custodian of the court's funds, revenues, records, properties, and premises, she was liable for any loss, shortage, destruction or impairment of such funds and property.” (AM No. P-06-2223, June 10, 2013)

In *Misajon v. Hiponia, et al.*, a process server was meted the penalty of suspension for one year and one month for having incurred the following unauthorized absences: 6 days in January, 10 days in February, 10 days in April, and 13 days in May, all in the first semester of the year 2007. (AM No. P-08-2439, June 25, 2013)

In *Re: Failure of Judge Antonio A. Carbonell to Decide Cases Submitted for Decision and to Resolve Pending Motions in the RTC, Branch 27, San Fernando, La Union*, the Court stated that “(d)elay in the disposition of cases is a major culprit in the erosion of public faith and confidence in the judicial system, as judges have the sworn duty to administer justice without undue delay” as it fined a retired judge ₱20,000 for his failure to decide several cases and motions within the 90-day reglementary period. The Court found that, in an apparent attempt to suspend the running of the period to decide the cases, the judge liberally gave parties several extensions of time to file their respective memoranda which resulted in his failure to decide a total of 63 cases and to resolve 16 pending motions or incidents within the said 90-day period. (AM No. 08-5-305-RTC, July 9, 2013)

In *OCA v. Savadera, et al.*, the Court dismissed from service a Cash Clerk II, Clerk III, and Social Worker of the Office of the Clerk of Court of a Regional Trial Court, and ordered them to restitute the amount of ₱1,365,475.12. This came after a financial audit of the books of account for the Office of the Clerk of Court of the RTC disclosed numerous irregularities committed by the collecting officers which contributed to the accumulation of a cash shortage of ₱2,422,687.94 covering the period 1987-2004, The Court also ordered a retired Clerk of Court to return the amount of ₱1,823,725.91, corresponding to total financial accountabilities for the shortages incurred in the Fiduciary Fund, JDF, and the General Fund. The Court likewise ordered the OCA to file the
appropriate criminal charges against the four. (AM No. P-04-1903, September 10, 2013) In *OCA v. Leal*, another clerk of court was meted the penalty of dismissal for gross dishonesty, grave misconduct, “and even malversation of public funds” after she failed to restitute a cash shortage amounting to ₱865,495.68 in the MCTC of Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac. (AM No. P-12-3047, October 2, 2013)

In *OCA v. Soriano*, the Court stressed that “a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.” The Court fined a retired judge the amount of ₱40,000 for gross inefficiency and gross ignorance of the law after he failed to decide 36 cases submitted for decision, which were already all due for decision at the time he compulsorily retired. The retired judge was also found to have been negligent as shown by the loss of the records of at least four cases which could no longer be located or reconstituted despite diligent efforts by his successor. (AM No. MTJ-07-1683, September 11, 2013) In *Carabajosa v. Patricio*, the Court imposed a ₱21,000 fine on a judge of the Roxas, Capiz MCTC who was found guilty of gross ignorance of the law after he repeatedly refused to execute the final and executory judgment of conviction against the accused in a criminal case for grave coercion. (AM No. MTJ-13-1834, October 2, 2013)

The Supreme Court did not tolerate abuse of vices within its ranks. In *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drugs (“Shabu”) of Reynard B. Castor*, it dismissed an electrician of the OAS after a random drug test established that he was positive for use of methamphetamine or shabu. (AM No. 2013-08-SC, October 8, 2013)

In *Tuldague and Balajo, Jr. v. Pardo and Calpatura*, a RTC judge who had a “drinking spree” in his house with a litigant with a pending application for probation in his sala, was fined ₱40,000, for gross misconduct. (RTJ-05-1962, October 17, 2013)

In *Baguio v. Arnejo*, a Cebu City RTC stenographer was suspended for conduct grossly prejudicial to the best interest of the service. She was found to have failed to immediately remit her Transcript of Stenographic Notes collection accruing to the JDF on the day the payments were received and also to prove her alleged practice of regularly remitting the JDF she collected for the TSNs paid for by the litigant. She was suspended from service for three months. (AM No. P-13-3155, October 21, 2013)

In *Report on the Financial Audit Conducted in the MTCC, Tagum City, Davao Del Norte*, the Court dismissed from service an interpreter (liable for ₱3,243,085) and a cash clerk (liable for ₱2,576,590), suspended a sheriff, and forfeited in favor of the government the retirement benefits of a judge (liable for ₱436,800) and a clerk of court (liable for ₱8,827,227.66). This came after two financial audits conducted on the books of account of the Tagum City MTCC showed
staggering shortages in the Fiduciary Fund and JDF of the said court. (AM OCA IPI No. 09-3138-P, October 22, 2013)

The Court, in Re: Unauthorized Travel Abroad of Judge Cleto R. Villacorta III, RTC, Branch 6, Baguio City, emphasized that unauthorized absences of those responsible for the administration of justice, especially on the part of a magistrate, are inimical to public service. The Court issued a stern warming to a judge who twice failed to apply for extensions of his authority to travel abroad, in violation of OCA Circular No. 49-2003. (AM No. 11-9-167-RTC, November 11, 2013)

In OCA v. Acampado, a clerk of court from the MTC of Taft, Eastern Samar was dismissed from the service after she was found guilty of grave misconduct and gross neglect of duty, for failing to remit on time her collections, and of serious dishonesty, for misappropriating funds of the judiciary totaling to ₱86,998.33 and falsifying bank deposit slips. She was also fined ₱5,000 for simple neglect of duty after she failed to submit documents required for financial audit. (AM Nos. P-13-3116 and P-13-3112, November 12, 2013)

In Olivan v. Rubio, the Court dismissed a Deputy Sheriff IV who was found guilty of dishonesty and gross misconduct after he solicited money from a litigant in consideration of his services, received ₱20,000 from the said litigant, and failed to turn over said amount to the Office of the Clerk of Court of the Naga City RTC. (AM No. P-12-3063, November 26, 2013)

In OCA v. Lopez and Tutaan, a judge from Palo, Leyte who failed to decide a total of 32 cases and to resolve pending incidents in 16 cases within the 90-day reglementary period, submitted false monthly reports and docket inventories, and allegedly requested his clerk of court to exclude certain cases from the Monthly Report of Cases, was found guilty of gross misconduct as well as of undue delay in rendering decisions and making untruthful statements in his Certificates of Service. He was fined ₱40,000, to be deducted from his retirement benefits. (AM No. MTJ-11-1790, December 11, 2013)

**Highlights from Selected 2013 Decisions on Bar Disciplinary Matters**

The Supreme Court was likewise vigilant in disciplining wayward members of the Bar, reiterating that “[l]awyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity and fair dealing.”

In Agbulos v. Viray, a lawyer was suspended from the practice of law for one year and prohibited from being commissioned as a notary public for two years for notarizing an affidavit without the affiant’s personal appearance and in complete disregard of the 2004 Rules on Notarial Practice, which require the presentation of competent evidence of identity such as an identification card with photograph and signature prior to notarization. He also had his incumbent notarial commission revoked. (AC No. 7350, February 18, 2013)
In *Jinon v. Jiz*, a lawyer who was found to have neglected his client’s case, to have misappropriated the latter’s funds, and to have disobeyed the lawful orders of the Committee on Bar Discipline of the Integrated Bar of the Philippines (IBP) requiring the submission of his pleadings and his attendance at hearings was suspended from the practice of law for two years. He was likewise ordered to return to his client the full amount of ₱45,000, with legal interest. (AC No. 9615, March 5, 2013)

In *Tapay v. Bancolo*, the Court imposed suspension on a lawyer from the practice of law for one year for having a secretary of his law office sign a Complaint he filed for a former client before the Office of the Ombudsman. The lawyer was found to have violated Rule 9.01 of Canon 9 of the *Code of Professional Responsibility*. (AC No. 9604, March 20, 2013)

In *Peña v. Paterno*, a lawyer was disbarred for betraying the trust reposed upon her by a client, when she executed and even notarized a fake deed of sale while she was entrusted with complainant’s certificate of title. Her notarial commission was also perpetually revoked. (AC No. 4191, June 10, 2013)

In *Abella v. Barrios*, a former Labor Arbiter was fined ₱40,000 for gross immoral conduct and gross misconduct after he modified and “tried to distort the findings of the CA” in a labor case won by a former employee of a telecommunications company by recalling his earlier orders and issuing a new writ of execution, significantly reducing the former employee’s monetary award from ₱1,470,082.60 to ₱114,585. (AC No. 7332, June 18, 2013)

In *Ylaya v. Gacott*, a lawyer, who had already been suspended for a year from the practice of law earlier in the year, for violating Rule 15.03 of Canon 15, Canon 16, and Rule 18.03 of Canon 18 of the *Code of Professional Responsibility*, was disbarred for his “unlawful, dishonest, and deceitful conduct.” The latter had arrogated unto himself the ownership of seven parcels of land, the titles of which were entrusted to him in confidence, after he had offered to look for buyers of the same. (AC No. 6475, January 30, 2013; AC No. 6490, *Tabang v. Gacott*, July 9, 2013)

In *Penilla v. Alcid*, a lawyer who filed a criminal case for estafa when the facts of the case he was handling would have warranted the filing of a civil case for breach of contract, and who failed to apprise his client of the status and progress of both cases he filed for the latter, was found guilty of gross misconduct and was suspended from the practice of law for six months. (AC No. 9149, September 4, 2013)

“The legal profession demands of attorneys an absolute abdication of every personal advantage conflicting in any way, directly or indirectly, with the interests of their clients.” Thus said the Supreme Court in *Tria-Samonte v. Obias* as it imposed the penalty of disbarment on a lawyer who, instead of delivering the deed of sale covering a property to her clients, willfully notarized a deed of
sale over the same property in favor of another person, which ultimately brought about the defeat of her clients’ rights over the said property. (AC No. 4945, October 8, 2013) In Embido v. Pe, the Court also disbarred a lawyer who was found guilty of grave misconduct for falsifying a court decision in consideration of ₱60,000. (AC No. 6732, October 22, 2013)

In De Leon v. Pedreña, a lawyer was suspended from the practice of law for two years when he “rubbed (his client’s) right leg with his hand; tried to insert his finger into her firmly closed hand; grabbed her hand and forcibly placed it on his crotch area; and pressed his finger against her private part.” (AC No. 9401, October 22, 2013)

Emphasizing that “a lawyer may be disciplined not only for malpractice and dishonesty in his profession but also for gross misconduct outside of his professional capacity,” the Court in Heenan v. Espejo imposed a two-year suspension on a lawyer who obtained a loan and issued worthless checks in her private capacity and not as an attorney. (AC No. 10050, December 3, 2013)

In Dagala v. Quesada, the Court suspended from the practice of law for one year a lawyer who violated the Code of Professional Responsibility when he failed to exercise the required diligence in handling complainant’s labor case by his non-attendance in two mandatory conferences despite due notice, resulting in the said case’s dismissal. (AC No. 5044, December 2, 2013)

In Re: Resolution Dated October 8, 2013 in OCA IPI No. 12-205-CA-J Against Atty. Homobono Adaza II, the Court found a lawyer guilty of indirect contempt for filing “a frivolous suit” against a Justice of the Court of Appeals, and fined him. (AC No. 10300, December 10, 2013)

The Supreme Court likewise exercised its power of supervision in clarifying other administrative matters.

