



Republic of the Philippines
Supreme Court
Manila

INTERNAL RULES
of the
SUPREME COURT

A.M. No. 10-4-20-SC

(Published on May 7, 2010, Manila Bulletin)

*(As Amended in the Resolutions dated
July 6, 2010, August 3, 2010, January 17, 2012,
July 31, 2012, September 18, 2012, March 12, 2013,
June 18, 2013, September 10, 2013,
November 10, 2015, March 15, 2016, and
June 28, 2016)*

MANILA, PHILIPPINES

PUBLISHED JANUARY 22, 2016 (Philippine Star)

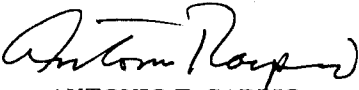
INTERNAL RULES of the SUPREME COURT
A.M. No. 10-4-20-SC

Table of Contents

Page

Part I

Rule 1 The Internal Rules	5
SECTION 1. The Internal Rules	5
SEC. 2. Interpretation	5
SEC. 3. Committee on Internal Rules	5
SEC. 4. Amendment or suspension of the Rules	6
Rule 2 The Operating Structures	6
SECTION 1. Exercise of judicial and administrative functions	6
SEC. 2. Quorum of the Court <i>en banc</i>	6
SEC. 3. Court <i>en banc</i> matters and cases	6
SEC. 4. Division cases	8
SEC. 5. Composition and quorum of a Division	8
SEC. 6. Vacancy	8
SEC. 7. Resolutions of motions for reconsideration or clarification of decisions or signed, unsigned or minute resolutions and all other pleadings, motions and incidents subsequently filed; creation of a Special Division	8
SEC. 8. Composition and reorganization of a Division	9
SEC. 9. Effect of reorganization of Divisions on assigned cases	10
SEC. 10. Formula for assigning cases to a new Member of the Court	10
SEC. 11. Actions on cases referred to the Court <i>en banc</i>	11
SEC. 12. Committees	11
SEC. 13. Ethics Committee	12
SEC. 14. <i>Per curiam</i> decisions	12
SEC. 15. Form of resolution on motion for reconsideration in cases where the vote of Members of the Court is divided	13
SEC. 16. Filling up of Court positions in Senate and House Electoral Tribunals	13
Rule 3 The Exercise of Judicial Function	13
SECTION 1. The Supreme Court a court of law	13
SEC. 2. The Court not a trier of facts	13
SEC. 3. Advisory opinions proscribed	14



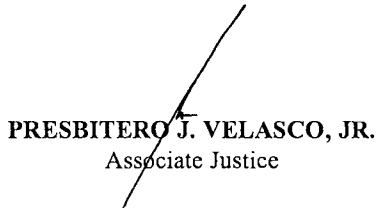
ANTONIO T. CARPIO
Associate Justice



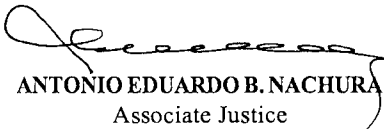
RENATO C. CORONA
Associate Justice




CONCHITA CARPIO MORALES
Associate Justice




PRESBITERO J. VELASCO, JR.
Associate Justice



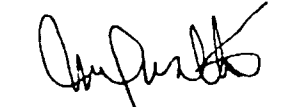
ANTONIO EDUARDO B. NACHURA
Associate Justice



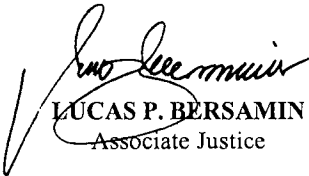
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



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 P. PEREZ
Associate Justice



JOSE C. MENDOZA
Associate Justice

THE INTERNAL RULES of THE SUPREME COURT

PART I

RULE 1

THE INTERNAL RULES

SECTION 1. *The Internal Rules.* – These Rules shall govern the internal operations of the Supreme Court and guide its exercise of judicial and administrative functions. They shall be cited as *The Internal Rules of the Supreme Court.*

SEC. 2. *Interpretation.* – The *Internal Rules of the Supreme Court* shall be interpreted in accordance with the mandates of the Supreme Court under the Constitution, applicable laws, and the Rules of Court to ensure a just, fair and efficient administration of justice. Nothing in these Rules shall be interpreted to preclude or limit the exercise of the power and authority of the Court as provided in the Constitution, the applicable laws, and the Rules of Court.

SEC. 3. *Committee on Internal Rules.* –

(a) A permanent Committee on Internal Rules of the Supreme Court shall ensure, through appropriate recommendation to the Court *en banc*, that these Rules are kept current and responsive to the needs of the Court and the public it serves;

(b) The Committee, composed mainly of Members of the Court, shall include the Clerk of the Supreme Court and the Chief Attorney as permanent members, and may include other court officials as may be needed;

(c) The Committee shall collate relevant materials from laws, the Rules of Court, and Resolutions of the Court at the end of every year and submit to the Court *en banc* an update of the Rules the following January. It shall likewise recommend to the Court *en banc* the amendment, revision, or deletion of any of these Rules to reflect and achieve the objectives of justice, fairness and efficiency;

(d) These Rules shall be posted on the Supreme Court website.

SEC. 4. *Amendment or suspension of the Rules.* – In the interest of sound and efficient administration of justice, and upon a majority vote of the Court *en banc*, any provision of these Rules may be amended, revised, deleted, suspended or dispensed with in particular cases, upon such terms as the Court *en banc* may decide to be just, fair and proper.

RULE 2

THE OPERATING STRUCTURES

SECTION 1. *Exercise of judicial and administrative functions.* – The Court exercises its judicial functions and its powers of administrative supervision over all courts and their personnel through the Court *en banc* or its Divisions. It administers its activities under the leadership of the Chief Justice, who may, for this purpose, constitute supervisory or special committees headed by individual Members of the Court or working committees of court officials and personnel.

SEC. 2. *Quorum of the Court en banc.* – Eight Members shall constitute a quorum of the Court. In the absence of the Chief Justice, the most senior Associate Justice present shall chair the sessions of the Court.

SEC. 3. *Court en banc matters and cases.* – The Court *en banc* shall act on the following matters and cases:

- (a) cases in which the constitutionality of any treaty, international or executive agreement, law, executive order, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;¹

¹ As amended on July 31, 2012 and September 18, 2012.

- (b) cases raising novel questions of law;
- (c) cases affecting ambassadors, other public ministers, and consuls;
- (d) cases involving decisions, resolutions, and orders of the Commission on Elections and the Commission on Audit;²
- (e) cases where the penalty recommended or to be imposed is the dismissal of a judge, official or personnel of the Judiciary, the disbarment of a lawyer, the suspension of any of them for a period of more than one year, or a fine exceeding forty thousand pesos;³
- (f) cases covered by the preceding paragraph and involving the reinstatement in the judiciary of a dismissed judge, the reinstatement of a lawyer in the roll of attorneys, or the lifting of a judge's suspension or a lawyer's suspension from the practice of law;
- (g) cases involving the discipline of a Member of the Court, or a Presiding Justice, or any Associate Justice of the collegial appellate courts;
- (h) cases where a doctrine or principle laid down by the Court *en banc* or by a Division may be modified or reversed;
- (i) cases involving conflicting decisions of two or more divisions;
- (j) cases where three votes in a Division cannot be obtained;
- (k) Division cases where the subject matter has a huge financial impact on businesses or affects the welfare of a community;
- (l) subject to Section 12(b) of this rule, other division cases that, in the opinion of at least three Members of the Division who are voting and present, are appropriate for transfer to the Court *en banc*, provided that before a decision is rendered, any member of the Division may request the Court *en banc* to take cognizance of cases that fall under paragraph (m);⁴

² As amended on August 3, 2010.

³ As amended on June 18, 2013.

⁴ As amended on November 10, 2015.

- (m) cases that the Court *en banc* deems of sufficient importance to merit its attention; and
- (n) all matters involving policy decisions in the administrative supervision of all courts and their personnel.

SEC. 4. *Division cases.* – All cases and matters under the jurisdiction of the Court not otherwise provided for by law, by the Rules of Court or by these Internal Rules to be cognizable by the Court *en banc* shall be cognizable by the Divisions.

SEC. 5. *Composition and quorum of a Division.* – Unless the Court *en banc* decrees otherwise, a quorum shall consist of a majority of all the Members of the Division, provided that deliberation on a case shall be deferred to another date upon request of an absent regular Member of a Division, or that said Member shall be allowed to leave his or her vote pursuant to Section 4 of Rule 12.⁵

SEC. 6. *Vacancy.* – Vacancy as used in these Rules shall refer to vacancy due to retirement, death, permanent disability, removal from office, or resignation of a Member of the Court.⁶

SEC. 7. *Resolutions of motions for reconsideration or clarification of decisions or signed, unsigned or minute resolutions and all other pleadings, motions and incidents subsequently filed; creation of a Special Division.* – Motions for reconsideration or clarification of a decision or of a signed, unsigned or minute resolution, and all other pleadings, motions and incidents subsequently filed in the case, shall be acted upon by the *ponente* and the other Members of the Division that rendered the decision or signed, unsigned or minute resolution.

If the *ponente* has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, or on any other pleading, motion and incident subsequently filed, he or she shall be replaced through raffle by a new *ponente* who shall be chosen among the Members of the Division who participated in the rendition of the decision or signed, unsigned or minute resolution and who concurred therein. If only one Member of the

⁵ As amended on November 10, 2015.

⁶ As inserted on November 10, 2015.

Court who participated and concurred in the rendition of the decision or signed, unsigned or minute resolution remains, he or she shall be designated as the new *ponente*.

If a Member (not the *ponente*) of the Division which rendered the decision or signed, unsigned or minute resolution has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, or on any other pleading, motion and incident subsequently filed, he or she shall be replaced through raffle by a replacement Member who shall be chosen from the other Divisions until a new Justice is appointed as replacement for the retired Justice. Upon the appointment of a new Justice, he or she shall replace the designated Justice as replacement Member of the Special Division.

Any vacancy or vacancies in the Special Division shall be filled by raffle from among the other Members of the Court to constitute a Special Division of five (5) Members.

If the *ponente* and all the Members of the Division that rendered the Decision or signed, unsigned or minute Resolution are no longer Members of the Court, the case shall be raffled to any Member of the Court and the pleading, motion or incident shall be acted upon by him or her with the participation of the other Members of the Division to which he or she belongs.

This section with regard to unsigned or minute resolutions shall not apply in cases of reorganization.⁷

SEC. 8. *Composition and reorganization of a Division.* – The composition of each Division shall be based on seniority as follows:

- (a) First Division – Chief Justice, the fourth in seniority as working chairperson, the seventh in seniority, the tenth in seniority, and the thirteenth in seniority.

⁷ As amended on November 10, 2015 and March 15, 2016. Section on ‘Resolutions of motions for reconsideration or clarification of an unsigned resolution or a minute resolution and all other motions and incidents subsequently filed’ was deleted in the Resolution dated March 15, 2016.

- (b) Second Division – the second in seniority as Chairperson, the fifth in seniority, the eighth in seniority; the eleventh in seniority, and the fourteenth in seniority.
- (c) Third Division – the third in seniority as Chairperson, the sixth in seniority, the ninth in seniority, the twelfth in seniority, and the fifteenth in seniority.

The Chief Justice may, however, consider factors other than seniority in Division assignments. The appointment of a new Member of the Court shall necessitate the reorganization of Divisions at the call of the Chief Justice.

SEC. 9. *Effect of reorganization of Divisions on assigned cases.* – In the reorganization of the membership of Divisions, cases already assigned to a Member-in-Charge shall be transferred to the Division to which the Member-in-Charge moves, subject to the rule on the resolution of motions for reconsideration under Section 7 of this Rule. The Member-in-Charge is the Member given the responsibility of overseeing the progress and disposition of a case assigned by raffle.

SEC. 10. *Formula for assigning cases to a new Member of the Court.* – The following rules shall be observed in assigning cases to a newly appointed Member of the Court:

- (a) the average caseload of each Member shall be determined by dividing the total number of pending cases of all fifteen Members by fifteen;
- (b) the newly appointed Member of the Court shall inherit the caseload of the Member being replaced, and the inherited caseload, if less than the average caseload as determined in (a), shall be equalized with the average caseload by taking the difference from the caseload of the incumbent Members divided among them in equal number;
- (c) cases submitted for decision within the last twelve months preceding the appointment of the new Member of the Court may be unloaded to him or her.

The case load shall take into account only cases and matters for adjudication.⁸

SEC. 11. *Actions on cases referred to the Court en banc.* – The referral of a Division case to the Court *en banc* shall be subject to the following rules:

- (a) the resolution of a Division denying a motion for referral to the Court *en banc* shall be final and shall not be appealable to the Court *en banc*;
- (b) the Court *en banc* may, in the absence of sufficiently important reasons, decline to take cognizance of a case referred to it and return the case to the Division; and
- (c) No motion for reconsideration of a resolution of the Court *en banc* declining cognizance of a referral by a Division shall be entertained.

