



NATIONAL
COMPETITIVENESS
COUNCIL | PHILIPPINES



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PROJECT OVERVIEW

The National Competitiveness Council (NCC) is a public-private sector body dedicated to build the long-term competitiveness of the Philippines through policy reforms, project implementation, institution-building, performance monitoring, and goal-setting.

Improving the business environment has been recognized in the Philippine Development Plan as a key strategy in enhancing national competitiveness and contributing to economic growth and employment. Yearly, the National Competitiveness Council (NCC) crafts the Gameplan for Competitiveness with the goal of simplifying government processes and making them more business-friendly.

The Doing Business Report measures the ease of doing business across ten processes which a business must undertake with several government agencies over its typical life cycle: Starting a Business, Dealing with Construction Permits, Getting Electricity, Registering Property, Getting Credit, Protecting Investors, Paying Taxes, Trading across Borders, Enforcing Contracts, and Resolving Insolvency.

Based on these processes, ten work teams have been organized to develop and implement reforms in the business regulatory environment. Each work team is composed of representatives from the different national government agencies involved in each process, plus private sector advisors and local government unit (LGU) officers. (The LGU measured in the report is Quezon City.)

Following the approval of the Gameplan by the Economic Development Cluster, the NCC has been working closely with IFC Manila and Washington, as well as the Philippine Embassy in Washington, to review Philippine reform initiatives that would deliver results.

Through validation workshops, each team has come up with targets per indicator, action plans, and targets. These have been complemented by videoconference calls with IFC Washington to ensure that initiatives will translate to improved rankings in the Doing Business Report. The targets were benchmarked against top-performing ASEAN countries per indicator.

To ensure the implementation of these targets, President Aquino signed Administrative Order No. 38 creating an inter-agency task force to initiate, implement, and monitor ease of doing business reforms. The order provides for the inclusion of the reform targets in the performance-based incentive system of all agencies concerned.

Since then, the workteams has been actively participating in working together to ease the doing business in the Philippines. In line with this, from 2011-2015, the Philippines has been recognized as the most improved economy moving up 53 notches from No. 148 to No. 95.

This year, the team has crafted the 3rd Gameplan for competitiveness and was sent formally to the IFC last July 24, 2015 to be considered for the 2016 release of the Doing Business report. The team has come up with a total of 22 reforms and 9 updates across all the ten indicators.

By streamlining business processes and utilizing technology, and of course with all the agencies working together, the NCC hopes to raise Philippine competitiveness rankings from the bottom third to the top third in the world by 2016.

HIGHLIGHTS OF THE SUBMISSION

The Government of the Philippines has accomplished a total of **22 reforms** and **9 updates** across all ten indicators measured in the World Bank - International Finance Corporation Doing Business Report. The updates include reductions in the steps, days, cost, payments, and documents required for certain processes; improved access to information; and provision of supporting documents and data.

<i>INDICATOR 1</i> STARTING A BUSINESS	7 REFORMS
<i>INDICATOR 2</i> DEALING WITH CONSTRUCTION PERMITS	1 REFORM
<i>INDICATOR 3</i> GETTING ELECTRICITY	2 REFORMS 1 UPDATE
<i>INDICATOR 4</i> REGISTERING PROPERTY	2 REFORMS
<i>INDICATOR 5</i> GETTING CREDIT	4 UPDATES
<i>INDICATOR 6</i> PROTECTING MINORITY INVESTORS	2 REFORMS
<i>INDICATOR 7</i> PAYING TAXES	3 REFORMS
<i>INDICATOR 8</i> TRADING ACROSS BORDERS	1 UPDATE
<i>INDICATOR 9</i> ENFORCING CONTRACTS	3 REFORMS 3 UPDATES
<i>INDICATOR 10</i> RESOLVING INSOLVENCY	2 REFORMS

INDICATOR REFORM SUBMISSIONS

STARTING A BUSINESS

STARTING A BUSINESS

OLD PROCEDURES

STARTING A BUSINESS

OLD PROCEDURES

1 Verify and reserve the company name with SEC (1 day, Php 40)	5 Obtain barangay clearance. (1 day, Php 500)	9 Apply and pay for Certificate of Registration and obtain TIN at BIR. (1 day, see procedure details)	13 Have books of accounts and Printer's Certificate of Delivery stamped by BIR. (1 day, Php 0)
2 Deposit Paid in Capital at the bank (1 day, Php 0)	6 Pay annual community tax and obtain community tax certificate. (1 day, Php 500)	10 Pay registration fee and documentary stamp taxes (1 day, see procedure details)	14 Register with SSS. (7 day, Php 0)
3 Notarize articles of incorporation and treasurer's affidavit. (1 day, Php 500)	7 Obtain business permit from BPLO. (6 days, see procedure details)	11 Obtain authority to print receipts and invoices from BIR. (1 day, Php 0)	15 Register with PhilHealth. (1 day, Php 0)
4 Register the company with SEC and receive pre-registered TIN. (2 days average, see procedure details)	8 Buy special books of account at book-store. (1 day, Php 400)	12 Print receipts and invoices. (7 days, Php 3,500)	16 Register with Pag-IBIG. (1 day, Php 0)

can be completed in **34** days

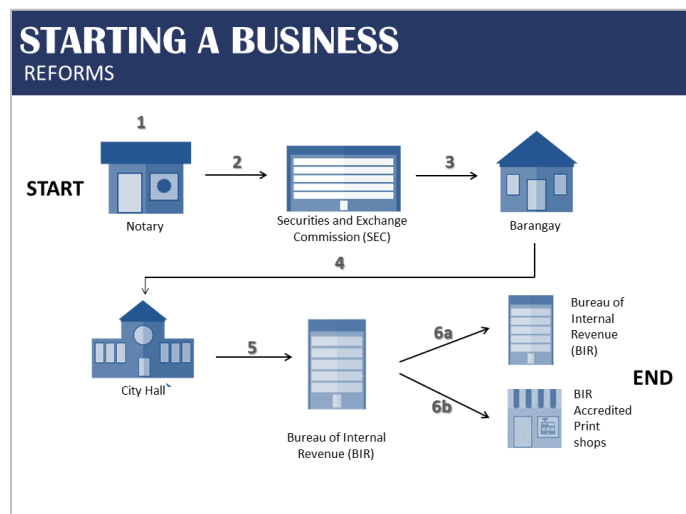
NEW PROCEDURES

STARTING A BUSINESS

NEW PROCEDURES

1 Prepare articles of incorporation, by-laws, and treasurer's affidavit signed by the incorporators for notarization. 1 DAY	4 Obtain Business Permit to Operate from the Business Process and Licensing Office and pay necessary fees 2-3 DAYS
2 Obtain SEC Registration Number, BIR Tax Identification Number Pag-IBIG fund, PhilHealth, and SSS Employer numbers (ERNs) at the Securities and Exchange Commission through its Integrated Business Registration System. Applicant will receive a Unified Registration Form (URF). 1 DAY	5 Secure Certificate of Registration and Registration of Books of accounts at the Bureau of Internal Revenue (BIR) 1 DAY
3 Obtain Barangay Clearance 1 DAY	6 <ul style="list-style-type: none"> A. Registration Cash Register Machine (CRM) / Point of Sale (POS) 1 DAY B. Secure Authority to Print Receipts/Invoices (Manual Receipts) 1-7 DAYS

can now be completed in **8** days



STARTING A BUSINESS – 7 REFORMS

- Reduction of steps and days, from 16 and 34 to 6 and 8, through the use of online platforms, deleting and merging of steps, as detailed below:

REFORMS:

1. The Securities and Exchange Commission (SEC), together with the Social Agencies, namely Social Security System (SSS), Home Development Mutual Fund (HDMF or the Pag-IBIG Fund) and Philippine Health Insurance Corporation (PhilHealth), developed an online business registration system known as the Integrated Business Registry System (IBRS). The IBRS reduces the number of steps and days in starting a business by generating SEC Registration Number, Tax Identification Number and Employers Registration Number for each of the three Social Agencies in just one application. SEC reported that majority of companies were able to register through the IBRS within 1 day. IBRS is now fully operational in the National Capital Region where majority of the country's incorporations are registered. From April 15, 2015 to July 16, 2015, a total of 6,812 corporations were processed and 95.49% or a total of 6,451 corporations of the total registration applications for the period were approved within one business day.
2. The SEC sought to remove the requirement for depositing the paid-in minimum capital at the bank.
3. The Local Government Unit of Quezon City (QC LGU) signed a Memorandum of Agreement with the Department of Interior and Local Government (DILG) and the National Competitiveness Council (NCC) to reduce the business application procedures in the City to 1 or 2 days. The City now has its Online Registration for New Corporations that accepts business registrations for new corporations, partnerships, foundations, and cooperatives.
4. The Local Government of Quezon City (QC LGU) reiterates that payment of community tax has been part of QC LGU's payment of all fees and charges since 2012. Thus, there is no need for a separate Step 6 in the current procedure as reported in DB 2015.
5. The Bureau of Internal Revenue (BIR) and the SEC extended the application of their signed guidelines on pre-generated TIN to the usage of SEC's IBRS.
6. The BIR revisited an earlier revenue regulation to serve a basis to remove the requirements for special books of account, authority to print receipt and invoices, and stamping of books of accounts and Printer's Certificate of Delivery. Payment of the registration fee and documentary stamp taxes (DST) at authorized agent banks has been merged with the new step on obtaining Certificate of Registration. These are all included in one circular.

7. BIR allows companies to buy and use point-of-sale cash register machines, in lieu of printing of receipts and invoices at BIR-accredited print shops.

STARTING A BUSINESS REFORM REFERENCES

SEC IBRS' Unified Registration Record



UNIFIED REGISTRATION RECORD (URR)

COMPANY NAME		SEC REGISTRATION NUMBER	
ONE ORANGE COMMUNICATIONS INC.		CS201504528	
DOING BUSINESS AS (list down trade names)		TAX IDENTIFICATION NUMBER (TIN)	
Telecommunications		008008000	
PRINCIPAL ADDRESS		PAG-IBIG EMPLOYER NUMBER (Eyer ID)	
123 marvex pineda Kalookan City Metro Manila		800170635509	
		PHILHEALTH EMPLOYER NUMBER (PEN)	
		002000008635	
		SSS EMPLOYER NUMBER (ER No.)	
		0392534831	
PHONE NO.	7846498	FAX NO.	7772345
MOBILE NO.		E-MAIL ADDRESS	
AUTHORIZED REPRESENTATIVE (to be filled up by company - for presentation to social agencies)			

MOU (Signed) on Ease of Doing Business

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING (MOU)**, entered into this 14th day of April 2015 at Makati City, Metro Manila by and among:

The **DEPARTMENT OF FINANCE (DOF)**, with principal office address at DOF Bldg., BSP Complex, Roxas Boulevard, Metro Manila, and represented herein by its Secretary, **Hon. Cesar V. Purisima**;

The **DEPARTMENT OF TRADE AND INDUSTRY (DTI)**, with principal office address at 361 Trade and Industry Building, Sen. Gil J. Puyat Avenue, Makati City, and represented herein by its Secretary, **Hon. Gregory L. Domingo**;

The **DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG)** with principal office address at DILG NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City, represented herein by its Secretary, **Hon. Mar Roxas** and Undersecretary, **Hon. Austere A. Panadero**;

The **LOCAL GOVERNMENT OF QUEZON CITY (QC-LGU)** with principal office address at Elliptical Road, Barangay Central, Quezon City, represented herein by its Mayor, **Hon. Herbert M. Bautista**;

The **BUREAU OF INTERNAL REVENUE (BIR)** with principal office address at BIR National Office Building, BIR Road, Diliman, Quezon City, and represented herein by its Commissioner, **Hon. Kim S. Jacinto-Henares**;

The **SECURITIES AND EXCHANGE COMMISSION (SEC)**, with principal office address at SEC Building, EDSA, Greenhills, Mandaluyong City, and represented herein by its Chairperson, **Hon. Teresita J. Herbosa**;

The **SOCIAL SECURITY SYSTEM (SSS)**, with principal office address at SSS Building, East Avenue, Diliman, Quezon City, and represented herein by its President and CEO, **Emilio S. de Quiros, Jr.**;

The **PHILIPPINE HEALTH INSURANCE CORPORATION (PhilHealth)**, with principal office address at Citystate Centre, 709 Shaw Boulevard, Pasig City, and represented herein by its President and CEO, **Hon. Alexander A. Padilla**;

The **HOME DEVELOPMENT MUTUAL FUND (Pag-IBIG Fund)**, with principal office address at Petron Megaplaza Building, Sen. Gil Puyat Avenue, Makati City, and represented herein by its Chief Executive Officer, **Hon. Darlene Marie B. Berberabe**;

The **NATIONAL COMPETITIVENESS COUNCIL (NCC)**, with principal office address at 3rd Floor, Tara Building, 389 Sen. Gil Puyat Avenue, Makati City, and represented herein by its Co-Chairman, **Mr. Guillermo M. Luz**;

Each a "**Party**", and collectively as the "**Parties**".

A series of handwritten signatures in blue ink, corresponding to the representatives of the various agencies listed in the MOU. The signatures are arranged horizontally across the page.

-WITNESSETH-

WHEREAS, the Ease of Doing Business (EODB) Report of the World Bank International Finance Corporation (IFC) focuses on the regulations and institutions affecting small and medium-sized domestic businesses;

WHEREAS, the Doing Business Survey (DBS) of the IFC measures and tracks changes in business regulations across ten (10) indicators, namely: starting a business; dealing with construction permits; getting electricity; registering property; getting credit; protecting investors; paying taxes; trading across borders; enforcing contracts; and resolving insolvency;

WHEREAS, all the Parties are members of the inter-agency Task Force on Ease of Doing Business (EODB Task Force), which was created under Administrative Order No. 38, s. 2013 (AO 38) to ensure the implementation of the *Gameplan for Competitiveness*;

WHEREAS, the Parties aim to improve the ranking of the Philippines in the DBS by reducing the number of procedures in Starting a Business from 16 steps to a target of 6 steps and the length of time to complete such registration from 34 days to a target of 8 days;

WHEREAS, the Parties understand the importance of business regulation as a driving force of competitiveness and recognize the need to implement coherent economic policies in the context of a rapidly changing global economy;

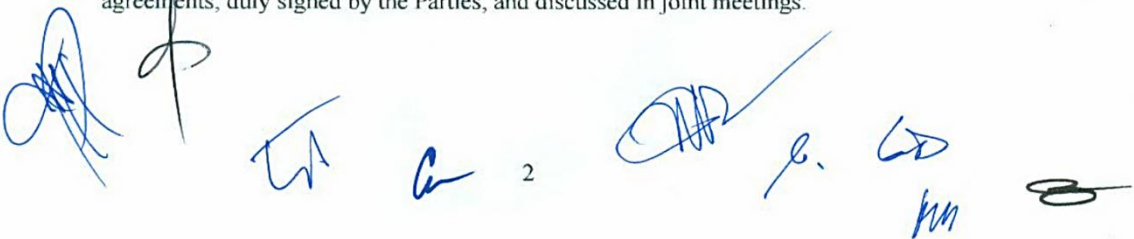
WHEREAS, the Parties are fully cognizant of the need to collaborate and forge an alliance between and among the them to improve public services, enhance political accountability, and to formulate better economic policies through a holistic, interdisciplinary and long-term approach;

WHEREAS, the cooperation of all Parties is indispensable to the success of this collaborative effort to improve the overall competitiveness ranking of the Philippines in the EODB Ranking;

WHEREAS, to ensure the coherent and transparent implementation of programs and projects of the EODB Task Force, the Parties have agreed to execute this MOU that will embody the terms and conditions governing their relationships as set forth below;

NOW, THEREFORE, for and in consideration of the foregoing premises, the Parties agree to undertake the following:

1. The Parties shall cooperate within the framework of their respective mandates and authority in the implementation of activities pursuant to this MOU and/or AO 38; provided, that specific cooperative activities initiated by the Parties to achieve the objectives of this MOU and/or AO 38 will be administered under separate project documents, and/or written agreements, duly signed by the Parties, and discussed in joint meetings.



Handwritten signatures in blue ink are present at the bottom of the page, including several illegible signatures and a small number '2'.

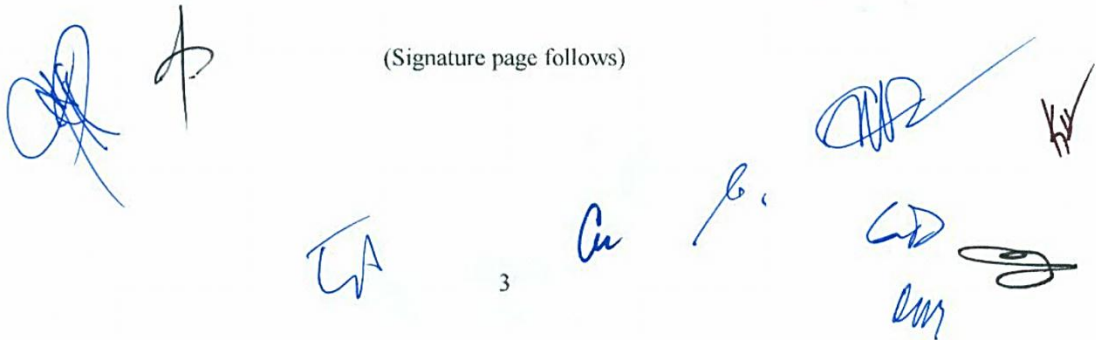
2. The Parties hereby commit to do the following:

- a. Establish networks and linkages between and among themselves for the exchange of data, reports or information;
- b. Meet regularly to identify problem areas, if any, and resolve the same;
- c. Periodically discuss the issues and challenges in EODB, and share successful approaches and practices and develop recommendations for their replication and institutionalization;
- d. Undertake the following projects and activities in accordance with AO 38:
 - i. Review and develop policies, programs, and guidelines to ensure the proper implementation of the *Gameplan for Competitiveness*;
 - ii. Recommend to the President the issuance of the appropriate measures to promote transparency and efficiency in business practices;
 - iii. Implement various EODB reform initiatives aimed at improving the ranking of the Philippines in all ten (10) indicators and the overall Philippine ranking in the IFC DBS;
 - iv. Coordinate with the appropriate agencies for the inclusion of the targets set by the EODB Task Force in the performance targets of the concerned departments and agencies in their respective performance-based incentive systems;
 - v. Organize the necessary EODB teams to ensure the effective and efficient implementation of the *Gameplan for Competitiveness*;
 - vi. Monitor and evaluate the proper implementation of programs and policies; and,
 - vii. Perform such other functions as may be necessary or as may be directed by the President for the successful implementation of AO 38.

3. This Memorandum of Understanding shall take effect upon signing by the Parties and shall remain in full force and effect unless revoked upon mutual written consent of all the Parties. No amendment, modification or supplement shall be valid and binding unless the same is in writing and agreed upon and signed by the Parties.

IN WITNESS WHEREOF, the Parties, through their respective duly authorized representatives, have hereunto affixed their signatures on this Memorandum of Understanding on the date and place first above written.