In Re: Request of (Ret.) Chief Justice Artemio V. Panganiban for Re-computation of his Creditable Services for the Purpose of Re-computing his Retirement Benefits, the Court granted the request of retired Chief Justice Artemio V. Panganiban’s for a re-computation of his creditable government service to include the 4-year period from January 1962 to December 1965 when he served as Legal Counsel to the Department of Education and its then Secretary, and as Consultant to the Board of National Education. The Court likewise directed the Office of Administrative Services to re-compute former Chief Justice Panganiban’s creditable government service and his corresponding retirement benefits. (AM No. 10-9-15-SC, February 12, 2013)

In Re: Request for Guidance/Clarification on Section 7, Rule III of RA 10154 Requiring Retiring Government Employees to Secure a Clearance of Pendency/Non-Pendency of Administrative Case/s from the Civil Service Commission, the Court declared that the requirement of seeking a Clearance of Pendency/Non-Pendency of Administrative Case from the Civil Service
Commission embodied in Section 7, Rule III of the Implementing Rules and Regulations of RA No. 10154 was not applicable to retiring employees of the Judiciary. (AM No. 13-09-08-SC, October 1, 2013)

In Re: Letter Dated April 18, 2011 of Chief Public Attorney Persida Rueda Acosta Requesting Exemption from the Payment of Sheriff's Expenses, the Court, acting on a request of Atty. Persida V. Rueda-Acosta, Chief Public Attorney of the Public Attorney’s Office (PAO) for clarification as to the exemption of PAO’s clients from the payment of sheriff’s expenses, clarified that sheriff’s expenses cannot be classified as a “fee” within the purview of the exemption granted to PAO’s clients under RA No. 9406. The Court denied Atty. Acosta’s request. The Court nonetheless authorized PAO officials and employees to serve summons, subpoenas, and other court processes on behalf of their clients pursuant to Section 3, Rule 14 of the Rules of Court. (AM No. 11-10-03-O, July 30, 2013).

Admission to the Bar: The 2013 Bar Examinations

A total of 1,174 out of 5,292 examinees who took the 2013 Bar Examinations passed. The results were announced on March 18, 2014. This figure translates to 22.18 percent of the total examinees who completed the 2013 Bar Examinations.

The topnotchers for the 2013 Bar Examinations were

1st Place, Nielson G. Pangan, University of the Philippines, 85.80%;
2nd Place, Mark Xavier D. Oyales, University of the Philippines, 85.45%;
2nd Place, Dianna Louise R. Wilwayco, Ateneo de Manila University, 85.45%;
3rd Place, Rudy V. Ortea, University of Batangas, 84.20%;
4th Place, Eden Catherine B. Mopia, University of the Philippines, 84.05%;
5th Place, Tercel Maria G. Mercado-Gephart, University of San Carlos, 83.90%;
6th Place, Manuel Elijah J. Sarausad, University of Cebu, 83.80%;
7th Place, Katrine Paula V. Suyat, San Beda College-Manila, 83.75%;
8th Place, Michael T. Tiu, Jr., University of the Philippines, 83.70%;
9th Place, Marjorie Ivory S. Fulgueras, Ateneo de Manila University, 83.65%; and
10th Place, Cyril G. Arnesto, University of the Philippines, 83.60%.

The Bar Examinations are held only once every year at a designated venue under the supervision of the Supreme Court which designates an incumbent Justice to chair a committee consisting of eight (8) examiners, one for each Bar subject. The Bar subjects are Political Law and Public International Law, Labor and Social Legislation, Civil Law, Taxation, Mercantile Law, Criminal Law, Remedial Law and Legal and Judicial Ethics.

The 2013 Bar examiners were Atty. Ramon S. Esguerra (Political and International Law), Atty. Soledad F. Nograles (Labor and Social Legislation),
Justice Japar B. Dimaampao (Civil Law), Atty. Jose Mario C. Buñag (Taxation), Atty. Ricardo B. Blancaflor (Mercantile Law), Judge Juanita T. Guerrero (Criminal Law), Justice Apolinario D. Bruselas, Jr. (Remedial Law), and Justice Jose C. Reyes, Jr. (Legal Ethics).

The annual Bar Examinations are given in the course of one month, spread over four (4) Sundays and are the only professional licensure examinations which require the examinees to answer a combination of open-ended and multiple choice questions in long hand. Due to its scope and difficulty, the Bar Examinations are regarded as the most prestigious professional licensure exam in the country.

The 2013 Bar Examinations, we the 112th in the Philippines, were held on October 6, 13, 20, and 27, 2013 at the University of Santos Tomas in Manila. The exams were administered by the Office of the Bar Confidant headed by Deputy Clerk of Court and Bar Confidant Atty. Ma. Cristina B. Layusa.

The percentage of successful examinees in 2013 is higher than the 17.76% percent who passed the 2012 examinations, representing 949 of a total of 5,343.

The 2013 Bar Examinations departed from the norm through the following changes:

1. the consultative approach in dealing with Bar examiners in the preparation of the Syllabus;
2. the shortened Syllabus, which can be further reduced particularly in multi-topic subjects like Mercantile Law and Criminal Law;
3. the injection of questions with ethical components in every Bar subject, separately from Legal Ethics; the topic Legal Forms has been deleted from the 2013 Bar Examinations;
4. the adoption of a uniform four-hour period for each Bar subject;
5. the use of new communication tools in setting standards and in dealing with law schools, examinees and examiners, in the form of Guidelines to examiners, Guidelines in answering questions, and Guidelines on the Bar in general, mostly uploaded through the SC PIO website;
6. the recognition of new concerns (such as security threats) and external linkages in the conduct of the Bar Examinations; recognition of the use of new technology in the Bar Examinations;
7. the examination of the format of the questions in the coming Bar Examinations; and
8. the use of surveys as exit feedback from the affected parties;

While a Bar examinee is “deemed to have passed his examinations successfully if he has obtained a general average of 75%,” the Supreme Court *En Banc* has always retained for itself (based on its authority to amend the Rules) the discretion to make adjustments, as it did in the 2012 Bar Examinations when it lowered the passing grade to 70%. The Court lowered the passing grade to 70%
in view of the structure of the results, the difficulty the candidates encountered
with the MCQ portion of the exam, and in light of past precedents.

Rule-Making

Under Article VIII, Section 5(5) of the 1987 Constitution, the Supreme Court is
granted the exclusive power to promulgate rules on pleadings, practices, and
procedures. Some of the more significant rules and guidelines are excerpted
below.

AM No. 12-8-8-SC, Judicial Affidavit Rule, January 8, 2013

The Judicial Affidavit Rule (JAR), which requires that the testimony on direct
examination of witnesses be reduced to judicial affidavits without need of further
questions, was subject of a petition by the Prosecutor’s League of the Philippines
which sought the deferment of its application to criminal cases, where the same
is applicable. In its January 8, 2013 resolution, the Court did not grant the
request but modified the public prosecutors’ compliance with the Judicial
Affidavit Rule for a period of one year, from January 1 to 31 December 2013.
Within the one-year period, the public prosecutors are allowed to use the
affidavits submitted during the preliminary investigation instead of drafting new
judicial affidavits; this liberality, however, does not apply to cases where private
prosecutors are actively involved.

To address the problem of delays in the litigation of criminal cases, the Court
approved the JAR on September 4, 2012. The piloting of the JAR conducted by
Quezon City trial courts showed a reduction of as much as two-thirds of the time
consumed in the presentation of oral testimony on direct examination of
witnesses.

The Rule, which took effect on January 1, 2013, requires the submission of
judicial affidavits in place of direct testimony of witnesses in criminal cases. This
helps the court and adverse party prepare for the examination since they are
given advance information. It also requires parties in civil cases to submit all
their evidence before pretrial. The Rule also allows judges to take active part in
examining the witnesses and ask questions that may determine their credibility
and the truthfulness of their testimony. They court may also elicit the answers
needed for resolving the issues.

The JAR applies to all cases before all courts in the country, except the Supreme
Court, including criminal cases where the maximum imposable penalty does not
exceed six years; where the accused agrees to the application of the Rule,
regardless of imposable penalty; and with respect to the civil aspect of a criminal
action, regardless also of the imposable penalty. Those who fail to comply to the
JAR shall be deemed to have waived the right to present evidence.
AM No. 03-8-02-SC, Re: Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties, June 4, 2013

The Court, upon the recommendation of the Office of the Court Administrator (OCA), resolved to include the Philippine Drug Enforcement Agency (PDEA) as among the agencies authorized to file applications for search warrants involving violations of the Comprehensive Dangerous Drugs Act of 2002 in the Regional Trial Courts of Manila and Quezon City.

AM No. 10-3-7-SC and AM No. 11-9-4-SC, Guidelines on Submission and Processing of Soft Copies of Supreme Court-Bound Papers Pursuant to the Efficient Use of Paper Rule, September 10, 2013

Furthering its effort to promote a paperless Judiciary to protect the environment, the Supreme Court En Banc approved the Guidelines on Submission and Processing of Soft Copies of Supreme Court-Bound Papers Pursuant to the Efficient Use of Paper Rule.

The Guidelines were promulgated pursuant to AM No. 10-3-7-SC (Re: Proposed Rules on E-Filing) and AM No. 11-9-4-SC (Re: Proposed Rule for the Efficient Use of Paper). They provide that soft copies of all Supreme Court-bound papers and their annexes must be submitted simultaneously with the hard copy, if by compact disc, or within 24 hours from the filing of the hard copy, if by email, with the paper copy being deemed to have been filed on the date and time of filing of the hard copy and not the soft copy. The required soft copies must be in PDF format and individually saved and individually attached to the email, if applicable. The filename of the soft copy must be the same as the document title.

Soft copies submitted by email must be addressed to the appropriate office, using the specified addresses to wit:
Under the Guidelines, only designated personnel of the concerned docketing office shall have authority to open the CD or access the email. This is to ensure that the security and confidentiality of electronically-submitted documents, which may include internal memoranda, are not compromised.

Compliance with the Guidelines became mandatory after the Court, in a June 18, 2013 resolution (Re: Deferred Compliance with Soft-Copy Requirement of the Efficient Use of Paper Rule), extended the period of voluntary submission of soft-copies of Supreme Court-bound papers from June 30 to October 1, 2013, requiring the compulsory submission of the same afterwards.


The Supreme Court approved the Financial Rehabilitation Rules of Procedure to implement the significant changes brought about by the enactment of RA No. 10142, otherwise known as the Financial Rehabilitation and Insolvency Act of 2010, on the Rules of Procedure on Corporate Rehabilitation (2008).

These Rules provide, among others, that “no person may be appointed as a rehabilitation receiver or as a member of a management committee, or be engaged by the rehabilitation receiver or the management committee if he has a conflict of interest,” i.e., if he is so situated as to be materially influenced in the exercise of his judgment for or against any party to the proceedings. It likewise provides that “a conflict of interest of an individual employed or contracted by
the rehabilitation receiver or the management committee...shall be deemed to be a conflict of interest of the rehabilitation receiver or the management committee.”

The Rules further require the disclosure to the court and to the creditors of any occurrence of conflict of interest by the nominees for the position of rehabilitation receiver and by the rehabilitation receiver or its designated representative, in case it is a juridical person, within the periods provided.

