



Republic of the Philippines
Supreme Court
Manila

ADMINISTRATIVE CIRCULAR NO. 39 - 2020

TO : ALL LITIGANTS, JUDGES AND COURT PERSONNEL OF THE JUDICIARY, AND MEMBERS OF THE BAR

RE : MODIFIED ENHANCED COMMUNITY QUARANTINE IN CERTAIN AREAS UNTIL 31 MAY 2020

Considering that the Inter-Agency Task Force for the Management of Emerging Infectious Diseases has placed certain areas in the country, *i.e.*, National Capital Region, Laguna Province, and Cebu City,¹ under Modified Enhanced Community Quarantine (MECQ) until 31 May 2020, all the courts in the said areas under MECQ shall operate as follows during the said period:

1. All the courts in the areas under MECQ shall remain physically closed to all court users until 31 May 2020, and may be initially reached only through their respective hotline numbers, email addresses and/or Facebook accounts as posted on the website of the Supreme Court.² All inquiries on cases or transactions, including requests for documents and services, shall be coursed and acted upon only through the said numbers, addresses, and accounts of the concerned court, or through the Judiciary Public Assistance Section of the Supreme Court in accordance with A.C. 28 - 2020. No walk-in requests shall be entertained in any of the offices of the courts in the said areas.
2. While all the courts in areas under MECQ shall remain physically closed to all court users, these courts shall continue to operate from 9:00 a.m. to 3:00 p.m., Monday to Friday, until 29 May 2020. All electronic communications, however, must be transmitted to and received by these courts from 8:30 a.m. to 2:00 p.m. for these transmissions to be acted upon on the same day.
3. The raffle of cases in all courts in areas under MECQ shall proceed, either electronically or through videoconferencing. Accordingly, the judge / justices-on-duty arrangement, together with their respective skeleton-staff, pursuant to A.C. 31 - 2020 and A.C. 32 - 2020, is hereby

¹ Resolution No. 35, Series of 2020, dated 11 May 2020.

² Annex "A," A.C. 32-2020, dated 20 March 2020.

discontinued. However, in the exigency of the service, justices, judges, and court officials, together with their respective skeleton-staff, may go to their respective courts.

4. The filing of petitions, appeals, complaints, motions, pleadings and other submissions that fall due up to 31 May 2020 before the courts in areas under MECQ areas is extended for 30 calendar days, counted from 1 June 2020, but pleadings and other court submissions may still be filed by the parties within the reglementary period on or before 31 May 2020 through electronic means, if preferred and able. In the same manner, the periods for court actions with prescribed periods of courts in areas under MECQ are likewise extended for 30 calendar days counted from 1 June 2020.
5. Civil weddings may be solemnized, provided the parties, witnesses and guests shall not exceed five (5), as provided in the Guidelines on the Phased Transition from ECQ to GCQ,³ and health hygiene protocols and other public medical standards, *e.g.*, wearing of face masks and face shields, subjecting everyone to no-contact thermal scanning, and observance of social distancing, shall be strictly observed during the ceremony.
6. All official meetings, seminars, trainings and other functions in the Judiciary within the MECQ areas, unless conducted through videoconferencing, are deferred until after 31 May 2020, except those that may be called or authorized by the Chief Justice or by the Judiciary Task Force on COVID-19.
7. Flag raising and retreat ceremonies in areas under MECQ shall remain suspended until 31 May 2020.

SUPREME COURT

8. The Supreme Court shall continue to receive petitions and pleadings electronically, and in accordance with herein paragraphs 1 and 2, and process the same in accordance with the Internal Rules of the Court.
9. The decision-writing period of the Court is hereby extended until 31 May 2020. The Court may however hold special *en banc* and division sessions anytime it may deem fit, either in-person or through videoconferencing.
10. All Chiefs of Offices and Services of the Court shall immediately devise and develop their respective Work From Home (WFH) schemes and operating procedures for 18 - 29 May 2020, and ensure that every court personnel is assigned certain tasks to effectively and efficiently

³ Released by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases on 13 May 2020.

implement their offices' mandates. These WFH schemes and operating procedures shall be electronically submitted to the Office of Administrative Services, Supreme Court, no later than 19 May 2020.

11. In the exigency of the service, the Chiefs of Offices and Services of the Court, together with their respective skeleton-staff, may be required by the Chief Justice to report to the Court on any of the days from 18 - 29 May 2020. The Judicial Staff Heads and any personnel of the Offices of the Associate Justices may likewise be required by their respective Associate Justices to report for work on any of the days from 16 - 31 May 2020.