(Signature page follows)



EA 3 Cu CD MM



CESAR V. PURISIMA
Department of Finance
Secretary



GREGORY L. DOMINGO
Department of Trade and Industry
Secretary



AUSTERE A. PANADERO
Undersecretary for Local Government



HERBERT M. BAUTISTA
Local Government of Quezon City
Mayor

For:

MAR ROXAS
Department of Interior and Local
Government
Secretary



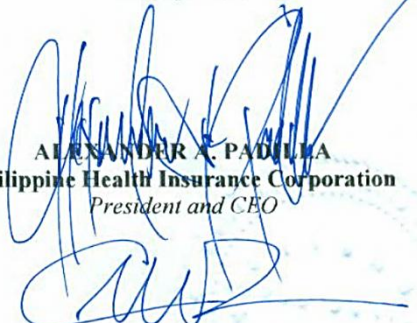
KIM S. JACINTO-HENARES
Bureau of Internal Revenue
Commissioner



TERESITA J. HERBOSA
Securities and Exchange Commission
Chairperson



EMILIO S. DE QUIROS, JR.
Social Security System
President and CEO



ALEXANDER A. PADILLA
Philippine Health Insurance Corporation
President and CEO



DARLENE MARIE B. BERBERABE
Home Development Mutual Fund
Chief Executive Officer



GUILLERMO M. LUZ
National Competitiveness Council
Co-Chairman

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
 MAKATI CITY, METRO MANILA) S.S.

14 APR 2015

BEFORE ME, a Notary Public for and in Makati City, Philippines on the date and at the place first above written, personally appeared the following:

	Competent Proof of Identification
Cesar V. Purisima	Passport No. DE0011199 issued on 01 Oct 2014 – DFA Manila
Gregory L. Domingo	DTI ID No. 04396
Austere Panadero	DILG ID No. 00055
Herbert M. Bautista	Passport No. EC3151462 issued on 10 Jan 2015 – DFA NCA Northeast
Kim S. Jacinto-Henares	BIR Employee ID No. 000-001
Teresita J. Herbosa	SEC ID No. 1235
Emilio S. De Quiros, Jr.	Driver's License No. N16-74-034761 expiring on 27 Sep 2017 – Quezon City
Alexander A. Padilla	TIN No. 134-534-852
Darlene Marie B. Berberabe	IBP Lifetime Member No. 03339
Guillermo M. Luz	Passport No. EB6049023 issued on 03 July 2012 – DFA Manila

who have satisfactorily proven to me their identity through their Identification indicated opposite their names, that they are the same persons who executed and voluntarily signed the foregoing Memorandum of Understanding which they acknowledged before me as their free and voluntary act and deed, that they are acting as the representative/attorney-in-fact of their respective principal, and that they have the authority to sign in such capacity.

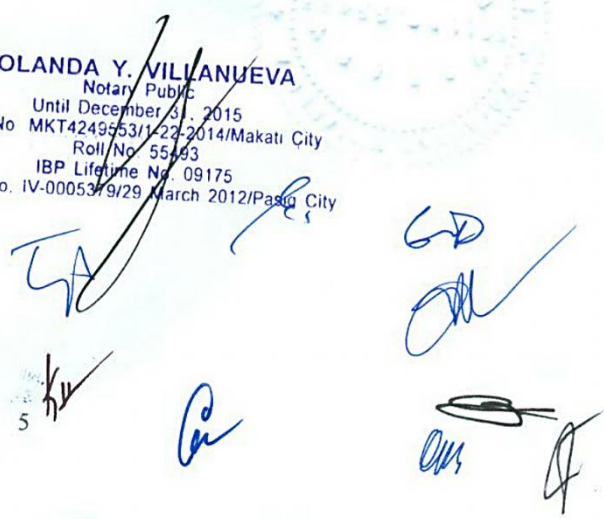
The foregoing Memorandum of Understanding consisting of five (5) pages including the page on which this acknowledgment is written, has been signed on the left margin of each and every page by the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date above written.

Doc. No. 23G
 Page No. 49
 Book No. 17
 Series of 2015.



YOLANDA Y. VILLANUEVA
 Notary Public
 Until December 31, 2015
 PTR No. MKT424953/122-2014/Makati City
 Roll No. 55483
 IBP Lifetime No. 09175
 MCLE No. IV-00053/9/29 March 2012/Pasig City



IBRS PERFORMANCE from April 15 to July 16



Republic of the Philippines
Department of Finance
Securities and Exchange Commission

July 23, 2015

CESAR V. PURISIMA
Secretary
Department of Finance (DOF)
DOF Bldg., BSP Complex,
Roxas Blvd., Metro Manila 1004

Thru : **MA. LOURDES B. RECENTE**
Assistant Secretary

Dear **Sec. Purisima**:

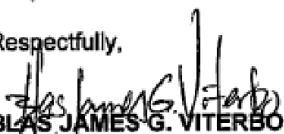
This is in relation to the email dated July 23, 2015 (Annex A) sent by Mr. Faisah G. Dela Rosa of the National Competitiveness Council (NCC) requesting for updated statistics on the performance of the Integrated Business Registration System (IBRS) which will form part of the reform inventory documents for the Starting a Business category of the Doing Business Survey of the International Finance Corporation-World Bank.

We are transmitting herewith for your reference a one-page summary on the performance of the IBRS for the period of April 15 – July 16 (Annex B). Overall, the IBRS has been performing at 99.22% since its launch last April 15, 2015 and we have processed a total of 6,812 corporations as of July 16, 2015. More specifically, 95.49% (6451 corporations), 3.58% (242 corporations), 0.73% (49 corporations), 0.21% (14 corporations) of total corporations processed were approved within one (1), two (2), three (3), and four (4) business days, respectively.

Please note that the attached statistics have been validated by the Securities and Exchange Commission's Company Registration and Monitoring Department.

For your information. Thank you.

Respectfully,


BLAS JAMES G. VITERBO
Commissioner

CC: **GREGORY L. DOMINGO**
Secretary, Department of Trade and Industry

GUILLERMO M. LUZ
Co-Chairman
National Competitiveness Council



ANNEX " A "

paul obmina <paobmina@gmail.com>

REQUEST: Updated statistics on the performance of IBRS for the period of 15 April to 16 July 2015

Faisah Dela Rosa <f.delarosa@competitive.org.ph>

Thu, Jul 23, 2015 at 8:49 AM

To: "Ms. MARY ANNE V. MORALES-LAGURA" <mavmlagura@sec.gov.ph>, paobmina@gmail.com, "Ms.

Claudine Angela C. Bacani" <cacbacani@sec.gov.ph>

Cc: Marylou Gesilva <m.gesilva@competitive.org.ph>

Greetings!

Dear Atty. Lagura and Sir Paul,

As discussed yesterday, the NCC would like to request for a copy of the updated statistics on the performance of IBRS covering the period of 15 April to 16 July 2015.

We're hoping to complete all attached documents/reform inventory for Starting a Business before 25 July 2015.

Please, confirm receipt. Thank you.

Respectfully,

Faisah Jevah G. Dela Rosa
Trade Industry and Development Analyst
Business Permits and Licensing System
Email: f.delarosa@competitive.org.ph

National Competitiveness Council - Philippines
3 Floor, TARA Building, 389 Sen. Gil Puyat Avenue,
Makati city, 1200 Philippines
Telephone: 899-6247 Telefax: (632)890-4861
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ANNEX "B"



Republic of the Philippines
Department of Finance
Securities and Exchange Commission
SEC Building, EDSA, Greenhills, Mandaluyong City
Company Registration and Monitoring Department

MEMORANDUM

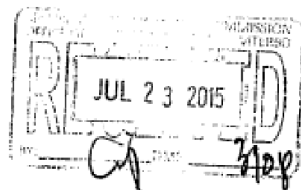
FOR : COMMISSIONER BLAS JAMES G. VITERBO
CC : MS. CLAUDINE BACANI
FROM : COMPANY REGISTRATION AND MONITORING DEPARTMENT
SUBJECT : PERFORMANCE OF THE INTEGRATED BUSINESS
REGISTRATION SYSTEM (15 April – 16 July 2015)
DATE : 20 JULY 2015

-----X

Attached herewith is the Statistics on Overall Performance of the Integrated Business Registration System from 15 April – 16 July 2015.

Thank You.


FERDINAND B. SALES
Director



aj Y308

Table I. Performance of the Integrated Business Registration System (15 April - 16 July 2015)

SEC Processing Time (Applications Received and Approved within)	STATISTICS FOR 15 APRIL TO 16 JULY 2015		
	Subtotal	SEC	Overall
Within office hours (8 hours)	5,807	85.95%	95.49%
1 day (24 hours)	644	9.53%	
2 days	242	3.58%	3.58%
3 days	49	0.73%	0.73%
4 days	14	0.21%	0.21%
5 days	9	0.13%	0.13%
6 days	8	0.12%	0.12%
7 days	2	0.03%	0.03%
8 days	6	0.09%	0.09%
9 days	6	0.09%	0.09%
10 days	7	0.10%	0.10%
11 days	1		
12 days	1	0.01%	0.01%
14 days	3	0.04%	0.04%
15 days	2	0.03%	0.03%
18 days	3	0.04%	0.04%
19 days	1	0.01%	0.01%
20 days	1	0.01%	0.01%
22 days	1	0.01%	0.01%
27 days	-		
33 days	-		
35 days	1	0.01%	0.01%
47 days	1	0.01%	0.01%
49 days	1		
94 days and over	2	0.03%	0.03%
No. of Returned Applications	7	0.10%	0.10%
No. of Applications With Secondary License**	1	0.01%	0.01%
No. of Applications With Delay Due to Applicant	51	0.75%	0.75%
No. of Applications Processed Before IBRS but with URRs Printed	4	0.06%	0.06%
Subtotal	6,756		
Total URRs Printed	6,769		
Total Corporations/ Applications Received	6,819		
Total Corporations/ Applications Processed	6,812		
IBRS Performance			99.22%

Notes:

Please note that majority of the corporations are approved and processed within one (1) business day (24 hours or less). More specifically, among the 6812 applications processed by the Commission at Head Office for the period of 15 April - 20 July 2015, 6451 corporations (95.49%) were approved within one (1) business day (24 hours or less), while 242 corporations (3.58%), 49 corporations (0.73%), and 14 corporations (0.21%) were approved within two (2), three (3) and four (4) business days, respectively. The remaining 56 corporations (0.79%) are corporations that may have involved a delay due to changes or lacking information in the client's application, or applications that need to acquire a secondary license, and may take more time to process since these are subject to further review and approval by the Commission En Banc or the CRMD, depending on whether it is a financing or lending company being registered.

Thus, with the exception of the applications with issues, applications returned to clients, and the corporations that need to acquire secondary license/s, the overall performance of the IBRS (in terms of the issuance of URRs to applicants) is at 99.00% for the period of 15 April - 16 July 2015


FERDINAND B. SALES
 Director

**SAMPLE ACTUAL CORPORATIONS
PROCESSED VIA IBRS**

15-Apr-15

	NAME OF CORPORATION	SEC NUMBER	DATE RECEIVED	DATE APPROVED	DATE URR WAS PRINTED
1	BARANGAY NABUSLOT PINAMALAYAN FARMERS ASSOCIATION INC.	CN201507314	15-Apr	15-Apr	
2	BARANGAY PAGALAGALA PINAMALAYAN FARMERS ASSOCIATION INC.	CN201507316	15-Apr	15-Apr	
3	BOND'S OPTIMAL FITNESS ZONE, INC.	CS201507313	15-Apr	15-Apr	
4	CHEMOSCIENCE PHILS. INC.	CS201507317	15-Apr	15-Apr	
5	JGC MEGABUILDERS CORP.	CS201507320	15-Apr	15-Apr	
6	LA FATIMA CONSTRUCTION AND DEVELOPMENT CORPORATION	CS201507319	15-Apr	15-Apr	15-Apr
7	MAGDAENÓCH FOUNDATION INC.	CN201507315	15-Apr	15-Apr	
8	SIMPLE BEGINNINGS RESIDENCES INC.	CS201507323	15-Apr	15-Apr	
9	THE ORIGINAL B&T MEXICAN KITCHEN INC. DOING BUSINESS UNDER THE NAME AND STYLE OF B&T JR. MEXICAN KITCHEN AND B&T EST. 2010 MEXICAN KITCHEN	CS201507318	15-Apr	15-Apr	
10	ULTIMATE FIRST RESOURCES MARKETING INTL. INC.	CS201507324	15-Apr	15-Apr	
11	A.M.I. TECHNICAL SERVICES CONTRACT FOODSERVICE CORP.	CS201507349	15-Apr	16-Apr	20-Apr
12	APEM PHILIPPINES, INC	CS201507382	15-Apr	16-Apr	20-Apr
13	AUTHENTIC CAPS DISTRIBUTION INC.	CS201507311	15-Apr	16-Apr	
14	BREWHILDE CORP.	CS201507360	15-Apr	16-Apr	
15	EASTMETRO BASKETBALL REFEREE ASSOCIATION INC.	CN201507362	15-Apr	16-Apr	
16	FIELDS & CO., INC.	CS201507394	15-Apr	16-Apr	
17	GLOBAL STEPS ACADEMY, INC.	CS201507355	15-Apr	16-Apr	17-Apr
18	GOLDEN QUEST EQUITY HOLDINGS INC. FINANCIAL	CS201507390	15-Apr	16-Apr	
19	GOOD AND PRACTICAL OPTIONS INC.	CS201507365	15-Apr	16-Apr	
20	HUWARAN AT TELA INC.	CS201507389	15-Apr	16-Apr	
21	KULTURA AT SINING SCHOLARSHIP FOUNDATION INC.	CN201507367	15-Apr	16-Apr	

15-May-15							
	NAME OF CORPORATION	DATE RECEIVED	DATE APPROVED	DATE APPROVED IF IT WAS RETURNED	REASONS FOR THE DELAY IN THE APPROVAL	SEC NUMBER	DATE URR WAS PRINTED
1	TI NAIMBAG A PASTOR LEARNING CENTER, INC.	15-May	15-May			CN201509508	15-May
2	A2 TANPAN CONSTRUCT INC.	15-May	15-May			CS201509566	15-May
3	ACTEX MANPOWER SERVICES INC.	15-May	15-May			CS201509493	15-May
4	ADI & TUX CUISINE CO.	15-May	15-May			PG201509483	15-May
5	AEDICULE DEVELOPMENT CORP.	15-May	15-May			CS201509495	15-May
6	AGILE FOX AMUSEMENT AND LEISURE CORPORAT	15-May	15-May			CS201509522	15-May
7	AGILE PLUS CONSULTING, INC.	15-May	15-May			CS201509573	15-May
8	AGRIVEST CORPORATION	15-May	15-May			CS201509511	15-May
9	ALCORO CORPORATION	15-May	15-May			CS201509549	15-May
10	ANCHORBASE BUILDERS CORP.	15-May	15-May			CS201509502	15-May
11	ANROM SOLID ALLIANCE CORP.	15-May	15-May			CS201509513	15-May
12	AP-GLOBAL ASSISTANCE CORPORATION	15-May	15-May			CS201509535	15-May
13	APO REEF CLUB BEACH AND DIVE RESORT, INC.	15-May	15-May			CS201509501	15-May
14	ARTXPRESS INC.	15-May	15-May			CS201509539	15-May
15	ARZAQ GLOBAL MANPOWER AGENCY, INC.	15-May	15-May			CS201509491	15-May
16	ASIA BANKERS CLUB (PHILIPPINES) HOLDINGS, INC	15-May	15-May			CS201509523	15-May
17	ASIAN MERGERS AND ACQUISITION LINKS INC.	15-May	15-May			CS201509536	15-May
18	ASSOCIATION OF BARANGAY SECRETARIES OF SAN JUAN CITY INC.	15-May	15-May			CN201509490	15-May
19	B&S POWER CORP. DOING BUSINESS UNDER THE NAME & STYLE OF GAJA LEISURE; BEST RENTAL; SPEED NETWORK; CUJU ENTERTAINMENT; AND COFFEE NA CAFÉ	15-May	15-May			CS201509469	15-May
20	BEAN & BUTTER CAFE, INC.	15-May	15-May			CS201509583	15-May
21	BFH24 FITNESS, INC.	15-May	15-May			CS201509574	15-May
22	BOX FROM OUTER SPACE INC.	15-May	15-May			CS201509496	15-May
23	BRAVO CAT COMMUNICATIONS INC.	15-May	15-May			CS201509515	15-May

15-JUN-15								
	NAME OF CORPORATION	DATE RECEIVED	DATE APPROVED	DATE APPROVED IF IT WAS RETURN	REASONS FOR THE DELAY IN THE APPROVAL	SEC NUMBER	DATE URR WAS PRINTED	REASONS FOR THE DELAY IN PRINTING URR
1	24SEVEN JOBS PHILIPPINES, INC.	15-Jun	15-Jun			CS201511491	15-Jun	
2	8 SALCEDO VENTURES, INC.	15-Jun	15-Jun			CS201511525	15-Jun	
3	ABGT REAL ESTATE CORP.	15-Jun	15-Jun			CS201511583	15-Jun	
4	ACHIM PROPERTY MANAGEMENT CORP.	15-Jun	15-Jun			CS201511580	15-Jun	
5	ACORE T RADING INC	15-Jun	15-Jun			CS201511509	15-Jun	
6	ALLAN C. SUNGA MINI CONO CO.	15-Jun	15-Jun			PG201511502	15-Jun	
7	ALLUA MANAGEMENT INC.	15-Jun	15-Jun			CS201511499	15-Jun	
8	ALTITUDE HIGH 88 SECURITY INC.	15-Jun	15-Jun			CS201511565	15-Jun	
9	ALYANSA NG MGA MAKABAYANG PILIPINO TUNGO SA PAG-UNLAD INC.	15-Jun	15-Jun			CN201511566	15-Jun	
10	ANNVEE CREDIT COLLECTIONS CORP.	15-Jun	15-Jun			CS201511574	15-Jun	
11	ANRIYA CORP. DOING BUSINESS UNDER THE NAME AND STYLE OF CHIBA JAPANESE DELI	15-Jun	15-Jun			CS201511512	15-Jun	
12	ARCIS ASTRA FOOD CORPORATION	15-Jun	15-Jun			CS201511520	15-Jun	
13	ARNE & ALEC QUEUE CORP.	15-Jun	15-Jun			CS201511513	15-Jun	
14	AVATAR MARKETING SOLUTIONS AND SUPPORT INC.	15-Jun	15-Jun			CS201511514	15-Jun	
15	BAGAC FEDERATION OF SENIOR CITIZENS INC.	15-Jun	15-Jun			CN201511528	15-Jun	
16	BERNARDO-ASIA GROUP OF COMPANIES INC.	15-Jun	15-Jun			CS201511501	15-Jun	
17	BEW INFORMATIVE MANAGEMENT SOLUTIONS, INC.	15-Jun	15-Jun			CS201511545	15-Jun	
18	BICOL SARO NG MARILAO ASSN. INC.	15-Jun	15-Jun			CN201511559	15-Jun	
19	BIOSENTRY PHILIPPINES, INC.	15-Jun	15-Jun			CS201511568	15-Jun	
20	BUILDING UNIFIED COMMUNITIES THROUGH INCLUSIVE LEADERSHIP AND DEVELOPMENT (BUILD) INC.	15-Jun	15-Jun			CN201511593	15-Jun	
21	BYEBYEBRAZIL LTD. CORPORATION	15-Jun	15-Jun			CS201511579	15-Jun	
22	CENTER FOR TECHNICAL PROFESSIONS INC.	15-Jun	15-Jun			CS201511538	15-Jun	
23	CHEF ALEX LIEMPO & CHICKEN, INC.	15-Jun	15-Jun			CS201511578	15-Jun	
24	CHEIL PHILIPPINES, INC.	15-Jun	15-Jun			CS201511556	15-Jun	

Testimonial Of A Satisfied Incorporator On Sec Ibrs

CATINDIG
FLORES
PALARCA
& OFRIN

No. 7 Pioneer corner
Sheridan Streets
Mandaluyong City
1550 Metro Manila, Philippines

Office Center No. 7C-1, Bertaphil III
Jose Abad Santos Avenue
Clark Freeport Zone
2023 Pampanga Philippines

Telephone (632) 3105844 to 46 Telephone (6345) 499-2137

April 24, 2015

Securities and Exchange Commission
SEC Building, EDSA, Greenhills
Mandaluyong City

Dear Honorable Members of the Commission,

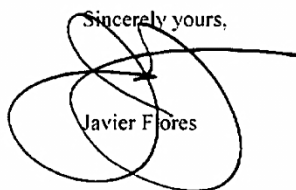
We were in the process of incorporating a non-stock, non-profit organization called the Camera Club of the Philippines Center, Inc. We paid the filing sometime around 1:30pm. We were pleasantly surprised to receive our Certificate of Incorporation about an hour later, so much so that our paralegal was still in the premises of the SEC when it was released.