**AM No. 13-05-05-SC, Re: Revision of Restrictions on Teaching Hours of Justices, Judges and Personnel in the Judiciary, November 12, 2013**

The Court has amended the rules and regulations on teaching provided for earlier under Circular No. 62-97 of the Office of the Court Administrator. The earlier Guidelines limit teaching to only eight (8) hours a week, and in no case shall a judge or court personnel be allowed to teach more than two (2) hours a day on regular working days (Monday through Friday). The same provides that applications for permission to teach filed by a judge shall be accompanied by a certification of the Clerk of Court concerned regarding the condition of the court docket showing (a) the number of pending cases; (b) the number of cases disposed of within a 3-month period prior to the start of the semester in their respective salas; those filed by the court personnel shall be accompanied by a favorable recommendation by the Presiding Judge. Also, application for permission to teach shall be subject to approval by the court, which may deny the same or grant less than eight (8) hours, depending upon the applicant's performance record.

The revised rules and regulations on teaching hours of court officials and personnel now provide that

1. Teaching shall in no case be conducted earlier than 5:30 p.m. on regular working days and 2:30 p.m. on Saturdays.

2. Teaching shall be allowed for not more than 10 hours a week. Teaching on regular working days shall be limited to, at most, two hours a day.

3. An application for permission to teach if filed by a judge shall be accompanied by a certification of the Clerk of Court concerned regarding the condition of the court docket showing: (a) the number of pending cases; and (b) the number of cases disposed within a three-month period prior to the start of the semester in his or her respective sala.

4. An application for permission to teach filed by a judge or justice shall require approval as follows:

   a. If filed by a judge from a lower level court, it shall be subject to the approval of the executive judge concerned;
b. If filed by an executive judge, it shall be subject to the approval of the Court Administrator;

c. If filed by an Associate Justice of the Court of Appeals, the Sandiganbayan, or the Court of Tax Appeals, it shall be subject to the approval of the presiding justice concerned;

d. If filed by the Presiding Justice of the Court of Appeals, the Sandiganbayan, or the Court of Tax Appeals, it shall be subject to the approval of the Chief Justice.

5. An application for permission to teach filed by court personnel shall require approval as follows:

a. If filed by court personnel from a lower level court, it shall be subject to the approval of the executive judge concerned;

b. If filed by court personnel from the Court of Appeals, the Sandiganbayan, or the Court of Tax Appeals, it shall be subject to the approval of the presiding justice concerned;

c. If filed by a Supreme Court personnel belonging to a chamber of an Associate Justice of the Supreme Court, it shall be subject to the approval of the Associate Justice concerned, who will notify the Chief Justice and the Court’s Office of Administrative Services of this approval, and;

d. If filed by any other Supreme Court personnel, it shall be subject to the approval of the Chief Justice.

A.M. No. 10-11-6-SC (RE: PETITION FOR THE CONSTITUTION OF THE PRESENT COURT HANDLING THE TRIAL OF THE MASSACRE OF 57 PERSONS, INCLUDING 32 JOURNALISTS, IN AMPATUAN, MAGUINDANAO INTO A SPECIAL COURT HANDLING THIS CASE ALONE FOR THE PURPOSE OF ACHIEVING GENUINE SPEEDY TRIAL AND FOR THE SETTING UP OF VIDEOCAM AND MONITOR JUST OUTSIDE THE COURT FOR THE JOURNALISTS TO COVER AND FOR THE PEOPLE TO WITNESS THE “TRIAL OF THE DECADE” TO MAKE IT TRULY PUBLIC AND IMPARTIAL AS COMMANDED BY THE CONSTITUTION), and A.M. No. 10-11-7-SC (RE: LETTER OF PRESIDENT BENIGNO S. AQUINO III FOR “THE LIVE MEDIA COVERAGE OF THE MAGUINDANAO MASSACRE TRIAL”)

In response to the need to further prevent any undue delay in the trial of the multiple murder trials being conducted at the Regional Trial Court of Quezon City, the Court issued motu proprio a Resolution dated December 10, 2013 which applies pro hac vice (only in this instance) to the trial of the Maguindanao massacre cases. In its Resolution, the Court provided the following guidelines and gave the following instructions:

(1) DIRECT the Presiding Judge, Regional Trial Court, Branch 221 of Quezon City to implement the Judicial Affidavit Rule (A.M. No. 12-8-8-SC) in the
reception of evidence thereby requiring all parties to submit judicial affidavits with attached exhibits in lieu of the direct testimonies of the remaining witnesses; provided, that the prosecution and the defense are given adequate time to consolidate their positions and to submit their judicial affidavits with attached exhibits at least ten days before the scheduled date of such testimony, furnishing copies thereof to the public prosecutor or the lead counsel for the accused;

(2) ENJOIN the Presiding Judge, Regional Trial Court, Branch 221 of Quezon City to hold, based on her discretion, separate trials of the accused against whom the prosecution contemplates no further evidence thereby ordering such accused to present their evidence, and have the case submitted for decision with respect to them; Provided that this paragraph is without prejudice to the application of the rules on demurrer to the evidence or other modes of terminating a case in advance of a full trial.

(3) AUTHORIZE the Presiding Judge, Regional Trial Court, Branch 221 of Quezon City to issue, when appropriate, separate decisions or resolutions for issues which are ripe for resolution in any of the 58 cases being heard without waiting for the completion of the presentation of the evidence for all the accused;

(4) DESIGNATE a third Assisting Judge to handle the conduct of all non-trial incidents in the Maguindanao massacre cases, such as arraignments and pre-trials, as well as to decide incidents and motions that are not intrinsic to the merits of the cases with deliberate dispatch, and for such purpose, the Presiding Judge shall determine incidents that shall be handled by the third Assisting Judge;

(5) AUTHORIZE the Presiding Judge and the Assisting Judge, designated in accordance with paragraph 3 above, Regional Trial Court, Branch 221 of Quezon City, in their discretion, to resolve petitions, incidents and motions filed before the trial court, despite the pendency of some of these matters in the higher courts.

Bar Matter No. 1161, Re: Proposed Reforms in the Bar Examinations, September 3, 2013

Exercising its constitutional power to promulgate rules concerning the admission into the practice of law, the Supreme Court lifted the so-called five-strike rule on Bar repeaters. The Court allowed those who have been unsuccessful in the Bar for more than five (5) times to take the bar provided the candidates have enrolled in and passed regular fourth year review classes as well as attended a pre-Bar review every time they take the Bar Examinations after failing for the third time, under a curriculum prepared by the Legal Education Board, and in law schools accredited by it for that purpose. This rule shall take effect, beginning with the 2014 Bar Examinations.
OCA Circular No. 101-2013, Subject: Implementation of Sections 2 and 3 of RA 10158, An Act Decriminalizing Vagrancy, Amending for this Purpose Article 202 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code (RPC), August 5, 2013

Executive Judges and Presiding Judges of the first level courts are advised that all pending cases under the provisions of Article 202 of the RPC on vagrancy prior to its amendment by RA 10158 shall be dismissed upon the effectivity of the said amending law, and that all persons serving sentence for violation of the said RPC provision on vagrancy prior to its amendment shall be immediately released upon the effectivity of RA 10158, provided that they are not serving sentence or detained for any other offense or felony.

Office Order No. 13-2013, Re: Grant of Two-Week Calamity Leave to Judges and Court Personnel in Provinces Affected by Typhoon Yolanda, November 11, 2013

In the aftermath of the major catastrophes capped by super typhoon Yolanda which devastated parts of Southern Luzon, Visayas, and Mindanao, the Supreme Court extended support and assistance to judges and court personnel in the affected provinces.

Thus, all judges and court personnel in the provinces of Eastern Samar, Northern Samar, Western Samar, Leyte, Cebu, Iloilo, Capiz, Aklan, and Palawan were granted a two-week Calamity Leave from November 11 to November 25, 2013.

The Fiscal Management and Budget Office and the Financial Management Office of the OCA were ordered to process for advanced release the salaries until November 30, 2013 and the allowances and benefits that may already be released of all judges and court personnel in the provinces of Eastern Samar, Northern Samar, Western Samar, Leyte, Cebu, Iloilo, Capiz, Aklan, Palawan, Bohol, and Zamboanga, and immediately release the same.

The coverage of the entirety of this Office Order was later expanded to include the province of Antique (Office Order No. 12-2013-A, November 13, 2013) and the Court of Appeals in Cebu, and the courts in Masbate, Biliran, and Southern Leyte (Office Order No. 12-2013-B, November 15, 2013).

Committee Work

The Supreme Court, similar to other large organizations, performs much of the preparatory work on policy and administrative matter through standing ad hoc committees. Usually overseen by a Justice or a senior Court official, the committees have contributed greatly to easing the burden of the Court. A
summary of the highlights of the work of selected committees of the Supreme Court is provided below.

**The Chief Justice Committee to Address Case Congestion and Delays in the Lower Courts**

In order to educate judges and law practitioners on the *Judicial Affidavit Rule* (*JAR*) and address their concerns regarding the Rule’s implementation, the Supreme Court, in partnership with the Integrated Bar of the Philippines, the Philippine Association of Law Schools, and the Philippine Judicial Academy, conducted several seminars and workshops in all major cities nationwide in 2013. These seminars and workshops resulted in the full acceptance of the JAR by the end of the year.

**Committee on the Revision of the Rules of Civil Procedure**

A gathering of experts in civil actions worked for almost a year to prepare a Revised Rules of Civil Procedure submitted to the Court *En Banc* on September 3, 2013. Some of the key changes proposed to the Revised Rules include the following: 1) parties cannot go to court unless they fully exhaust prescribed avenues for settling their disputes; 2) cases filed in court will not go to trial until after a court-based mediation is exhausted; 3) the changes introduced by the *Judicial Affidavit Rule* have institutionalized and defined; 4) trial cuts down on preliminaries and directly address the issues that the case presents; 5) in simple cases, the parties and their witnesses are examined together and given the opportunity to respond to each other; and 6) the rules include model forms of complaints and answers that litigants may use to avoid errors that may create delays, as well as samples of court orders and resolutions that the court may adopt to save time.

**Committee on Legal Education and Bar Matters**

The Committee recommended to the SC *En Banc* the lifting of the so-called “five-strike” rule, which the SC approved. The Committee has also proposed to the Court *En Banc* the limiting of Bar exams from eight to four core subjects – Political Law, Civil Law, Criminal Law, and Remedial Law – to enable law schools to create more elective subjects dedicated to specializations that the modern world needs. This proposal is under consideration.

Another proposal of the Committee is to allow foreign consultants to practice their home laws in the Philippines. This will elevate the legal system to global trends and encourage foreign investors to do business in the country.

**The Oversight Committee on the Integrated Bar of the Philippines**

The Oversight Committee on the Integrated Bar of the Philippines resolved to give priority to the following IBP concerns: resolution and avoidance of election controversies; problem areas in the IBP By-Laws; discipline of the Bar,
particularly the need for a uniform schedule of penalties; improvement in the Mandatory Continuing Legal Education (MCLE) Program; subsidy re-allocation; effectiveness of the Legal Aid program; and role and regulation of paralegals.

As instructed by Chief Justice Maria Lourdes P. A. Sereno, the Committee has began facilitating the posting on the IBP website the lists of the members of the Bar in good standing, and of members granted with Notarial Commission.

Upon the suggestion of the Committee, the IBP also started reviewing its Guidelines for Imposing Lawyer Sanctions. It has further conducted an inventory of its pending bar discipline cases, as suggested by the Committee.

**The SC Sub-Committee on Commercial Courts**

The Sub-Committee was directed to revise and/or amend the *Rules of Procedure on Corporate Rehabilitation* to incorporate the significant changes in corporate rehabilitation and insolvency proceedings as provided in RA No. 10142, or the *Financial Rehabilitation and Insolvency Act (FRIA) of 2010*. The Sub-Committee’s efforts bore fruit in 2013.