SEC. 12. *Committees.* – (a) The Court shall have the following permanent Committees, whose members shall be designated by the Chief Justice:

- (i) Committee on the Revision of the Rules of Court;
- (ii) Committee on Computerization and Library;
- (iii) Committee on Security;
- (iv) Bids and Awards Committees;
- (v) Committee on Administrative Concerns;
- (vi) Legislative-Executive Relations Committee;
- (vii) Committee on Publication of the Court Systems Journal;
- (viii) Committee on Continuing Legal Education and Bar Matters;⁹
- (ix) Committee on Retirement Program;
- (x) Committee on Public Information;
- (xi) Judicial Reform Support Project Management Committee;
- (xii) Committee on Publication of the Advanced Syllabi;

⁸ As amended on August 3, 2010.

⁹ As amended on January 17, 2012.

- (xiii) Committee on Foreign Travel;
- (xiv) Committee on Justice on Wheels; and
- (xv) Committee on Gender Responsiveness in the Judiciary.

The Court may create other Committees as may be necessary, with the Chief Justice designating the Committee Chairperson and Members.

- (b) Subcommittees may be created by the Chief Justice upon the recommendation of the Committee Chairperson.
- (c) *Ad Hoc* committees shall be created as the need arises.

SEC. 13. *Ethics Committee.* – In addition to the above, a permanent Committee on Ethics and Ethical Standards shall be established and chaired by the Chief Justice, with the following membership:

- (a) a working Vice-Chair appointed by the Chief Justice;
- (b) three (3) members chosen among themselves by the Court *en banc* by secret vote; and
- (c) a retired Supreme Court Justice chosen by the Chief Justice as a non-voting observer-consultant.

The Vice-Chair, the Members and the retired Supreme Court Justice shall serve for a term of one (1) year, with the election in the case of elected Members to be held at the call of the Chief Justice.

The Committee shall have the task of preliminarily investigating all complaints involving graft and corruption and violations of ethical standards, including anonymous complaints, filed against Members of the Court, and of submitting findings and recommendations to the Court *en banc*. All proceedings shall be completely confidential. The Committee shall also monitor and report to the Court the progress of the investigation of similar complaints against Supreme Court officials and employees, and handle the annual update of the Court's ethical rules and standards for submission to the Court *en banc*.

SEC. 14. *Per curiam decisions.* – Unless otherwise requested by the Member assigned to write the opinion of the Court, the decision or resolution shall be rendered *per curiam*

- (a) where the penalty imposed is dismissal from service, disbarment, or indefinite suspension in administrative cases; or
- (b) in any other case by agreement of the majority of the Members or upon request of a Member.

SEC. 15. *Form of resolution on motion for reconsideration in cases where the vote of Members of the Court is divided.* – The resolution of motions for reconsideration of decisions or signed resolutions, in case the opinion of the Court *en banc* or Division is divided, may be by minute resolution specifying the respective votes of the Members.¹⁰

SEC. 16. *Filling up of Court positions in Senate and House Electoral Tribunals.* – Positions for Members of the Court in the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal shall be designated by the Chief Justice among the Members of the Court in the order of seniority. The most senior Member shall serve as chairperson of the tribunal.

RULE 3

THE EXERCISE OF JUDICIAL FUNCTION

SECTION 1. *The Supreme Court a court of law.* – The Court is a court of law. Its primary task is to resolve and decide cases and issues presented by litigants according to law. However, it may apply equity where the court is unable to arrive at a conclusion or judgment strictly on the basis of law due to a gap, silence, obscurity or vagueness of the law that the Court can still legitimately remedy, and the special circumstances of the case.

SEC. 2. *The Court not a trier of facts.* – The Court is not a trier of facts; its role is to decide cases based on the findings of fact before it. Where the Constitution, the law or the Court itself, in the exercise of its discretion, decides to receive evidence, the reception of evidence may be delegated to a Member of the Court, to either the Clerk of Court or

¹⁰ As amended on August 3, 2010.

one of the Division Clerks of Court, or to one of the appellate courts or its justices who shall submit to the Court a report and recommendation on the basis of the evidence presented.

SEC. 3. *Advisory opinions proscribed.* – The Court cannot issue advisory opinions on the state and meaning of laws, or take cognizance of moot and academic questions, subject only to notable exceptions involving constitutional issues.

SEC. 4. *Cases when the Court may determine factual issues.* – The Court shall respect the factual findings of lower courts, unless any of the following situations is present:

- (a) the conclusion is a finding grounded entirely on speculation, surmise and conjecture;
- (b) the inference made is manifestly mistaken;
- (c) there is grave abuse of discretion;
- (d) the judgment is based on a misapprehension of facts;
- (e) the findings of fact are conflicting;
- (f) the collegial appellate courts went beyond the issues of the case, and their findings are contrary to the admissions of both appellant and appellee;
- (g) the findings of fact of the collegial appellate courts are contrary to those of the trial court;
- (h) said findings of fact are conclusions without citation of specific evidence on which they are based;
- (i) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents;
- (j) the findings of fact of the collegial appellate courts are premised on the supposed evidence, but are contradicted by the evidence on record; and
- (k) all other similar and exceptional cases warranting a review of the lower courts' findings of fact.

RULE 4

THE EXERCISE OF ADMINISTRATIVE FUNCTION

SECTION 1. *Disciplinary cases against Court personnel.* – Administrative supervision of courts and court personnel shall be undertaken by the Court *en banc*, provided that, in appropriate cases, such function may be undertaken by the Divisions.

SEC. 2. *Assisting offices in the exercise of administrative function.* – In the discharge of its administrative functions, the Court shall be assisted by the Office of the Clerk of Court in administrative matters and cases involving the Court and the collegial appellate courts. Whenever necessary, the Court shall also be assisted by the Office of the Court Administrator in said matters and in administrative matters and cases involving the lower courts.¹¹

SEC. 3. *Administrative functions of the Court.* – The administrative functions of the Court, whether *en banc* or in division, consist of, but are not limited to, the following:

- (a) disciplinary and administrative matters involving justices, judges and court personnel;
- (b) the temporary assignment of judges to other stations as public interest may require;
- (c) the designation of judges from another administrative jurisdiction in the absence of judges that can be designated to hear and decide inhibited cases;
- (d) the request of judges for extension of time within which to decide cases submitted for decision;
- (e) the transfer of cases, from one court, administrative area or judicial region, to another, or the transfer of venue of the trial of cases to avoid miscarriage of justice;
- (f) the amendment, modification or revocation of administrative orders and circulars issued by the Court;
- (g) the policy consideration and determination of matters and issues;

¹¹ As amended on August 3, 2010.

- (h) matters involving the Judicial and Bar Council (JBC) or the Philippine Judicial Academy (PHILJA) in the exercise of the Court's supervisory authority over them; and
- (i) other matters similar or analogous to the foregoing.¹²

RULE 5

PRECEDENCE AND PROTOCOL

SECTION 1. *Concept.* – The Chief Justice enjoys precedence over all the other Members of the Court in all official functions. The Associate Justices shall have precedence according to the order of their appointments as officially transmitted to the Supreme Court.

SEC. 2. *When rule on precedence is applicable.* – The rule on precedence shall be applied in the following instances:

- (a) in the determination of the Chairpersonship of the Division;
- (b) in the seating arrangement of the Justices in all official functions; and
- (c) in the choice of office space, facilities, equipment, transportation, and cottages.

SEC. 3. *When rule on precedence is not applicable.* – Precedence in rank shall not be observed in social and other non-official functions or be used to justify discrimination in the assignment of cases, amount of compensation, allowances or other forms of remuneration.

PART II

RULE 6

FILING, RECEIVING, AND PROCESSING OF INITIATORY PLEADINGS AND APPEALS

SECTION 1. *Governing rules of procedure in appeals or petitions filed in the Supreme Court.* – All appeals or petitions and pleadings that

¹² As amended on August 3, 2010.

initiate an application for relief shall be filed with the Court only in accordance with the procedure provided by the Rules of Court and other issuances of the Court.

SEC. 2. *Reception of pleadings and other documents.* – All appeals and petitions in all types of cases, and original records in criminal cases shall be filed with and received by the Receiving Section of the Docket Division of the Judicial Records Office during office hours.

SEC. 3. *Assessment and payment.* – An initiatory pleading shall be processed pursuant to the pertinent provisions of the Rules of Court and issuances of the Court. The corresponding legal fees shall then be assessed and paid.

SEC. 4. *Docket number and entry in logbook.* – An initiatory pleading properly filed shall be assigned a docket or G. R. (General Register) number, which shall identify the case for record purposes until its termination under the Rules of Court. Any case for which no docket fee has been paid shall be assigned an undocketed or UDK number. All initiatory pleadings shall be entered in the logbook of the Receiving Section.

SEC. 5. *Case Administration System.* – Pleadings, letters, resolutions, decisions, entry of judgment, and all the relevant information regarding any particular case identified by a G.R. number or a UDK number shall be encoded in the Case Administration System (CAS).

SEC. 6. *Indexing and transmittal to Docket Division.* – After the recording in the logbook and encoding in the CAS by the Receiving Section, the initiatory pleading shall be indexed on a card that shall indicate such information as court of origin, the lower court case number(s), the nature of the case, the names of the counsel(s) for the litigants, and the date and time of transmittal to the Docket Division of the Judicial Records Office. The indexing of cases shall serve as a backup record of the receipt of a case by the Court. Thereafter, the initiatory pleading shall be transmitted to the Docket Division.

SEC. 7. *Classification of cases.* – A court attorney in the Docket Division shall preliminarily classify the petitions and appeals filed as *en banc* or as Division cases in accordance with law.

SEC. 8. *Recording of cases in the main docket book.* – The case shall be recorded in the main docket book of the Docket Division, where all pleadings, motions, communications, resolutions, the decision, the entry of judgment, and all relevant information on a particular case shall be recorded by handwriting. The personnel charged with making entries in the main docket book of the said pleadings and other information shall affix his or her initials after such entries.

SEC. 9. *The rollo for each case.* – All original pleadings and other documents filed under the same docket number shall be encased in a folder or *rollo* with a Court *en banc*-approved, color-coded *cartolina* cover indicating the G.R. or UDK number, the title of the case, the date of filing, the date of submission for decision, and the nature of the case. The pages of the pleadings and other documents shall be consecutively numbered and attached to the *rollo* preferably by stitching or any method that ensures the integrity of the contents of the *rollo*.

SEC. 10. *Processing.* – A court attorney at the Docket Division of the Judicial Records Office shall accomplish the processing slips for all initiatory pleadings, including motions for extension of time to file petition. The processing slip shall serve as the checklist of the requirements of the Rules of Court for filing a case, and shall inform the Court of compliance or non-compliance by the appellant or petitioner with such requirements, as gathered from the initiatory pleading filed. Information provided by the processing slip shall be reported in the initial agenda item on the case.

SEC. 11. *Transmittal of rollo from the Receiving Section to the Office of the Clerk of Court or the Division Clerk of Court.* – The Judicial Records Office shall transmit all *rollos* to the Office of the Clerk of Court or Division Clerk of Court within three working days from receipt of pleadings, documents or papers attached to them, unless immediate transmittal is demanded by the nature of the case. Copies of pleadings, documents, or papers not attached to the *rollo* shall be distributed by said Offices to all Members of the Court *en banc* or of the Division.¹³

¹³ As amended on August 3, 2010.

RULE 7

RAFFLE OF CASES

SECTION 1. *Raffle of cases.* – Every initiatory pleading already identified by a G.R. or a UDK number shall be raffled among the Members of the Court. The Member-in-Charge to whom a case is raffled, whether such case is to be taken up by the Court *en banc* or by a Division, shall oversee its progress and disposition unless for valid reason, such as inhibition, the case has to be re-raffled, unloaded or assigned to another Member.

SEC. 2. *Raffle Committee.* – Two Raffle Committees—one for the *en banc* and the other for Division cases, each to be composed of a Chairperson and two members—shall be designated by the Chief Justice from among the Members of the Court on the basis of seniority.

SEC. 3. *Raffle Committee Secretariat.* – The Clerk of Court shall serve as the Secretary of the Raffle Committee. He or she shall be assisted by a court attorney, duly designated by the Chief Justice from either the Office of the Chief Justice or the Office of the Clerk of Court, who shall be responsible for (a) recording the raffle proceedings and (b) submitting the minutes thereon to the Chief Justice. The Clerk of Court shall make the result of the raffle available to the parties and their counsels or to their duly authorized representatives, except the raffle of (a) bar matters; (b) administrative cases; and (c) criminal cases where the penalty imposed by the lower court is life imprisonment, and which shall be treated with strict confidentiality.