We were likewise pleasantly surprised to receive along with the Company Registration Number not just the Tax Identification Number, but also the registration number of the corporation with the Pag-Ibig, Philhealth, and the SSS. Obtaining these registration numbers from those government agencies usually take a lot of post-incorporation man-hours.

We were looking for information regarding this program at the SEC website but we could not find any. Be that as it may, we appreciate the effort of the SEC to speed up the registration process. We hope that this project would be a continuing one and that it can be sustained.

Thank you very much. On behalf of our law office, I remain

Sincerely yours,



Javier Flores

Memorandum Circular No. 6, Series Of 2012 On Minimum Paid-In Capital Requirement



Republic of the Philippines
Department of Finance
Securities and Exchange Commission
SEC Building, EDSA, Greenhills, Mandaluyong City

MEMORANDUM CIRCULAR No. 6
Series of 2012

TO ALL CONCERNED:

Consistent with the objectives of Republic Act 9485 (otherwise known as the Anti Red Tape Act of 2007), the Commission, in its en banc meetings on July 12 and July 27, 2012, resolved to dispense with the following requirements in the registration activities set forth below:

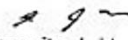
1. **BANK CERTIFICATE OF DEPOSIT** - for the registration of the Articles of Incorporation of new corporations where the subscription to the authorized capital stock is paid in cash; if a portion of the subscription is other than cash, the non-cash subscription shall be proven by the appropriate supporting documents;
2. **SPECIAL AUDIT REPORT** - for applications to increase the authorized capital stock of corporations where the subscription to the increase is paid in cash except (a) listed companies, (b) public companies as defined in the Securities Regulation Code, (c) companies that offer or sell securities to the public, and (d) where the payment to the subscription to the increase is more than P10 million;

In lieu of such report, a notarized Subscription Contract between the stockholder/s and treasurer stating the number of additional shares subscribed to and paid for shall be submitted by the corporation.

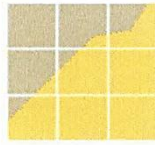
3. **PRIMARY ENTRY** - for Deed of Assignment in the registration of new corporations or increase in the authorized capital stock where land or real estate property is offered as consideration for subscription to shares of stock.

This Memorandum Circular shall take effect immediately.

August 15, 2012, Mandaluyong City.


Teresita J. Herbosa
Chairperson

MOA (Signed) DILG, NCC, QC LGU on Ease of Starting a Business at the Local Government Level



MEMORANDUM OF AGREEMENT

Know All Men By These Presents:

This Memorandum of Agreement entered into this 11.4 APR 2015 day of _____, 2015 in Makati City, Philippines, by and among:

The **NATIONAL COMPETITIVENESS COUNCIL**, with principal office at 3rd Floor, Tara Building, 389 Sen. Gil Puyat Avenue, Makati City, represented herein by **HON. GREGORY L. DOMINGO**, in his official capacity as Chairman, herein referred to as "NCC",

The **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**, with principal office at DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City, represented herein by **HON. AUSTERE A. PANADERO**, in his official capacity as Undersecretary, herein referred to as "DILG", and

The **LOCAL GOVERNMENT OF QUEZON CITY**, with principal office at Elliptical Road, Barangay Central, Quezon City, represented herein by **HON. HERBERT M. BAUTISTA**, in his official capacity as City Mayor, herein referred to as "QC-LGU",

WITNESSETH THAT:

WHEREAS, pursuant to OP Administrative Order No. 38, s., 2013, there is a need to improve on the Philippine ranking in the Doing Business Survey of the International Finance Corporation;

WHEREAS, the NCC has designed the Gameplan for Competitiveness to raise Philippine competitiveness rankings;

WHEREAS, the DILG, is a member of the inter-agency Task Force on Ease of Doing Business (EODB), which was created to ensure the implementation of the Gameplan for Competitiveness and to improve the Philippine ranking in DBS; and

WHEREAS, the QC-LGU was invited by the EODB Task Force to participate, complement and assist in the implementation of the Gameplan for Competitiveness;

NOW THEREFORE, for and in consideration of the foregoing premises, all Parties hereby agree that:

(Handwritten signatures of Gregory L. Domingo, Austere A. Panadero, and Herbert M. Bautista)

The NCC shall:

- a) Include QC-LGU as pilot LGU in the implementation of the Gameplan for Competitiveness to raise Philippine competitiveness rankings; and
- b) Provide the necessary technical support, options and strategies to ease the doing of business in Quezon City.

The DILG shall:

- a) Assist QC-LGU through provision of technical assistance, as may be requested, in the review of the current business permit and licensing system;
- b) Monitor compliance of QC-LGU with regard to its commitments in terms of ease of doing business reforms;
- c) Coordinate with National Government Agencies involved in any of steps in the entire doing business process in the Philippines, and ensure that they do not pass on to the QC-LGU, any component of their mandate in the process of doing business, which may result in additional red tape on the part of QC-LGU; and
- d) Initiate and push for amendments or enactments in Philippine laws that will result in further promoting ease of doing business in the country, thus providing a solid basis for significant reforms that may be adopted not only by the QC-LGU but nationwide as well.

The QC-LGU shall:

- a) Explore and study the possibility of implementing the 1-Window filing for Business Permit Applications (New/Renewal);
- b) Endeavor to trim down to not more than 1-2 days the processing time for New Business Permit applications, provided all documentary requirements are presented;
- c) Issue an implementing order for the new process not later than June, 2015; and
- d) Enact an ordinance on the institutionalization of the Enhanced One-Stop-Shop in the local government unit.

This Memorandum of Agreement shall be effective on the date of its signing. Any amendment or modification of this Agreement shall be made through written agreement of the Parties.



IN WITNESS WHEREOF, the Parties hereunto set their hands on the place above written.

National Competitiveness Council

Local Government of Quezon City

By:


HON. GREGORY L. DOMINGO
Chairman

By:


HON. HERBERT M. BAUTISTA
Mayor

Department of the Interior and Local Government

By:


HON. AUSTERE A. PANADERO
Undersecretary

SIGNED IN THE PRESENCE OF:


HON. GUILLERMO M. LUZ
Co-Chairman, NCC


HON. ALDRIN C. GUÑA
Quezon City Administrator


HON. MANUEL Q. GOTIS
Director for BLGS, DILG



ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MAKATI) S.S.

BEFORE ME, a Notary Public for and in the CITY OF MAKATI,
this _____ day of _____, 2015, personally appeared:
14 APR 2015

NAME	VALID ID/NO.	PLACE/DATE ISSUED
HON. GREGORY L. DOMINGO	<u>DTI ID No. 04396</u>	<u>MAKATI CITY</u>
HON. AUSTERE A. PANADERO	<u>DILG ID No. 00055</u>	<u>QUEZON CITY</u>
HON. HERBERT M. BAUTISTA	<u>Passport No. EC 3151462</u>	<u>DFA MCA- NORTHEAST / 10 Jan 2015</u>

known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free act and deed and that of the Offices they respectively represent.

This instrument, consisting of three (3) pages including the page on which this acknowledgment is written, has been signed by the Parties and their witnesses and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereto affixed my signature on this day, year and place above written.

Doc. No. 239 ;
Page No. 49 ;
Book No. 17 ;
Series of 2015 .

YOLANDA Y. VILLANUEVA
Notary Public
Until December 31, 2015
PTR No. MKT424953/1-22/2014/Makati City
Roll No. 55493
IBP Lifetime No. 09175
MCLE No. IV-0005379/29 March 2012/Pasig City

QC Executive Order No 8 S-2015 on Online Business Registration



Republic of the Philippines
Quezon City
OFFICE OF THE MAYOR



Herbert M Bautista mpa mnsa

EXECUTIVE ORDER NO. 8
Series of 2015

INSTITUTIONALIZING FURTHER REFORMS IN BUSINESS REGISTRATION IN QUEZON CITY BY CREATING THE QUEZON CITY ONLINE PORTAL

Whereas, it is the policy of the Quezon City Government to encourage the growth of the economy of the city, through the entry and expansion of businesses which will lead to more jobs and entrepreneurship opportunities for the city's constituents;

Whereas, business promotion is encouraged by the ease of business registration in the city, and enhances the competitiveness of Quezon City;

Whereas, as the benchmark city for Ease of Doing Business in the Philippines, Quezon City bears the more intense pressure to undertake continuous reforms in all city governance processes involved in the entire doing business process;

Whereas, such reforms are part of the Quezon City Government's commitment to the National Competitiveness Council, as it signed Memoranda of Understanding with nine National Government agencies to promote ease of doing business in the Philippines;

Whereas, the automation of processes and online systems technologies contribute to easier business registration in the city, as it allows applicants to apply for permits for new businesses in the city, from anywhere they are and within a 24/7 time frame;

Whereas, the coherent, transparent and efficient implementation of such reforms among the different local government operating units will contribute to the generation of greater benefits for the new business applicant;

Whereas, in pursuing reforms, the Quezon City Government must continue to be vigilant about its mandate to protect public welfare and compliance with national laws and local ordinances;

NOW, THEREFORE, I, HERBERT M BAUTISTA, Mayor of Quezon City, by virtue of the powers vested in me, do hereby order the creation of the "Quezon City eServices portal," and the immediate operationalization of its services;

The Quezon City eServices portal shall be the online service channel of the Quezon City Government. Its first service area shall be the acceptance and processing of applications of business registration of new corporations, partnerships, foundations and cooperatives. Once fully operational, it shall serve as the exclusive channel of the City Government for accepting and processing business permits of corporations, partnerships, foundations and cooperatives.

FURTHERMORE, I hereby order the following:

1. **Roles and responsibilities.** The departments/ offices/ operating units listed below should operationalize the roles and responsibilities for the effective development and operation of the Quezon City eServices portal, as indicated in the ATTACHMENT, which is an integral part of this Executive Order entitled, "Roles and Responsibilities of Quezon City Government Operating Units under the Online Business Registration System." Each of the heads of these operating units are the only recognized authorized personnel with access to

this online system. Should they need to delegate, they can formally delegate authority to their specific personnel by submitting their names and positions for approval of the Mayor.

- a. Communications Coordination Center
 - b. Quezon City Information Technology And Development Office (QCITDO)
 - c. Business Permits And Licensing Office
 - d. City Planning And Development Office
 - e. City Treasurer's Office
2. **Start of implementation.** The Online Business Registration System must be formally launched on May 22, 2015, and made fully operational for all corporations, partnerships, foundations and cooperatives by June 30, 2015.
3. **Other conditions.**
- a. Once formally launched, the Online Business Registration System will cover all applications for new business permits for corporations, partnerships, foundations, and cooperatives in Quezon City. No manual submission of applications will be entertained after June 30, 2015. Applicants who are already in Quezon City Hall premises will be assisted to do online applications through a kiosk at the Business One Stop Shop (BOSS), that shall be set up by the QC-ITDO.
 - b. All receipts for settlement of Tax Bills from New Business Permits applications should be computer-generated. No manually prepared ORs will be accepted by the system.
 - c. The entire Business Registration process should not exceed 48 hours, from receipt of the application to the release of the response. The only exemptions are when the application is electronically sent on a Saturday, Sunday or holiday; in which case, the 48-hour period will be reckoned from the start of the next working day.
4. **Funding.** The City Government shall allocate the amount necessary to cover the expenses for the full implementation and maintenance of the new Online Business Registration System.
5. **Supervision and Monitoring.** City Administrator shall see to the procurement of necessary equipment and facilities for the efficient operation of this online system and oversee and monitor the implementation of this Executive Order.
6. **Effectivity.** This Executive Order shall be effective immediately.

Issued this 21st day of May 2015, at Quezon City, Philippines



MAYOR HERBERT M. BAUTISTA

ROLES AND RESPONSIBILITIES OF QUEZON CITY GOVERNMENT OPERATING UNITS UNDER THE ONLINE BUSINESS REGISTRATION PROCESS (attachment to Executive Order No. ___)

ROLES AND RESPONSIBILITIES OF OPERATING UNITS:

1. The Communications Coordination Center (CCC) will develop and make available to the public, the Quezon City eServices portal.

Initially, this site will accept all applications for business permits of new corporations, partnerships, and cooperatives. Eventually, this site will be the channel through which all online applications of the Quezon Government will be made.

The CCC shall ensure the regularly coordinate the receiving of the Unified Registration Record from the Securities and Exchange Commission (SEC) on SEC-approved registrations of corporations located in Quezon City under the data sharing system of the Integrated Business Registration System (IBRS).

2. The Quezon City Information Technology Office (QC-ITDO) will provide an efficient, fast, online connection among the following offices: Business Permits and Licensing Office (BPLO), City Planning and Development Office's Zoning Unit, the City Treasurer's Office, the CCC, the QCITDO, and the Bureau of Fire Protection.

The QCITDO shall install a kiosk or computer system at the Business One Stop Shop (BOSS) to accept online applications of those applicants who want to register a new corporation and are already at Quezon City Hall. The Business Permits and Licensing Office (BPLO) head must assign a staff to assist applicants to use this kiosk, at all times that this is needed within the work day.

The QCITDO shall enable the system to produce an order of payment, with security features, based on the assessment of the Business Permits and Licensing Office, and make this available electronically to the applicant, in pdf file. It will make sure that the assessment already includes the fees payable for the Locational Clearance, along with all other fees and charges for a Business Permit application (single assessment).

The QCITDO shall operationalize an online connection between the City Treasurer's Office's Point of Sale (POS) Machines and the BPLO, such that when the POS accepts the payment of the applicant and produces an Official Receipt, the system automatically alerts the BPLO that payment to a business permit application has been made and that it should already make ready the Mayor's Permit certificate.

The QCITDO shall also operationalize an online system that shall connect the Bureau of Fire Protection (BFP) at the Quezon City Hall Compound to the business registration system, such that eventually, the BFP shall automatically receive copies of the business registration assessments produced by the BPLO; this would serve as notifications to the BFP that such a new corporation shall start a business in Quezon City and therefore must be assessed fire code fees and scheduled for Fire Safety Inspection (FSI) and issuance of FSI certificate within 15 days of release of the Mayor's Permit.

3. The Business Permits and Licensing Office shall assign dedicated personnel who will receive all online business registration applications, as well as to monitor and retrieve daily the Unified Registration Record shared by the SEC on approved corporations.

The BPLO shall do a first evaluation of the application, comparing data in this application with the corporation's data in the SEC's Unified Registration Record. It must ensure that there is no discrepancy in critical areas.

Then, the BPLO determines the Philippine Standard Industry Classification Code (PSIC), based on the business activity described

Within 1 hour after receiving the application form, the BPLO will send the form and attachments electronically to the City Planning and Development Office, for the Locational Clearance Certificate.

4. The City Planning and Development Office's Zoning Unit will review the zoning classification of the intended business site, and examine the details in the lease contract and/or the TCT or CCT

The CPDO will approve or deny the application for Locational Clearance, based on compliance or noncompliance with the Quezon City Zoning Ordinance.

The CPDO is given 24 hours from receipt of the application, to act on it. If the 24-hour period has lapsed and there is no action from CPDO, the application is DEEMED APPROVED.

If the CPDO's decision is to approve the application, the application with the 'approval' of the CPDO is sent electronically back to BPLO for its final action. The CPDO will also indicate in its comments, when the locational clearance certificate is ready for pick up.

If the CPDO decision is to disapprove, the application with the 'disapproval' of the CPDO is emailed to the applicant, with the reasons for disapproval described in the email. The applicant is advised to apply again, if specific conditions (these must be listed by the CPDO) are met. Thereafter, this application is deemed 'terminated,' and does not proceed to the BPLO.

5. Upon receipt of the application with the "approved locational clearance," the BPLO performs the following actions:

- a. assesses the fees payable, including the payment for the Locational Clearance (one-time assessment), and prepares the tax bill, and sends, by email, a pdf copy of this assessment to the applicant;
- b. provides the Bureau of Fire Protection QC, a copy of the tax bill, for purposes of the BFP's computation of Fire Code fees and for scheduling of the fire safety inspection of the applicant's business premises. BFP-QC personnel is co-located in the BPLO one-stop shop.
- c. prepares a checklist of documents whose original copies must be presented to the BPLO, as a final condition for the release of the Mayor's Permit.
- d. prepares as well a checklist of other permits and clearances required by government, for specific types of business. These other permits and clearances must be obtained within 15 to 30 days from release of the Mayor's Permit, and presented to the BPLO for recording; otherwise, the Mayor's Permit will be automatically revoked.

The BPLO must do all these within 24 hours after receiving the Locational Clearance approval from CPDO.

6. The system will generate and email to the applicant, the message that: "Your Online Application for Mayor Permit to do business in Quezon City has been APPROVED." It will advise the applicant to do the following:

- a. Print out the assessment emailed to you by the BPLO
- b. Present this at the cashier of the City Treasurer's Office, Quezon City Hall; get the official Tax Bill and your Official Receipt.
- c. Go to the BPLO Business One Stop Shop, Quezon City Hall: Bring the Official Receipt, signed copy of the Online Application Form, and original copies of the SEC or CDA registration, barangay clearance.

7. When presented with the pdf copy of the Business Registration Assessment generated by the BPLO and emailed to the applicant, the City Treasurer's Office cashier generates the Tax Bill and the computer-generated Official Receipt. It issues these to the applicant.

8. After the applicant presents the Official Receipt and the required original documents to the BPLO, the BPLO releases the MAYOR'S PERMIT TO DO BUSINESS in QC.

The BPLO will also give the applicant a notification that the registered enterprise must obtain and present to the BPLO, the original copy of your businesses' Fire Safety Inspection Certificate (FSIC), which must be dated 15 days after the release of the permit. Upon securing the FSIC, the applicant must immediately present it to the BPLO as proof of compliance; otherwise, business permit will be automatically revoked.

In addition, the BPLO will provide the applicant with the checklist of other national government permits and clearances that must be obtained for particular business activities, within 30 days of the release of the Mayor's Permit.

All these, as soon as obtained within the 30-day period, must be presented to the BPLO, otherwise, the enterprise faces automatic revocation of its Mayor's Permit.