The Sub-Committee completed the rehabilitation aspect of the procedural rules governing the *Financial Rehabilitation and Insolvency Act (FRIA)* on June 2013. The *Rules, AM No. 12-12-11-SC* or the *Financial Rehabilitation Rules of Procedure 2013 (FR Rules)* were unanimously approved by the Supreme Court *En Banc* on August 27, 2013. The *Rules* took effect on October 22, 2013, or 15 days after its publication in a major newspaper.

After the promulgation of the *FR Rules*, the Sub-Committee shifted its focus to the insolvency and liquidation aspect of the *FRIA Rules*. The Sub-Committee is currently drafting the new Rules of Procedure for Insolvency Proceedings and is expected to have a complete draft soon. In addition, the Sub-Committee has conducted a series of seminars on the Rules for members of the judiciary. These seminars were conducted to provide the participant a better understanding of the Rules, since the speakers are the Sub-committee members.

The first seminar was held in Cebu City on February 19, 2014. The second seminar was held in Cagayan de Oro City on March 13, 2014. Seminars for Luzon and Metro Manila CA Justices and Special Commercial Court Judges are scheduled for the second half of the year. These seminars were conducted in coordination with the Philippine Judicial Academy and the USAID-ABA ROLI.

**Supreme Court Procurement Planning Committee (SC PPC)**

The SC PPC is mandated to formulate a procurement plan and annual consolidated procurement programs for the SC and the lower courts.

For the first time, a “Bidders’ Forum,” the Procurement Seminar-Workshop, and the Seminar-Workshop on the Preparation of the Annual Procurement Plan for
2014 were held. They were held with the cooperation of the Government Procurement Policy Board.

Through regular consultative meetings attended by active and participative offices of the Supreme Court, including those in the Office of the Court Administrator, in the preparation of the Annual Procurement Plan, the PPC has arrived at a more realistic estimate of the consumption of supplies, materials and equipment required for the Court for fiscal year 2013. For 2013, the approved Procurement Plan was ₱2.96 million.

Bids and Awards Committee for the Halls of Justice

The Bids and Awards Committee for the Halls of Justice (BAC-HOJ) is mandated to facilitate the bidding processes for the construction, renovation, and repairs; the procurement for acquisition of equipment and furniture; and the supply of security and janitorial services for the Halls of Justice nationwide.

To restore the dignity befitting structures housing courts of law, the Committee has conducted bidding procedures for the repair and rehabilitation of a number of dilapidated Halls of Justice, mostly in remote areas. Most of these structures were built around 30 years ago.

The BAC-HOJ awarded 39 contracts for the repair and rehabilitation of Ansaldotype (single sala) halls of justice to various contractors who went through the standard bidding procedures as provided in RA No. 9184 and its Implementing Rules and Regulations.

In the year 2013, contracts were awarded for the repair and rehabilitation of Halls of Justice in the following places: Burgos and San Fabian in Pangasinan; Angadanan, Isabela; Ballesteros and Sta. Teresita in Cagayan; Gerona and Victoria in Tarlac; Buenavista, Marinduque; Lopez, Quezon; Nagcarlan, Laguna; Puerto Princesa City, Palawan; Guab, Sorsogon; Aroroy and Mandaon in Masbate; Nabua and Tigaon in Camarines Sur; Cabatuan, Passi, Pototan, and Janiuay all in Iloilo; Baga, Aklan; Mambusao, Capiz; Talibon and Tubigon in Bohol; Abuyog, Leyte (for separate RTC and MTC buildings); Aurora, Labangan, Tambulig, and Siocon all in Zamboanga del Sur; Balingasag and Talisayan in Misamis Oriental; Polomolok, South Cotabato; Sto. Tomas, Davao del Norte; and Dapa, Surigao del Norte.

Bids and Awards Committee for Consultancy Services

In 2013, the Bids and Awards Committee for Consultancy Services successfully conducted the bidding processes for the following projects: (1) detailed architectural and engineering design consultancy services for the proposed construction of the Records Building at the Supreme Court Old Compound; and (2) detailed engineering design for the rehabilitation of electrical system of the SC buildings in Baguio City.
Supreme Court Program on Awards and Incentives for Service Excellence (SC PRAISE)

The SC PRAISE Committee spearheaded the 2013 Search for Model Employees and Special Awardees pursuant to its mandate under Administrative Circular (AC) No. 18-1009. The special awards given were (1) Commitment to Service Award; (2) Communications Excellence Award; (3) Innovation Award; (4) Leadership Award; and (5) Kasipagan Award.

For 2013, the Committee evaluated 24 shortlisted employee-nominees, ensured the grant of Loyalty Awards to 319 recipients, and facilitated the conferment of the Service Award to a total of 32 service awardees – 26 compulsory retirees, 5 optional retirees, and 1 posthumous service awardee. The Committee resolved to give certificates of recognition and gift checks in lieu of loyalty memorabilia in addition to the usual incentives given to the loyalty awardees upon reaching their respective milestone years. The Committee passed one Resolution: AC No. 23-2013, dated March 6, 2013, amending AC No. 124-2008, dated November 18, 2008, Prescribing Guidelines on the Grant of Service Award, as amended by AC No. 36-2010, dated April 30, 2010.

The Committee proposed that the yearly conduct of the search for model employees and awardees shall be held every two years to give the offices more time to select and nominate more qualified employees, thus, promoting a more competitive search in the years to come.

SC Personnel Development Committee

The Supreme Court Personnel Development Committee tasked to facilitate and determine applicants in personnel development programs processed 27 applications and came up with 28 resolutions last year. The Committee also held 30 special/paper meetings. Special or urgent matters were decided on “paper meetings” for expediency.

Review and Compliance Committee for the Statement of Assets, Liabilities and Networth of Supreme Court and Presidential Electoral Tribunal Employees

The Committee was created to evaluate the Statement of Assets, Liabilities and Networth (SALN) forms submitted by the officials and employees of the Supreme Court and the Presidential Electoral Tribunal (PET). For 2013, it has reviewed a total of 1,945 SALN forms – 1,881 of which are from Supreme Court officials and personnel, and 64 from members of the PET.

SC Grievance Committee

The SC Grievance Committee proposed the revision of the SC Grievance Machinery Policies and Rules. An ad hoc technical working group was formed to undertake the review, evaluation, and revision of the policies, and guidelines on
grievance machinery. The Committee received two grievances/complaints for year 2012. Both matters are pending.

Special Committee on Memorial Rites

The Special Committee on Memorial Rites took charge of the necrological services in the Supreme Court for retired Chief Justice Andres R. Narvasa, who passed away on November 31, 2013. As befitting a retired Chief Justice and with the consent of the family, state honors were accorded the late Chief Justice during the necrological service at the Supreme Court compound by members of the Philippine National Police.

Necrological services were also held for retired Associate Justice Hugo E. Gutierrez who died on June 12, 2013, retired Associate Justice Fidel B. Purisima who died on September 19, 2013, and retired Associate Justice Cancio R. Garcia who died on October 16, 2013. No necrological services were held by the SC for the late retired Associate Serafin Cuevas, who passed away on February 9, 2013, and the late retired Associate Justice Isagani Cruz, who passed away on March 21, 2013, in keeping with their express instructions.

Office of the Court Administrator Reportorial Committee

Under Office of the Court Administrator (OCA) Memorandum Order No. 03-2011, the Office of the Court Administrator Reportorial Committee was created to answer the need to review, consolidate, and update the reports submitted to the OCA by the lower courts. The Committee is tasked to evaluate the necessity of these reports, check for duplications, and determine their effectiveness in the management of lower courts.

In 2013, the Committee has presented for approval of the Court the following Monthly Report Forms: Monthly Report of Cases (MRC)-RTC (General Jurisdiction) Multiple Sala Station, MRC-RTC Single Sala Station, MRC-RTC (Commercial Court), MRC-RTC (Drugs Court), MRC-RTC (Family), and MRC-First Level Courts (MeTC/MTCC/MTC/MCTC).

The Court approved these reports, as well as their implementing guidelines. (OCA Circular No. 8302013, June 27, 2013)

Upon the Committee’s recommendation, the Court has also approved the resumption of jail visitation and inspection by Executive Judges of all first-level and second-level courts and RTC judges of single sala stations on a quarterly basis. This resulted in the issuance of New Guidelines on Jail Visitation and Inspection. (OCA Circular No. 107-2013, August 30, 2013)

SC Bids and Awards Committee for Goods and Services (SC BAC-GS)

The SC Bids and Awards Committee for Goods and Services (SC BAC-GS) has awarded nine contacts for the procurement of the following services: provider of
brand new photocopying machines for the SC (three-year contract), printing of the 2014 Court Calendar, maintenance and repair of all the air conditioning units of the Court (two-year contract), freight forwarding services, pest and termite control services, comprehensive health care plan for the SC (two-year contract), sale of mixed waste and valueless or unnecessary records, and SC canteen concession.

The Committee also awarded 23 contracts for the procurement of the following goods: basic office supplies for the lower courts (Regions 6 to 12); a multi-purpose service vehicle for the Philippine Judicial Academy Training Center; service vehicles for four regular members of the Judicial and Bar Council and the Associate Justices of the SC; ICT equipment for the SC and the lower courts, the Philippine Mediation Center units, and the first-level courts (Small Claims Courts); and other basic office appliances and office supplies.

**Needs Assessment Committee**

The Resolution of the Court *En Banc* dated January 22, 2013 in AM No. 12-11-9-SC created the Needs Assessment Committee “to study and determine the necessity of decentralizing administrative functions appurtenant to the exercise of the Supreme Court’s power of supervision over lower courts; the functions to be devolved; the implementation of the devolution of functions; and the efficient and effective performance of the devolved functions.”

With this mandate in mind, the committee came up with key recommendations per Office.

For the Office of the Court Administrator (OCA), the Committee recommended that financial functions involving the payment of claims filed by lower court judges and personnel be devolved. Clerical and administrative matters that involve the collection and collation of information and papers that need to be transmitted to the Supreme Court may also be done by the lower courts.

For the Finance Management Office (FMO), the Committee recommended that processing of documentary requirements for the payment of claim as well as certain aspects of the management of the payroll system be devolved.

The Committee recommended that the Office of Administrative Services devolve three of its functions, *i.e.*, the procurement of supplies and equipment, receipt and collation of the Performance Rating Forms (PRFs) as well as the Statement of Assets and Liabilities (SALN) Forms, and the receipt and collation of documentary requirements for purposes of appointment, initial salary, and retirement.

The foregoing recommendations shall be piloted in order to test their effectiveness. The clerks of court and their assistants will be provided with manuals of operations including detailed procedures that need to be observed in the performance of their devolved functions.
Shuttle Bus Committee

Created and organized under Memorandum Circular No. 03-2004, the SC Shuttle Bus Committee is mandated to properly administer, manage, and maintain the SC shuttle busses, oversee the use and operation of such buses, and supervise the conduct of its users. The SC shuttle service began in 1995.

In 2013, the shuttle buses were used to service employees participating in 22 seminar-workshops, trainings, programs, conferences, seminars, and orientation-seminars by different offices, groups, and organizations of the Supreme Court.