The Division Clerks of Court shall be authorized to access the results of the raffle in the Court’s system with respect to cases assigned to their Division, and shall be bound by strict confidentiality on the identity of the Member-in-Charge or ponente.¹⁴

SEC. 4. *Classification of cases for raffle.* – The initiatory pleadings duly docketed at the Judicial Records Office shall be classified into *en banc* and Division cases for purposes of the raffle. The Clerk of Court shall forthwith make a report on the classified cases to the Chief Justice.

¹⁴ As amended on June 28, 2016.

SEC. 5. *Schedule of regular raffle.* – Regular raffle of *en banc* and Division cases shall be held on Mondays and Wednesdays, respectively.

SEC. 6.¹⁵ *Procedure in the Raffle of Cases.* – The following rules shall be observed in the raffle of cases:

- (a) For Division cases, the Chief Justice is exempt for three (3) rounds while the Chairpersons (including the Working Chairperson of the First Division) are exempt for two (2) rounds;
- (b) For *En Banc* cases, the Chief Justice is exempt for two (2) rounds while the Chairpersons (including the Working Chairperson of the First Division) are exempt for one (1) round;
- (c) Members who are on wellness leave or who are on vacation or sick leave, for at least fifteen (15) continuous calendar days, shall be exempt from raffle. Retiring Members shall also be excluded from raffle three (3) months prior to date of retirement.¹⁶

SEC. 7. *Special raffle of cases.* – Should an initiatory pleading pray for the issuance of a temporary restraining order or an urgent and extraordinary writ such as the writ of habeas corpus or of *amparo*, and the case cannot be included in the regular raffle, the Clerk of Court shall immediately call the attention of the Chief Justice or, in the latter's absence, the most senior Member of the Court present. The Chief Justice or the Senior Member of the Court may direct the conduct of a special raffle, in accordance with the following procedure:

- (a) Upon receipt of an initiatory pleading containing a motion for the conduct of a special raffle, the Judicial Records Office shall immediately (i) process the pleading and (ii) transmit a copy of it to the Office of the Clerk of Court.
- (b) The Judicial Records Office shall inform the Clerk of Court in writing of the motion for special raffle, and the Clerk of

¹⁵ The former Section 6 is renumbered as Section 7, Section 7 is renumbered as Section 8 and Section 8 is renumbered as Section 9.

¹⁶ As amended on September 18, 2012.

Court shall forthwith seek authority to conduct the special raffle from the Chief Justice or substitute Senior Member, as the case may be.

- (c) The special raffle shall be conducted immediately.
- (d) The Clerk of Court shall furnish the Member-in-Charge to whom the case is raffled, the Judicial Records Office, and the *Rollo* Room at the Office of the Chief Justice, copies of the result of the special raffle in an envelope marked "RUSH." The Member-in-Charge shall also be furnished a copy of the pleading. If the case is classified as a Division case, the Clerk of Court shall furnish the same copies to the Office of the Clerk of Court of the Division to which the same Member-in-Charge belongs and to the Division Chairperson.
- (e) Upon receipt of the special raffle result, the Judicial Records Office shall immediately forward the *rollo* to the Division concerned, with the word "RUSH" clearly indicated on the *rollo* cover.
- (f) Upon receipt of the *rollo*, the Clerk of Court—or, should the case be classified as a Division case, the Division Clerk of Court—shall immediately (i) prepare the agenda item on the specially raffled case; and (ii) forward the *rollo* and a copy of the supplemental agenda to the *Rollo* Room, which shall transmit the *rollo* to the Member-in-Charge and distribute the supplemental agenda to the Chief Justice and the Members of the Court or to the Chairperson and Members of the Division, as the case may be.¹⁷
- (g) When the Court is in recess and the urgency of the case requires immediate action, the Clerk of Court or the Division Clerk of Court shall personally transmit the *rollo* to the Chief Justice or the Division Chairperson for his or her action.

SEC. 8. *Conduct of the raffle.* – The cases included in a previously prepared list shall be raffled using a reasonably acceptable random raffle device under a system that shall ensure the fair and equitable distribution of case load among all Members of the Court.

¹⁷ As amended on August 3, 2010.

SEC. 9. *Transfer of rollos of raffled cases.* – The rollos of all raffled cases shall be delivered to the Offices of the respective Clerks of Court, for inclusion in the next agenda of the Court *en banc* or the Division.

RULE 8

INHIBITION AND SUBSTITUTION OF MEMBERS OF THE COURT

SECTION 1. *Grounds for inhibition.* – A Member of the Court shall inhibit himself or herself from participating in the resolution of the case for any of these and similar reasons:

- (a) the Member of the Court was the *ponente* of the decision or participated in the proceedings in the appellate or trial court;
- (b) the Member of the Court was counsel, partner or member of a law firm that is or was the counsel in the case subject to Section 3(c) of this rule;
- (c) the Member of the Court or his or her spouse, parent or child is pecuniarily interested in the case;
- (d) the Member of the Court is related to either party in the case within the sixth degree of consanguinity or affinity, or to an attorney or any member of a law firm who is counsel of record in the case within the fourth degree of consanguinity or affinity;
- (e) the Member of the Court was executor, administrator, guardian or trustee in the case; and
- (f) the Member of the Court was an official or is the spouse of an official or former official of a government agency or private entity that is a party to the case, and the Justice or his or her spouse has reviewed or acted on any matter relating to the case.

A Member of the Court may in the exercise of his or her sound discretion, inhibit himself or herself for a just or valid reason other than any of those mentioned above.

The inhibiting Member must state the precise reason for the inhibition.

SEC. 2. *Motion to inhibit a Division or a Member of the Court.* – A motion for inhibition must be in writing and under oath and shall state the grounds therefor.

No motion for inhibition of a Division or a Member of the Court shall be granted after a decision on the merits or substance of the case has been rendered or issued by any Division, except for a valid or just reason such as an allegation of a graft and corrupt practice or a ground not earlier apparent.¹⁸

SEC. 3. *Effects of inhibition.* – The consequences of an inhibition of a Member of the Court shall be governed by these rules:

- (a) Whenever a Member-in-Charge of a case in a Division inhibits himself for a just and valid reason, the case shall be returned to the Raffle Committee for re-raffling among the Members of the other two (2) Divisions of the Court.¹⁹
- (b) Whenever a Member of the Division, other than the Member-in-Charge of a case, inhibits on any of the grounds specified in Section 1, except paragraph (b), the case shall be decided by the four remaining Members of the Division and another Member of the two other Divisions chosen by raffle to act on the case.
- (c) When a Member of the Division, other than the Member-in-Charge of a case, was counsel or partner or member of a law firm that is or was counsel in the case before the Division, such Member shall inhibit himself or herself, unless the Member was no longer a partner or member of the law firm when it was engaged as counsel in the case and the Member votes against the client of such firm. In any event, the mandatory inhibition shall cease after the lapse of ten years from the resignation or withdrawal of the Member from the law firm, unless the Member personally handled the case when he or she was a partner or member of the law firm.
- (d) Whenever two or more Members of the Division, other than the Member-in-Charge of a case, inhibit themselves from a

¹⁸ As amended on August 3, 2010.

¹⁹ As amended on August 3, 2010.

case, they shall be replaced by raffle by Members of the other Divisions.

- (e) A Member of the Court who inhibits, on the grounds specified in Section 1, shall be assigned an additional case at the next raffle of Division cases.

SEC. 4. *Substitution of Member.* – When a vacancy occurs in a Division, another Member from the other Divisions shall be designated by the Chief Justice by rotation, according to a reverse order of seniority, to act as Member of the Division until a newly appointed Member assumes office.

When a Member of the Division is on leave, he/she shall no longer be replaced as long as there is a quorum of at least three (3) members, and said absent Member who participated in the deliberation of the case shall be allowed to leave his or her vote pursuant to Section 4 of Rule 12.²⁰

RULE 9

FOLDER OF PLEADINGS, COMMUNICATIONS, DOCUMENTS AND OTHER PAPERS IN A CASE

SECTION 1. *The rollo of a case.* – The original of all pleadings, communications, documents, and other papers filed by the parties shall be encased in a *rollo*, which shall serve as their official repository for purposes of the case. The *rollo* shall be properly and sequentially paginated by the docketing office concerned to prevent intercalation or detachment of a page.

To ensure that all such pleadings, communications, documents and other papers are attached to the *rollos*, including official copies of resolutions, orders and decisions as well as proofs of service thereof on the parties, the *rollos* of cases reported in the court agenda, except cases submitted for decision or resolution, shall be returned to the Office of the Clerk of Court or of the Division Clerk of Court within twenty-four (24) hours after the session.²¹

²⁰ As amended on November 10, 2015.

²¹ As amended on September 10, 2013.

SEC. 2. *Repository of rollos.* – All *rollos* of cases submitted for decision shall be kept in the *Rollo Room* in the Office of the Chief Justice, except when taken out for delivery to any of the following: (1) the Judicial Records Office for attachment of a pleading, communication, document or other papers filed; (2) the Office of the Clerk of Court or the Office of the Division Clerk of Court, for the preparation of the agenda and of the minutes of a court session, as well as for the attachment of the decisions or resolutions to the *rollo*; (3) the Office of the Member-in-Charge or the Office of the *ponente* or writer of the decision or resolution; and (4) any Office or official charged with the study of the case.

All personnel charged with the safekeeping and distribution of *rollos* shall be bound by strict confidentiality on the identity of the Member-in-Charge or the *ponente*, as well as on the integrity of the *rollos*, under pain of administrative sanction and criminal prosecution for any breach thereof.²²

SEC. 3. *The expediente.* – The Office of the Clerk of Court or of the Division Clerk of Court shall provide copies of all pleadings, communications, documents, and other papers of a case to the Offices of the Members of the Court for the constitution of an *expediente* to facilitate access and easy reference to a case.

SEC. 4. *Confidentiality of identity of Member-in-Charge or ponente and of Court actions.* – Personnel assigned to the *Rollo Room* and all other Court personnel handling documents relating to the raffling of cases are bound by strict confidentiality on the identity of the Member-in-Charge or *ponente* and on the actions taken on the case.

Rollo Room personnel may release a *rollo* only upon an official written request from the Chief Judicial Staff Head or the Chief of Office of the requesting Office. The *rollo room* personnel may release a *rollo* only to an authorized personnel named in the official written request. All personnel handling the *rollos* are bound by the same strict confidentiality rules.

²² As amended on August 3, 2010.

SEC. 5. *Consolidation of cases.* – The Court may order the consolidation of cases involving common questions of law or of fact. The Chief Justice shall assign the consolidated cases to the Member-in-Charge to whom the case having the lower or lowest docket number has been raffled, subject to equalization of case load by raffle, *provided* that the controlling title shall be the title of the case with the lowest docket number unless otherwise decided by the Court *en banc* upon recommendation of the Member-in-Charge.

The Judicial Records Office shall see to it that (a) the *rollos* of the consolidated cases are joined together to prevent the loss, misplacement or detachment of any of them; and (b) the cover of each *rollo* indicates the G.R. or UDK number of the case with which the former is consolidated.

The Member-in-Charge who finds after study that the cases do not involve common questions of law or of fact may request the Court to have the case or cases returned to the original Member-in-Charge.²³

SEC. 6. *Reconstitution of lost rollo.* – When a *rollo* is lost and a diligent search for it proves futile, the personnel-in-charge of the *Rollo* Room shall immediately inform the Chief Justice or the proper Chairperson of the Division of such loss. Without prejudice to any administrative or criminal liability of the personnel responsible for the loss, the Chief Justice or the Chairperson of the Division concerned shall direct the Judicial Records Office to reconstitute the *rollo* and request the counsel and the parties to personally appear and submit, on a specified date, legible copies of the pleadings, communications, documents, and other papers filed in the case, and to authenticate their respective submissions.

The same procedure shall be observed when the loss of a *rollo* occurs in the office of a Member of the Court. The Judicial Staff Head concerned shall immediately report the loss.

Entries in the main docket book of the Judicial Records Office, as well as in the Case Administration System, shall be used for verification purposes.

²³ As amended on March 12, 2013.

RULE 10

COURT SESSIONS AND HEARINGS

SECTION 1. *Court sessions.* – The Court *en banc* shall hold sessions every Tuesday. The Divisions may meet on Mondays and Wednesdays. Special sessions may be held whenever necessary. In every session, proceedings shall follow the agenda of cases and matters to be taken up. Actions taken during sessions shall be duly reflected in the minutes of the proceedings.

SEC. 2. *Confidentiality of court sessions.* – Court sessions are executive in character, with only the Members of the Court present. Court deliberations are confidential and shall not be disclosed to outside parties, except as may be provided herein or as authorized by the Court.