*** end ***

QC Executive Order 17 2011 On Streamlining Further the Ease of Doing Business

FROM : QCFDO

FAX NO. : 922-45-54

26 Jun. 2013 5:04PM P2

Judd-FV



Republic of the Philippines
Quezon City
OFFICE OF THE MAYOR



Herbert M. Bautista mpa mrsa

EXECUTIVE ORDER NO. 17
Series of 2011



AN ORDER FURTHER STREAMLINING THE PROCESS FOR DOING BUSINESS IN QUEZON CITY

WHEREAS, Quezon City has been selected as the benchmark for doing business in the Philippines;

WHEREAS, improving ease of doing business in Quezon City would, therefore, promote not only the city, but the entire country's ranking in the world;

WHEREAS, the tasks should introduce greater efficiencies while streamlining processes, to improve the city government's ability to serve its constituents and the overall business community well;

WHEREAS, it is both the national and local leadership's desire for Quezon City and its constituents, to reap the benefits of a thriving economic environment by facilitating business registration and promoting orderly construction, to promote the development needs of the city;

WHEREAS, the objective of streamlining doing business processes should not compromise, for the sake of public welfare and safety, compliance with national laws (particularly the National Building Code and the Sanitation Code of the Philippines) and the local ordinance on the Sanitation Code;

NOW THEREFORE, I, Herbert M. Bautista, Mayor of Quezon City, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. New guidelines and processes for new business permit registration

1.1 The Business Permits and Licensing Office (BPLO) and the Quezon City Information Technology Development Office (QC-ITDO) shall proceed with the full development of the Business One Stop Shop (BOSS) processing and clearing system which will fully integrate the City Planning and Development Office (for locational clearance), the City Health Department (for the sanitary permit), the Bureau of Fire Protection (for the Fire Safety Inspection Certificate), and the Department of Building Official for the mechanical and electrical permits.

The QC-ITDO is tasked to ensure the reliability and dependability of the system, so that the processing of locational permits and business permits are not impeded at any time during work hours.

Until such time that this online process is fully operational, the CPDO shall assign its personnel at the BOSS to be able to fully evaluate the application for locational clearance within BOSS premises and within the hour of application.

1.2 The CPDO is tasked to act on (approve or disapprove) the locational clearance application for new businesses within one (1) hour or less from the time of application.

1.3 The above departments and offices shall work towards improving the convenience of the public in transacting with their respective Offices by:

- 1.3.1 Maximizing use of technology by automating what are presently processed manually, and integrating systems for streamlined processing between and among offices, to ensure reliability and consistency of data and for better checks and balance. The departments and offices shall coordinate with the QC-ITDO for this purpose.
- 1.3.2 Maximizing their online presence in the city government website, *quezoncity.gov.ph*, by making available downloadable forms; uploading maps, matrices and guidelines; having a dedicated section on the website, to receive and answer queries so that applicants are better prepared when they approach their respective offices. The departments and offices shall coordinate with the QC-ITDO and the Communications Coordination Center for this purpose.

1.4 To ensure that there are no overlapping of local government jurisdictions over business enterprises, all businesses that have valid business registration with the BPLO are not "hawkers" that fall within the jurisdiction of the Market Development and Administration Department (MDAD).

Section 2. New guidelines and processes for building permits evaluation

2.1 Certificate of Occupancy for Health

- 2.1.1 The issuance of the Certificate of Occupancy for Health by the Quezon City Health Department (QCHD) shall be a process independent from the process of issuing occupancy permits. For this purpose, the QCHD shall be guided by the following laws and policies for the issuance of the certificate of potability of drinking water in business and residential establishments and for other laws on sanitation.
- 2.1.1.1 the provisions of Presidential Decree 856 (issued in 1975), entitled "Code on Sanitation of the Philippines,"
- 2.1.1.2 Ordinance No. 1735, series of 2006, entitled "An Ordinance prescribing the Sanitation Code of Quezon City, pursuant to the Local Government Code of 1991 and other pertinent laws,"
- 2.1.1.3 Paragraph 3.3 of Office Order No. 25, series of 2007;
- 2.1.2 The QCHD shall submit for the approval of the Mayor, within one (1) week or five (5) working days from the issuance of this Order, the modified process that the QCHD shall follow in the issuance of Certificate of Occupancy for Health;
- 2.1.3 The QCHD shall see to the imposition of penal provisions of both national and local laws on violators, in coordination with the relevant offices, whether this be the BPLO (for business establishments) and the Department of Building Official (DBO) (for other structures), and the Quezon City Police District.
- 2.1.4 The BPLO and the DBO are hereby instructed to provide the QCHD a complete list of new business establishments and new structures, every third week of each month, which the QCHD shall use as guide to schedule its own inspections.

2.2 Locational clearance

- 2.2.1 To remove duplication in documentation requirements, it shall be the City Planning and Development Office (CPDO) that shall require from the applicant, and be the repository of, the certified true copy of the transfer certificate of title, the barangay clearance, and the real property tax receipt, as compliance with its requirements for locational clearance.

2.2.2 In its issuance of the locational clearance certificate, the CPDO shall include the notation that it has the certified true copy or original copies of specific documents. It shall attach to the locational clearance certificate, one (1) set of the submitted architectural plans, as well as the photocopies of the TCTs, barangay clearance, and real property tax receipt, with each page initialed by the permit issuing authority of the CPDO.

2.2.3 The CPDO is tasked to complete the issuance of locational clearance for applications for building permits, within a maximum of five (5) working days from the time of receipt of the application until the issuance of order of payment, provided that such applications are submitted with complete requirements. The CPDO shall see to it that the public is continuously clearly and widely informed of its requirements, process and timelines for locational clearances.

2.3 Building permit

2.3.1 The CPDO shall no longer require the notarization of its applications for locational clearance for building projects. Instead, its application forms shall include a sworn statement to be signed by the applicant on the correctness of all information contained in the application.

2.3.2 The Department of Building Official (DBO) shall receive from the building permit applicant, the original copy of the locational clearance with the CPDO-initialed attachments of the TCT, barangay clearance, real property tax receipt, and one (1) set of the submitted architectural plans, along with other requirements required by the National Building Code, as may be necessary.

2.3.3 The DBO is tasked to complete the process of evaluation and issuance of order of payment/advice of action to all building permit applications within a maximum of ten (10) working days from date of receipt of application, provided that such applications are submitted with complete requirements. The DBO should see to it that the public is continuously clearly and widely informed of its requirements, process and timelines for building permits.

2.3.4 The instructions contained in Office Order No. 25, series of 2007 (which applies to single detached residential buildings of not more than 300 sqm. within residential zones and stalls inside buildings with approved building / occupancy permits), which are not inconsistent with this Executive Order, shall continue to be followed.

2.3.5 Applicants must obtain the Fire Safety Inspection Certificate from the Quezon City Bureau of Fire Protection, before applying for occupancy permits.

2.3.6 Applicants shall submit applications for the Certificate for Final Electrical Inspection (CFEI), plumbing certificate, and occupancy permit at the same time, to the DBO. Applications which pass the DBO requirements shall be issued by the DBO, their CFEI, Plumbing Certificate, and Occupancy Permit at the same time, upon payment of the corresponding fees.

2.3.7 The DBO is tasked to complete the process of evaluating the applications for the CFEI, Plumbing Certificate, and the Occupancy Permit and the issuance of order of payment within a maximum of seven (7) working days from date of receipt of the application.

2.4 Issuance of tax declarations, in relation to approved building permit applications

2.4.1 For purposes of facilitating the issuance of tax declarations on property improvements, and to regularly update records on real property improvements, the DBO and the City Assessor are hereby directed to integrate their systems, so that property improvements which will be issued occupancy permits are reported to the City Assessor within the same period that such occupancy permits are issued.

2.4.2 An applicant with approved building permit shall be advised to already apply for tax declaration on this property. Upon receipt of the application for tax declaration, the City Assessor is tasked to complete the processing of tax declarations within a maximum of three (3) working days after its date of receipt of applications for tax declarations. Thus, the processing of the tax declaration shall be done simultaneous to the period within which the DBO is evaluating the occupancy permit application, but the release of the tax declaration shall be done before the release of the occupancy permit.

2.4.3 The applicant must present the tax declaration to the DBO as a condition for the release of the occupancy permit.

2.4.4 The City Assessor's Office will undertake post-inspection of the property, to ensure that what has been declared is the actual state and use of the structure.

Section 3. Implementing procedures. The departments and offices affected by this Executive Order are hereby directed to submit to the Mayor (with copy furnished to the Communications Coordination Center), within five (5) working days upon receipt of this Executive Order, their respective implementing procedures and guidelines, to ensure sustained compliance with this Executive Order.

Section 4. Repealing clause. All orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Executive Order, are hereby repealed, amended or modified accordingly.

Section 6. Effectivity. This Order shall take effect beginning January 2, 2012.

Done, this 14th day of December 2011, in Quezon City.



HERBERT M. BAUTISTA

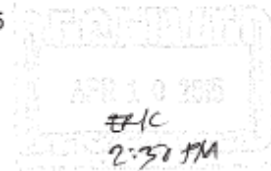
QC Proof of Reform on Community Tax Payment



REPUBLIC OF THE PHILIPPINES
QUEZON CITY
INFORMATION TECHNOLOGY DEVELOPMENT OFFICE
2ND Floor, Quezon City Hall
East Avenue corner Elliptical Road
Diliman, Quezon City



April 10, 2015



Ms. REGINA A. SAMSON
CCC Head

Madam:

Submitting herewith the 2014 new business registration in Quezon City as required by the Ease of Doing Business Task Force. The total new businesses are 13,679 and 12,327 (90.17%) paid their Community Tax Certificate combined with their registration fees.

Attached is the list (CD) of the above 12,327 businesses.

Very truly yours,


REYNALD PAUL M. IMJADA
ITDO Head

Partial List Only (full list is available at www.competitive.org.ph)

2014 New Businesses With CTC Payment as of December 29, 2014

MP Number Bill Number BusinessName	TaxpayerName	OR Number	OR Date	Payment Details	TaxDue
1 14-000001 B-2014-01-02-L8-000007 OLAVERE PANO & NGO LAW OFFICES	OLAVERE PANO & NGO LAW OFFICES	B-2014-000-082-0000055	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	1,500.00 190.80 325.00 550.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00 100.00 0.00 0.00 250.00 500.00
					4,337.80
					4,337.80
2 14-000002 B-2014-01-02-K4-000004 KPJ FOODS	CORDOVA, KENNETH IRVING A.	B-2014-000-058-0000046	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD	100.00 250.00 260.00 150.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00 100.00
					2,082.00
					2,082.00
3 14-000003 B-2014-01-02-L8-000009 CZM LAUNDRY SHOP	MAURI, KAREN Z.	B-2014-000-027-0000043	01/03/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	1,500.00 250.00 325.00 550.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00 100.00 0.00 0.00 250.00 50.00
					3,947.00
					3,947.00
4 14-000004 B-2014-01-02-L8-000010 ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-027-0000037	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE	100.00 300.00 280.00 450.00 50.00 20.00 7.00 50.00 200.00

Partial List Only (full list is available at www.competitive.org.ph)

MP Number	Bill Number	BusinessName	TaxpayerName	OR Number	OR Date	Payment Details	TaxDue	
		ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-027-0000037	01/02/2014	NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	250.00 345.00 0.00 0.00 100.00 0.00 0.00 250.00 50.00 <hr/> 2,432.00	
	B-2014-01-30-L8-000729	ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-088-0003556	01/30/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	1,500.00 600.00 1,300.00 250.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00 100.00 -2,432.00 0.00 250.00 50.00 <hr/> 2,540.00 <hr/> 4,972.00	
5	14-000005	B-2014-01-02-L8-000003	ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-027-0000036	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD	100.00 125.00 260.00 450.00 50.00 20.00 7.00 50.00
		ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-027-0000036	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD	100.00 125.00 260.00 450.00 50.00 20.00 7.00 50.00	
		ONE EZ-BIZ BUSINESS CENTER	PAELDON, ELMER P.	B-2014-000-027-0000036	01/02/2014	FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	200.00 250.00 345.00 0.00 0.00 100.00 0.00 0.00 250.00 50.00 <hr/> 2,257.00 <hr/> 2,257.00	
6	14-000006	B-2014-01-02-L8-000005	PHILIPPINE BUSINESS BANK, INC., A SAVING BANK	PHILIPPINE BUSINESS BANK, INC., A SAVING BANK	B-2014-000-082-0000054	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	2,000.00 7,500.00 5,200.00 250.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 1,000.00 100.00 0.00 0.00 250.00 500.00 <hr/> 17,722.00 <hr/> 17,722.00
7	14-000007	B-2014-01-18-L8-000390	MCBT HOLDINGS, INC.	MCBT HOLDINGS, INC.	B-2014-000-016-0000229	01/18/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE	2,000.00 100,000.00 1,040.00

Partial List Only (full list is available at www.competitive.org.ph)

MP Number Bill Number BusinessName	TaxpayerName	OR Number	OR Date	Payment Details	TaxDue
					<u>2,382.00</u>
					<u>2,382.00</u>
11 14-000011 B-2014-01-02-E6-000001 MW TRAVEL AND TOURS CORPORATION	MW TRAVEL AND TOURS CORPORATION	B-2014-000-058-0000077	01/03/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	100.00 825.00 280.00 450.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 1,841.70 3,000.00 100.00 0.00 0.00 250.00 500.00
					<u>8,048.70</u>
					<u>8,048.70</u>
12 14-000012 B-2014-01-02-L8-000012 ANDLANG I.T. CONSULTING	VALENCIA, LADY ANNE B.	B-2014-000-058-0000052	01/02/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM	100.00 125.00 280.00 450.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00
					<u>100.00</u>
					<u>2,257.00</u>
					<u>2,257.00</u>
13 14-000013 B-2014-01-02-K4-000005 JERIZ SNACK HOUSE	JERIZ EVENT SERVICES INCORPORATED	B-2014-000-021-0000118	01/04/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD FIRE INSPECTION FEE NEW REGISTRATION PLATE / S ZONING FEE PENALTY/INTEREST TOURISM QCBRD ADJUSTMENT SPECIAL PERMIT APPLICATION FEE CTC	300.00 1,250.00 280.00 150.00 50.00 20.00 7.00 50.00 200.00 250.00 345.00 0.00 0.00 100.00 0.00 0.00 250.00 500.00
					<u>3,732.00</u>
					<u>3,732.00</u>
14 14-000014 B-2014-01-02-L8-000013 JIANNA'S FOODS STRIP	CAPILLO, EULYN B.	B-2014-000-082-0000188	01/03/2014	MAYOR'S PERMIT CITY TAX GARBAGE FEE SANITARY FEE BUILDING INSP. FEE ELECTRICAL INSP. FEE PLUMBING INSP. FEE SIGNBOARD	300.00 250.00 280.00 150.00 50.00 20.00 7.00 50.00

Partial List Only (full list is available at www.competitive.org.ph)

MP Number Bill Number BusinessName	TaxpayerName	OR Number	OR Date	Payment Details	TaxDue
14-00015 B-2014-01-02-K4-000006 JIANNA'S FOODS STRIP	CAPILLO, EULYN B.	B-2014-000-082-0000188	01/03/2014	FIRE INSPECTION FEE	200.00
				NEW REGISTRATION PLATE / S	250.00
				ZONING FEE	345.00
				PENALTY/INTEREST	0.00
				TOURISM	0.00
				QCBRD	100.00
				ADJUSTMENT	0.00
				SPECIAL PERMIT	0.00
				APPLICATION FEE	250.00
				CTC	50.00
					2,282.00
					2,282.00
				15 14-00015	
B-2014-01-02-K4-000006 JERIZ PARTY NEEDS	JERIZ EVENT SERVICES INCORPORATED	B-2014-000-021-0000117	01/04/2014	MAYOR'S PERMIT	100.00
				CITY TAX	1,250.00
				GARBAGE FEE	280.00
				SANITARY FEE	450.00
				BUILDING INSP. FEE	50.00
				ELECTRICAL INSP. FEE	20.00
				PLUMBING INSP. FEE	7.00
				SIGNBOARD	50.00
				FIRE INSPECTION FEE	200.00
				NEW REGISTRATION PLATE / S	250.00
				ZONING FEE	345.00
				PENALTY/INTEREST	0.00
				TOURISM	0.00
QCBRD	100.00				
ADJUSTMENT	0.00				
SPECIAL PERMIT	0.00				
APPLICATION FEE	250.00				
CTC	500.00				
	3,832.00				
	3,832.00				
16 14-00016					
B-2014-01-02-E6-000003 THREE RIVERS CORPORATION	THREE RIVERS CORPORATION	B-2014-000-082-0000059	01/02/2014	MAYOR'S PERMIT	100.00
				CITY TAX	5,000.00
				GARBAGE FEE	520.00
MP Number Bill Number BusinessName					
THREE RIVERS CORPORATION	THREE RIVERS CORPORATION	B-2014-000-082-0000059	01/02/2014	SANITARY FEE	450.00
				BUILDING INSP. FEE	50.00
				ELECTRICAL INSP. FEE	20.00
				PLUMBING INSP. FEE	7.00
				SIGNBOARD	50.00
				FIRE INSPECTION FEE	200.00
				NEW REGISTRATION PLATE / S	250.00
				ZONING FEE	345.00
				PENALTY/INTEREST	2,837.07
				TOURISM	0.00
				QCBRD	100.00
				ADJUSTMENT	0.00
				SPECIAL PERMIT	0.00
APPLICATION FEE	250.00				
CTC	500.00				
	10,479.07				
	10,479.07				
17 14-00017					
B-2014-01-02-L8-000014 DSATS MARKETING	CRUZEM, VEAH DEBORAH D.	B-2014-000-082-0000057	01/02/2014	MAYOR'S PERMIT	100.00
				CITY TAX	250.00
				GARBAGE FEE	280.00
				SANITARY FEE	700.00
				BUILDING INSP. FEE	50.00
				ELECTRICAL INSP. FEE	20.00
				PLUMBING INSP. FEE	7.00
				SIGNBOARD	50.00
				FIRE INSPECTION FEE	200.00
				NEW REGISTRATION PLATE / S	250.00
				ZONING FEE	345.00
				PENALTY/INTEREST	0.00
				TOURISM	0.00
QCBRD	100.00				
ADJUSTMENT	0.00				
SPECIAL PERMIT	0.00				
APPLICATION FEE	250.00				
CTC	50.00				
	2,632.00				
	2,632.00				

SEC and BIR Implementing Guidelines for the Electronic Exchange of Information

Implementing Guidelines for the Electronic Exchange of Information

This Implementing Guidelines on the Electronic Exchange of Information, hereinafter referred to as "IG", entered into on this 19th day of November 2004 in Mandaluyong City, by and between:

The SECURITIES AND EXCHANGE COMMISSION, a government agency with office address at the SEC Building, EDSA, Greenhills, Mandaluyong City, represented herein by its Chairperson, the HONORABLE FE B. BARIN, and hereinafter referred to as "SEC";

- and -

The BUREAU OF INTERNAL REVENUE, a government agency with office address at the BIR National Office Building, Agham Road, Quezon City, represented herein by its Commissioner, the HONORABLE GUILLERMO L. PARAYNO, Jr., and hereinafter referred to as "BIR";

WITNESSETH That:

WHEREAS, the SEC and the BIR signed on 02 December 1994 a MOA to promote the exchange of information for enhancing tax collections;

WHEREAS, R.A. 8792 or the E-Commerce Act of 2000 mandates the implementation of electronic transactions in government in order to facilitate the open, speedy and efficient electronic online transmission, conveyance and use of electronic data messages or electronic documents among government agencies;

WHEREAS, both the SEC and the BIR have their respective computer systems that were created following the Section 27 of R.A. 8792 which will enable both agencies to establish the appropriate link to implement electronic online transmission for the electronic exchange of information;

NOW, THEREFORE, the parties hereto hereby mutually agree as follows:

1. The SEC shall:

- a. Assign BIR pre-generated TINs (Taxpayer Identification Numbers) to new SEC registrants, prior to the issuance of the Certificate of Registration.
- b. Transmit electronically to the BIR through a database (DB) link the list of new SEC registrants with the corresponding TINs, date when issued, name and address of corporation, date of incorporation, contact person and number, and the name of incorporators and their respective shareholdings.
- c. Furnish the BIR, upon request, all pertinent information regarding the following:

c.1 increase in capitalization;

c.2 changes in status under Annexes "A" and "B" hereof, mergers, acquisitions, consolidation, dissolution, and/or revocation;

c.3 copies of Financial Statements, General Form for Financial Statements, General Information Sheet, SEC administrative decisions on entities that may be the subject of BIR audit/investigation and such other reports submitted by corporations or entities granted secondary licenses.

d. Require all entities already registered with the BIR to indicate their TIN on all applicable SEC documents.