Presently, the SC has 10 shuttle buses plying the routes of Malolos, Bulacan (Bus No. 1); Las Piñas City (Bus No. 2); Taytay, Rizal (Bus No. 3); Valenzuela City (Bus No. 4); Novaliches (Bus No. 5); Fairview (Bus No. 6); Biñan, Laguna (Bus No. 7); Greater Manila Area and Molino, Cavite (Bus No. 8); Dasmariñas, Cavite (Bus No. 9); and Marikina City (Bus No. 10), respectively.

Supreme Court Sports Committee

The Sports Committee is tasked with the orderly conduct of sports events or tournaments and other similar activities for the employees’ well-being as provided in Memorandum Order No. 10-2013.

It successfully conducted the 2013 SC Sports Tournament – with events ranging from chess, darts, badminton, women’s volleyball, men’s volleyball, seniors’ basketball, and juniors’ basketball – from June to December 2013.

ATTACHED AND RELATED INSTITUTIONS

1.) Presidential Electoral Tribunal

Article VII, Section 4 of the 1987 Constitution provides that “the Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice-President, and may promulgate its rules for the purpose.”

The Presidential Electoral Tribunal (PET) was constituted pursuant to this constitutional directive. As clarified by the Supreme Court, “the PET is not simply an agency to which Members of the Court were designated...[T]he PET, as intended by the framers of the Constitution, is to be an institution independent, but not separate, from the judicial department, i.e., the Supreme Court.” (GR No. 191618, Macalintal v. Presidential Electoral Tribunal, November 23, 2010)
2.) Judicial and Bar Council

An innovation of the 1987 Constitution “in response to the public clamor in favor of eliminating politics from the appointment of judges,” the Judicial and Bar Council (JBC) was created and charged with the principal function of nominating appointments to the Judiciary. It is composed of the Chief Justice as ex officio Chairperson, and the Secretary of Justice and a member of Congress as ex officio members. The regular membership of the JBC is composed of a retired member of the Supreme Court, a representative of the private sector, a professor of law, and a representative of the Integrated Bar of the Philippines.

The JBC’s regular activities include inventory and assessment of judicial vacancies; publication and dissemination of announcement of the opening of vacancies; processing of applications; preliminary screening of applications of recommendations; publication and dissemination of lists of judicial applicants; conduct of background check on applicants; conduct of psychological and psychiatric tests; conduct of interviews; third preliminary evaluation of candidates; and final evaluation and selection of nominees.

In 2013, the JBC evaluated a total of 4,443 applications for 247 positions, i.e., 193 for three vacancies in the Court of Appeals (CA); 11 for Presiding Justice of the Sandiganbayan; six for the position of Overall Deputy Ombudsman; nine for the position of Deputy Ombudsman for Mindanao; six for the position of Legal Education Board (LEB) Member representing the Philippine Association of Law Schools (PALS) and Philippine Association of Law Professors (PALP); and 4,218 for 239 judgeship positions.

The JBC caused the publication of 37 announcements of vacancies, names of applicants for various positions, and schedules of public interview. Likewise, the JBC conducted on various dates public interviews of 83 candidates, specifically 48 candidates for three vacancies in the CA; 10 candidates for one position in the Sandiganbayan; 10 positions in the Office of the Ombudsman; and five for two positions in the LEB.

A total of 381 applicants underwent psychological/psychiatric evaluation administered by JBC psychologists and psychiatrists in Manila and in the provinces. In the last quarter of 2013, following a study and consultations, there was a shift of orientation from clinical to industrial testing procedures, which necessitated the acquisition of new sets of psychological tests, as well as training of the JBC psychologists and psychometrician in the application of the said tests.

The essay-writing test required of applicants before their interview was introduced by Chief Justice Maria Lourdes P. A. Sereno. The test is aimed at assessing whether applicants can express themselves in a clear, concise, grammatically correct, and logical manner. Applicants need to possess good writing skills or ability considering a large part of the work of judges and justices and key officials in the Office of the Ombudsman and the LEB consists of writing orders, decisions, memoranda, and other documents with legal consequence.
In 2013, the JBC was composed of Chief Justice Maria Lourdes P. A. Sereno as ex officio chair, ex officio members Justice Secretary Leila M. De Lima, Senator Francis G. Escudero, Senator Aquilino L. Pimentel III, and Rep. Niel C. Tupas, Jr. Initially, the representatives from Congress were Senator Escudero and Rep. Tupas. When the Supreme Court upheld its earlier ruling that only one member of Congress should sit in the JBC, the Senate and the House of Representatives subsequently agreed that Senator Pimentel III would represent Congress in the JBC; and that should he be unavailable for any scheduled meeting or activity, he would be represented by Rep. Tupas, Jr. The JBC regular members are retired SC Justice Regino C. Hermosisima, Jr., Retired CA Justice Aurora Santiago Lagman (private sector), Atty. Jose V. Mejia (professor of law), and Atty. Maria Milagros N. Fernan-Cayosa (IBP representative).

3.) Philippine Judicial Academy

Created by Administrative Order No. 35-96 in 1996, the role of the Philippine Judicial Academy as “a training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts” was later one that was institutionalized by law, RA No. 8857, on February 26, 1998.

Pursuant to its above mandate, the PHILJA in 2013 held a total of 130 training activities broken down as follows: 42 under its regular programs, 72 under its special focus programs, 11 convention-seminars for associations of judges and court personnel (academic component), and five (5) special lectures.18

In 2013, the PHILJA marked a milestone when it launched its Global Distance Learning Center (GDLC) in Tagaytay. The facility’s videoconferencing and other information communication technology equipment make possible greater access to educational resources as well as global exchanges of judicial and legal information and best practices possible. The Chief Justice Sereno led the ribbon cutting ceremony that signaled the formal launch of the GDLC on June 13, 2013 with the proceedings being viewed simultaneously at the remote site, the Session Hall of the Supreme Court of the Philippines. On the same occasion, a lecture was delivered by retired CA Justice Hilarion Aquino.

In 2013, the PHILJA held special lectures consisting of 1) the roll-out lecture of the third Academic Excellence Lecture Series by Dr. Antonio G. M. La Viña, 2008 Metrobank Foundation Professorial Chair Holder in International Law, on “Environmental Law and the Future: What’s Next?” in partnership with De la Salle University; 2) the Launching of the PHILJA Training Center Global Distance Learning Center (GDLC) and Founding Chancellor Emeritus Justice Ameurfina A. Melencio Herrera Award for the Most Outstanding Professorial Lecturer Featuring the Lecture “Revisiting Legal and Judicial Ethics: Challenges and Perspectives” by retired Court of Appeals Justice Hilarion L. Aquino; 3) and 4) the Ninth and Tenth Metrobank Foundation Professorial Chair Lectures respectively delivered by Atty. Francis Ed. Lim, Professorial Chair Holder in Commercial Law for 2012 (“Towards a More Forward-Looking Insolvency System”) and University of the Philippines College of Law Professor Atty. Merlin

In the field of alternative dispute resolution aimed at decongesting court dockets, the PHILJA, through the Philippine Mediation Center Office, in 2013 conducted 50 mediation activities and programs on Court-Annexed Mediation (CAM) and Mobile Court-Annexed Mediation (MCAM) pertaining to mediation conducted under court auspices, the latter being conducted in a mobile court; Appeals Court Mediation under the auspices of the Court of Appeals; and Judicial Dispute Resolution (JDR) whereby the judge (called the JDR judge) acts as conciliator, mediator, and early neutral evaluator to settle a case returned to the judge after a failed mediation.

In 2013, the PHILJA Judicial Journal and PHILJA Bulletin were assigned International Standard Serial Numbers (ISSN). The PHILJA also collaborated on the production of two Citizens’ Handbook on Environmental Justice, including one specifically for the Autonomous Region in Muslim Mindanao (ARMM).

4.) Mandatory Continuing Legal Education Office

The Mandatory Continuing Legal Education Office (MCLEO) was created by resolution of the Supreme Court dated August 5, 2003 in Administrative Matter No. 113-2003 in response to the need for a permanent office to oversee the implementation of the Mandatory Continuing Legal Education Program (MCLEP). The MCLEP, in turn, was established in 2000 to ensure that members of the Integrated Bar of the Philippines keep abreast with law and jurisprudence, maintain the ethics of the profession, and enhance the standards of the practice of law. The MCLEP is currently on its fifth compliance period (April 15, 2013 to April 14, 2016), each period covering 36 months.

The five-member MCLE Governing Board is chaired by retired Supreme Court Justice Bernardo P. Pardo. The Board’s other members are Dean Ernesto P. Maceda, Jr. representing the Philippine Association of Law Schools (PALS), Dean Sedfrey M. Candelaria representing the Philippine Judicial Academy (PHILJA), Dean Danilo L. Concepcion representing the University of the Philippines Law Center, and IBP National President Vicente M. Joyas representing the IBP, who shall each serve for a term of three (3) years. The MCLEO accredits MCLE Providers, which as of 2013 total 196.

2013 was a busy year for the MCLEO as it marked the end of the fourth compliance period on April 14, 2013. For the said compliance period, the MCLEO issued a total of 22,769 Certificates of Completion. In 2013 itself, a total of 2,383 MCLE programs/activities were conducted by 48 accredited MCLE Providers.
The MCLE subject “Updates in Substantive and Procedural Laws and Jurisprudence” had the most programs/activities with 693.

The MCLEO, with the assistance of the SC MISO, has also completed the migration of its data to a new and stand alone MCLE computer program which makes it easier to encode and view the records of lawyers and providers. Pursuant to the Supreme Court’s mandate to minimize the use of paper, the MCLE Governing Board has passed Resolution No. 006-2013 reducing the required number of copies of documents submitted to the MCLEO from six to three.

2. The Court of Appeals

On February 1, 1936, the Court of Appeals (CA) was created as the second highest tribunal in the country, by virtue of Commonwealth Act No. (December 31, 1935).

Section 9 of BP Blg. 129 provides that the CA shall exercise

1.) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

2.) Exclusive original jurisdiction over actions for annulment of judgements of Regional Trial Courts; and

3.) Exclusive appellate jurisdiction over all final judgements, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commission, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission...

In 2013, the CA registered a 37.25% case disposal. It resolved 13,052 cases (Case Output) as against the total Case Input of 35,039 cases. Of the total resolved cases, 3,556 are Civil Cases; 7,373 are Special Cases; and 2,123 are Criminal Cases. The Case Input includes the 22,904 pending cases at the beginning of 2013, 581 reinstated cases, and 11,554 new cases. By the end of the year, there are only 21,987 pending cases.19

3. The Court of Tax Appeals

With the enactment of RA No. 1125 the Court of Tax Appeals (CTA) was created on June 16, 1954. It became an appellate court with a rank equivalent to the Court of Appeals on April 23, 2004 under RA No. 9282.

The CTA is composed of one Presiding Justice and eight Associate Justices, who may sit En Banc or in three divisions, with each division consisting of three Justices.
RA No. 1125 and other laws prior to RA No. 9282 provide that the CTA has the following exclusive appellate jurisdiction to review by appeal:

1. Decisions of the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties imposed in relation thereto, or other matters arising under the National Internal Revenue Code or other law or part of law administered by the Bureau of Internal Revenue;

2. Decisions of the Commissioner of Customs in cases involving liability for customs duties, fees or other money charges; seizure, detention or release of property affected; fines, forfeitures or other penalties imposed in relation thereto; or other matters arising under the Customs Law or other law or part of law administered by the Bureau of Customs [Rep. Act. No. 1125, (1954), Sec. 7];

3. In automatic review cases where such decisions of the Commission of Customs favorable to the taxpayer is elevated to the Secretary of Finance (Sec. 2315, TCC); and

4. Decisions of the Secretary of Trade and Industry, in the case of non-agricultural product, commodity or article, or the Secretary of Agriculture, in the case of agricultural product, commodity or article, in connection with the imposition of the Anti-Dumping Duty, Countervailing and Safeguard Duty [Republic Act Nos. 8751 and 8752, (1999) Sec. 301 (a) and (p), and Republic Act 8800].

