



Republic of the Philippines
Supreme Court
Manila

OCA CIRCULAR NO. 93 - 2020

- TO : ALL CONCERNED LITIGANTS, JUDGES AND COURT PERSONNEL OF THE FIRST AND SECOND LEVEL PILOT COURTS, AND MEMBERS OF THE BAR**
- RE : IMPLEMENTATION OF SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 37 - 2020 ON THE PILOT TESTING OF HEARINGS OF CRIMINAL CASES INVOLVING PERSONS DEPRIVED OF LIBERTY THROUGH VIDEOCONFERENCING**

This Circular is issued pursuant to par. 7, Supreme Court Administrative Circular No. 37-2020 (A.C. 37-2020) directing the Office of the Court Administrator (OCA) “to immediately issue the necessary directives and take the requisite steps to implement this pilot testing of hearings in criminal cases (involving persons deprived of liberty [PDLs]) through videoconferencing.”

In accordance with pars. 1 and 6, A.C. 37-2020, the hearings through videoconferencing contemplated herein shall apply only to “hearings on urgent matters in criminal cases involving PDLs” which is merely being “pilot tested during this period of public health emergency” in the authorized court stations listed in the quoted circular, whether the areas where these stations are located are under Enhanced Community Quarantine (ECQ) or General Community Quarantine (GCQ).

In view of the foregoing, the following are herein provided to implement A.C. 37-2020:

1. Videoconferencing hearings shall only use the officially provided Philippine Judiciary 365 platform which has, among others, the Outlook application for the official e-mail accounts, and the Teams application to host the videoconferencing hearings. No court is allowed to use any other platform or e-mail account, other than the officially provided Philippine Judiciary 365 platform.
2. Videoconferencing hearings shall include all stages of trial of newly-filed and pending criminal cases, including arraignment, pre-trial, bail hearings, trial proper and promulgation of judgment, as well as incidents related thereto, provided they pertain to urgent matters in criminal cases involving PDLs who are detained in the Bureau of Jail

Management and Penology (BJMP), provincial jails, custodial centers, as well as those in police precincts or lock up jails awaiting their commitment to the proper jail facilities. An accused who is already out on bail or recognizance cannot avail of videoconferencing hearings.

3. Videoconferencing hearings shall be scheduled by the court. The parties shall be notified by the court through their respective email addresses. The notification email shall indicate the time and date when the videoconferencing hearing shall be held, and contain a link (access code) which the parties shall click to join the hearing. The notification email shall likewise remind the parties to the videoconferencing hearings, including those assisting the PDLs at the jail or police precinct where the accused is detained, that all the details and information to gain access to such proceedings shall be treated with strict confidentiality. Any unauthorized sharing of said details and any information shall be dealt with accordingly and may be considered as contempt of court. The proof of receipt of the notification email shall be properly recorded.

All on-line submissions from the parties, particularly those at issue during or relating to the videoconferencing hearing, or on any urgent matter concerning a PDL, must be received by the court at least three (3) days prior to the scheduled videoconferencing hearing, and all parties must be furnished with such copies, in accordance with existing rules and guidelines.

4. The proceedings during the videoconferencing hearing shall be recorded by the judge, to whom the option is given by the Teams application. The court stenographer however shall still transcribe the stenographic notes to be attached to the records of the case, certify as to the correctness of the transcript, and indicate that the hearing was conducted through videoconferencing. For these purposes, the stenographer may be allowed to join the videoconference proceedings. As such, the said stenographer shall be bound by the same strict confidentiality regarding the above access details and information. No one else is allowed to record the proceedings. Any unauthorized recording of the proceedings by any of the parties may be considered as contempt of court.

At the discretion of the judge, other court personnel, *e.g.*, clerk of court, court interpreter, may join the videoconferencing hearing under the same conditions required of those present thereat.

5. If during the videoconferencing hearing, the judge issues or promulgates an order or decision, a copy thereof shall immediately be furnished the parties. The service of such order or decision to the parties may be done electronically through e-mail, but proof of receipt thereof should be properly recorded.

The hard copy of said order or decision shall be kept on file as part of the records of the case, and the parties may secure certified true copies thereof upon proper request.

6. To ensure that “(t)he rights of the accused to be present and defend in person at every stage of the proceedings, to testify as a witness in his or her own behalf, and to confront and cross-examine the witnesses against him or her at trial” are upheld and protected, the court shall ascertain that the concerned PDL understands that the hearing of his or her case is through videoconferencing. Should it be necessary, the judge shall allow the PDL and his or her counsel to confer with each other at any time during the videoconferencing hearing, and may host a separate call for them for the purpose.

Considering that the participants in the videoconferencing hearing may be in multiple locations, the judge shall *pin* the monitors or screens of the participants to ensure that at any given time during the videoconference proceedings, the following can be viewed from the respective monitors or screens of the participants: the presiding judge, the prosecutor, the defense counsel, and the accused. If a witness, other than the accused is testifying, the said witness must likewise be viewed by all the participants.

When there are technical issues affecting the conduct of the videoconferencing hearings, the judge may, at his or her discretion, suspend the proceedings. In such an event, the reason/s for such suspension shall be properly recorded.

7. Judges of courts in areas under GCQ shall be in their respective courtrooms or chambers at all times during the videoconferencing hearings. However, judges of courts in areas under ECQ may choose to be in their courtrooms or chambers, or in their places of residence, during the videoconferencing hearings. If accessed from their places of residence, the concerned judges shall put on record the reason/s for this. All remote court appearances shall also be indicated in the court record.
8. The videoconferencing hearings shall resemble or mirror, as far as practicable, the in-court proceedings. As such, the dignity and solemnity of court proceedings shall be observed at all times. All those participating therein shall be in appropriate attire. Once the videoconferencing hearings are done, the judge or the branch clerk of court hosting the session shall immediately end it.
9. The judges shall submit a weekly report on the videoconferencing hearings that they have conducted. The reporting form, which will be made available on the OCA website under Downloads, shall be filled out and sent to the official email addresses of the respective Deputy Court Administrators (DCAs) and Assistant Court Administrators (ACAs), copy furnished the Court Management Office, as follows:

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| Office of DCA for Luzon | odcalzn.sc@judiciary.gov.ph |
| Office of DCA for Visayas | odcavsy.sc@judiciary.gov.ph |
| Office of DCA for Mindanao | odcamnd.sc@judiciary.gov.ph |
| Office of ACA Co | oaca1.sc@judiciary.gov.ph |
| Office of ACA Ignacio | oaca2.sc@judiciary.gov.ph |
| Court Management Office | ocacmo.sc@judiciary.gov.ph |

The information in the weekly reports from the pilot courts shall be taken into account when the OCA submits its report on the pilot-testing of videoconferencing hearings to the Supreme Court within six (6) months from the implementation of A.C. 37-2020, or immediately after the end of the public health emergency period

FOR STRICT COMPLIANCE.

Makati City, 4 May 2020

(original signed)
JOSE MIDAS P. MARQUEZ
Court Administrator