The Chief Justice or the Division Chairperson shall record the action or actions taken in each case for transmittal to the Clerk of Court or Division Clerk of Court after each session. The notes of the Chief Justice and the Division Chairperson, which the Clerk of Court and the Division Clerks of Court must treat with strict confidentiality, shall be the bases of the minutes of the sessions.

SEC. 3. *Oral arguments.* – The Court may hear any case on oral argument upon defined issues. The petitioner shall argue first, followed by the respondent and the *amicus curiae*, if any. Rebuttal arguments may be allowed by the Chief Justice or the Chairperson. If necessary, the Court may invite *amicus curiae*.

SEC. 4. *Transcripts of hearings, recording of oral arguments.* – Oral arguments shall be recorded by at least two stenographers, alternately taking stenographic notes of the proceedings. The stenographers shall transcribe their notes and submit the consolidated transcripts to the Clerk of Court or the Division Clerk of Court immediately upon the termination of the oral arguments. The Clerk of Court or the Division Clerk of Court shall review the transcripts of stenographic notes, using the tape or electronic recording of the hearing for verification purposes.²⁴

²⁴ As amended on August 3, 2010

RULE 11**AGENDA AND MINUTES OF COURT SESSIONS**

SECTION 1. *Agenda.* – The Clerk of Court and the Division Clerks of Court shall ensure that all pleadings, communications, documents, and other papers duly filed in a case shall be reported in the agenda for consideration by the Court *en banc* or the Division. The agenda items for each case shall adequately apprise the Court of relevant matters for its consideration.

SEC. 2. *Periods for inclusion of pleadings, motions, and other matters in the agenda.* – As much as practicable, the Clerk of Court and the Division Clerks of Court shall observe the following periods for the inclusion of pleadings, motions, and other matters in the agenda counted from receipt:

- (a) motions for extension of time to file petitions - immediately calendared;
- (b) appeals in criminal cases under Article 47 of the Revised Penal Code, as amended, or under Rule 122 of the Rules of Court - within fifteen days;
- (c) petitions under Rules 45, 64 and 65 - within ten days, unless a party asks for the issuance of a temporary restraining order or an extraordinary writ, and the Chief Justice authorizes the holding of a special raffle and the immediate inclusion of the case in the agenda;
- (d) motion for inhibition – within ten days, unless the petition prays for a temporary restraining order, in which case the motion must be immediately included in the agenda; and
- (e) other pleadings – within ten days.

The foregoing notwithstanding, the Chief Justice may direct the immediate inclusion of any matter in the agenda.²⁵

SEC. 3. *Minutes of proceedings.*– The Chief Justice or the Division Chairperson shall provide the Clerk of Court or the Division Clerk of

²⁵ As amended on August 3, 2010.

Court his or her notes on the actions taken by the Court within two (2) working days from the date of deliberation. The copy of the agenda containing the handwritten notes of the Chief Justice or the Division Chairperson shall serve as the basis for the preparation of the minutes of the session by the Office of the Clerk of Court or of the Division Clerks of Court.²⁶

SEC. 4. *Preparation of minutes of proceedings.* – As much as practicable, the Clerk of Court and the Division Clerks of Court shall observe the following guidelines on the preparation of minutes of court sessions:

(1) Within two (2) working days from receipt of the copy of the agenda containing the handwritten notes of the Chief Justice or the Division Chairperson, otherwise known as the ‘action’, the Clerk of Court or the Division Clerk of Court shall submit the draft of the immediate and advance minute resolutions to the Office of the Chief Justice or of the Division Chairperson. For this purpose, ‘immediate resolutions’ shall refer to minute resolutions which, upon specific instructions of the Chief Justice or the Division Chairperson, must be prepared and released immediately. ‘Advance resolutions’ shall refer to minute resolutions which, by their nature or by tradition, must be prepared and released in advance of the draft minutes, including but not limited to urgent matters described in Section 8 of this Rule.

(2) Within six (6) working days from receipt of the Action, the Clerk of Court or the Division Clerk of Court shall submit the draft of the whole minutes for approval by the Chief Justice or the Division Chairperson. All concerned Members of the Court must be furnished with copies of the draft minutes on the same day.

(3) The minutes of a court session shall follow the chronological sequence of the cases in the agenda.

(4) Comments on and/or revisions to the draft immediate or advance resolutions or the draft minutes must be submitted

²⁶ As amended on September 10, 2013.

to the Office of the Chief Justice or of the Division Chairperson within two (2) working days from receipt thereof; otherwise, the draft resolution or the draft minutes shall be deemed approved.

(5) Upon the expiration of the period in paragraph (4), the Office of the Chief Justice or of the Division Chairperson shall immediately transmit the approved resolution or the approved minutes to the Clerk of Court or the Division Clerk of Court.²⁷

SEC. 5. Confidentiality of minutes prior to release. – The Offices of the Clerk of Court and of the Division Clerks of Court are bound by strict confidentiality on the action or actions taken by the Court prior to the approval of the draft of the minutes of the court session and release of the resolutions embodying the Court action or actions.

A resolution is considered officially released once the envelope containing a final copy of it addressed to the parties has been transmitted to the process server for personal service or to the mailing section of the Judicial Records Office. Only after its official release may a resolution be made available to the public.²⁸

SEC. 6. Preparation of minute resolutions and unsigned extended resolutions. – Upon receipt of the approved minutes of the court session, the pertinent notice of the minute resolutions quoting an excerpt of the minutes of court sessions pertinent to a case shall be prepared by the court attorneys in the Office of the Clerk of Court or the Division Clerk of Court and personally reviewed, approved, and initialled by the Clerk of Court or the Division Clerk of Court.

An unsigned extended resolution may, however, be prepared by the Office of the Member-in-Charge or by the Office of the Clerk of Court or Division Clerk of Court, upon instructions of either the Chief Justice or the Division Chairperson, who shall approve the same. The Chief Justice and the Division Chairperson shall order the Clerk of Court or the Division Clerk of Court to release duly approved minute and unsigned extended resolutions.²⁹

²⁷ As amended on September 10, 2013.

²⁸ As amended on August 3, 2010.

²⁹ As amended on August 3, 2010.

SEC. 7. *Form of notice of a minute resolution.* – A notice of a minute resolution shall be embodied in a letter of the Clerk of Court or the Division Clerk of Court notifying the parties of the action or actions taken in their case. In the absence of or whenever so deputized by the Clerk of Court or the Division Clerk of Court, the Assistant Clerk of Court or Assistant Division Clerk of Court may likewise sign the letter which shall be in the following form:

(SUPREME COURT Seal)

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

ENBANC/ _____ DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc/ _____ Division issued a Resolution dated _____, which reads as follows:

“G.R./UDK/A.M./A.C. NO. _____ (TITLE). – (QUOTE RESOLUTION)”

Very truly yours,

(Sgd.)

CLERK OF COURT/DIVISION CLERK OF COURT³⁰

SEC. 8. *Release of resolutions.* – All resolutions shall be promptly released after the approval of the minutes of any session by the Chief Justice or the Division Chairperson. Resolutions with the following actions shall, however, be released immediately to the parties:

- (a) directing the issuance of extraordinary writs;
- (b) granting or denying motions for extension of time to file petitions or subsequent pleadings, lifting of warrants of arrest or other motions of urgent nature;
- (c) granting applications for a temporary restraining order/status quo order/writ of preliminary injunction;

³⁰ As amended on August 3, 2010.

- (d) preventively suspending judges or court personnel; and
- (e) directing any party, the Office of the Court Administrator, or any other official or agency to submit a comment, a report or a recommendation within a non-extendible period.³¹

RULE 12

VOTING REQUIREMENTS

SECTION 1. *Voting requirements.* – (a) All decisions and actions in Court *en banc* cases shall be made upon the concurrence of the majority of the Members of the Court who actually took part in the deliberations on the issue or issues involved and voted on them.

(b) All decisions and actions in Division cases shall be made upon the concurrence of at least three Members of the Division who actually took part in the deliberations on the issue or issues involved and voted on them.³²

SEC. 2. *Tie voting in the Court en banc.* – (a) In civil cases, including special proceedings and special civil actions, where the Court *en banc* is equally divided in opinion or the necessary majority vote cannot be had, the Court shall deliberate on it anew. If after such

³¹ As amended on August 3, 2010.

³² Art. VIII of the Constitution states:

SEC. 4. (1) The Supreme Court shall be composed of the Chief Justice and fourteen Associate Justices. It may sit *en banc* or in its discretion, in divisions of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.

(2) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court *en banc*, and all other cases which under the Rules of Court are required to be heard *en banc*, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided *en banc*: Provided, that no doctrine or principle of law laid down by the court in a decision rendered *en banc* or in division may be modified or reversed except by the court sitting *en banc*.

deliberation still no decision is reached, the Court shall, in an original action filed with it, dismiss the case; in appealed cases, it shall affirm the judgment or order appealed from.

(b) In criminal cases, when the Court *en banc* is equally divided in opinion or the necessary majority cannot be had, the Court shall deliberate on it anew. If after such deliberation still no decision is reached, the Court shall reverse the judgment of conviction of the lower court and acquit the accused.

(c) When, in an administrative case against any of the Justices of the appellate courts or any of the Judges of the trial courts, the imposable penalty is dismissal and the Court *en banc* is equally divided in opinion or the majority vote required by the Constitution for dismissal cannot be had, the Court shall deliberate on the case anew. If after such deliberation still no decision is reached, the Court shall dismiss the administrative case, unless a majority vote decides to impose a lesser penalty.

(d) Where the Court *en banc* is equally divided in opinion or the majority vote required by the Constitution for annulling any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation cannot be had, the Court shall deliberate on the case anew. If after such deliberation still no decision is reached, the Court shall deny the challenge to the constitutionality of the act.

(e) In all matters incidental to the main action where the Court *en banc* is equally divided in opinion, the relief sought shall be denied.

SEC. 3. *Failure to obtain required votes in Division.* – Where the necessary majority of three votes is not obtained in a case in a Division, the case shall be elevated to the Court *en banc*.

SEC. 4. *Leaving a vote.* – A Member who goes on leave or is unable to attend the voting on any decision, resolution, or matter may leave his or her vote in writing, addressed to the Chief Justice or the Division Chairperson, and the vote shall be counted, provided that he or she took part in the deliberation.

RULE 13**DECISION-MAKING PROCESS**

SECTION 1. *Period for deciding or resolving cases.* – The Court shall decide or resolve all cases within twenty-four months from the date of submission for resolution. A case shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum that the Court or its Rules require.

The Member-in-Charge, assigned to oversee the progress and disposition of a case, who is unable to decide or resolve the oldest cases within that period shall request the Court *en banc* for an extension of the period, stating the ground for the request. The Court shall act on the request as it sees fit, according to the circumstances of the case.

Should a Member object to the request, the Court shall grant a final extension of thirty days within which the Member-in-Charge shall report the case for deliberation, failing which, the case shall be re-raffled to another Member who shall submit the report within thirty days from assignment.

SEC. 2. *List of cases submitted for decision or resolution.* – The Clerk of Court and the Division Clerks of Court shall maintain a system for apprising the Court periodically, at least six months before the last day of the twenty-four-month period for deciding or resolving a case, of the approach of such cut off date.

SEC. 3. *Actions and decisions, how reached.* – The actions and decisions of the Court whether *en banc* or through a Division, shall be arrived at as follows:

- (a) *Initial action on the petition or complaint.* – After a petition or complaint has been placed on the agenda for the first time, the Member-in-Charge shall, except in urgent cases, submit to the other Members at least three days before the initial deliberation in such case, a summary of facts, the issue or issues involved, and the arguments that the petitioner presents in support of his or her case. The Court shall, in consultation with its Members, decide on what action it will take.

- (b) *Action on incidents.* – The Member-in-Charge shall recommend to the Court the action to be taken on any incident during the pendency of the case.
- (c) *Decision or Resolution.* – When a case is submitted for decision or resolution, the Member-in-Charge shall have the same placed in the agenda of the Court for deliberation. He or she shall submit to the other Members of the Court, at least seven days in advance, a report that shall contain the facts, the issue or issues involved, the arguments of the contending parties, and the laws and jurisprudence that can aid the Court in deciding or resolving the case. In consultation, the Members of the Court shall agree on the conclusion or conclusions in the case, unless the said Member requests a continuance and the Court grants it.

SEC. 4. *Continuance in deliberations.* – (a) The deliberation in a case may be adjourned to another date to enable the Member who requested it to further study the case; provided, however, that the total period of continuances in the deliberation shall not exceed three months from the date it was adjourned, unless the Court for good reason extends such period.