The original appellate jurisdiction of the CTA was also expanded pursuant to RA No. 9282, to include the following:

1. Criminal cases involving violations of the National Internal Revenue Code and the Tariff and Customs Code;

2. Decisions of the Regional Trial Courts (RTC) in local tax cases;

3. Decisions of the Central Board of Assessment Appeals (CBAA) in cases involving the assessment and taxation of real property; and

4. Collection of internal revenue taxes and customs duties the assessment of which have already become final.

In the year 2013, the CTA registered a 27% case disposal rate. It resolved a total of 335 cases (Case Output) as against the total Case Input of 1,242 (856 beginning balance, 355 new cases, and 31 remanded/reopened cases. The 335 cases disposed of by the CTA represent about ₱7.1 billion in taxes and duties litigated in 2013.
4. The Sandiganbayan

Article XI, Section 4 of the 1987 Constitution provides that “the Sandiganbayan shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law.”

Section 4 of RA No. 8249 provides that the Sandiganbayan shall have original exclusive jurisdiction over

a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

(1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade ‘27’ and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan and provincial treasurers, assessors, engineers and other provincial department heads;

(b) City mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors engineers and other city department heads;

(c) Officials of the diplomatic service occupying the position of consul and higher;

(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

(g) Presidents, directors or trustees, or managers of government-owned or -controlled corporations, state universities or educational institutions or foundations;

(2) Members of Congress and officials thereof classified as Grade ‘27’ and up under the Compensation and Position Classification Act of 1989;
(3) Members of the judiciary without prejudice to the provisions of the Constitution;

(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

(5) All other national and local officials classified as Grade ‘27’ and higher under the Compensation and Position Classification Act of 1989.

b. Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection as of this section in relation to their office.

c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

In 2013, the Sandiganbayan registered a 14.36% disposal rate. The anti-graft court disposed a total of 480 cases (Case Output) as against the total Case Input of 3,342 (969 new cases; 2,299 beginning balance, and 75 cases revived, and an adjustment of one case). At the end of the year, there are only 2,862 cases pending at the Sandiganbayan.21

5. The Trial Courts of the First and Second Level

Regional Trial Courts (RTC), Metropolitan Trial Courts (MeTCs), Municipal Trial Courts (MTCs), Municipal Circuit Trial Courts (MCTCs), and Municipal Trial Courts in Cities (MTCCs) were created under BP Blg. 129.

BP Blg. 129 provides the jurisdiction of Regional Trial Courts (RTC) in several types of actions in civil cases. It also states that RTCs “shall exercise exclusive original jurisdiction in all criminal cases not within the exclusive jurisdiction of any court, tribunal or body, except those now falling under the exclusive and concurrent jurisdiction of the Sandiganbayan which shall hereafter be exclusively taken cognizance of by the latter.” In other cases, RTCs “shall exercise original jurisdiction: (1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions; and (2) In actions affecting ambassadors and other public ministers and consuls.”

According to the law, RTCs “shall exercise appellate jurisdiction over all cases decided by Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their respective territorial jurisdictions.”

BP Blg. 129 also provides the jurisdiction of MeTCs, MTCs, and MCTCs. It states that in criminal cases, “except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: (1) Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction; and (2)
Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value, or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence they shall have exclusive original jurisdiction thereof. (as amended by RA No. 7691).”

In civil cases, MeTCs, MTCs, MCTCs “shall exercise: (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed One hundred thousand pesos (₱100,000.00) or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos (₱200,000.00) exclusive of interest damages of whatever kind, attorney's fees, litigation expenses, and costs, the amount of which must be specifically alleged: Provided, That where there are several claims or causes of action between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions; (2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. (3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (₱20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (₱50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: Provided, That value of such property shall be determined by the assessed value of the adjacent lots. (as amended by R.A. No. 7691)

The Shari’a District Courts and Shari’a Circuit Courts were created under PD No. 1083, which took effect on February 14, 1977 as courts of limited jurisdiction.

Article 143 of PD No. 1083 provides that:

(1) The Shari’a District Courts shall have exclusive original jurisdiction over:

a.) All cases involving custody, guardianship, legitimacy, paternity and filiation arising under this Code;

b.) All cases involving disposition, distribution and settlement of the estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
c.) Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of this Code;

d.) All actions arising from customary contracts in which the parties are Muslims, if they have not specified which law shall govern their relations; and

e.) All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction.

(2) Concurrently with existing civil courts, the Shari’a District Court shall have original jurisdiction over:

(a) Petitions by Muslims for the constitution of a family home, change of name and commitment of an insane person to an asylum;

(b) All other personal and real actions not mentioned in paragraph 1 (d) wherein the parties involved are Muslims except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the Municipal Circuit Court; and

(c) All special civil actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims.

The exclusive jurisdiction of Shari’a Circuit Courts covers

1. All cases involving offenses defined and punished under this Code (P.D. 1093)

2. All civil actions and proceedings between parties who are Muslims or have been married in accordance with Article 13 involving disputes relating to:

(b) Marriage;

(c) Divorce recognized under this Code;

(d) Betrothal or breach of contract to marry;

(e) Customary dower (mahr);

(f) Disposition and distribution of property upon divorce;

(g) Maintenance and support, and consolatory gifts, (mut’a); and

(h) Restitution of marital rights.

In 2013, all second level courts and first level courts combined registered a case disposal rate of 37.29%. They disposed a total of 369,964 cases (Case Output) as against the total Case Input of 992,227 (334,370 newly filed cases; 33,679 revived/reopened cases; and 16,535 cases received from other salas/courts). For the trial courts, the Case Outputs include decided/resolved cases, archived cases, and cases transferred to other salas/courts.

Separately, the second level courts (Regional Trial Courts, Shari’a District Courts) have a disposal rate of 30.46%, having a Case Output of 182,655 cases as against a Case Input of 599,557. On the other hand, the first level courts
(Metropolitan Trial Courts, Municipal Trial Court in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari’a Circuit Courts) registered a case disposal rate of 47.70%, having a Case Output of 187,309 as against a Case Input of 392,670.

THE FOUR PILLARS OF JUDICIAL REFORM

In the 2012 Annual Report, the Chief Justice gave a preview of the Four Pillars of Judicial Reform and the projects that had been set in place in the early part of 2013. These pillars animated the various reform projects that the Court initiated and sustained throughout the year.

1. INSTITUTING INTEGRITY AND RESTORING TRUST AND CREDIBILITY

Re-Convening the Justice Sector Coordinating Council (JSCC)

A concrete initiative towards restoring trust and credibility and instituting integrity was the re-convening of the Justice Sector Coordinating Council (JSCC). The JSCC is a unique three-agency entity headed by the Chief Justice with the Secretary of Justice and the Secretary of the Interior and Local Government sitting as co-convenors. On July 3, 2013, after a long hiatus, the JSCC was reconvened. Since then, it has, through a series of practical and innovative coordination efforts, inquired into persistent areas of delay in court
processes, failure or inefficiency of processes at the investigative and enforcement level and new ways of making old practices better.

**Transparency, Access and Accountability**

The year 2013 also saw the continued increase in access to public information, transparency and accountability. Through the Public Information Office (PIO), the Supreme Court made information, communication, and education initiatives through the use of digital technology, media relations, and events management with the end of view in making the Court more accessible to those in the legal profession, the legal academe, the media, and the general public.

**Website Management**

The Supreme Court website, sc.judiciary.gov.ph, maintained by the PIO, made it easier for the public to access the latest Court rulings, orders, and circulars.

In order to widen the dissemination of information of these pending cases, the PIO created a series of microsites which, for the first time, featured and allowed the advisories, orders, petitions, and comments of the parties involved to be electronically viewed and downloaded from the website. Later on, the Court approved another first -- the uploading of the audio recording of the proceedings of the oral arguments of the cases starting with the cases on Cybercrime Law (GR Nos. 203299, 203306, 203335, 203359, 203378, 203391, 203407, 203440, 203453, 203454, 203469, 203501, 203509, 203515, 203518).

The Court reached another milestone in expanding its reach to a wider public when it approved the livestreaming of the oral arguments, first on the case of the Priority Development Assistance Fund (GR Nos. 208566, 208493, 209251), then on the Disbursement Acceleration Program (GR Nos. 209287, 209135, 209136, 209155, 209164, 209260, 209442, 209517, 209569), and the Power Rate Hike (GR Nos. 210245, 210255, 210502). By end of the year, the PIO has been managing 14 microsites involving different cases on the SC website.

In the interest of transparency, the decisions uploaded to the SC website were in Portable Document Format (PDF). This format has the feature of being easy to transmit electronically without incurring too much computer memory, thus increasing access, but also being able to show the exact state of the document. Thus, the promulgated decisions of the Court that are uploaded bear the signatures and any handwritten annotations of the Justices.

The SC website also continued to feature photo releases on the Court’s activities and projects, as well as announcements from the different Bids and Awards Committees, and the Office of the Bar Confidant regarding the Bar Examinations.
Press Briefings and Advisories

Almost on a regular basis on Tuesdays, after the Court En Banc deliberations, the SC PIO Chief conducts press briefings on the recent actions, decisions and resolutions promulgated by the Court. In 2013, over 35 press briefings were conducted for the members of the Justice and Court Reporters Association (JUCRA) and Justice Reporters Organization (JUROR), the media groups covering the justice beat.

Court Tours

By request, the PIO conducts scheduled Court Tours to the public free-of-charge in order as part of a legal education program for non-lawyers, especially students. A typical tour consists of a short walk-through of the Court’s premises, an audiovisual presentation on the basic structure and processes of the Judiciary, and a short open forum.

Events Management

The PIO arranged the August 28, 2013 The Chief Justice Meets the Press, event at De La Salle University Taft, Manila. The event gave the senior editors and members of the media the opportunity to talk to and interview Chief Justice Maria Lourdes P. A. Sereno about the Court’s accomplishments for the year 2012 and the Chief Justice’s first year in office. GMA 7 broadcasted the interview live via special coverage, and online media such as Inquirer.net, Rappler, and TV5’s Interaksyon.Com livestreamed the interview on the internet.

Documents on the Court’s Finances and Related Matters

Continuing a practice started in July 2012 by then Acting Chief Justice Antonio Carpio, the Court continued its practice of uploading “Financial and Budget Accountability Reports of the Supreme Court of the Philippines and the Lower Courts” to its website. These consisted of “Budget Accountability Reports” and “Quarterly Reports on the Judiciary Development Fund and the Special Allowance for the Judiciary”.

The Court also continued to allow the disclosure of the Statement of Assets, Liabilities and Net Worth (SALNs) of the members of the judiciary, subject to compliance with the Guidelines prescribed by the Court.

These financial disclosures demonstrated a clear commitment by the Court to transparency and accountability that also balances the need to maintain its constitutionally-mandated judicial independence.