2. The BIR shall:

a. Assign through the Systems Operations Division (SOD) under the Information Systems Group, pre-generated TINs to SEC.

b. Issue initially 4,000 pre-generated TINs which are subject to replenishment whenever eighty percent (80%) of the assigned pre-generated TINs have been issued by the SEC based on the list of new SEC registrants electronically transmitted to the BIR.

c. Monitor the inventory of unused pre-generated TINs in order to ensure that the same should not go below 20% of the level of the agreed number of TINs which number shall be adjusted as may be necessary.

d. Furnish the SEC, upon request, with copies of the latest BIR regulations, rulings, tax issuance(s), and other information/data subject to the provisions of Section 270 in conjunction with Section 71 of Republic Act No. 8424, otherwise known as Tax Reform Act of 1997.

3. The BIR and SEC shall:

a. Continue to work through the established Technical Working Group in maintaining and enhancing the system of information interchange and in the process, advance inter-agency cooperation.

b. Promulgate and disseminate their respective rules and regulations for the execution of the provisions of these Implementing Guidelines in their respective jurisdiction.

c. Take disciplinary action against their respective personnel found violating any of the guidelines set forth herein.

d. Undertake to promptly resolve any issues involving discrepancies in exchanged information.

4. Other provisions:

- a. Within forty five (45) days from the date of the IG signing, the SEC and the BIR shall formulate/recommend the procedures, and the technical terms and conditions for accessing and/or linking their respective databases which upon approval by their respective approving authority, shall be embodied in a Technical Implementation Agreement to be executed by the parties hereto not later than 30 January 2005.
- b. Each of the parties shall bear the cost for preparing their respective systems for establishing the link between their respective databases.
- c. The BIR shall be responsible for providing the secured data connection between its system and the SEC i-Register system, subject to the appropriate security protocol following the SEC's security configuration.
- d. The SEC and the BIR shall ensure the integrity of the data in their respective databases.
- e. In case of data corruption in any of the party's database system, the concerned party shall rectify the same at the soonest.
- f. This IG shall take effect as of the date of signing and shall remain effective unless otherwise terminated by either party by serving written notice to the other at least thirty (30) days prior to termination date.
- g. The termination of this IG shall be without prejudice to the rights and liabilities of the parties, which shall have accrued during the effectivity, thereof.

IN WITNESS WHEREOF, we have hereunto affixed our signatures on the date and place above written.

Bureau of Internal Revenue

By:


GUILLERMO L. PARAYNO, JR.
Commissioner

Securities and Exchange Commission

By:


FE B. BARIN
Chairperson

Signed in the presence of:


LILIA C. GUILLERMO
BIR Deputy Commissioner
Information Systems Group


ARTURO M. SAN GIL
SEC Director
Economic Research & Information
Department

BIR Revenue Regulation 18-2012 On Processing of Authority to Print Official Receipts, etc.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

October 22, 2012

REVENUE REGULATIONS NO. 18-2012

SUBJECT : Regulations in the Processing of Authority to Print (ATP) Official Receipts, Sales Invoices, and Other Commercial Invoices using the On-line ATP System and Providing for the Additional Requirements in the Printing Thereof.

TO : All Internal Revenue Officers and Others Concerned

Pursuant to the provisions of Section 244, in relation to Sections 237 and 238 of the National Internal Revenue Code of 1997, as amended, these Regulations are hereby promulgated to prescribe the policies and guidelines in the processing of Authority to Print Official Receipts (ORs), Sales Invoices (SIs) and other Commercial Invoices (CIs) using the on-line ATP Systems and providing for the additional requirements in the printing thereof.

SECTION 1. OBJECTIVES

1. To enhance and facilitate the processing of the Authority to Print ORs, SIs and CIs by having a full automation of the processes involved in the application, generation, approval and issuance of the same through a web-based ATP (on-line ATP) System.
2. To provide for the additional requirements for the printing of official receipts, sales invoices and other commercial invoices.
3. To classify receipts and invoices into Principal and Supplementary Receipts/ Invoices.
4. To regulate further the printing of all invoices by setting a validity period.
5. To provide for the standard reports pertaining to the processing of the ATP.

SECTION 2. DEFINITION OF TERMS

1. **OUTBOUND CORRESPONDENCE NUMBER (OCN)** - a systems-generated control number which serves as reference for every Authority to Print issued to a taxpayer.

2. **PRINCIPAL RECEIPTS / INVOICES** - for purposes of this regulations, it is a written account evidencing the sale of goods and/or services issued to customers in an ordinary course of business which necessary includes the following:

2.1 VAT SALES INVOICE - for purposes of Value Added Tax (VAT) pursuant to Section 106 of the NIRC, as amended, it is a written account evidencing the sale of goods and/or properties issued to customers in an ordinary course of business, whether cash sales or on account (credit) which shall be the basis of the output tax liability of the seller and the input tax claim of the buyer. Cash Sales Invoices and Charge Sales Invoices falls under this definition.

2.2 VAT OFFICIAL RECEIPT - for purposes of Value Added Tax (VAT) pursuant to Section 108 of the NIRC, as amended, it is a proof of sale of service and/or leasing of properties which shall be the basis of the output tax liability of the seller and the input tax claim of the buyer. It is a written admission or acknowledgment of the fact that money has been paid and received for the payment or settlement between persons rendering services and its customers.

2.3 NON-VAT SALES INVOICES - for purposes of Percentage Tax pursuant to Section 116 of the NIRC, as amended, it is a written account evidencing the sale of goods and/or properties issued to customers in an ordinary course of business, whether cash sales or on account (credit) which shall be the basis of the Percentage Tax liability of the seller.

2.4 NON-VAT OFFICIAL RECEIPTS - for purposes of Percentage Tax pursuant to TITLE V of the NIRC, as amended, it is a proof of sale of service and/or leasing of properties which shall be the basis of the Percentage Tax liability of the seller. It is a written admission or acknowledgment of the fact that money has been paid and received for the payment or settlement between persons rendering services and its customers.

3. **SUPPLEMENTARY RECEIPTS / INVOICES** - for purposes of these Regulations, these are also known as **COMMERCIAL INVOICES**. It is a written account evidencing that a transaction has been made between the seller and the buyer of goods and/or services, forming part of the books of accounts of a business taxpayer for recording, monitoring and control purposes.

It is a document evidencing delivery, agreement to sell or transfer of goods and services which includes but are not limited to delivery receipts, order slips, debit and/or credit memo, purchase order, job order, provisional/temporary receipt, acknowledgement receipt, collection receipt, cash receipt, bill of lading, billing statement, statement of account, and any other documents, by whatever name it is known or called, whether prepared manually (handwritten information) or pre-

printed/pre-numbered loose-leaf (information typed using excel program or typewriter) or computerized as long as it is used in the ordinary course of business being issued to customers or otherwise.

Supplementary receipts/invoices, for purposes of Value-Added Tax, are not valid proof to support the claim of Input Taxes by buyers of goods and/or services.

4. **On-line ATP SYSTEM** – an IT infrastructure that caters to the on-line processing (application, approval and issuance) of ATP and the on-line generation of printer’s periodic reports with the capability to match and process data and generate discrepancy report of dubious entries.
5. **Government Proprietary Function** – for purposes of these Regulations, when a public corporation or a local government unit acts in its proprietary character, it is regarded as having the rights and obligations of a private corporation. For government entities to be taxable, the following requisites must concur: (1) the government entity concerned must not be performing an essential governmental function; and (2) it must be engaged in similar business, industry, or activity as performed by other ordinary taxable corporations. All income realized from or received in the exercise of its proprietary functions shall be subject to income tax and business taxes in the same manner as other private corporations similarly situated.

SECTION 3. POLICIES AND GUIDELINES

AUTHORITY TO PRINT (ATP) AND MANNER OF PRINTING OF RECEIPTS / INVOICES.-

1. All persons, whether private or government, who are engaged in business shall secure /apply from the BIR an Authority to Print principal and supplementary receipts/invoices.

National Government Agencies (NGAs), Government Owned and Controlled Corporation (GOCCs) and Local Government Units (LGUs) engaged in proprietary functions shall apply for ATP in the printing of their principal and supplementary receipts/invoices.
2. For newly registered taxpayers, the ATP shall be secured simultaneously with the Certificate of Registration (COR).
3. The Taxpayer-applicant shall apply for an ATP and submit the required documents, using the on-line ATP System. However, in case of systems downtime, taxpayer shall apply for ATP and submit the required documents at the RDO or concerned LT Office having jurisdiction over the taxpayer’s Head Office.
4. As a general rule, all applications for ATP of the Head Office (HO) and all its branches shall be done on-line. In case of systems downtime as officially posted in the BIR website, all applications for ATP shall be manually filed and the corresponding ATP shall be manually issued through an alternative off-line ATP system, by the RDO or concerned LT Office having jurisdiction over the taxpayer’s Head Office. All applications for ATP processed during systems downtime shall be immediately uploaded by the concerned RDO or LT Office, upon availability of the on-line ATP system.

5. There shall be one application for ATP per establishment (HO or branch) which shall be filed with RDO/LT Office concerned where the HO is registered. Each application shall be issued a separate ATP. The principal and supplementary receipts/invoices of the HO and each of the branches must have their own independent series of serial number. Each application as well as the printed accounting document/s shall reflect the exact address of the branch, TIN and the branch code attached to the TIN.

The TIN, branch code (if applicable) and address of the HO must be reflected in the printed principal and supplementary Receipts/Invoices used in the business premises of the HO. Likewise, the printed principal and supplementary receipts/invoices to be issued/used in the branches (if applicable) must reflect the TIN, branch code and address of the branch/es.

6. The approved ATP shall be valid only upon full usage of the inclusive serial numbers of principal and supplementary receipts/invoices reflected in such ATP or five (5) years from issuance of the same, whichever comes first.
7. No ATP shall be granted for the printing of principal and supplementary receipts/invoices unless the required information which shall be prescribed in a separate revenue issuance, are reflected therein.
8. The replicate copy of the ATP issued shall be printed at the inside back portion of the cardboard cover of each booklet/pad of principal and supplementary receipts/invoices printed.
9. Only BIR Accredited Printers shall have the exclusive authority to print principal and supplementary receipts/invoices.
10. The on-line ATP System shall generate reports that will be prescribed in the Revenue Memorandum Order that will be issued for this purpose.

SECTION 4. PENALTY CLAUSE.

Any acts or omission violating any provisions of these Regulations shall be subject to penalty imposed pursuant to Section 264 of the NIRC, as amended.

SECTION 5. TRANSITORY PROVISION.

All unused/unissued principal and supplementary receipts/invoices printed prior to the effectivity of these Regulations, shall be valid until June 30, 2013.

A taxpayer with expiring ATP for its invoices/receipts (principal and supplementary) shall apply for a new ATP not later than Sixty (60) days prior to actual expiry date. All unused/unissued principal/supplementary receipts/invoices shall be surrendered to the RDO where the taxpayer is registered on or before the 10th day after the validity period of the

expired receipts/invoices for destruction. An Inventory listing of the same shall also be submitted.

Portions of these Regulations which can be implemented immediately given the present capabilities of the system shall strictly be complied with upon the effectivity of these Regulations.

SECTION 6. REPEALING CLAUSE.

All existing rules, regulations and other issuances or portions thereof inconsistent with the provisions of these Regulations are hereby modified, repealed or revoked accordingly except those rules that would necessitate system enhancement when the modified rules shall take effect only upon availability of the enhanced system.

SECTION 7. EFFECTIVITY CLAUSE.

These Regulations shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

(Original Signed)
CESAR V. PURISIMA
Secretary of Finance

Recommending Approval:

(Original Signed)
KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

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**BIR Revenue Memorandum Order 12-2013 On Processing of Authority
To Print, etc.**



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

May 2, 2013

REVENUE MEMORANDUM ORDER NO. 12 - 2013

SUBJECT : Prescribing Work-around Guidelines and Procedures in the Processing of Authority to Print (ATP) Official Receipts (ORs), Sales Invoices (SIs) and Other Commercial Invoices (CIs) in the Interim Period until the On-line ATP System Pursuant to Revenue Regulations (RR) No. 18-2012 is Fully Developed.

TO : All Internal Revenue Officers and Others Concerned

I. OBJECTIVE

This Order is issued to provide additional policies and uniform guidelines and procedures in the processing of Authority to Print ORs, SIs and CIs in the interim period until the On-line ATP System is available for implementation.

II. POLICIES

- A. Only BIR Accredited Printers shall be authorized to print Principal and Supplementary Receipts and Invoices pursuant to RR No. 15-2012. However, Printers that were issued provisional accreditation number shall also be allowed to print principal and supplementary receipts/invoices. Sub-contracting to non-accredited printer/s is strictly prohibited;
- B. Taxpayers engaged in business, government or private, that use manually-issued receipts/invoices shall abide by the guidelines and procedures set forth in this order;
- C. Taxpayers engaged in business whether government or private, that use receipts/invoices issued thru Cash Register Machine/Point-Of-Sale Machines (CRM/POS) and/or Computerized Accounting System (CAS) [regulated in a separate revenue issuance] shall not be covered under this Order;
- D. All the information required under this Order in the printing of ORs/SIs/CIs shall be pre-printed at the face of the loose-leaf receipts/invoices using computer-aided machines (e.g. MS Excel, etc.).
- E. National Government Agencies, Government Owned and Controlled Corporations and Local Government Units referred herein to as Government Instrumentalities or GIs for brevity, engaged in *governmental* and/or *proprietary* function shall be guided by the following:

1. Governmental Function:

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- a. For unregistered governmental function, apply for registration with the BIR pursuant to Title IX, Chapter II, Section 236 of the NIRC as amended by filing BIR form 1903;
 - b. Not required to secure ATP in the printing of Government Accountable Form No. 51, Revenue Official Receipts (RORs), Tax Receipts and other receipts in whatever name or form being issued for governmental functions.
2. Proprietary Function (as defined in Revenue Regulations No. 18-2012):
- a. For unregistered proprietary function
 - If the registered address of the business activity is similar or co-located with the GI whose governmental function is already registered pursuant to Title IX, Chapter II, Section 236 of the NIRC as amended, the GI shall file a registration information update by filing BIR Form No. 1905 for the following:
 - i. Business Activity/ies;
 - ii. Additional Tax Type/s Details;
 - iii. Trade Name (if applicable);
 - iv. Books of Accounts
 - If the registered address of the business activity is other than the registered address of the GI, the GI shall file an Application for Registration as Branch using BIR form No. 1903.
 - b. Required to secure ATP prior to the printing of its principal and supplementary receipts/invoices indicating all information required under this Order.
- F. The application for ATP (BIR Form No. 1906, as revised, see Annex A) together with the necessary documentary requirements shall be submitted to the Revenue District Office (RDO)/Large Taxpayer Office (LT Office) concerned having jurisdiction over the Head Office (HO) of the taxpayer-applicant. However, the old BIR Form No. 1906 shall still be used until the revised form becomes available;
- G. In the interim, all applications for ATP shall be processed using the Registration System of the Integrated Tax System (ITS) which shall generate the prescribed ATP under RMO No. 83-99, as amended by RMO No. 28-2002 (see Annex B). The following information shall be typed or printed on the ATP that will serve as guide/reference for accredited printers in printing principal and supplementary receipts and invoices, to wit:

1. Date of ATP;
 2. Validity period of the ATP;
 3. Printer's Accreditation Number; and
 4. Date of Accreditation;
- H. The buyer of goods on account or credit evidenced by a Charge Sales Invoice shall be entitled to claim input taxes. Upon collection of the account by the seller, a Collection Receipt (Supplementary Receipt) shall be issued to the client/buyer to evidence the receipt thereof;
- I. The principal and supplementary receipts and invoices of the HO and each of the branches shall have its own independent series of serial number;
- J. The ORs/SIs/CIs shall be printed showing among others the following (see Annex C for sample receipts/invoices):
1. Taxpayer's (TP) Registered Name;
 2. TP's Business Name/style (if any);
 3. A statement that the taxpayer is VAT or Non VAT registered followed by the Taxpayers Identification Number (TIN) and 4-digit Branch Code.(Example: VAT Registered TIN 123-456-789-0000);
 4. Business address where such ORs/SIs/CIs shall be used;
 5. Date of transaction;
 6. Serial number of the OR/SI/CI printed prominently;
 7. A space provided for the Name, Address and TIN of the buyer;
 8. Description of the items/goods or nature of service;
 9. Quantity;
 10. Unit cost;
 11. Total cost;
 12. VAT amount (if transaction is subject to 12% VAT);
 13. If the VAT taxpayer is engaged in mixed transactions, the amounts involved shall be broken down to: VATable Sales, VAT Amount, Zero Rated Sales, and VAT Exempt Sales;
 14. For Non-VAT ORs/SIs, and other CIs (VAT or Non-VAT) such as delivery receipts, order slips, purchase orders, provisional receipts, acknowledgment receipts, collection receipts, credit/debit memo, job orders and other similar documents that form part of the accounting records of the taxpayer and/or issued to their customers, in addition to the above-enumerated applicable information, the phrase **"THIS DOCUMENT IS NOT VALID FOR CLAIM OF INPUT TAX"** in bold letters, shall be conspicuously printed at the face of the Non VAT ORs/SIs and other CIs;
 15. Taxpayers whose transactions are not subject to VAT or Percentage Tax shall issue non-VAT principal receipts/invoices indicating prominently at the face of such receipts/invoices the word "EXEMPT".
 16. If the taxpayer is subject to percentage tax under Title V of the NIRC as amended, but also sells goods/services under Section 109 (A) to (W), excluding (E) of the same Code, as amended by Republic Act No. 10378, the

non-VAT principal receipts/invoices shall indicate the breakdown of Sales Subject to Percentage Tax (SSPT) and Exempt Sales;

K. The following information shall be printed at the bottom portion of the OR/SI/CI:

1. Name, address and TIN of the accredited printer;
2. Accreditation number and the date of accreditation of the accredited printer;
3. ATP number, OCN, date issued (mm/dd/yyyy) and valid until (mm/dd/yyyy);
4. BIR Permit Number (if loose leaf OR/SI/CI);
5. Approved inclusive serial numbers of OR/SI/CI;
6. Security/Special markings/features of the accredited printer;
7. The phrase **“THIS INVOICE/RECEIPT SHALL BE VALID FOR FIVE (5) YEARS FROM THE DATE OF THE ATP.”**

L. For taxpayers transacting with Senior Citizen/s (SC/s) and/or Person/s With Disability (PWD) pursuant with Republic Act No. 9994 known as “Expanded Senior Citizens Act of 2010”, in addition to the information enumerated above, a space for the following shall also be required:

1. Senior Citizen TIN;
2. OSCA ID No./PWD ID No.;
3. Senior Citizen Discount/PWD Discount; and
4. Signature of the Senior Citizen/PWD.