The immediately preceding rule shall likewise apply to actions on motions for reconsideration of the decisions and resolutions of the Court, unless a Member, whose vote in the original decision of a divided Court matters, is about to retire. In such a situation, the action on the motion for reconsideration submitted for resolution shall be made before his or her retirement.³³

SEC. 5. *Decision-making process.* – a) A Member who disagrees with the report and the recommended action of the Member-in-Charge may submit to the Chief Justice or Division Chairperson, furnishing a copy to other Members, his or her reflections, setting forth the reason or reasons for such disagreement.

b) A Member who agrees with the recommended action but based on different reason or reasons may, observing the same procedure, submit his or her reflections stating such reason or reasons.

³³ As amended on November 10, 2015.

c) Unless the Court allows a longer period, the reflections must be submitted within a maximum period of one month from the date the Member-in-Charge's report is presented to the Court.

d) After the submission of the reflections, the Member-in-Charge may request for a vote on the report and the reflections or for time to respond to such reflections within a maximum period of two weeks. Voting shall take place when the final versions of the report and the reflections shall have been submitted.

e) The Court shall then assign to a Member the writing of its opinion based on the result of the voting. The Member assigned shall submit the majority opinion and the other Members may submit his or her dissenting, separate, or concurring opinions based solely on the final versions voted upon.

f) The majority opinion together with the other opinions shall be simultaneously filed with the Chief Justice or the Division Chairperson and promulgated as official Court actions in the case.

g) Considering the collegial nature of Court actions, a Member's vote during the final deliberation on a case cannot be unilaterally changed.³⁴

SEC. 6. *Manner of adjudication.* – The Court shall adjudicate cases as follows:

- (a) By *decision*, when the Court disposes of the case on its merits and its rulings have significant doctrinal values; resolve novel issues; or impact on the social, political, and economic life of the nation. The decision shall state clearly and distinctly the facts and the law on which it is based. It shall bear the signatures of the Members who took part in the deliberation.
- (b) By *signed resolution*, when the Court comprehensively resolves the motion for reconsideration filed in the case or when a dissenting opinion is registered against such resolution. The signed resolution shall no longer discuss issues resolved in the decision and need not repeat the facts and the law stated in it.

³⁴ As amended on November 10, 2015. Sections on 'Ponente or Opinion writer' and 'Dissenting, separate or concurring opinion' were deleted in the Resolution dated November 10, 2015.

It shall also bear the signatures of the Members who took part in the deliberation.

- (c) By *unsigned resolution* when the Court disposes of the case on the merits, but its ruling is essentially meaningful only to the parties; has no significant doctrinal value; or is of minimal interest to the law profession, the academe, or the public. The resolution shall state clearly and distinctly the facts and the law on which it is based.
- (d) 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 or the decision of the Court has already passed upon the basic issues in the case; and (5) dismisses or denies a petition on technical grounds or deficiencies.³⁵

SEC. 7. *Attestations and certifications on consultations held.* – In cases decided by a Division, the Division Chairperson shall issue an attestation regarding the conduct of consultation among its Members and the assignment of the writing of the decision to a Member after such consultation. In all decided cases, whether by the Court *en banc* or by a Division, the Chief Justice shall issue a certification regarding the conduct of consultation among the Members of the Court and the assignment of the writing of the decision to a Member after such consultation.

³⁵ As amended on August 3, 2010.

SEC. 8. *Submission of decisions and resolutions.* – The original of all decisions and resolutions as well as separate, concurring, or dissenting opinions shall be submitted to the Chief Justice, accompanied by electronic copies. The Judicial Staff Head of the Office of the *ponente* or the writer of the majority opinion shall certify, in writing, the authenticity of the electronic copies, which shall be placed in a separately marked, dated, and signed envelope.

SEC. 9. *Release of decisions and resolutions.* – The Clerk of Court or the Division Clerk of Court shall immediately release every decision or resolution from receipt of the same from the Office of the Chief Justice, indicating the date and hour of promulgation and affixing his or her signature underneath such date and hour. In the absence of the Clerk of Court or the Assistant Clerk of Court, the Division Clerks of Court or their assistants shall release the decisions of the Court *en banc*.

SEC. 10. *Authentication of decisions and resolutions.* – All decisions, resolutions, and other Court issuances shall be released to the parties concerned only after these shall have been authenticated by the Clerk of Court or Division Clerk of Court through a bar code at the bottom of each page, which he or she shall personally affix, or by other means to protect the authenticity and integrity of such document. They shall also initial every page of *per curiam* decisions, minute resolutions, and unsigned extended resolutions.

RULE 14

HANDLING AND DISSEMINATION OF DECISIONS AND RESOLUTIONS

SECTION 1. *Promulgation.* – The date of promulgation shall be the date the decision or resolution is approved and adopted.³⁶

SEC. 2. *Report of promulgation.* – Within twenty-four hours from the promulgation of a decision or resolution, the Clerk of Court or the Division Clerk of Court shall formally inform the Chief Justice or the Division Chairperson of such promulgation.

³⁶ As amended on August 3, 2010.

SEC. 3. *Electronic dissemination of decision or resolution.* – Upon receipt of the report of promulgation, the Chief Justice shall direct the Chief Justice’s Staff Head to deliver immediately the magnetic or electronic copy of the decision or resolution to the Management Information Systems Office (MISO).

SEC. 4. *Responsibilities of the MISO.* – Upon receipt of a copy of a promulgated decision or resolution, the MISO shall

- (a) log the date and time of receipt;
- (b) format the decision or resolution in such a way as to make it readable on the Supreme Court website;
- (c) scan any handwritten notes on the signature page, such as “In the result,” and include the signature page with the same handwritten notes for posting;
- (d) take note of any typographical error in the magnetic or electronic file of the decision or resolution, and immediately bring it to the attention of the writer of the decision or resolution, or the Chief Justice in case of a *per curiam* decision or when the writer has ceased to serve the Court;
- (e) immediately furnish the Library with soft copies of all decisions and resolutions for archival purposes.

SEC. 5. *Service and dissemination of decisions and signed resolutions.* – The Clerk of Court or the Division Clerk of Court shall see to the service of authenticated copies of the promulgated decision or signed resolution upon the parties in accordance with the provisions of the Rules of Court. The Clerk of Court or the Division Clerk of Court shall also immediately provide hard copies of the same to the Public Information Office, Office of the Court Administrator, Office of the Chief Attorney, Philippine Judicial Academy, and the Library.

SEC. 6. *Safekeeping of original hard copy of decision and drafting of syllabus of each promulgated decision.* – As soon as hard copies of the decision or resolution shall have been served on the parties and disseminated in accordance with these Rules, the Clerk of Court or the Division Clerk of Court shall deliver to the Office of the Reporter (a) the original hard copy of each signed decision or resolution for safekeeping, and (b) a reproduction of such hard copy for the preparation of the

concise synopsis and syllabus of each decision or resolution duly approved by the writer of the decision or by the Chief Justice if the writer has retired or is no longer in the judicial service, prior to publication in the *Philippine Reports*. The Office of the Reporter shall (a) see to the secured safekeeping of original decisions that shall be collated and bound on a monthly basis, and (b) be responsible for the updated publication of the *Philippine Reports*.

SEC. 7. *Publication of decisions and resolutions.* – A decision and signed resolution of the Court shall be published in the *Philippine Reports*, with the synopsis and syllabus prepared by the Office of the Reporter. Other decisions and signed resolutions not so published may also be published in the *Philippine Reports* in the form of memoranda prepared by the Office of the Reporter. The Public Information Office (PIO) may choose and submit significant decisions and resolutions for publication in the *Official Gazette*.

RULE 15

FINALITY OF DECISION AND RESOLUTIONS

SECTION 1. *Finality of decisions and resolutions.* – A decision or resolution of the Court may be deemed final after the lapse of fifteen days from receipt by the parties of a copy of the same subject to the following:

- (a) the date of receipt indicated on the registry return card signed by the party—or, in case he or she is represented by counsel, by such counsel or his or her representative—shall be the reckoning date for counting the fifteen-day period; and
- (b) if the Judgment Division is unable to retrieve the registry return card within thirty (30) days from mailing, it shall immediately inquire from the receiving post office on (i) the date when the addressee received the mailed decision or resolution; and (ii) who received the same, with the information provided by authorized personnel of the said post office serving as the basis for the computation of the fifteen-day period.³⁷

³⁷ As amended on August 3, 2010.

SEC. 2. *Motion for reconsideration.* – A motion for reconsideration filed within the fifteen-day period from receipt of a copy of the decision or resolution shall stay the execution of such decision or resolution unless, for good reasons shown, the Court directs otherwise.

SEC. 3. *Second motion for reconsideration.* – The Court shall not entertain a second motion for reconsideration, and any exception to this rule can only be granted in the higher interest of justice by the Court *en banc* upon a vote of at least two-thirds of its actual membership. There is reconsideration “in the higher interest of justice” when the assailed decision is not only legally erroneous, but is likewise patently unjust and potentially capable of causing unwarranted and irremediable injury or damage to the parties. A second motion for reconsideration can only be entertained before the ruling sought to be reconsidered becomes final by operation of law or by the Court’s declaration.

In the Division, a vote of three Members shall be required to elevate a second motion for reconsideration to the Court *en banc*.

RULE 16

ENTRY OF JUDGMENT

SECTION 1. *Entry of judgment.* – The entry of judgment covering the final decisions and resolutions of the Court shall be made in accordance with the Rules of Court. The date of entry of judgment shall be the date such decision or resolution becomes executory, unless the Court directs its immediate execution.

SEC. 2. *How entry of judgment is made.* – The entry of judgment shall be in the form of a certification indicating the date when the final decision or resolution of the Court has become executory and entered in the Book of Judgments. The entry shall restate the dispositive portion of the judgment or final resolution, and be duly signed by the Chief or the Assistant Chief of the Judicial Records Office and a photocopy thereof with the appropriate Supreme Court Seal shall be furnished the parties.³⁸

SEC. 3. *Time frame for entry of judgment.* – Unless the Court requires an immediate entry of judgment or the judgment is one of

³⁸ As amended on August 3, 2010.

acquittal, the Judicial Records Office shall enter judgment after fifteen (15) days for Luzon, twenty (20) days for Visayas and thirty (30) days for Mindanao from the expiration of the fifteen-day reglementary period for filing a motion for reconsideration.³⁹

SEC. 4. *Return of case records to lower court.* – The records of every decided case shall be returned to the court where it originated for execution of judgment on the same day that entry of judgment is made.

RULE 17

CORRECTION OF TYPOGRAPHICAL ERRORS IN DECISIONS AND RESOLUTIONS

SECTION 1. *Correction of typographical errors in decisions and resolutions.* – Typographical errors discovered after the promulgation or even after the publication of a decision or signed resolution may be corrected as follows:

- (a) The Reporter and the MISO shall, with the authority of the writer of the decision or resolution, make the necessary correction of typographical errors. In *per curiam* decisions and in unsigned resolutions, or when the *ponente* has retired, resigned or is no longer in the judicial service, the authority shall be given by the Chief Justice.
- (b) The correction of typographical errors shall be made by crossing out the incorrect word and inserting by hand the appropriate correction immediately above the corrected or cancelled word. The writer of the decision or the Chief Justice, as the case may be, shall authenticate the correction by affixing his or her initials and the date of correction immediately below the correction.

SEC. 2. *Report of corrections made.* – The Reporter and the MISO Chief shall submit to the Court, through the Clerk of Court, a quarterly report of cases where the decisions and resolutions have been corrected. The Clerk of Court shall thereafter include the report in the agenda of the Court *en banc* for confirmation of the correction.

³⁹ As amended on August 3, 2010.

RULE 18

EFFECTIVITY

SECTION 1. *Effectivity.* – These rules shall take effect fifteen (15) days after publication in a newspaper of general circulation in the Philippines.

APPENDICES



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. No. 10-4-20-SC

THE INTERNAL RULES OF
THE SUPREME COURT

RESOLUTION

WHEREAS, the 1987 Constitution simply requires that the Supreme Court sitting *en banc* shall act on criminal cases where the appealed decision imposes the death penalty;

WHEREAS, Rule 2, Section 3, paragraph b of The Internal Rules of the Supreme Court (The Internal Rules) provides that criminal cases where the appealed decision imposes the death penalty or *reclusion perpetua* shall fall within the jurisdiction of the Supreme Court sitting *en banc*;

WHEREAS, before the advent of The Internal Rules, criminal cases where the appealed decision imposed the penalty of *reclusion perpetua* were acted upon by the Supreme Court sitting in Division;

WHEREAS, under Rule 1, Section 3, paragraph c of The Internal Rules, the Sub-Committee on the Internal Rules of the Supreme Court recommends to the Court *en banc* the amendment, revision, or deletion of any of these Rules to reflect and achieve the objectives of justice, fairness, and efficiency;

WHEREAS, to facilitate the efficient disposition of cases, the Sub-Committee on the Internal Rules of the Supreme Court recommends the deletion of Rule 2, Section 3, paragraph b of The Internal Rules;

NOW THEREFORE, acting on the recommendation of the Sub-Committee on the Internal Rules of the Supreme Court, the Court Resolved to **APPROVE** the deletion of Rule 2, Section 3, paragraph b of the Internal Rules. Paragraphs c to o shall be re-cast, as paragraphs b to n.