2. ENSURING PREDICTABILITY, RATIONALITY, SPEED AND RESPONSIVENESS OF JUDICIAL ACTIONS

Jail Decongestion

To address the problem of overcrowded detention jails in the cities, the Supreme Court, through the Committee to Decongest Provincial, City and Municipal Jails
headed by Associate Justice Roberto A. Abad, has taken steps to ensure that the detained are fully accorded their rights to bail and to speedy trial.

It issued a set of Guidelines that empower courts to allow accused persons who are without financial ability to post reduced amounts of bail; release on his or her cognizance any accused who has already served the minimum imposable penalty for the crime charged; direct judges to conduct summary hearings of applications for bail in capital offenses; direct judges to strictly follow the periods set by law for concluding the hearings in criminal cases for failure of the essential prosecution witness to come to the hearing; authorize the service of subpoena and notices through electronic mail or mobile-phones; service subpoenas addressed to police officers through the police unit that conducted the police operation; deem contents of reports of government expert witnesses prima facie evidence of the truth of their contents; establish local task force Katarungan and Kalayaan in all court stations that will keep track of the progress of the criminal cases of all detained persons within their jurisdiction and ensure that such persons are accorded their rights and privileges.

Enhanced Justice on Wheels (EJOW)

The Enhanced Justice on Wheels (EJOW) program aims to help decongest courts with heavy caseloads, speed up the disposition of cases, and bring justice closer to the people. It was patterned after Guatemala’s Juzgado de Paz Movil project and uses specially designed buses that travel to jails across the country to expedite the trial of cases of underprivileged inmates.

Launched on June 8, 2004, the program was originally called Justice on Wheels. During that time, there were only three mobile courts alternately stationed in municipalities and cities with no regular courts. It was eventually named Enhanced Justice on Wheels in 2008 because, aside from case docket and jail decongestion, the program now includes additional components such as, mobile court-annexed mediation; free medical, dental, and legal aid to inmates; information dissemination campaign for barangay officials; dialogue among Supreme Court officials and stakeholders in the Philippine judicial system; and a team building seminar for court employees.

As of 2013, there are already nine buses under the EJOW program. One bus is located in each of the following areas: Tacloban City in Leyte, Iligan City in Lanao Del Norte, Cebu, Sarangani Province, Guiuan in Eastern Samar, Aklan, Rizal, Palawan, and Cavite.

By the end of the year, a total number of 3,758 cases have been heard or tried; while a total of 13,478 cases have been successfully mediated. From 2004 to 2013, a total of 7,830 inmates have been released, 17,796 inmates have been given medical and dental attention, and 4,706 have been provided with legal aid. A total of 25,717 barangay officials have participated in the information dissemination seminars.
On November 18, 2013, three EJOW buses were used to ferry 50 Supreme Court officials including 18 members of the Court’s Emergency Response Team who conducted relief operations and provided medical aid to distressed court personnel in the Visayas in the aftermath of super typhoon Yolanda. Due to the destruction of the Tacloban City Halls of Justice, two EJOW buses were also ordered to remain in the area to be used as temporary courtrooms.

**Judgment Day**

On the occasion of the Supreme Court’s 112th Anniversary and in view of its continuing efforts to address the problem of court docket and prison decongestion, the Supreme Court through the Office of the Court Administrator (OCA) held Judgment Day on June 18, 2013. Simultaneous hearings and decision-making were done in five jail facilities with the highest inmate population, namely, the Manila City Jail, Quezon City Jail, Angeles City Jail, Cebu City Jail, and Davao City Jail. During the activity, a total of 553 criminal cases were heard, 245 cases were dismissed/disposed of, and 215 inmates were released.

Two other Judgment Days were held in Cavite, in connection with the 55th Anniversary of the Cavite Provincial Jail. The first one was held on September 6, 2013 at the Cavite Provincial Gym with 68 cases heard, 60 cases disposed, and 61 detention prisoners released. The second Judgment Day was held on September 20, 2013 at various courts and detention facilities in the province, resulting to 207 cases heard, 147 cases disposed, and 107 prisoners released.

On December 13, 2013, a Judgment Day was also held at various courts in Marikina City. A total of 169 cases were heard, which were all disposed, and 154 prisoners were released.

**Small Claims Courts**

The Rule of Procedure for Small Claims Cases aims to expedite the resolutions of cases before Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts involving money claims that do not exceed ₱100,000, exclusive of interests and costs. The Rule was pilot-tested on October 1, 2008 in 22 first-level courts in different regions around the country.

On October 27, 2009, the Court En Banc approved the amendment of some sections of the Rule, including the attached forms. After some revisions, the Amended Rule of Procedure for Small Claims Cases was implemented in all first level courts on March 18, 2010.

In connection with the Judiciary's move to better integrate its processes by shifting from manual to faster electronic processes, the Supreme Court's Committee on Computerization and Library approved the implementation of the Small Claims Cases Monitoring System (SCCMS) in all first level courts on May
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6, 2011. A project of the Supreme Court in partnership with the American Bar Association Rule of Law Initiative (ABA ROLL) and the United States Agency for International Development (USAID), the SCCMS was created for efficient monitoring and automated monthly reporting of cases using software which makes real-time case tracking possible.

To serve as guidelines on the SCCMS, the Office of the Court Administrator issued OCA Circular No. 78-2011 on June 16, 2011. The Circular states that courts are required to submit to the OCA a Monthly Docket Inventory of Small Claims Cases using the SCCMS software.

On July 25, 2013, the Supreme Court reorganized the Technical Working Group on the Small Claims Courts Project in order to review the Rule of Procedure for Small Claims.

**Zero Backlog Project**

In a resolution dated June 26, 2012, the Court En Banc issued the implementation guidelines regarding the Zero Backlog Project, which involves the review for study and reporting of the one hundred (100) oldest pending cases based on the respective dates of submission for decision. The Court designated some Court Attorneys VI from the Offices of Justices to study and write a report on the cases under the supervision of Deputy Clerk of Court and the Chief Attorney. On October 2, 2012, the Court authorized the Chief Attorney to assign cases under this Project to the lawyers of the Office of the Chief Attorney until such time the pool of lawyers from the Offices of Justices shall have been completed.

The Office of the Chief Attorney conducts research on legal issues pertaining to the pending cases under the Zero Backlog Project. It is tasked to submit the final report of each case to the ponente, along with an attached copy of the Court Attorney VI’s report; a monthly report on the progress of the Project; and a logbook on the movement of rollos, requests, and other communications relevant to the Project.

As of 2013, the Office of the Chief Attorney has submitted 61 reports out of the 99 cases assigned to it.

**Case Docket Decongestion: Hustisyeah!**

To respond to the problem of case congestion, the Supreme Court, through the Chief Justice Committee to Address Case Congestions and Delay in the Lower Courts headed by Associate Justice Roberto Abad, in cooperation with the Asia Foundation, supported by the United States Agency for International Development (USAID) through the American Bar Association (ABA) has implemented Hustisyeah!, a one-time case decongestion project.
**Hustisyeah!** is the local version of Asia Foundation’s Judicial Strengthening to Improve Court Effectiveness (JUSTICE) project which seeks to improve court efficiency and predictability of adjudication of courts by reducing docket congestion and case delay; strengthening contractual enforcement; strengthening enforcement of intellectual property rights; and supporting integrity and confidence-building measures for the justice system.

The project is focused on 175 heavily decongested courts throughout the country. The project has been piloted in Quezon City, with 33 courts involved. The project involves three phases: (1) inventory of the court dockets; (2) formulation of case decongestion plans; and (3) project implementation. To support the project, five lawyers, 24 law graduates, and 53 law students were deployed to assist the courts in the implementation of their respective case decongestion plans.

As of December 2013, 29 courts were already implementing their case decongestion plans. These courts are also currently enjoying free courier service to fast track the delivery of notices and court orders for priority cases under their respective case decongestion plans.

Based on the data from the Court Management Office, the 33 courts that were inventoried had a total caseload of 32,089 in 2012 that was reduced to 28,032 as of December 2013. This represented a reduction of 12.6% in caseload – an impressive number considering that 29 of the 33 involved courts have so far gone on to the implementation stage of the project.
## Gains from ongoing reforms are demonstrated in the HUSTISYEAH Program in Quezon City...

<table>
<thead>
<tr>
<th>Duration</th>
<th>Pending Cases*</th>
<th>% Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Court Caseload, 2011 (As of December 31, 2011)</td>
<td>12 mos.</td>
<td>34,014</td>
</tr>
<tr>
<td>Total Court Caseload, 2012 (As of December 31, 2012)</td>
<td>12 mos.</td>
<td>32,174</td>
</tr>
<tr>
<td>Total Court Caseload, 2013** (As of December 31, 2013)</td>
<td>12 mos.</td>
<td>28,032</td>
</tr>
<tr>
<td>Total Court Caseload (as of May 2014)</td>
<td>5 mos.</td>
<td>25,258</td>
</tr>
</tbody>
</table>

*Based on 33 courts involved in the Hustisyeah! Program in Quezon City. Pending cases include inflow or newly filed cases less disposed or archived cases for the year.

**Start of Hustisyeah Program
3. DEVELOPING EFFICIENT AND EFFECTIVE HUMAN RESOURCES

Case Carrying Capacity Analysis

The project on Case Carrying Capacity of lower courts analyzes the tasks of judges and their caseloads with a view to determine the mix of cases, mix of judicial and non-judicial tasks of judges, and the time consumed in performing the tasks. Projected workload and caseload (number and mix of cases) is made and based on this projection and on the time consumption of each task, the case carrying capacity of judges (number and mix of cases in a year) is estimated. This process enables the identification of overloaded judges; the number of judges needed given workload projections; and the additional budget requirements based on current staffing standards and operational cost estimates.

The methodology of the project includes the following activities:

*Based on 33 courts involved in the Hustisyeah! Program in Quezon City
**2013 start of Hustisyeah Program
1. Sampling survey of processing time

A sample size was established at 10% of the total number of incumbent judges which is 170 judges. However, due to the large number of case types and the low turn-out of judges during the first FGDs in 2013, the consulting team increased the sampling frame to 286 judges. After screening the accomplished survey instruments, the team established that 231 samples were valid responses. This number which is 137% of the minimum sample size is considered sufficient for analysis.

2. Time series data on caseload

The Office of the Court Administrator (OCA) issued an administrative order to all lower courts to accomplish a form that will contain information on the number of their annual caseloads (number of pending cases) from 2007 to 2012 by type of case: civil, criminal, and other cases.

Two sets of data have been forwarded to the consultants from February to March, 2014. The latest submission on court level time series data on annual pending cases was on March 28, 2014. Another 88 responses were received from TAF on April 28, 2014. These are expected to be also encoded and processed.

The analysis of the data, and production of descriptive and inferential statistical analysis, including the draft report, is currently under completion.

Judicial Reform Support Project

In support of the comprehensive reform effort to enhance the Judiciary’s efficiency and effectiveness, while ensuring wider and speedier public access to justice, the Judicial Reform Support Project (JRSP), which is being financed by the World Bank (WB), was conceived.

As part of the JRSP, INDRA Information Systems was designated to provide the Management and Consultancy Services for the Development of the Judiciary’s Information Communications Technology (ICT) Capability of the Judiciary which shall consist of three major components: (1) development of the Judiciary-wide ICT Development and Integration Framework (JIDIF) that provides an assessment of the current situation and the recommended application systems portfolio, (2) development of an Enterprise Information Systems Plan (EISP) based on the JIDIF, and the (3) formulation of the MISO Re-engineering Development Plan (MRDP).