However, for taxpayers whose transactions are not covered by RA 9994, the above information may not be indicated.

M. The sample format of principal and supplementary receipts/invoices (Annex C) contains the basic information required under this Order. Other information, size, and/or format as necessary depending on industry peculiarity and taxpayer needs are hereby allowed, provided that such receipts/invoices are compliant with this Order;

N. A taxpayer with expiring principal and supplementary receipts/invoices shall apply for a new ATP not later than sixty (60) days prior to the actual expiry date;

O. Consistent with RR No. 18-2012, a Committee on Destruction and Disposal of Surrendered Expired/Expiring Receipts/Invoices shall be created comprised of the following:

1. Revenue District Office
 - Head- Assistant Revenue District Officer/Assistant Chief, LTDO
 - Members – Chief, Assessment Section
 - Chief, Administrative Section
 - Chief, Taxpayer Service Section

2. Large Taxpayer Service

a. Regular Large Taxpayer:

Head- Assistant Chief, LT Assistance Division

Members - Asst. Chief, LT Audit Division I

Asst. Chief, LT Audit Division II

Asst. Chief, LT Audit Division III

Asst. Chief, Records Division (Administrative Service)

Chief, Registration Section, LTAD

b. Excise Large Taxpayer :

Head- Assistant Chief, Excise Taxpayer Regulatory Division

Members - Asst. Chief, LT Audit Division I

Asst. Chief, LT Audit Division II

Asst. Chief, Records Division (Administrative Service)

Chief, Registration Section, ETRD

P. The RDO having jurisdiction over the taxpayer's branch office shall provide the RDO of the taxpayer's head office with the Report of Destruction and Disposal on ORs/SIs/CIs surrendered by taxpayer-branch office/s on or before the tenth (10th) day after the date of actual destruction.

Q. The Revenue Data Center (RDC) concerned shall act on technical issues and concerns raised by taxpayers. Conversely, operational issues shall be acted upon by RDO/LT Office concerned.

III. PROCEDURES

A. Taxpayer-Applicant

1. Submit inventory listing/s (Annex D), surrender the hardcopies of the unused/expired receipts/invoices together with photocopies of the old and new ATPs and corresponding Printer's Certificate of Delivery (PCD) to the RDO where it is registered. Branch office/s shall submit and surrender the same to the RDO/LT Office concerned where the branch is registered;
2. Choose the BIR Accredited Printer from the updated list of duly accredited printers available in the BIR website;
3. File the application for ATP (or by his/her authorized representative), with the supporting documents listed below (at the RDO/LT Office concerned where the Head Office is registered using the prescribed BIR Form):
 - a. Original copy of sample layout/template of OR/SI/CI;
 - b. Original Printer's Job Order;

- c. Photocopy of previous ATP. If not available, the last series of the printed OR/SI/CI. New set of receipts/invoices shall continue with the last serial number indicated in the previous ATP issued. However, for printing machines with limited capacity as to the maximum range of serial numbers, the serial number may start from one (1) and prefixed with a special/alpha code to avoid duplication (e.g. A0001);
- d. Photocopy of Loose-leaf Permit, if applicable.

(An authorized representative is a duly designated responsible officer/employee of the company with a written authorization duly signed by the taxpayer-applicant or a responsible officer/employee of the accredited printer as indicated in the ATP Application Form)

- 4. Sign in the office logbook as proof of actual receipt of the approved ATP.

B. Taxpayer Service Section-Revenue District Office (TSS-RDO)/Registration Section (LT Assistance Division and Excise Taxpayer Regulatory Division-Large Taxpayer Service):

- 1. Receive and process all applications for ATP strictly observing the provisions set forth under the BIR Citizen's Charter pursuant to Republic Act No. 9485 (Anti-Red Tape Act of 2007), provided all the requirements submitted are complete (all applications for ATP shall be stamped "Received" by the receiving office of the RDO/LT Office concerned);
- 2. Evaluate each application and documentary requirements for completeness, validity and compliance with existing policies on invoicing:
 - a. If incomplete or non-compliant, return the application form together with the attached documents and list of lacking documents to the taxpayer-applicant who may re-apply or re-file the same once it has complied with the requirement(s);
 - b. If complete or compliant, verify further the Taxpayer-applicant's information as indicated in the application form with the BIR website or Registration database.
- 3. Process and check completeness of documentary requirements submitted by the taxpayer-applicant;
- 4. Generate ATP with the corresponding OCN using the ITS;
- 5. Recommend approval of ATP BIR Form No. 1921;
- 6. Forward to RDO/Division Chief of LT Office processed ATP for final approval and signature;

7. Issue/release approved ATP to the taxpayer-applicant; require taxpayer-applicant to sign in the office logbook as proof of actual receipt of the ATP;
8. Receive inventory listing/s, hardcopy/ies of surrendered expired/expiring receipts/invoices, and photocopies of the old and new ATPs and PCDs from taxpayer.

C. Revenue District Officer/Division Chief of LT Office Concerned

1. Approve/disapprove Authority to Print;
2. Conduct regular massive information drive to all taxpayers with expiring ORs/SIs/ClIs to apply for an ATP in the printing of new set of ORs/SIs/ClIs.

D. Committee on Destruction and Disposal of Unused/Expired/Expiring ORs/SIs/ClIs

1. Initiate and witness the weekly or as necessary, actual destruction and disposal of surrendered unused/expired/expiring principal and supplementary receipts/invoices of taxpayer/s;
2. Submit Report of Destruction and Disposal to RDO/Chief of the Division , on or before the fifth day after the date of actual destruction and disposal with the following attachments:
 - a. Report with the following information:
 - i. Veracity of the inventory of unused/expired/expiring principal and supplementary receipts/invoices surrendered by the taxpayer/s;
 - ii. Manner of destruction (destruction shall be done in a manner that the receipts/invoices are already beyond re-use for issuance);
 - iii. Manner of disposal of the destructed receipts/invoices.
 - b. Photocopy of ATP and PCD for the new sets of principal and supplementary receipts/invoices;
 - c. Inventory listing of unused/expired principal and supplementary receipts/invoices submitted by the taxpayer/s for destruction;
 - d. Pictures of actual destruction.
3. The report of destruction and disposal shall be kept on file at the Office of the RDO / Chief of Division concerned, for future reference.

E. Assessment Section of the RDO/ LTDO:

1. Check the veracity of the surrendered hardcopies of unused/expired/expiring principal and supplementary receipts/invoices compared with the inventory listing/s, photocopies of the ATP and PCD submitted by the taxpayer/s;
2. Witness actual destruction and disposal and prepare the report of destruction and disposal for signature by all the committee members;
3. Submit the Report of Destruction and Disposal to the Office of the RDO.

F. Administrative Section of the RDO/ LTDO:

1. Conduct actual destruction and disposal of the unused/expired receipts /invoices after it was checked by the Officer of the Day - Assessment, as to its veracity;
2. Take pictures of its actual destruction and disposal;
3. Sign report of destruction and disposal.

G. Records Division - Administrative Service:

1. Receive from the taxpayer, duly accompanied by LTAD and/or ETRD representative, the hardcopy/ies of the unused/expired principal and supplementary receipts/invoices;
2. Conduct actual destruction and disposal of the expired receipts /invoices after it was checked by the Officer of the Day- Assessment, as to its veracity;
3. Take pictures of its actual destruction and disposal and submit to the Assistant Chief, Large Taxpayer Audit Division concerned;
4. Sign report of Destruction and Disposal.

H. Regular Large Taxpayer Audit Division I, II and III and Excise LT Audit Division I and II:

1. Check the veracity of the surrendered hardcopies of unused/expired/expiring principal and supplementary receipts/invoices compared with the inventory listing/s, photocopies of the ATP and PCD submitted by the taxpayer/s;
2. Witness actual destruction and disposal and prepare the report of destruction and disposal for signature by the committee members;
3. Submit report of destruction and disposal to the Office of the Chief LTAD and ETRD.

I. National Office Data Center (NDC)/Revenue Data Center (RDC) concerned.

1. Log ITS issues and concerns that may be raised by the Operations Group;
2. Resolve ITS issues;
3. Inform RDO/LT Office concerned on the resolution of issues and concerns.

IV. REPORTORIAL REQUIREMENTS

BIR Accredited Printers shall submit to the RDO/LT Office concerned the following:

1. Quarterly Report of Printer (BIR Form No. 1932, as revised, see Annex E), on or before the 20th day of the month following the end of each calendar quarter;
2. Printer's Certificate of Delivery of Receipts/Invoices and the Sworn Statement of the taxpayer pursuant to Section 4 of RR No. 26-2003.

V. PENALTIES

Any act or omission violating any provisions of this Order shall be subject to penalty imposed pursuant to TITLE X, Chapters I, II, III and IV of the NIRC, as amended, in relation to other revenue issuances and regulations.

VI. TRANSITORY PROVISION

1. All unused/unissued principal and supplementary receipts/invoices printed prior to January 19, 2013 (effectivity of RR No. 18-2012) and those printed by printers which are not compliant with this Order shall be valid until June 30, 2013. The taxpayer shall submit an inventory list (see Annex D) of principal and supplementary receipts/invoices and surrender the hardcopies of the receipts/invoices to the RDO/LT Office concerned where the taxpayer is registered on or before July 10, 2013. Branch Office/s shall submit and surrender the same to the RDO/LT Office concerned where the branch is registered.
2. All new set/s of principal and supplementary receipts/invoices to be printed which are compliant with the requirements set forth under this Order shall have a validity period of five (5) years. All unused/expired/expiring ORs/SIs/CIs shall be surrendered together with an inventory listing to the BIR Office having jurisdiction over the taxpayer for destruction on or before the 10th day after the validity period of the expired receipts/invoices.
3. Pending the availability of the On-line ATP System, the scanned copy of the issued ATP shall be printed at the inside back portion of the cardboard cover of each booklet/pad of principal and supplementary receipts/invoices printed.

The size of the scanned copy shall be of the same size as that of the back cover of the booklet/pad.

4. ATPs generated thru the ITS pursuant to this Order, shall be migrated to the On-line ATP System upon its availability, the necessary guidelines and procedures of which shall be prescribed in a separate revenue issuance.

VII. EFFECTIVITY

This Order shall take effect immediately.

(Original Signed)

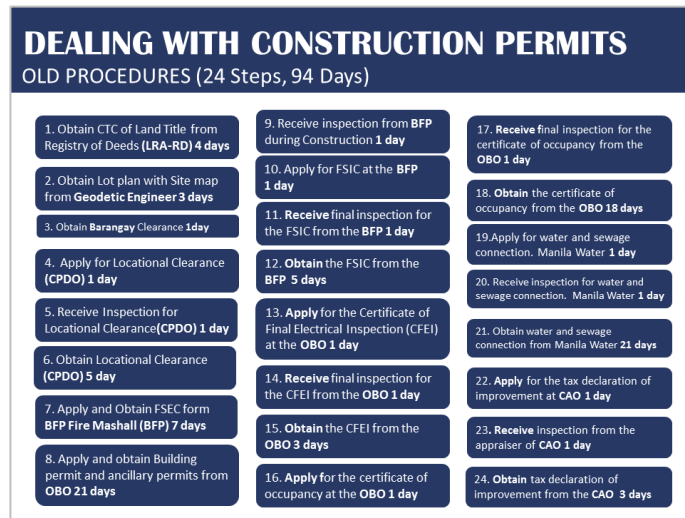
KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

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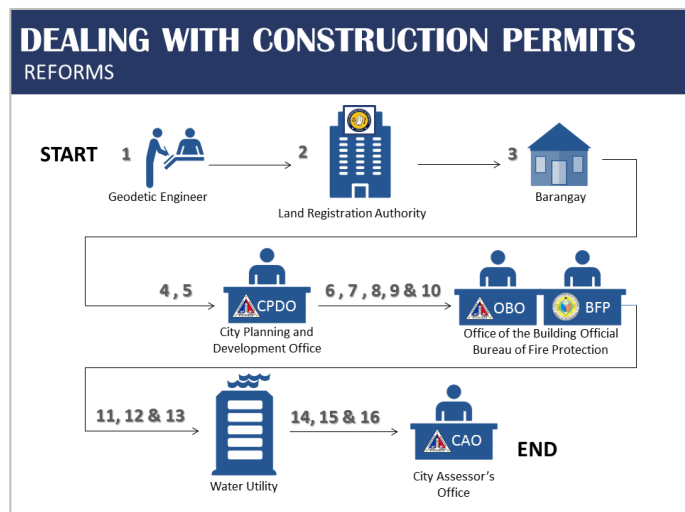
DEALING WITH CONSTRUCTION PERMITS

DEALING WITH CONSTRUCTION PERMITS

OLD PROCEDURES



NEW PROCEDURES



DEALING WITH CONSTRUCTION PERMITS – 1 REFORM

- Reduced steps and days from 24 and 94 to 16 and 61, as well as reduction of cost, through the reform implemented by the Local Government of Quezon City.

REFORM:

1. The Quezon City government allows and permits the Bureau of Fire protection to co-locate in the Department of Building Official's office to accept and process applications for Fire Safety Inspection Certificate, as well as in the issuance of the Fire Safety Evaluation Clearance.

DEALING WITH CONSTRUCTION PERMITS REFORM REFERENCES

QC-BFP Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING


This Memorandum of Understanding made and entered by and between:

The QUEZON CITY GOVERNMENT, local government unit duly organized and existing pursuant to CA 502, as amended, in relation to RA 7160, as amended, with office address at the Quezon City Hall, Elliptical Road, Quezon City, represented by the **Honorable Mayor HERBERT M BAUTISTA**, hereinafter referred to as the **QCG**;


And

The **BUREAU OF FIRE PROTECTION**, a national agency created and mandated to enforce the Revised Fire Code of the Philippines of 2008 as provided for in RA 9514, represented by its Chief, Director **ARIEL A BARAYUGA**, CEO VI hereinafter referred to as the **BFP**;


WITNESSETH:

 **WHEREAS**, Section 28 of Republic Act 7160, as amended, otherwise known as the Local Government Code of 1991 provides, among other things, that the extent of operational supervision and control of local chief executives over the police force, fire protection unit, and jail management personnel assigned in their respective jurisdictions shall be governed by the provisions of Republic Act 6975, otherwise known as the "The Department of the Interior of Local Government Act of 1990," and the rules and regulation issued pursuant thereto;

WHEREAS, Section 5 of Republic Act 9514 authorizes the Chief of the Bureau of Fire Protection to enter into Memorandum of Agreement with other departments, bureaus, agencies, offices and corporations of the government, as well as private institutions, in order to define areas of cooperation and coordination and delineate responsibility on fire prevention education, fire safety, fire prevention, fire suppression and other matters of common concern;

 **WHEREAS**, in pursuance of RA 9514 and its implementing rules and regulations, the DILG issued Memo Circular No. 2012-06 dated 09 January 2011, directing, among others, the city fire marshals within the National Capital Region to coordinate with concerned local government officials on the efficient and expeditious procedure for the collection of Fire safety Inspection Fees as among the Fire Code Revenues;

WHEREAS, the QCG is committed to quality management in compliance with its program to achieve ISO 9001:2008 certification and its commitment of Ease of Doing Business by enhancing further its public service through cooperation and coordination with other government agencies;

 **NOW THEREFORE**, for and in consideration of the foregoing, the Parties hereby agree as follows:

1. The QCG shall allow the BFP to co-locate their Fire Regulation Evaluators in the Department of Building Official (DBO), to form part of the evaluation process and timeliness prior to the issuance of Fire Safety Evaluation Clearances and Fire Safety Inspection Certificates required in building and occupancy permits (except on structures used as single family dwellings).
2. The QCG shall allow the BFP to co-locate Fire Regulation Evaluators in the Business Permits and License Office (BPLO) for the computation of fire code taxes

 Page 1 of 3


HERBERT M BAUTISTA MPA MNSA
Quezon City Mayor 

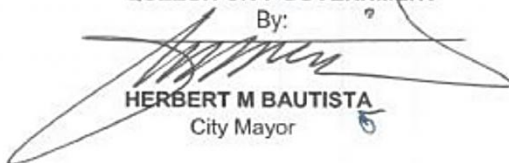
and fees due to the BFP to accept applications for Fire safety Inspection Certificate (FSIC) for the issuance of business permits and real property tax.

3. The QCG shall allow the BFP to assign its personnel to the City Treasurer's Office to assess and collect fire code fees through its Automated Fire Code Fee Assessment and Collection System. The BFP shall be allowed to interlink its system with the QCG to automatically import information pertaining to the amount of fees paid as basis for assessment of fire code fees.
4. The BFP shall exercise supervision and control over its personnel assigned to the Department of the Building Official, the Business Permits and License Office, and the City Treasurer's Office. Provided, that such personnel shall not violate established systems, procedures and work flows in the said offices. Details of the work arrangements shall be agreed upon the parties for efficiency and effectiveness.
5. The BFP shall provide the reasonable forms, office supplies and other accessories on its own account in pursuit of this Memorandum of Understanding.
6. This Memorandum of Understanding shall take effect immediately upon signing of both parties.

IN WITNESS WHEREOF, the parties hereunto affixed their signatures this JUN 24 2015 day of June in Quezon City.

QUEZON CITY GOVERNMENT

By:



HERBERT M BAUTISTA
City Mayor

BUREAU OF FIRE PROTECTION

By:



F/DIR ARIEL A BARAYUGA, CEO VI
Chief, BFP

WITNESSES:



ISAGANI R VERZOSA JR.
City Building Official



GARRY C. DOMINGO
Head, Business Permits and License Office



F/SUPT JESUS P FERNADEZ
Quezon City District Fire Marshal, BFP NCR

ACKNOWLEDGEMENT

Republic of the Philippines)
Quezon City)S.S.

BEFORE ME, A Notary Public in and for _____,
personally appeared:

Name	ID	Date/Place Issued
HERBERT M BAUTISTA	Passport No. EC3151462	10 Jan 2015/Manila
F/DIR ARIEL A BARAYUGA	BFP No. 18-15-00070	08 April 2015/NHQ-QC

Known to me and to me known to be same persons who executed the foregoing instrument which they acknowledged to me as their free and voluntary act and deed, that they are acting as the representative of their respective agencies, and that they have the authority to sign in such capacity.