July 6, 2010.

Corona, C.J., Carpio, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ.

Carpio-Morales, J., on leave.

Velasco, Jr., J., on official business.



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. No. 10-4-20-SC

THE INTERNAL RULES OF
THE SUPREME COURT

RESOLUTION

WHEREAS, Section 3, paragraph c, Rule 1 of The Internal Rules of the Supreme Court (Rules) directs the the Sub-Committee on the Internal Rules of the Supreme Court (Sub-Committee) to recommend to the Court *en banc* the amendment, revision, or deletion of any of these Rules to reflect and achieve the objectives of justice, fairness, and efficiency;

WHEREAS, the Sub-Committee recommends the amendment of the Rules to read as follows:

1. Rule 2, Section 3(d)

SEC. 3. *Court en banc matters and cases.* – The Court *en banc* shall act on the following matters and cases:

xxx

(d) cases involving decisions, resolutions, and orders of the Commission on Elections, and the Commission on Audit;

2. Rule 2, Section 6

SEC. 6. *Resolutions of motions for reconsideration or clarification of an unsigned resolution or a minute resolution and all other motions and incidents subsequently filed.* – Motions for reconsideration or clarification of an unsigned resolution or a minute resolution and all other motions and incidents subsequently filed in the case shall be acted upon by the regular Division to which the *ponente* belongs. The *ponente* is the Member to whom the Court, after its deliberation on the merits of a case, assigns the writing of its decision or resolution in the case.

3. Rule 2, Section 7

SEC. 7. *Resolutions of motions for reconsideration or clarification of decisions or signed resolutions and all other motions and incidents subsequently filed; creation of a Special Division.* – Motions for reconsideration or clarification of a decision or of a signed resolution and all other motions and incidents subsequently filed in the case shall be acted upon by the *ponente* and the other Members of the Division who participated in the rendition of the decision or signed resolution.

If the *ponente* has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, he or she shall be replaced through raffle by a new *ponente* who shall be chosen among the new Members of the Division who participated in the rendition of the decision or signed resolution and who concurred therein. If only one Member of the Court who participated and concurred in the rendition of the decision or signed resolution remains, he or she shall be designated as the new *ponente*.

If a Member (not the *ponente*) of the Division which rendered the decision or signed resolution has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, he or she shall be replaced through raffle by a replacement Member who shall

be chosen from the other Divisions until a new Justice is appointed as replacement for the retired Justice. Upon the appointment of a new Justice, he or she shall replace the designated Justice as replacement Member of the Special Division.

Any vacancy or vacancies in the Special Division shall be filled by raffle from among the other Members of the Court to constitute a Special Division of five (5) Members.

If the *ponente* and all the Members of the Division that rendered the Decision or signed Resolution are no longer Members of the Court, the case shall be raffled to any Member of the Court and the motion shall be acted upon by him or her with the participation of the other Members of the Division to which he or she belongs.

If there are pleadings, motions or incidents subsequent to the denial of the motion for reconsideration or clarification, the case shall be acted upon by the *ponente* on record with the participation of the other Members of the Division to which he or she belongs at the time said pleading, motion or incident is to be taken up by the Court.

4. Rule 2, Section 10

SEC. 10. *Formula for assigning cases to a new Member of the Court.*

– The following rules shall be observed in assigning cases to a newly appointed Member of the Court:

- (a) the average caseload of each Member shall be determined by dividing the total number of pending cases of all fifteen Members by fifteen;
- (b) the newly appointed Member of the Court shall inherit the caseload of the Member being replaced, and the inherited caseload, if less than the average caseload as determined in (a), shall be equalized with the average caseload by taking the difference from the caseload of the incumbent Members divided among them in equal number;
- (c) cases submitted for decision within the last twelve months preceding the appointment of the new Member of the Court may be unloaded to him or her.

The case load shall take into account only cases and matters for adjudication.

5. Rule 2, Section 15

SEC. 15. *Form of resolution on motion for reconsideration in cases where the vote of Members of the Court is divided.* – The resolution of motions for reconsideration of decisions or signed resolutions, in case the opinion of the Court *en banc* or Division is divided, may be by minute resolution specifying the respective votes of the Members.

6. Rule 4, Section 2

SEC. 2. *Assisting offices in the exercise of administrative function.* – In the discharge of its administrative functions, the Court shall be assisted by the Office of the Clerk of Court in administrative matters and cases involving the Court and the collegial appellate courts. Whenever necessary, the Court shall also be assisted by the Office of the Court Administrator in said matters and in administrative matters and cases involving the lower courts.

7. Rule 4, Section 3

SEC. 3. *Administrative functions of the Court.* – The administrative functions of the Court, whether *en banc* or in division consist of, but are not limited to, the following:

- (a) disciplinary and administrative matters involving justices, judges and court personnel;
- (b) the temporary assignment of judges to other stations as public interest may require;
- (c) the designation of judges from another administrative jurisdiction in the absence of judges that can be designated to hear and decide inhibited cases;
- (d) the request of judges for extension of time within which to decide cases submitted for decision;
- (e) the transfer of cases, from one court, administrative area or judicial region, to another, or the transfer of venue of the trial of cases to avoid miscarriage of justice;
- (f) the amendment, modification or revocation of administrative orders and circulars issued by the Court;
- (g) the policy consideration and determination of matters and issues;
- (h) matters involving the Judicial and Bar Council (JBC) or the Philippine Judicial Academy (PHILJA) in the exercise of the Court's supervisory authority over them; and

(i) other matters similar or analogous to the foregoing.

8. Rule 6, Section 11

SEC. 11. *Transmittal of rollo from the Receiving Section to the Office of the Clerk of Court or the Division Clerk of Court.* – The Judicial Records Office shall transmit all *rollos* to the Office of the Clerk of Court or Division Clerk of Court within three working days from receipt of pleadings, documents or papers attached to them, unless immediate transmittal is demanded by the nature of the case. Copies of pleadings, documents, or papers not attached to the *rollo* shall be distributed by said Offices to all Members of the Court *en banc* or of the Division.

9. Rule 7, Section 6(f)

SEC. 6. *Special raffle of cases.* – Should an initiatory pleading pray for the issuance of a temporary restraining order or an urgent and extraordinary writ such as the writ of habeas corpus or of *amparo*, and the case cannot be included in the regular raffle, the Clerk of Court shall immediately call the attention of the Chief Justice or, in the latter's absence, the most senior Member of the Court present. The Chief Justice or the Senior Member of the Court may direct the conduct of a special raffle, in accordance with the following procedure:

xxx

(f) Upon receipt of the *rollo*, the Clerk of Court— or, should the case be classified as a Division case, the Division Clerk of Court— shall immediately (i) prepare the Agenda item on the specially raffled case; and (ii) forward the *rollo* and a copy of the Supplemental Agenda to the *Rollo* Room, which shall transmit the *rollo* to the Member-in-Charge and distribute the Supplemental Agenda to the Chief Justice and the Members of the Court or to the Chairperson and Members of the Division, as the case may be.

10. Rule 8, Section 2

SEC. 2. *Motion to inhibit a Division or a Member of the Court.* – A motion for inhibition must be in writing and under oath and shall state the grounds therefor.

No motion for inhibition of a Division or a Member of the Court shall be granted after a decision on the merits or substance of the case has been rendered or issued by any Division, except for a valid or just

reason such as an allegation of a graft and corrupt practice or a ground not earlier apparent.

11. Rule 8, Section 3(a)

SEC. 3. *Effects of inhibition.* – The consequences of an inhibition of a Member of the Court shall be governed by these rules:

(a) Whenever a Member-in-Charge of a case in a Division inhibits himself for a just and valid reason, the case shall be returned to the Raffle Committee for re-raffling among the Members of the other two (2) Divisions of the Court.

12. Rule 9, Section 2

SEC. 2. *Repository of rollos.* – All *rollos* of cases submitted for decision shall be kept in the *Rollo* Room in the Office of the Chief Justice, except when taken out for delivery to any of the following: (1) the Judicial Records Office for attachment of a pleading, communication, document or other papers filed; (2) the Office of the Clerk of Court or the Office of the Division Clerk of Court, for the preparation of the Agenda and of the Minutes of a Court session, as well as for the attachment of the decisions or resolutions to the *rollo*; (3) the Office of the Member-in-Charge or the Office of the *ponente* or writer of the decision or resolution; (4) any Office or official charged with the study of the case.

All personnel charged with the safekeeping and distribution of *rollos* shall be bound by strict confidentiality on the identity of the Member-in-Charge or the *ponente*, as well as on the integrity of the *rollos*, under pain of administrative sanction and criminal prosecution for any breach thereof.

13. Rule 10, Section 4

SEC. 4. *Transcripts of hearings, recording of oral arguments.* – Oral arguments shall be recorded by at least two stenographers, alternately taking stenographic notes of the proceedings. The stenographers shall transcribe their notes and submit the consolidated transcripts to the Clerk of Court or the Division Clerk of Court immediately upon the termination of the oral arguments. The Clerk of Court or the Division Clerk of Court shall review the transcripts of stenographic notes, using the tape or electronic recording of the hearing for verification purposes.

14. Rule 11, Section 2

SEC. 2. Periods for inclusion of pleadings, motions, and other matters in the agenda. – As much as practicable, the Clerk of Court and the Division Clerks of Court shall observe the following periods for the inclusion of pleadings, motions, and other matters in the agenda counted from receipt:

- (a) motions for extension of time to file petitions - immediately calendared;
- (b) appeals in criminal cases under Article 47 of the Revised Penal Code, as amended, or under Rule 122 of the Rules of Court - within fifteen days;
- (c) petitions under Rules 45, 64 and 65 - within ten days, unless a party asks for the issuance of a temporary restraining order or an extraordinary writ, and the Chief Justice authorizes the holding of a special raffle and the immediate inclusion of the case in the Agenda;
- (d) motion for inhibition – within ten days, unless the petition prays for a temporary restraining order, in which case the motion must be immediately included in the agenda; and
- (e) other pleadings - within ten days.

The foregoing notwithstanding, the Chief Justice may direct the immediate inclusion of any matter in the agenda.

15. Rule 11, Section 4

SEC. 4. Preparation of minutes of proceedings. – Within three working days from the time the copy of the Agenda containing the handwritten actions of the Court is transmitted to him or her, the Clerk of Court or the Division Clerk of Court shall submit the draft of the minutes of the session for the approval by the Chief Justice or the Division Chairperson. The draft of the minutes of a Court session shall follow the chronological sequence of the cases in the Agenda. Excerpts of the minutes pertaining to a particular case quoted in a letter of the Clerk of Court or the Division Clerk of Court to the parties, and extended resolutions showing the actions of the Court on the cases on agenda shall be released to the parties only after the Chief Justice or the Division Chairperson has approved the minutes in writing.

Urgent matters in the minutes described in Section 8 shall, however, be immediately acted upon in coordination with the Chief Justice or the Division Chairperson.

16. Rule 11, Section 5

SEC. 5. Confidentiality of minutes prior to release. – The Offices of the Clerk of Court and of the Division Clerks of Court are bound by strict confidentiality on the action or actions taken by the Court prior to the approval of the draft of the minutes of the court session release of the resolutions embodying the Court action or actions.

A resolution is considered officially released once the envelope containing a final copy of it addressed to the parties has been transmitted to the process server for personal service or to the mailing section of the Judicial Records Office. Only after its official release may a resolution be made available to the public.

17. Rule 11, Section 6

SEC. 6. Preparation of minute resolutions and unsigned extended resolutions. – Upon receipt of the approved minutes of the court session, the pertinent notice of the minute resolutions quoting an excerpt of the minutes of Court sessions pertinent to a case shall be prepared by the court attorneys in the Office of the Clerk of Court or the Division Clerk of Court and personally reviewed, approved, and initialed by the Clerk of Court or the Division Clerk of Court.

An unsigned extended resolution may, however, be prepared by the Office of the Member-in-Charge or by the Office of the Clerk of Court or Division Clerk of Court, upon instructions of either the Chief Justice or the Division Chairperson, who shall approve the same. The Chief Justice and the Division Chairperson shall order the Clerk of Court or the Division Clerk of Court to release duly approved minute and unsigned extended resolutions.