4. IMPROVING SYSTEMS AND INFRASTRUCTURE

Process Mapping

The Process Mapping project is a four-phased evaluation activity where offices in the Supreme Court assess their status and work process; and develop measures
to improve their performance and address the problems they may have identified.

The phases of process mapping are Phase 1 – Evaluation of current processes; Phase 2 – Visioning workshop to define future states; Phase 3 – Development Plan and Phase 4 – Implementation.

As of December 2013, one office has completed until the third phase of the project, seven have finished until the second, and 27 have completed the first phase.

In all discussions, redundancy of processes and tasks, and the need to improve a significant number of them was highlighted. An in-depth analysis of these processes and the identification of ways to improve them were given emphasis, including inter-office coordination within the Court to standardize processes and fast track them.

**Enterprise Information Systems Plan**

The *EISP* is the first out of two (2) deliverables under the second component of the JRSP. It is facilitated by the Committee on Computerization and Library (CCL), chaired by Associate Justice Teresita J. Leonardo-de Castro.

The *EISP* provides the Judiciary with the functional, technical and architectural specifications for the selected systems that will be part of the EISP based on the JIDIF. Thus, the EISP is the first step in the realization of the proposed reforms for use of information technology by the Judiciary as documented in the accepted JIDIF under Component 1 of this project. It is the basis for the creation of bidding documents, the final deliverable under Component 2, for the evaluation and implementation of this plan. The ultimate realization of such reforms is the actual bidding and implementation of these systems in the Judiciary.

The *EISP* of 2010-2014 serves as a framework of ICT initiatives of the Judiciary. The *EISP* contains the present ICT needs of the Judiciary and proposed solutions *vis-a-vis* the organization’s mandate, objectives, and programs through the development of new Information Systems (IS) and provision of additional state-of-the-art IT equipment.

The steps that were undertaken to develop the *EISP* include:

- assessment of current situation and identifying the needs of the users
- formulation and documentation of recommended ideal application system portfolio for the Judiciary based on the assessment
- determining viability of implementing the various systems proposed under the JIDIF based on analysis of factors that contribute to a successful EISP
- estimation of cost and determination of timeline the project would be carried out
- creation of a roadmap
The EISP is intended mainly to guide the judiciary in the procurement and installation of the recommended ICT systems and components.

Ms. Helen Perez-Macasaet, consultant of the Supreme Court for the EISP, submitted the October to December 2013 spotlight reports to the Committee on Computerization and Library. Therein, she identified projects that were found to be duplications of the eCourt project, saving the Court ₱152.6M previously allotted for the superfluous project.

The E-Courts

The E-Court project is a subcomponent of the Enterprise Information Systems Plan. It is an automation program of the courts where case information is recorded in a computer database.

This gives ease of access to the judges and court employees to manage their time and activities with respect to the cases they handle. It also lets the public see the progress of cases handled by a particular court.

The project started its pilot implementation in the Regional Trial Courts (RTCs) and Metropolitan Trial Courts (MeTCs) in Quezon City on June 14, 2013.

According to the American Bar Association (ABA), which is the Court’s development partner for E-Court, as of Dec. 31, 2013, E-Court technology has been installed in 45 RTCs and 13 MeTCs in Quezon City.

As of 2013, the Quezon City E-Court database shows that out of 25,129 cases recorded in RTCs, 1,320 have been resolved, of the 19,218 recorded cases in MeTCs, 1,262 have been resolved. Of the decided cases, 53 RTC cases and 71 MeTC cases were filed after the launch of E-Court.

Efficient Use of Paper Rule

The Efficient Use of Paper Rule (AM No. 11-9-4-SC) took effect on January 1, 2013. It was approved by the Supreme Court En Banc on November 13, 2012 to maximize the use of every sheet of paper in rulings to be issued by the court and in the pleadings to be filed by parties. In the Rule, the Court noted that “there is a need to cut the judicial system’s use of excessive quantities of costly paper, save our forests, avoid landslides, and mitigate the worsening effects of climate change that the world is experiencing.”

The Rule, among others, requires that “all pleadings, motions, and similar papers intended for the court and quasi-judicial body’s consideration and action (court-bound papers) shall be written in single space with a one-and-a-half space between paragraphs, using an easily readable font style of the party’s choice, of 14-size font, and on a 13-inch by 8.5-inch white bond paper.”
Court-bound papers shall also have “a left hand margin of 1.5 inches from the edge; an upper margin of 1.2 inches from the edge, a right hand margin of 1.0 inch from the edge; and a lower margin of 1.0 inch from the edge. Every page must be consecutively numbered.”

The format shall apply to all decisions, resolutions, and orders issued by the courts and quasi-judicial bodies as well as reports submitted to the courts and transcripts of stenographic notes.

**E-Filing**

On September 10, 2013, the Supreme Court *En Banc* approved the *Proposed Rules for E-Filing* (AM No. 10-3-7-SC) to cover the submission and processing of soft copies of Supreme Court-bound papers pursuant to the *Efficient Use of Paper Rule*.

The *Rule* states that soft copies of all Supreme Court-bound papers and their annexes must be submitted simultaneously with the hard copy, if by compact disc (CD), or within twenty-four (24) hours from the filing of the hard copy, if by e-mail.

The paper copy shall be deemed to have been filed on the date and filing of the hard copy and not the soft copy. The soft copies must also be in PDF format and individually saved and individually attached if by e-mail. The soft copy and the document must also have the same file name.

The Supreme Court has posted on its website [sc.judiciary.gov.ph](http://sc.judiciary.gov.ph) the corresponding e-mail addresses where the public may e-mail all Supreme Court-bound papers and annexes. (See p. 22, infra.)

Since the *E-Filing* took effect on October 2, 2013, the Judicial Records Office (JRO) received an average of 50 to 80 emails daily. From October to December 31, 2013, the JRO also received a total of 1,221 CDs of soft copies from litigants. In 2013, the Office of Administrative Services has not received any administrative complaint through e-mail. The Clerk of Court *En Banc* has received only one or two e-mails per day, while the Office of the Bar Confidant received about 10 to 15 e-mails per day.

These reforms, collectively, have shown improvements in the adjudication of cases, as shown in the summary below.
SPECIFIC REFORM INITIATIVES IN OTHER COURTS

A. Court of Appeals

Court of Appeals-Case Management Information System

The year 2013 marked the final swing of the first ever technological innovation introduced to the CA: the CA-Case Management Information System (CA-CMIS). Through this system, the CA’s statistical and case information data are now accurate in real time, hereby improving the CA’s efficiency and transparency.

In 2013, the CA’s statistical data showed a decrease in the total number of pending cases compared with the previous year. From 22,904 pending cases as of December 31, 2012, there are only 21,987 pending cases by the end of 2013.

Zero Backlog Project

The year 2013 also saw the final phase of the 2012 Zero Backlog Project (ZBP) of the CA, giving priority disposition to 2,953 identified cases that were submitted for decision in 2010, and earlier. By the end of 2013, 99.25% or a total of 2,932 ZBP cases were eliminated from the CA-CMIS dashboard courtwide.

### Case Disposition Summary

<table>
<thead>
<tr>
<th>Court</th>
<th>2012 (Actual)</th>
<th>2013 (Adjusted)</th>
<th>2014 (target)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC</td>
<td>4,262</td>
<td>4,560</td>
<td>4,879</td>
</tr>
<tr>
<td>RTC</td>
<td>157,116</td>
<td>160,644</td>
<td>160,903</td>
</tr>
<tr>
<td>METC</td>
<td>67,074</td>
<td>73,544</td>
<td>77,609</td>
</tr>
<tr>
<td>MTCC</td>
<td>80,586</td>
<td>82,127</td>
<td>84,116</td>
</tr>
<tr>
<td>MCTC</td>
<td>21,600</td>
<td>24,522</td>
<td>24,718</td>
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<tr>
<td>MTC</td>
<td>30,843</td>
<td>35,651</td>
<td>66,242</td>
</tr>
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<td>SDC</td>
<td>32</td>
<td>32</td>
<td>34</td>
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<tr>
<td>SCC</td>
<td>803</td>
<td>1,462</td>
<td>1,820</td>
</tr>
<tr>
<td>CFC</td>
<td>30,533</td>
<td>34,405</td>
<td>35,694</td>
</tr>
<tr>
<td>TOTAL</td>
<td>392,849</td>
<td>416,947</td>
<td>456,015</td>
</tr>
</tbody>
</table>
B. Sandiganbayan

With its Case Management Information System (CMIS), the Sandiganbayan’s Judicial Records Division encoded a total of 9,287 pleadings sent electronically to the Sandiganbayan’s various divisions. Out of these, 5,785 pleadings were personally filed, while 3,502 pleadings were sent through e-mail. A total of 958 pieces of criminal information were also received and uploaded into the CMIS during the year.

The Sandiganbayan also uses a system called the docket MS-Access database created in 2004 that can filter details such as names of accused, case numbers, divisions where the cases are assigned, and information on the disposal of cases. The Sandiganbayan issues clearances based on the reports generated by the database. In 2013, the Sandiganbayan issued a total of 4,488 clearances.

C. Court of Tax Appeals

The Court of Tax Appeals (CTA) Committee on Records Management and Information Technology (CRMIT) facilitated the donation of a new touch screen Court of Tax Appeals Case Management Information System (CTA-CMIS) Kiosk from the American and Bar Association-Rule of Law Initiative (ABA-ROLI) of the United States Agency for International Development (USAID) and attendance of Management Information Systems Division (MISD) personnel to the Integrated Government Philippines (iGovPhil) and Government-Wide Medium-Term Information and Communications Technology Harmonization Initiative (MITHI) events and activities such as trainings and conferences.

The CMIS was showcased and presented to various organizations, both local and foreign namely, the Office of the Ombudsman on July 17, 2013, Central Tax Court of Thailand on August 2, 2013, the Sandiganbayan Justices and Court Personnel on August 12, 2013; and Maldives Inland Revenue Authority (MIRA) Senior Tax Officials and Guests on September 13, 2013.

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2Id.
3Case Input for Judicial Matters includes pending judicial matters as of December 31, 2012 (beginning balance), new cases, and reinstated cases. It also includes all judicial matters from the Court En Banc and its First, Second, and Third Divisions.
4Reinstated cases are cases that were earlier dismissed or denied but which, on a motion for reconsideration, have been reinstated.
5Case Outputs are cases that have been resolved or disposed of, based on the merits of the case.
Sec. 6 (d), Rule 13 of the Internal Rules of the Supreme Court states that the Court shall adjudicate cases “by minute resolution when the Court (1) dismisses a petition filed under Rule 64 or 65 of the Rules of Court, citing as legal basis the failure of the petition to show that the tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; (2) denies a petition filed under Rule 45 of the said Rules, citing as legal basis the absence of reversible error committed in the challenged decision, resolution, or order of the court below; (3) dismisses an administrative complaint, citing as legal basis failure to show a prima facie case against the respondent; (4) denies a motion for reconsideration, citing as legal basis the absence of a compelling or cogent reason to grant the motion, or the failure to raise any substantial argument to support such motion; and (5) dismisses or denies a petition on technical grounds or deficiencies.”


Money Laundering, and Seminar-Workshop on Strengthening Judicial Integrity and Rule of Law.

19 For the Court of Appeals Annual Report, see Annex K, Technical Report.
20 For the CTA Annual Report, see Annex L, Technical Report.