**COURT OF APPEALS, SANDIGANBAYAN,
COURT OF TAX APPEALS**

12. The Court of Appeals, Sandiganbayan, and Court of Tax Appeals shall likewise continue to receive petitions and pleadings electronically, and in accordance with herein paragraphs 1 and 2, and process the same pursuant to their respective internal rules.
13. The Court of Appeals, Sandiganbayan, and Court of Tax Appeals shall continue to resolve and decide cases pending before them. Regular hearings shall be conducted through videoconferencing. Considering that the Sandiganbayan and the Court of Tax Appeals are likewise trial courts, they shall adopt the procedures herein provided in paragraphs 17 and 18, in so far as they are applicable.
14. The Justices of the Court of Appeals, Sandiganbayan, and Court of Tax Appeals shall continue to draft decisions and orders in their respective residences until 31 May 2020, which decisions may be promulgated or issued once the courts are fully operational, except decisions and orders on urgent matters which shall be promulgated or issued during the MECQ period.
15. The Chiefs of Offices and Services of the appellate courts shall immediately devise and develop their respective WFH schemes and operating procedures for 18 - 29 May 2020, and ensure that every court personnel is assigned certain tasks to effectively and efficiently implement their offices' mandates. In the exigency of the service, the Chiefs of Offices of the appellate courts, together with their skeleton-staff, may be required to report to their respective courts on any of the days from 18 - 29 May 2020.

**REGIONAL TRIAL COURTS, FAMILY COURTS,
AND FIRST LEVEL COURTS**

16. ALL initiatory pleadings, in both civil and criminal cases, including criminal complaints, informations, and applications for bail,⁴ together with all the required documents in relation thereto, may be filed electronically and shall be received by the Regional Trial Courts, Family Courts, and First Level Courts through their respective official email addresses, as posted on the website of the Supreme Court.⁵ Pleadings and other court submissions on pending cases may be electronically filed directly with the branch where the case is pending, if the said branch has an official email address. Otherwise, the pleadings and other court submissions on pending cases may be filed electronically with the Office of the Clerk of Court, which shall forward the said transmissions to the branches where the cases are pending.
17. ALL courts initially authorized to hear through videoconferencing only urgent matters in criminal cases involving Persons Deprived of Liberty⁶ are now herein authorized to hear through videoconferencing ALL matters pending before them, in both criminal and civil cases, whether newly-filed or pending, and regardless of the stage of trial. The videoconferencing hearings in both criminal and civil cases shall be upon joint motion of the parties, or upon orders of the court, which shall schedule the said videoconferencing hearings.

Under exceptional circumstances, in-court hearings may likewise be conducted by courts authorized to conduct hearings through videoconferencing.

For courts which are not authorized to conduct hearings through videoconferencing, in-court hearings conducted by the presiding judge, assisted by the skeleton-staff, shall be limited to urgent matters and other concerns to expedite the proceedings, both in criminal and civil cases. The judges shall see to it that the counsels and parties are duly notified of the in-court hearings to ensure their attendance.

In all in-court hearings, health hygiene protocols and other public medical standards, *e.g.*, wearing of face masks and face shields, subjecting everyone to no-contact thermal scanning, observance of social distancing, shall be strictly observed.

18. The taking of the testimony of a witness in a place other than where the court is, through videoconferencing, is akin to the taking of a deposition upon oral examination, pursuant to Sec. 1, Rule 23, as

⁴ Pursuant to A.C. 33-2020, dated 31 March 2020, supplemented by OCA Circular No. 89-2020, dated 3 April 2020.

⁵ Annex "A," A.C. 32-2020, dated 20 March 2020.

⁶ Pursuant to A.C. 37-2020, dated 27 April 2020, and OCA Circular No. 93-2020, dated 4 May 2020.

amended,⁷ and shall be allowed. If the witness will be testifying on (i) duly subscribed written statements given to law enforcement or peace officers, or (ii) affidavits or counter-affidavits submitted before the investigating prosecutor, or (iii) judicial affidavits, subject to additional direct and cross-examination questions,⁸ the said documents and affidavits must be received by the court and the parties through electronic transmission in accordance with the Rules on Electronic Evidence, at least three (3) days prior to the scheduled videoconferencing hearing.⁹

19. Night courts and Saturday courts in areas under MECQ shall remain suspended until 31 May 2020.

20. All judges presiding in courts in MECQ areas shall continue to draft decisions and orders in their respective residences until 31 May 2020, which decisions may be promulgated or issued once the courts are fully operational, except decisions and orders on urgent matters which shall be promulgated or issued during the MECQ period.

All previously issued circulars and their respective provisions which are not inconsistent herewith shall remain valid and in effect.

14 May 2020, Parañaque City.

(original signed)
DIOSDADO M. PERALTA
Chief Justice

⁷ Section 1, Rule 23, 2019 Proposed Amendments to the 1997 Rules of Civil Procedure, effective 1 May 2020.

⁸ 11(a)(b), Part III, Revised Guidelines for Continuous Trial of Criminal Cases, effective 1 September 2017.

⁹ Paragraph 3, OCA Circular 93-2020.