18. Rule 11, Section 7

SEC. 7. Form of notice of a minute resolution. – A notice of a minute resolution shall be embodied in a letter of the Clerk of Court or the Division Clerk of Court notifying the parties of the action or actions taken in their case. In the absence of or whenever so deputized by the Clerk of Court or the Division Clerk of Court, the Assistant Clerk of Court or Assistant Division Clerk of Court may likewise sign the letter which shall be in the following form:

(SUPREME COURT Seal)
REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

EN BANC/ _____ DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc/ _____ Division issued a Resolution dated _____, which reads as follows:

“G.R./UDK/A.M./A.C. NO. _____ (TITLE). – (QUOTE RESOLUTION)”

Very truly yours,

(Sgd.)

CLERK OF COURT/Division Clerk of Court

19. Rule 11, Section 8

SEC. 8. *Release of resolutions.* – All resolutions shall be promptly released after the approval of the Minutes of any session by the Chief Justice or the Division Chairperson. Resolutions with the following actions shall, however, be released immediately to the parties:

- (a) directing the issuance of extraordinary writs;
- (b) granting or denying motions for extension of time to file petitions or subsequent pleadings, lifting of warrant of arrest or other motions of urgent nature;
- (c) granting applications for a temporary restraining order/status quo order/writ of preliminary injunction;
- (d) preventively suspending judges or court personnel; and
- (e) directing any party, the Office of the Court Administrator, or any other official or agency to submit a comment, a report or a recommendation within a non-extendible period.

20. Rule 13, Section 6(d)

SEC. 6. *Manner of adjudication.* – The Court shall adjudicate cases as follows:

xxx

(d) 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 or the decision of the Court has already passed upon the basic issues in the case; and (5) dismisses or denies a petition on technical grounds or deficiencies.

21. Rule 13, Section 10

SEC. 10. *Release of decisions and resolutions.* – The Clerk of Court or the Division Clerk of Court shall immediately promulgate every decision or resolution from receipt of the same from the Office of the Chief Justice, indicating the date and hour of promulgation and affixing his or her signature underneath such date and hour. In the absence of the Clerk of Court or the Assistant Clerk of Court, the Division Clerks of Court or their assistants shall release the decisions of the Court *en banc*.

22. Rule 14, Section 1

SECTION 1. *Promulgation.* – The date of promulgation shall be the date the decision or resolution is approved and adopted.

23. Rule 15, Section 1(b)

SECTION 1. *Finality of decisions and resolutions.* – A decision or resolution of the Court may be deemed final after the lapse of fifteen days from receipt by the parties of a copy of the same subject to the following:

xxx

(b) if the Judgment Division is unable to retrieve the registry return card within thirty (30) days from mailing, it shall immediately inquire

from the receiving post office on (i) the date when the addressee received the mailed decision or resolution; and (ii) who received the same, with the information provided by authorized personnel of the said post office serving as the basis for the computation of the fifteen-day period.

24. Rule 16, Section 2

SEC. 2. How entry of judgment is made. – The entry of judgment shall be in the form of a certification indicating the date when the final decision or resolution of the Court has become executory and entered in the Book of Judgments. The entry shall restate the dispositive portion of the judgment or final resolution, and be duly signed by the Chief or the Assistant Chief of the Judicial Records Office and a photocopy thereof with the appropriate Supreme Court Seal shall be furnished the parties.

25. Rule 16, Section 3

SEC. 3. Time frame for entry of judgment. – Unless the Court requires an immediate entry of judgment or the judgment is one of acquittal, the Judicial Records Office shall enter judgment after fifteen (15) days for Luzon, twenty (20) days for Visayas and thirty (30) days for Mindanao from the expiration of the fifteen-day reglementary period for filing a motion for reconsideration.

NOW THEREFORE, acting on the recommendation of the Sub-Committee on the Internal Rules of the Supreme Court, submitting for this Court’s consideration and approval the proposed amendments to The Internal Rules of the Supreme Court, the Court Resolved to APPROVE the same.

August 3, 2010.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ. Velasco, Jr. and Brion, JJ., on official leave.



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated JANUARY 17, 2012, which reads as follows:

“A.M. No. 10-4-20-SC (Re: The Internal Rules of the Supreme Court).– The Court Resolved to

(a) **NOTE** the Letter dated January 5, 2012 of Associate Justice Roberto A. Abad, requesting that the name of the Committee on Legal Education and Bar Matters under Section 12 (viii), Rule 2 of The Internal Rules of the Supreme Court be changed as follows: Committee on Continuing Legal Education and Bar Matters; and

(b) **APPROVE** the change of the name of Committee on Legal Education and Bar Matters to Committee on Continuing Legal Education and Bar Matters as well as the draft Memorandum Order reorganizing the subject Committee.” *Brion J.*, on official leave (adv202)



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated JULY 31, 2012, which reads as follows:

“A.M. No. 10-4-20-SC (Re: The Internal Rules of the Supreme Court).-
The Court Resolved to

(a) **NOTE** the Letter dated July 23, 2012 of Associate Justice Roberto A. Abad, proposing the deletion of the words ‘or validity’ in Section 3 (a), Rule 2 of The Internal Rules of the Supreme Court; and

(b) **AMEND** Section 3 (a), Rule 2 of The Internal Rules of the Supreme Court, to read as follows:

SEC. 3. *Court en banc matters and cases.* – The Court *en banc* shall act on the following matters and cases:

(a) cases in which the constitutionality of any treaty, international or executive agreement, law, executive order, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;

x x x”

Mendoza, J., on leave. (adv30)



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated SEPTEMBER 18, 2012, which reads as follows:

“A.M. No. 10-4-20-SC (Re: The Internal Rules of the Supreme Court).— The Court Resolved to **APPROVE** the amendments proposed by the Committee on Internal Rules, as follows:

1. **Rule 2, Section 3**

Sec. 3. Court en banc matters and cases. – The Court *en banc* shall act on the following matters and cases:

- (a) cases in which the constitutionality of any treaty, international or executive agreement, law, executive order, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;

x x x x

2. **Rule 7, Section 6¹**

Sec. 6. Procedure in the Raffle of Cases. – The following rules shall be observed in the raffle of cases:

- (a) For Division cases, the Chief Justice is exempt for three (3) rounds while the Chairpersons (including the Working

¹ The former Section 6 is renumbered as Section 7, Section 7 is renumbered as Section 8 and Section 8 shall be renumbered as Section 9.

- Chairperson of the First Division) are exempt for two (2) rounds;
- (b) For *En Banc* cases, the Chief Justice is exempt for two (2) rounds while the Chairpersons (including the Working Chairperson of the First Division) are exempt for one (1) round;
 - (c) Members who are on wellness leave or who are on vacation or sick leave, for at least fifteen (15) continuous calendar days, shall be exempt from raffle. Retiring Members shall also be excluded from raffle three (3) months prior to date of retirement.

These amendments shall take effect fifteen (15) days after publication in a newspaper of general publication in the Philippines.” Villarama, Jr., J., on official leave. (adv108)



Republic of the Philippines
Supreme Court
Manila

EN BANC
N O T I C E

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated MARCH 12, 2013, which reads as follows:

“**A.M. No. 10-4-20-SC** (The Internal Rules of the Supreme Court re: Title of Consolidated Cases).– The Court *en banc* resolved to **APPROVE** the following amendment to the Internal Rules of the Supreme Court (As Amended in the Resolutions dated July 6, 2010, August 3, 2010, and September 18, 2012):

RULE 9

FOLDER OF PLEADINGS, COMMUNICATIONS,
DOCUMENTS AND OTHER PAPERS IN A CASE

x x x x

Sec. 5. Consolidation of cases. – The Court may order the consolidation of cases involving common questions of law or of fact. The Chief Justice shall assign the consolidated cases to the Member-in-Charge to whom the case having the lower or lowest docket number has been raffled, subject to equalization of case load by raffle, provided that the controlling title shall be the title of the case with the lowest docket number unless otherwise decided by the *en banc* upon recommendation of the Member-in-Charge.

The Judicial Records Office shall see to it that (a) the *rollos* of the consolidated cases are joined together to prevent the loss, misplacement or detachment of any of them; and (b) the cover of each *rollo* indicates the G.R. or UDK number of the case with which the former is consolidated.

The Member-in-Charge who finds after study that the cases do not involve common questions of law or of fact may request the Court to have the case or cases returned to the original Member-in-Charge.” Perez, J., on official business. (adv36)



Republic of the Philippines
Supreme Court
Manila

EN BANC
NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated JUNE 18, 2013, which reads as follows:

“A.M. No. 10-4-20-SC (Re: The Internal Rules of the Supreme Court).- Acting on the Letter dated June 17, 2013 of Associate Justice Teresita J. Leonardo-De Castro, the Court Resolved to **AMEND** Section 3 (e), Rule 2 of the Internal Rules of the Supreme Court, to read as follows:

RULE 2

THE OPERATING STRUCTURES

SEC. 3. *Court en banc matters and cases.* – The Court *en banc* shall act on the following matters and cases:

x x x x

(e) cases where the penalty recommended or **to be** imposed is the dismissal of a judge, **official or personnel of the Judiciary**, the disbarment of a lawyer, the suspension of any of them for a period of more than one year, or a fine exceeding forty thousand pesos;

x x x x (adv60)



Republic of the Philippines
Supreme Court
Manila

EN BANC
NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated SEPTEMBER 10, 2013, which reads as follows:

“A.M. No. 10-4-20-SC (Re: The Internal Rules of the Supreme Court).-
The Court Resolved to

(a) **NOTE** the

(i) Letter dated July 31, 2013 of Atty. Enriqueta E. Vidal, Clerk of Court, attaching thereto the proposed amendments to the Internal Rules of the Supreme Court (IRSC) relative to the preparation of the minutes of court sessions and other relevant matters with the end in view of expediting the preparation of the minutes and ensuring the prompt release of all resolutions;

(ii) Aforesaid Proposed Amendments to the Internal Rules of the Supreme Court; and

(iii) Memorandum of Atty. Vidal, re: Explanation for Non-Compliance with Section 4, Rule 11 of the Internal Rules of the Supreme Court on Preparation of Minutes of Court Sessions within Three (3) Working Days from Receipt of the Agenda with Action; and

(b) **APPROVE** the subject proposed amendments to the IRSC, particularly Sections 3 and 4, Rule 11 and Section 1, Rule 9 thereof, to read as follows:

Rule 11, Section 3

SEC. 3. *Minutes of proceedings.* – The Chief Justice or the **DIVISION CHAIRPERSON** shall provide the Clerk of Court or the Division Clerk of Court his or her notes on the actions taken by the

Court **WITHIN TWO (2) WORKING DAYS FROM THE DATE OF DELIBERATION.** The copy of the Agenda containing the handwritten notes of the Chief Justice or **THE** Division Chairperson shall serve as the basis for the preparation of the minutes of the session by the Office of the Clerk of Court or of the Division Clerks of Court.

Rule 11, Section 4

SEC. 4. *Preparation of minutes of proceedings.* – AS MUCH AS PRACTICABLE, THE CLERK OF COURT AND THE DIVISION CLERKS OF COURT SHALL OBSERVE THE FOLLOWING GUIDELINES ON THE PREPARATION OF MINUTES OF COURT SESSIONS:

(1) WITHIN TWO (2) WORKING DAYS FROM RECEIPT OF THE COPY OF THE AGENDA CONTAINING THE HANDWRITTEN NOTES OF THE CHIEF JUSTICE OR THE DIVISION CHAIRPERSON, OTHERWISE KNOWN AS THE ‘ACTION’, THE CLERK OF COURT OR THE DIVISION CLERK OF COURT SHALL SUBMIT THE DRAFT OF THE IMMEDIATE AND ADVANCE MINUTE RESOLUTIONS TO THE OFFICE OF THE CHIEF JUSTICE OR OF THE DIVISION CHAIRPERSON. FOR THIS PURPOSE, ‘IMMEDIATE RESOLUTIONS’ SHALL REFER TO MINUTE RESOLUTIONS WHICH, UPON SPECIFIC INSTRUCTIONS OF THE CHIEF JUSTICE OR THE DIVISION CHAIRPERSON, MUST BE PREPARED AND RELEASED IMMEDIATELY. ‘ADVANCE RESOLUTIONS’ SHALL REFER TO MINUTE RESOLUTIONS WHICH, BY THEIR NATURE OR BY TRADITION, MUST BE PREPARED AND RELEASED IN ADVANCE OF THE DRAFT MINUTES, INCLUDING BUT NOT LIMITED TO URGENT MATTERS DESCRIBED IN SECTION 8 OF THIS RULE.