IN WITNESS WHEREOF, I have set my hand and affixed my Notarial Seal on
JUN 24 2015

Godofredo T. Ligan
ATTY. GODOFREDO T. LIGAN
 NOTARY PUBLIC
 UNTIL DECEMBER 31 2016
 PTR No 0561793 Jan 8 2015 QC
 IBP No 967403 Dec 12 2014 QC
 ROLL No 295257 May 14 1979
 MCLE Compliance-IV-0022949
 2nd Flr. Legislative Wing
 Quezon City Hall, Diliman
 Quezon City

Doc No. 84
 Page No. 17
 Book No. XCCIII
 Series of 2015

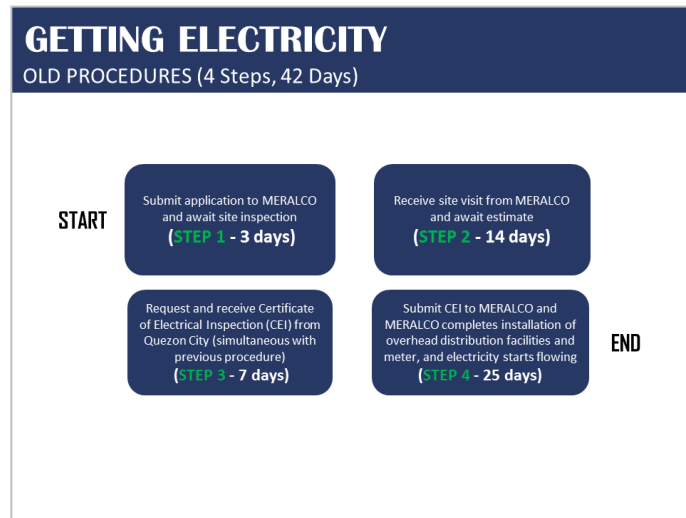
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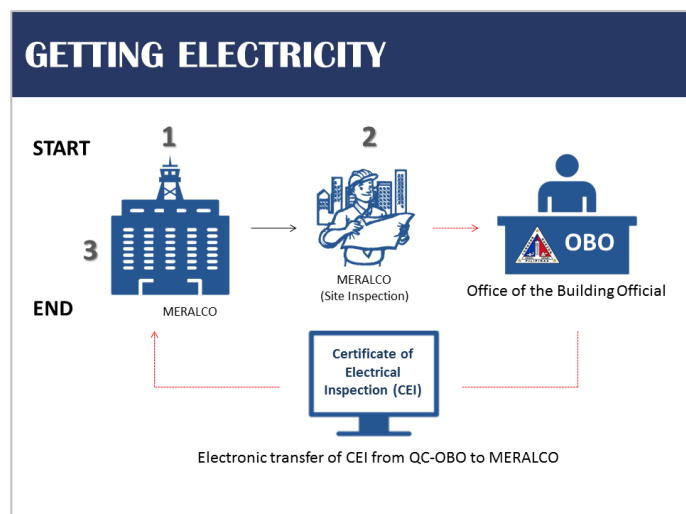
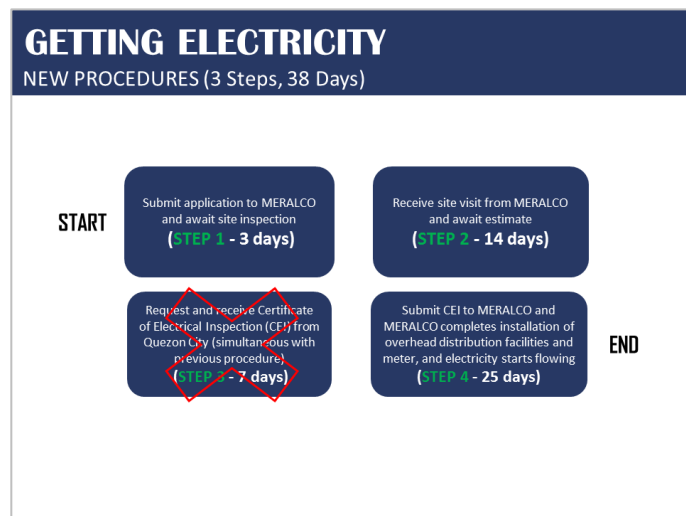
GETTING ELECTRICITY

GETTING ELECTRICITY

OLD PROCEDURES



NEW PROCEDURES



GETTING ELECTRICITY – 2 REFORMS AND 1 UPDATE

- Reduced steps and days from 4 and 42 to 3 and 36, as well as reduction of cost, through the:

REFORMS:

1. Development of an electronic transmittal of Certificate of Electrical Inspection by the Local Government of Quezon City and the Manila Electric Company (Meralco), which is part of the step on requesting and receiving Certificate of Electrical Inspection (Step 3) to MERALCO franchise. It no longer requires customers to go to Quezon City LGU to undergo the said procedure.
2. Issuance of the Distribution Services and Open Access Rules which contains the “Early Refund Policy” launched in 2012 allowing a customer who has paid his/her electric bills on or before due date (good payer) for 3 consecutive years, to receive full refund of the security deposit prior to the termination of his service. This has been fully implemented by MERALCO.

UPDATE:

1. On the measures of quality of utility service, MERALCO uses System Average Interruption Frequency Index (SAIFI), Customer Average Duration Interruption Index (CAIDI), and System Average Interruption Duration Index (SAIDI).

GETTING ELECTRICITY REFORM REFERENCES

Daily Transmittal

PERMIT APPLICATION DAILY TRANSMITTAL

FROM: 5/19/2015 TO: 5/19/2015

App no	App Type	Owner name	Location	Project Name	Certificate No
EA1407-10880	4	ABU OUDAH, WAHID M.	LOT 2 / BLK. 2, AREA 3, SAMADORES COMPOUND, MATANDANG BALARA, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190062
EA1412-18535	4	MANIAGO, JORGE & EDITHA	LOT 7A / BLK. 8, MARYMOUNT CHILD DEV'T. CENTER INC. BLDG., GEN. HIZON STREET, GALLER HEIGHTS, TANDANG SORA, QUEZON CITY	ADDITIONAL 4TH FLOOR (MULTI-PURPOSE AREA) TO EXISTING THREE (3) STOREY SCHOOL BUILDING	805190026
EA1502-01582	4	FALCUTILA, MANUEL JR. F.	AREA 6, SITIO CABUYAO, SAUYO, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	905190052
EA1503-03795	4	TAPIT, ROMEO F.	LOT 3 /BLK. 30 BOUGAINVILLE STREET, MALIGAYA PARK, PASONG PUTIK, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	905190051
EA1503-03994	4	SOCO, ROSANNA C.	NO.12 FORT SANTIAGO EXTENSION, VETERANS VILLAGE, HOLY SPIRIT, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190014
EA1504-05415	4	MAGDAEL, RUTH G.	LOT 2 / BLK. 2A PAGUIO STREET, STA. LUCIA, QUEZON CITY	ADDITIONAL KWHR-METER (EXISTING BLDG.)	905190028
EA1504-05517	4	LANIBA, JOSIE	LOT 4 /BLK. 17 TAWID SAPA II, PHASE 1, KALIGAYAHAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	905190045
EA1504-05520	4	CURIAS, ANALYN	LOT 4-A /BLK. 17 TAWID SAPA II, PHASE 1, KALIGAYAHAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	905190044
EA1504-05596	4	ABONALLA, MARITES C.	SAN JOSE STREET, GROUP 13, SITIO ROLLING HILLS, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190013
EA1504-05712	4	HEALTH GLOBAL INT'L., INC. / LAGUNZAD, JUAN A.	LOT 3, 4 & 7 / BLK. 3, MEDICAL ARTS BLDG., REGALADO AVENUE, NEOPOLITAN BUSINESS PARK, GREATER LAGRO, QUEZON CITY	SEVEN (7) STOREY MEDICAL ARTS BUILDING (COMMONWEALTH HOSPITAL & MEDICAL CENTER)	905190025
EA1504-05726	4	CAPITOL INSTITUTE, INC.	(SERVII) NO.503 QUIRINO HIGHWAY, TALIPAPA, QUEZON CITY	RELOCATION OF KWHR-METER	905190032
EA1504-05734	4	CATOLICO, MA. ELENA S.	LOT 2-B / BLK. 5 JUNJI STREET, ROLLING HILLS, KALIGAYAHAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	905190047
EA1504-05735	4	CATOLICO, MA. ELENA S.	LOT 2-A / BLK. 5 JUNJI STREET, ROLLING HILLS SUBDIVISION, KALIGAYAHAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	905190046
EA1504-05736	4	CATOLICO, MA. ELENA S.	LOT 2-C /BLK. 5 JUNJI STREET, ROLLING HILLS SUBD., KALIGAYAHAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	905190048
EA1504-05750	4	URNA, NELSON LOUIE B.	NO.214 AREA 7 NAWASA LINE PUROK STO. DOMINGO ZONE 1, HOLY SPIRIT, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190015
EA1504-05783	4	POYAOAN, ROBERTO D.	NO.0061 A LUZON AVENUE, CULIAT, QUEZON CITY	RELOCATION OF KWHR-METER	805190034
EA1504-05814	4	ACUNIN, JONATHAN B.	NO.9 IRIS STREET, WEST FAIRVIEW, FAIRVIEW, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190001
EA1504-05973	4	DE VERA, DELZA T.	LOT 25 /BLK. 1 NO.8 MARIANITO STREET, GULOD, QUEZON CITY	NEW CONNECTION (ADDITIONAL METER)	905190027

EA1504-05987	4	COMBO, GEMMA D.	NO.37 GEN. MALVAR STREET, T.S. CRUZ SUBD., SAN AGUSTIN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	905190049
EA1504-05988	4	OTUCAN, SONIA S.	NO.51 BAGONG LANDAS, SAN AGUSTIN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	905190050
EA1505-06156	4	GLOBAL NOBLE INTERNATIONAL CORP. / ONG, EDWIN	ILO BLDG., LOT 12 / BLK. 590, G. ARANETA AVENUE, SANTOL, QUEZON CITY	FIVE (5) STOREY COMMERCIAL & WAREHOUSE BUILDING WITH MEZZANINE	705190024
EA1505-06159	4	MARTIN, JENEROS S.	AREA 4, KINDFUL STREET, SITIO VETERANS, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190039
EA1505-06196	4	ESTARGO, ROCHELLE	NO.195 AREA D, PAYATAS B, PAYATAS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190040
EA1505-06209	4	MAMALIAS, JEZEL C.	ORIOLE STREET, AREA 2, SITIO VETERANS, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190041
EA1505-06214	4	PALMES, MARY JEAN A.	NO.1109 RIVERSIDE, COMMONWEALTH, QUEZON CITY	RECONNECTION OF KWHR-METER (TRANSFER OF SERVICE)	805190002
EA1505-06217	4	FABELLAR, ROBERTO F.	PAYATAS ROAD ROAD ROBERTO STREET, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190042
EA1505-06286	4	IDICA, NESTOR A.	NO.11 B SAN GABRIEL STREET, VILLA ESPANA II, TATALON, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	605190056
EA1505-06287	4	ALCANTARA, CARIDAD S.	NO.11 EMC 02, SAN GABRIEL STREET, VILLA ESPANA II, TATALON, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	605190055
EA1505-06288	4	VALMORES, JINGKEE A.	NO.11 EMC 03 SAN GABRIEL STREET, VILLA ESPAÑA II, TATALON, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	605190054
EA1505-06289	4	LIMBO, VICKY Q.	NO.11 EMC 04, SAN GABRIEL STREET, VILLA ESPANA II, TATALON, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	605190053
EA1505-06315	4	FEROLINO, ARILD B.	NO.9 SAGING STREET, AREA B TALANAY, BATASAN HILLS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190061
EA1505-06327	4	CABUGON, WARLITO SR. M.	ORIOLE STREET, AREA 2, SITIO VETERANS, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190016
EA1505-06414	4	BONIFACIO, ROHILDA	NO.102 LUPANG PANGAKO, PHASE 3 AREA D, PAYATAS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190043
EA1505-06423	4	ATENGCO, MA. DESSIRE A.	PUROK 12 PH.1 LUPANG PANGAKO, PAYATAS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190064
EA1505-06430	4	VILLAS, GLENN M.	LOT 49 / BLK. 16, FEAR STREET, SPRING HEIGHTS II, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190011
EA1505-06505	4	VICENCIO, GLORIA D.	NO.6 B UPSILON EXTN., ALPHA ROAD, MATANDANG BALARA, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190063
EA1505-06666	4	ESPANUEVA, JEDLYN P.	NO.6 PANSOL AVENUE, PANSOL, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190065
EA1505-06669	4	NAGERA, MICHAEL S.	KAUNLARAN STREET, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190005
EA1505-06673	4	SULTAN, CALANDADA SR. P.	PINAGKAISA STREET, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190007
EA1505-06674	4	LASIN, ROBERTO H.	NO.8522 KATUPARAN STREET, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190006

EA1505-06679	4	DELA CUESTA, LIGAYA B.	GROUP 7 AREA B, PAYATAS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190012
EA1505-06681	4	MANCIA, GLENLY M.	ROAD 5 STREET, SITIO KUMUNOY, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190010
EA1505-06682	4	LEONCIO, ROLANDO R.	M.H. DEL PILAR STREET, BAGONG SILANGAN, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190009
EA1505-06684	4	MACABATA, AMPARO D.	KALUSUGAN STREET, BATASAN HILLS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190008
EA1505-06728	4	NIERVES, ANICIA P.	NO.009 KABAGONG TAUHAN STREET, GULOD, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	905190059
EA1505-06729	4	RODRIGUEZ, REYNALDO R.	NO.0020 D STA. BARBARA STREET, GULOD, QUEZON CITY	ADDITIONAL KWHR-METER	905190058
EA1505-06748	4	BARTOLOME, AMELIA U.	LOT 24 /BLK. 149 VENEZIA STREET, CASA MILAN SUBD., GREATER LAGRO, QUEZON CITY	TEMPORARY SERVICE CONNECTION	805190029
EA1505-06753	4	INDAR, RAHMA	LOT 2 /BLK. 3 WASHINGTON STREET, VISTA REAL CLASSICA PHASE 1, BATASAN HILLS, QUEZON CITY	SECURITY LIGHTS	805190021
EA1505-06761	4	TAPUROC, ROMEO C.	NO.0010 T (STORE) POUND STREET SUBDIVISION, PHASE 8, NORTH FAIRVIEW, QUEZON CITY	ADDITIONAL KWHR-METER	805190035
EA1505-06824	4	HADJITAIB, KHALID D.	PINAGKAISA STREET, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190004
EA1505-06826	4	ESPERANZA, TEOTIMO I.	NO.85 DAISY STREET, PAYATAS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190003
EA1505-06850	4	NUVAL, DANALOU CLAUDINE	DINAR STREET, PH.-8, NORTH FAIRVIEW, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190017
EA1505-06851	4	GALAPON, WILFRED	FRANC STREET, PHASE 8, NORTH FAIRVIEW, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190020
EA1505-06852	4	BARDE, JERRY	DINAR STREET, PH.-8, NORTH FAIRVIEW, QUEZON CITY	NEW INSTALLATION OF KWHR-METER (EXISTING BLDG.)	805190019
EA1505-06853	4	SUBA, SUSAN	DINAR STREET, PH.-8, NORTH FAIRVIEW, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190018
EA1505-06925	4	REONICO, LUZVIMINDA	NO.688 A GRAPE STREET, COMMONWEALTH, QUEZON CITY	RECONNECTION OF KWHR-METER	805190060
EA1505-06929	4	MORALES, HONESTO	NO.0030 LT NORTH SUSANA EXEC. VILL., MATANDANG BALARA, QUEZON	SEPARATION OF KWHR-METER (EXISTING	805190036
EA1505-06930	4	ARTUZ, DIOSALYN A.	NO.08 CADENA DE AMOR STREET, BATASAN HILLS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190033
EA1505-06932	4	CORSAMÉ, JERVY JOHN S.	NO.005 SAN PEDRO STREET, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190037
EA1505-06934	4	MONAHAN, ADONIS O.	KALAYAAN B STREET, BATASAN HILLS, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190038
EA1505-06943	4	TAN, JOSEPH L.	LOT 6 / BLK. 7, SENATORIAL DRIVE, CONGRESSIONAL VILLAGE, BAHAY TORO, QUEZON CITY	ONE (1) UNIT / TWO (2) STOREY RESIDENCE WITH BASEMENT & MEZZANINE	605190023
EA1505-06959	4	DELA CRUZ, MOISES	NO.0032 A NEOPOLITAN V CASAMILAN, GREATER LAGRO, QUEZON CITY	REMODEL OF SERVICE ENTRANCE (DAMAGE BASE)	905190030
EA1505-06960	4	CACAL, DANILO D.	NO.32 BETSAIDA STREET, CUBAO, SAN MARTIN DE PORRES, QUEZON CITY	SEPARATION OF KWHR-METER	705190031
EA1505-06962	4	WALLET, PATRICIO T.	LOT 10 /BLK. 18 PUROK 15 UNIT V, COMMONWEALTH, QUEZON CITY	NEW INSTALLATION OF KWHR-METER	805190057
EA1505-07021	4	CHAN, JAKE GAYLE MILTON G. ET AL.	LOT 56 / BLK. 3, BAYANI STREET, SAN ISIDRO GALAS, QUEZON CITY	THREE (3) STOREY BOARDING HOUSE WITH MEZZANINE & ONE (1) UNIT RESIDENCE AT PENTHOUSE	905190022

Received Electrical and Building Permit

**PERMIT APPLICATION
DAILY TRANSMITTAL**

From: 05/19/2015 To: 05/19/2015

App No.	Type Of Application	Applicant Name	Project Location	Project Name	OUT		Remarks
					Date	Signature	
BA1505-01497	ELECTRICAL PERMIT	GOLDILOCKS BAKESHOP, INC./ FLORES, ANDREW F.	GF NBS 2-A NATIONAL BOOKSTORE BLDG., SCT. BORROMEIO STREET CORNER QUEZON AVENUE, SOUTH TRIANGLE,	INTERIOR RENOVATION: GOLDILOCKS			
BA1505-01499	ELECTRICAL PERMIT	TORNO, MA. FLORDELIZA R.	LOT 5-B / BLK. 124. LABO STREET, PAANG BUNDOK, QUEZON CITY	ONE (1) UNIT / TWO (2) STOREY RESIDENCE WITH ROOFDECK			
BA1505-01500	ELECTRICAL PERMIT	LUA, CARLOS L. / ELENA C.	LOT 1-B-1, BALETE DRIVE CORNER LANTANA STREET, MARIANA, QUEZON CITY	AS BUILT: THREE (3) STOREY RESIDENCE WITH LOFT & PENTHOUSE			
BA1505-01501	ELECTRICAL PERMIT	BAUTISTA, EUFRACIA L.	LOT 13 / BLK. 1, BLOCK 17, BUNGAD, QUEZON CITY	AS BUILT: ONE (1) UNIT / THREE (3) STOREY RESIDENCE WITH ROOFDECK			
BA1505-01505	ELECTRICAL PERMIT	CHRIS T. SPORTS PLAZA, INC./ TIU, SUSAN D.	UNIT CCB 09-10 LGF, MAIN BLDG., SM CITY NORTH EDSA, BAGONG PAG-ASA, QUEZON CITY	INTERIOR RENOVATION: CHRIS SPORTS (SM NORTH EDSA)			
BA1505-01506	ELECTRICAL PERMIT	SPECTACY CONCEPTS, INC./ DARGANI, RAMESH	UNIT A1-1 GF, EASTWOOD CITYWALK 2, E. RODRIGUEZ JR. AVENUE, BAGUMBAYAN, QUEZON CITY	INTERIOR RENOVATION: REEF BOUTIQUE			
BA1505-01510	ELECTRICAL PERMIT	SANTIBELZA FOODS INC./ BANGAT, BERNADETTE	UNIT LGF-FH2, LOWER GROUND FLOOR, FISHERMALL BLDG., QUEZON AVENUE CORNER ROOSEVELT, STA. CRUZ, QUEZON	INTERIOR RENOVATION: INENGS SPECIAL BBQ			