(2) WITHIN SIX (6) WORKING DAYS FROM RECEIPT OF THE ACTION, THE CLERK OF COURT OR THE DIVISION CLERK OF COURT SHALL SUBMIT THE DRAFT OF THE WHOLE MINUTES FOR APPROVAL BY THE CHIEF JUSTICE OR THE DIVISION CHAIRPERSON. ALL CONCERNED MEMBERS OF THE COURT MUST BE FURNISHED WITH COPIES OF THE DRAFT MINUTES ON THE SAME DAY.

(3) THE MINUTES OF A COURT SESSION SHALL FOLLOW THE CHRONOLOGICAL SEQUENCE OF THE CASES IN THE AGENDA.

(4) COMMENTS ON AND/OR REVISIONS TO THE DRAFT IMMEDIATE OR ADVANCE RESOLUTIONS OR THE DRAFT MINUTES MUST BE SUBMITTED TO THE OFFICE OF THE CHIEF JUSTICE OR OF THE DIVISION CHAIRPERSON WITHIN TWO (2) WORKING DAYS FROM RECEIPT THEREOF; OTHERWISE, THE DRAFT RESOLUTION OR THE DRAFT MINUTES SHALL BE DEEMED APPROVED.

(5) UPON THE EXPIRATION OF THE PERIOD IN PARAGRAPH (4), THE OFFICE OF THE CHIEF JUSTICE OR OF THE DIVISION CHAIRPERSON SHALL IMMEDIATELY TRANSMIT THE APPROVED RESOLUTION OR THE APPROVED MINUTES TO THE CLERK OF COURT OR THE DIVISION CLERK OF COURT.

Rule 9, Section 1

SECTION 1. *The rollo of a case.* – The original of all pleadings, communications, documents, and other papers filed by the parties shall be encased in a *rollo*, which shall serve as their official repository for purposes of the case. The *rollo* shall be properly and sequentially paginated by the **DOCKETING OFFICE CONCERNED** to prevent intercalation or detachment of a page.

TO ENSURE THAT ALL SUCH PLEADINGS, COMMUNICATIONS, DOCUMENTS AND OTHER PAPERS ARE ATTACHED TO THE *ROLLOS*, INCLUDING OFFICIAL COPIES OF RESOLUTIONS, ORDERS AND DECISIONS AS WELL AS PROOFS OF SERVICE THEREOF ON THE PARTIES, THE *ROLLOS* OF CASES REPORTED IN THE COURT AGENDA, EXCEPT CASES SUBMITTED FOR DECISION OR RESOLUTION, SHALL BE RETURNED TO THE OFFICE OF THE CLERK OF COURT OR OF THE DIVISION CLERK OF COURT WITHIN TWENTY-FOUR (24) HOURS AFTER THE SESSION. [*Amendments in bold.*]



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. No. 10-4-20-SC

THE INTERNAL RULES OF
THE SUPREME COURT

RESOLUTION

WHEREAS, Section 3, paragraph (c), Rule 1 of The Internal Rules of the Supreme Court (Rules) directs the Committee on Internal Rules of the Supreme Court (Committee) to recommend to the Court *en banc* the amendment, revision, or deletion of any of the Rules to reflect and achieve the objectives of justice, fairness, and efficiency;

WHEREAS, the Committee, in its meeting on July 24, 2015, resolved to recommend certain amendments to the Rules;

WHEREAS, after due deliberation, the Court *en banc* approved the proposed amendments, subject to the modification in Section 5 of Rule 2 that deliberation on a case shall be deferred to another date upon request of an absent regular Member of a Division, or that said Member shall be allowed to leave his or her vote pursuant to Section 4 of Rule 12;

NOW, THEREFORE, the Court Resolved to **APPROVE** the following amendments to the Rules:

1. RULE 2, SECTION 3 (1)

SEC. 3. *Court en banc matters and cases.* – The Court *en banc* shall act on the following matters and cases:

x x x

- (l) subject to Section 12(b) of this rule, other division cases that, in the opinion of at least three Members of the Division who are voting and present, are appropriate for transfer to the Court *en banc*, **provided that before a decision is rendered, any member of the Division may request the Court *en banc* to take cognizance of cases that fall under paragraph (m);**

x x x

3. RULE 2, SECTION 5

SEC. 5. *Composition and quorum of a Division.* – Unless the Court *en banc* decrees otherwise, a quorum shall consist of a majority of all the Members of the Division, **provided that deliberation on a case shall be deferred to another date upon request of an absent regular Member of a Division, or that said Member shall be allowed to leave his or her vote pursuant to Section 4 of Rule 12.**

4. INSERTION OF AN ADDITIONAL SECTION IN RULE 2 DEFINING THE WORD ‘VACANCY’ AS USED IN THE RULES AND THE CONSEQUENT RE-NUMBERING OF THE SUCCEEDING SECTIONS

SEC. 6. *Vacancy.* – Vacancy as used in these Rules shall refer to vacancy due to retirement, death, permanent disability, removal from office, or resignation of a Member of the Court.

5. RULE 2, SECTION 7 [TO BE RE-NUMBERED AS SECTION 8]

SEC. 8. *Resolutions of motions for reconsideration or clarification of decisions or signed resolutions and all other pleadings, motions and incidents subsequently filed; creation of a Special Division.* – **Motions for reconsideration or clarification of a decision or of a signed resolution and all other pleadings, motions and incidents subsequently filed in the case, shall be acted upon by the *ponente* and the other Members of the Division that rendered the decision or signed resolution.**

If the *ponente* has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, **or on any other pleading, motion and incident subsequently filed, he or she shall be replaced through raffle by a new *ponente* who shall be chosen among the Members of the Division who participated in the rendition of the decision or signed resolution and who concurred therein. If only one**

Member of the Court who participated and concurred in the rendition of the decision or signed resolution remains, he or she shall be designated as the new *ponente*.

If a Member (not the *ponente*) of the Division which rendered the decision or signed resolution has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, **or on any other pleading, motion and incident subsequently filed**, he or she shall be replaced through raffle by a replacement Member who shall be chosen from the other Divisions until a new Justice is appointed as replacement for the retired Justice. Upon the appointment of a new Justice, he or she shall replace the designated Justice as replacement Member of the Special Division.

Any vacancy or vacancies in the Special Division shall be filled by raffle from among the other Members of the Court to constitute a Special Division of five (5) Members.

If the *ponente* and all the Members of the Division that rendered the Decision or signed Resolution are no longer Members of the Court, the case shall be raffled to any Member of the Court and the **pleading, motion or incident** shall be acted upon by him or her with the participation of the other Members of the Division to which he or she belongs.

6. RULE 8, SECTION 4

SEC. 4. *Substitution of Member.* – When a vacancy occurs in a Division, another Member from the other Divisions shall be designated by the Chief Justice by rotation, according to a reverse order of seniority, to act as Member of the Division until a newly appointed Member assumes office.

When a Member of the Division is on leave, he/she shall no longer be replaced as long as there is a quorum of at least three (3) members, and said absent Member who participated in the deliberation of the case shall be allowed to leave his or her vote pursuant to Section 4 of Rule 12.

7. RULE 13, SECTION 4

SEC. 4. *Continuance in deliberations.* – (a) The deliberation in a case may be adjourned to another date to enable the Member who requested it to further study the case; provided, however, that the total period of continuances in the deliberation shall not exceed three

months from the date it was adjourned, unless the Court for good reason extends such period.

The immediately preceding rule shall likewise apply to actions on motions for reconsideration of the decisions and resolutions of the Court, unless a Member, whose vote in the original decision of a divided Court matters, is about to retire. In such a situation, the action on the motion for reconsideration submitted for resolution shall be made before his or her retirement.

8. DELETION OF SECTIONS 5 AND 7 OF RULE 13; REPLACEMENT THEREOF BY A NEW PROVISION ON THE DECISION-MAKING PROCESS; AND RE-NUMBERING OF THE AFFECTED SECTIONS

SEC. 5. Decision-making process.— a) A Member who disagrees with the report and the recommended action of the Member-in-Charge may submit to the Chief Justice or Division Chairperson, furnishing a copy to other Members, his or her reflections, setting forth the reason or reasons for such disagreement.

b) A Member who agrees with the recommended action but based on different reason or reasons may, observing the same procedure, submit his or her reflections stating such reason or reasons.

c) Unless the Court allows a longer period, the reflections must be submitted within a maximum period of one month from the date the Member-in-Charge's report is presented to the Court.

d) After the submission of the reflections, the Member-in-Charge may request a vote on the report and the reflections or for time to respond to such reflections within a maximum period of two weeks. Voting shall take place when the final versions of the report and the reflections shall have been submitted.

e) The Court shall then assign to a Member the writing of its opinion based on the result of the voting. The Member assigned shall submit the majority opinion and the other Members may submit his or her dissenting, separate, or concurring opinions based solely on the final versions voted upon.

f) The majority opinion together with the other opinions shall be simultaneously filed with the Chief Justice or the Division Chairperson and promulgated as official Court actions in the case.

g) Considering the collegial nature of Court actions, a Member's vote during the final deliberation on a case cannot be unilaterally changed.

These amendments shall take effect immediately upon publication in a newspaper of general circulation.

November 10, 2015

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, Reyes, Perlas-Bernabe, Leonen, and Jardeleza, JJ.

Brion and Mendoza, JJ., on leave.



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated MARCH 15, 2016, which reads as follows:

“**A.M. No. 10-4-20-SC** (Re: Internal Rules of the Supreme Court).- The Court Resolved to **APPROVE** the following amendments to Rule 2 of the Internal Rules of the Supreme Court, as last amended on November 10, 2015:

- (a) **DELETION** of Section 7 (formerly Section 6); and
- (b) **REVISION** of Section 8 (formerly Section 7), to read as follows:

*SEC. 8. Resolutions of motions for reconsideration or clarification of decisions or signed, **unsigned or minute** resolutions and all other pleadings, motions and incidents subsequently filed; creation of a Special Division. – Motions for reconsideration or clarification of a decision or of a signed, **unsigned or minute** resolution, and all other pleadings, motions and incidents subsequently filed in the case, shall*

be acted upon by the *ponente* and the other Members of the Division that rendered the decision or signed, **unsigned or minute** resolution.

If the *ponente* has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, or on any other pleading, motion and incident subsequently filed, he or she shall be replaced through raffle by a new *ponente* who shall be chosen among the Members of the Division who participated in the rendition of the decision or signed, **unsigned or minute** resolution and who concurred therein. If only one Member of the Court who participated and concurred in the rendition of the decision or signed, **unsigned or minute** resolution remains, he or she shall be designated as the new *ponente*.

If a Member (not the *ponente*) of the Division which rendered the decision or signed, **unsigned or minute** resolution has retired, is no longer a Member of the Court, is disqualified, or has inhibited himself or herself from acting on the motion for reconsideration or clarification, or on any other pleading, motion and incident subsequently filed, he or she shall be replaced through raffle by a replacement Member who shall be chosen from the other Divisions until a new Justice is appointed as replacement for the retired Justice. Upon the appointment of a new Justice, he or she shall replace the designated Justice as replacement Member of the Special Division.

Any vacancy or vacancies in the Special Division shall be filled by raffle from among the other Members of the Court to constitute a Special Division of five (5) Members.

If the *ponente* and all the Members of the Division that rendered the Decision or signed, **unsigned or minute** Resolution are no longer Members of the Court, the case shall be raffled to any Member of the Court and the pleading, motion or incident shall be acted upon by him or her with the participation of the other Members of the Division to which he or she belongs.

This section with regard to unsigned and minute resolutions shall not apply in cases of reorganization.

Brion J., on leave. (21)



Republic of the Philippines
Supreme Court
Manila

EN BANC
NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated JUNE 28, 2016, which reads as follows:

“**A.M. No. 10-4-20-SC** (Rc: Internal Rules of the Supreme Court).- The Court Resolved to **AMEND** Rule 7, Section 3 of the Internal Rules of the Supreme Court, to read as follows:

SEC. 3. *Raffle Committee Secretariat.* – The Clerk of Court shall serve as the Secretary of the Raffle Committee. He or she shall be assisted by a court attorney, duly designated by the Chief Justice from either the Office of the Chief Justice or the Office of the Clerk of Court, who shall be responsible for (a) recording the raffle proceedings and (b) submitting the minutes thereon to the Chief Justice. The Clerk of Court shall make the result of the raffle available to the parties and their counsels or to their duly authorized representatives, except the raffle of (a) bar matters; (b) administrative cases; and (c) criminal cases where the penalty imposed by the lower court is life imprisonment, and which shall be treated with strict confidentiality.

The Division Clerks of Court shall be authorized to access the results of the raffle in the Court’s system with respect to cases assigned to their Division, and shall be bound by strict confidentiality on the identity of the Member-in-Charge or ponente.

This Resolution shall take effect immediately.” *Del Castillo, J.*, on leave.
(adv2)