Total Record Count: 7

Page 1 of 1

Paid Electrical and Building Permits

**PERMIT APPLICATION
DAILY TRANSMITTAL**

From: 05/19/2015 To: 05/19/2015

App No.	Type Of Application	Applicant Name	Project Location	Project Name	OUT		Remarks
					Date	Signature	
BA1405-01839	ELECTRICAL PERMIT	CHONG, EDUARD C.	EC CENTER BLDG., LOT 20 / BLK. 254, MINDANAO AVENUE, NEOPOLITAN IV BRITTANY, PASONG PUTIK, QUEZON CITY	FOUR (4) STOREY COMMERCIAL / RESIDENTIAL (FOUR (4) UNIT) BUILDING WITH BASEMENT			
BA1412-04282	ELECTRICAL PERMIT	HERNANDEZ, SANTIAGO M.	HERNANDEZ BAKERY BLDG., LOT 40-B-2 / BLK. 1, A. LUNA STREET, BAGUMBUHAY, QUEZON CITY	THREE (3) UNIT / TWO (2) STOREY RESIDENCE WITH BAKERY			
BA1503-00599	ELECTRICAL PERMIT	REYES, DEO A.	LOTS 12-A & 12-B / BLK. 11, MILKY WAY DRIVE, BLUE RIDGE B, QUEZON CITY	AS BUILT: ONE (1) STOREY RESIDENCE WITH ADDITIONAL 2ND FLOOR			
BA1504-01073	ELECTRICAL PERMIT	MARIVELES, JOVITA B.	LOT 10 / BLK. 7, ROBERTSON STREET, GREENVIEW EXECUTIVE VILLAGE, SAUYO, QUEZON CITY	ONE (1) UNIT / TWO (2) STOREY RESIDENCE			
BA1504-01203	ELECTRICAL PERMIT	FIRST GLOBAL CONGLOMERATES, INC./ CHIEN, PHILIP JEAN	FIRST GLOBAL CONGLOMERATES, INC. BLDG., LOT 10-A-2 & 10-B / BLK. 5, KATIPUNAN AVENUE, BLUE RIDGE A,	THREE (3) STOREY OFFICE BUILDING WITH GROUND FLOOR PARKING & ROOFDECK			
BA1504-01258	ELECTRICAL PERMIT	WRI WELLNESS RETAIL INNOVATIONS, INC./ TAN, MARK HENRICK M.	UNIT 440 (ANE) 4F, THE BLOCK, SM CITY NORTH EDSA, BAGONG PAG-ASA, QUEZON CITY	INTERIOR RENOVATION: DR KONG			
BA1504-01278	ELECTRICAL PERMIT	CEMEFRANIA, LOUIE	LOT 3 / BLK. 439-A, GASAN STREET, MASAMBONG, QUEZON CITY	TWO (2) UNIT / THREE (3) STOREY RESIDENCE WITH GROUND FLOOR PARKING /WITH DEMOLITION			
BA1504-01283	ELECTRICAL PERMIT	SUYEN CORP / MERCADO, ELISA C.	B113-B116 GF, UP TOWN CENTER BLDG., KATIPUNAN AVENUE, U. P. CAMPUS, QUEZON CITY	INTERIOR RENOVATION: BENCH			

Total Record Count: 8

Page 1 of 1

Distribution Services And Open Access Rules

Sample Letter

DELA CRUZ, JUAN
c/o person at level 1234 456 789 101112 1314
1005 ME SAMPAGUITA ST
RMB SUBD
BALAGTAS 3016
BULACAN

For inquiries please contact our Call Center at 16211
or visit our website at www.meralco.com.ph

BALAGTAS BUS. CENTER
MACARTHUR
BALAGTAS
693-1196
TIN-000-101-528-000-VAT



RI. OF POLE # A29-155 30 MTRS

1

Page 1 of 2

509FA006073 2130 01 0006

Service Information

Service ID Number (S.I.N.) 123456780101	Contract in the name of DELA CRUZ, JUAN	Statement Date 4 Mar 2015
Service Address (KN) BLOCK 43 (EXCESS LOT) PH 6 PACKAGE 4 CAMARIN CALOOCAN CITY METRO MANILA		

In our effort to keep you updated on Meralco's Terms and Conditions of Electric Service, we would like to inform you of Refund of Bill Deposit Due to Good Payment Record.*

The bill deposit is an amount required from customers of distribution utilities as a guarantee for payment of electric bills. It is equivalent to your average monthly electricity bill and earns interest at a rate prescribed by ERC. The bill deposit may be refunded in full if you have been consistently paying your monthly electric bills on or before the due date for the past three (3) years.

We would like to thank you for consistently paying your bills on or before the due date. As a good paying customer, we are pleased to present to you the following options regarding your bill deposit:

Option 1: Refund the bill deposit in full, including accrued interest.

If you prefer this option, kindly accomplish the application form at the back of this letter and submit it to the nearest Meralco Business Center together with the necessary documentary requirements.

Please be informed, however, that as prescribed under the rules of the Energy Regulatory Commission (ERC), a bill deposit previously refunded in full prior to the termination of service may be re-imposed if the customer fails to pay the monthly bill on or before the due date. Further, once the bill deposit is re-imposed, the customer loses the right to refund the same prior to the termination of his/her electric service. As such, we encourage you to continue paying your bills on or before the due date to maintain your good credit standing and avoid having your bill deposit re-imposed.

Option 2: Retain the bill deposit with Meralco to continue earning interest in accordance with the existing rules of the ERC.

If you prefer this option, Meralco will defer collection of the additional deposit should your existing bill deposit fall below the required amount as long as you continue to pay your bills on or before the due date. On the other hand, should the bill deposit go beyond the required amount, the excess amount will be credited to your electric bill.

For your reference, below is the breakdown of your bill deposit as of February 18, 2015:

Bill Deposit	P	120.05
Plus: Interest Earned	P	0.10
Total Bill Deposit	P	120.15

Please disregard this notice if you have already claimed your bill deposit refund.

For inquiries, you may call the refund hotline at 632-8888 or the nearest Meralco Business Center. Thank you for giving us the opportunity to be of service to you.

Sincerely,

MERALCO

*Refund of bill deposit due to Good Payment Record is in accordance with the Energy Regulatory Commission's Magna Carta for Residential Electricity Consumers and the Distribution Services and Open Access Rules (DSOAR).

BILL DEPOSIT REFUND APPLICATION FORM

SERVICE INFORMATION			
Service ID Number (S.I.N.) 123456780101	Registered Customer (Contract in the name of) PURITA PENA		
Service Address (KN) BLOCK 43 (EXCESS LOT) PH 6 PACKAGE 4 CAMARIN CALOOCAN CITY METRO MANILA			
CLAIMANT INFORMATION (The claimant shall refer to the Registered Customer (RC), Legal Heir if RC is deceased or Successor-in-Interest.)			
Claimant's Full Name			Contact Number
Surname	First Name	Middle Name	<i>Please indicate if claimant is the:</i> <input type="checkbox"/> Registered Customer <input type="checkbox"/> Legal Heir <input type="checkbox"/> Successor-in-Interest
Mailing Address			
REFUND INFORMATION			
Mode of Refund (Please select one)			
<input type="checkbox"/> Outright Refund through Cash or Check		<i>Note: For your protection, outright refund through cash is only allowed for refund amounts less than or equal to ₱ 4,000. Refund amounts greater than ₱ 4,000 shall be made payable to the claimant through check.</i>	
<input type="checkbox"/> Credit to Bill			
STATEMENT OF INTENT			
<p>In connection with my Electric Service Contract with Meralco under the above stated Service Identification Number, I hereby apply for the refund of my Bill Deposit.</p> <p>I agree that the refund is inclusive of the Bill Deposit Principal and the Interests accruing thereto. I attest that I have the right and/or authority to claim the refund and I agree to hold Meralco free and harmless from any liability upon due payment of the refund. In case any third party claimant thereafter proves his entitlement to the refund, I hereby undertake to reimburse the said third party claimant of the refund amount.</p> <p>As provided under the Magna Carta for Residential Electricity Consumers and Distribution Services and Open Access Rules (DSOAR), I agree that in the event I pay any of my succeeding regular monthly bills after the due date, I shall be required to post a new bill deposit equivalent to my previous twelve (12)-month average bills within thirty (30) calendar days from notice thereof and shall lose my right to refund the said bill deposit in the future until termination of my electric service. Furthermore, I acknowledge that non-payment of the re-imposed bill deposit shall be a ground for the disconnection of my electric service.</p> <p>I hereby certify that all information provided in this form, as well as the documents submitted in support of my application, are correct and complete. I attest that I have personally signed this form and that the signature appearing hereon is authentic.</p>			
By: _____ Signature over Printed Name of the Registered Customer/Legal Heir/Successor-in-Interest* Date Signed: _____			
<i>* An Authorized Representative may be allowed to sign this application form in behalf of the Registered Customer/Legal Heir/Successor-in-Interest provided that a duly Notarized Special Power of Attorney (SPA) is submitted.</i>			
DOCUMENTARY REQUIREMENTS			
If Registered Customer is the Claimant <input checked="" type="checkbox"/> 1 Government-issued ID of Registered Customer <input checked="" type="checkbox"/> Original bill deposit receipt	If Legal Heir is the Claimant <input checked="" type="checkbox"/> 1 Government-issued ID of Legal Heir <input checked="" type="checkbox"/> Death Certificate of the Deceased RC <input checked="" type="checkbox"/> Birth Certificate (if claimant is the child) <input checked="" type="checkbox"/> Marriage Certificate (if claimant is the spouse) <input checked="" type="checkbox"/> Declaration of Legal Heirship ▪ Affidavit of Sole Adjudication or Notarized Extra-Judicial Settlement of Estate with proof of publication <input checked="" type="checkbox"/> Original bill deposit receipt	*Additional requirements if transacted by a representative: <input checked="" type="checkbox"/> Authorization Letter from the Claimant <input checked="" type="checkbox"/> Notarized Special Power of Attorney <input checked="" type="checkbox"/> 2 Valid IDs of the Authorized Representative <i>Additional documents may be required as deemed necessary. Should you need any assistance, you may contact the 632-8888 or the nearest Meralco Business Center.</i>	

SAIFI, CAIDI, SAIDI

Performance Index	2011	2012	2013	2014	UNIT OF MEASUREMENT
SAIFI ¹ (planned and unplanned)	4.80	3.90	3.36	2.66	No. of Times
CAIDI ² (planned and unplanned)	116.67	103.30	97.65	94.09	Minutes
SAIDI ³ (planned)	80.05	76.15	64.49	59.65	Minutes

1. SAIFI - System Average Interruption Frequency Index
A measure of the average number of sustained service interruptions experienced per customer over the measurement period.

2. CAIDI - Customer Average Duration Interruption Index
A measure of the average duration of sustained service interruptions over the measurement period.

3. Planned SAIDI - Planned System Average Interruption Duration Index
A measure of the average duration of planned sustained service interruptions for all customers over the measurement period.

REGISTERING PROPERTY

REGISTERING PROPERTY

INDICATOR	2014 REPORT	2015 REPORT	MOVEMENT / CHANGE IN RANK
Number of Days	39	35	-4
Number of Steps	8	9	+1
Cost (% of property value)	4.8	4.3	-0.5
Distance to Frontier	64.17	62.81	-1.36
Indicator Rank	121	108	+13

REGISTERING PROPERTY– 2 REFORMS

- Reduced steps and days through the following:

REFORMS:

1. In collaboration with the Land Registration Authority, the Bureau of Internal Revenue developed a new web-based system called Electronic Certificate Authorizing Registration (eCAR). The system automates the manual processes in the preparation of Certificate Authorizing Registration (CAR), and builds a reliable database for pre- and post- audit of one-time transactions. eCAR reduces the number of obtaining Certificate Authorizing Registration from 14 days to 5-10 days.
2. Issuance of a Memorandum Circular by QC LGU to merge steps 3 and 4 involving City Assessor's Office and City Treasurer's Office.

REGISTERING PROPERTY REFORM REFERENCES

Memorandum of Agreement Between BIR and LRA

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This **MEMORANDUM OF AGREEMENT** is entered into by and between:

The **DEPARTMENT OF FINANCE (DOF)**, a government agency whose mandate is the formulation, institutionalization and administration of fiscal policies in coordination with other concerned subdivisions, agencies and instrumentalities of the government, with office address at the DOF Building, BSP Complex, Roxas Boulevard, Manila, herein represented by **Secretary CESAR V. PURISIMA**, hereinafter referred to as "**DOF**";

-and-

The **DEPARTMENT OF JUSTICE (DOJ)**, a government principal law agency whose mandate is to serve as the government's prosecution arm and to administer the government's criminal justice system, with office address at DOJ Building, Padre Faura Street, Manila, herein represented by **Secretary LEILA M. DE LIMA**, hereinafter referred to as "**DOJ**";

-and-

The **BUREAU OF INTERNAL REVENUE (BIR)**, a government agency under the Department of Finance, with office address at BIR Road, Diliman, Quezon City, herein represented by **Commissioner KIM S. JACINTO-HENARES**, hereinafter referred to as "**BIR**";

and-

The **LAND REGISTRATION AUTHORITY (LRA)**, a government agency under the Department of Justice, a central repository of all lands records through its Registry of Deeds (RD/s) offices nationwide, with office address at LRA Building, East Avenue corner NIA Road, Diliman, Quezon City, herein represented by **Administrator EULALIO C. DIAZ III**, herein referred to as "**LRA**".

WITNESSETH:

WHEREAS, all Parties are willing to coordinate and cooperate to improve their services to taxpayers and to enhance tax collection and administration.

WHEREAS, the DOF and BIR are responsible for the generation of financial resources of the government through the enforcement of internal revenue laws and regulations.

WHEREAS, the DOJ has administrative supervision over LRA, while the latter exercises supervision and control over all Registries of Deeds nationwide.

WHEREAS, records, documents, data and information are needed by all Parties to augment their respective revenue base.

WHEREAS, the LRA is the agency mandated by Law with the task of preserving the integrity of the land registration process and protecting the sanctity of the Torrens Title and the central repository of all land records through its Registry of Deeds offices nationwide where all records are kept of its instruments affecting registered and unregistered lands as well as chattel mortgages affecting movable properties.

WHEREAS, it is imperative to plug all loopholes to prevent tax leakage and to ensure that all taxes due to the Government are collected before registration or transfer of real property is effected by the Register of Deeds.

sold and/or lands donated qualified to be exempt from capital gains tax or donors tax.

- h. Section 207 (B), in relation in Section 219, both of the Tax Code on the requirement of written notice to the Register of Deeds of the City or Province where the real property levied or subjected to tax lien is located.

2. **Linkages** - To achieve better monitoring and control over real property transactions subject of the foregoing revenue laws and issuance, the Parties hereto agree to set up the infrastructure necessary to link BIR on one hand and LRA and its RDs nationwide on the other, designed to enable the LRA and the RDs to verify all real property transfers against BIR clearances and simultaneously, to enable BIR to check that all of such transfers have corresponding BIR clearances.

3. **Role of the Parties**

A. **The Department of Justice and the Department of Finance**

DOJ and DOF shall oversee the faithful compliance by their respective attached agencies concerned of the provisions of this AGREEMENT.

B. **Bureau of Internal Revenue**

1. In general, the BIR shall continue to perform its assigned functions pursuant to its mandate by:
 - a. Issuing Certificates Authorizing Registration (CAR), whether taxable or tax-exempt transactions, to be presented as basis for the Register of Deeds to effect transfers;
 - b. Furnishing reports on CAR issued and generated on-line to the RDs for on-line automated verification as to authenticity by LRA; and
 - c. Receiving and matching the electronic report from LRA on the New Number generated for the newly-issued TCT/ CCT/ OCT.
2. BIR shall provide the necessary training to concerned personnel involved;
3. BIR shall ensure the implementation of a comprehensive information campaign to inform the public of the changes that shall be brought about by the automated verification process to be adopted by LRA and BIR; and
4. BIR shall take disciplinary action against BIR personnel violating the provisions of this AGREEMENT.

C. **LRA and RDs**

1. In general, LRA and all the RDs nationwide shall perform their assigned functions under its mandate;
2. LRA shall provide through the linkage, information relating to all Real Property Transfers against BIR Certificate Authorizing Registration (CAR) to enable BIR/LRA to check if all such transfers have BIR CARs;
3. LRA shall ensure the development, implementation, and operation of the on-line automated verification of the CARs presented to the Registries of Deeds through its Land Titling Computerization Project (LTCP), which is undertaken in partnership with a private proponent, Land Registration Systems Incorporated (LARES), under a Built-Own-Operate (BOO) scheme pursuant to R.A. No. 7718 (Philippine BOT Law, as amended):

- b. **Purpose of the Exchange of Proprietary Information** - the exchange of Proprietary Information is solely for the purpose of enabling the Parties to implement this AGREEMENT.
- c. **Ownership of Proprietary Information** - all Proprietary Information exchanged between the Parties pursuant to this AGREEMENT shall remain the property of the Disclosing Party. This AGREEMENT shall not be construed as to confer or imply the grant, or agreement to grant, by the Disclosing Party to the Receiving Party any ownership, right, license, title or interest of any nature or kind whatsoever, including but not limited to any ownership, right, license, title or interest in the Proprietary Information or in any copyright, patent, trademark, or other intellectual property rights.
- d. **Use of Proprietary Information** - each Party agrees never to use or copy the other Party's Proprietary Information for any purpose other than for purposes associated with this AGREEMENT. Permitted Recipients of the Proprietary Information shall not disclose or authorize any person to disclose the Proprietary Information to any person not a party to this AGREEMENT without the written consent of the Disclosing Party.
- e. **Confidentiality of the Proprietary Information** - each Party shall keep confidential the Proprietary Information and shall only disclose Proprietary Information it received from the Disclosing Party to the Permitted Recipients. Permitted Recipients shall: (a) not disclose the Proprietary Information to any other party; (b) use the Proprietary Information solely for the purpose of accomplishing the Project and not for any other purpose; and, (c) be bound by the same level of confidentiality obligations set forth in this AGREEMENT.

Neither Party hereto shall in any way or in any form disclose, publicize, or advertise in any manner the discussion that give rise to this AGREEMENT nor the discussions or negotiations covered by this AGREEMENT without the prior written consent of the other Party.

- f. **Protection of Proprietary Information** - each Party shall protect the other Party's Proprietary Information by exercising the same care that it exercises in protecting its own Proprietary Information, and in any event, shall exercise the due diligence of a good father of a family in handling the Proprietary Information.

It is further agreed that the Receiving Party shall ensure that all of its employees and consultants (including employees and consultants of its parent, subsidiaries and affiliates) having access to Proprietary Information adhere to the terms and conditions of this AGREEMENT as if they were parties hereto.

- g. **Return of Proprietary Information** - the Receiving Party shall, forthwith upon receipt of a written request from the Disclosing Party, return and deliver, or destroy, all documents, records, computer media, physical objects containing the Proprietary Information it received from the Disclosing Party, including all prototypes and samples relating to or derived from such Proprietary Information.

The Receiving Party shall not keep any copy(ies) or duplicate(s) of any and all such documents, records, computer media, physical objects, prototypes and samples returned and delivered to the Disclosing Party, or destroyed by the Receiving Party pursuant to the written request of the Disclosing Party.

The Disclosing Party shall, upon receiving the documents, records, computer media, physical objects, prototypes and samples containing the Proprietary Information, acknowledge receipt thereof.

Upon return or destruction of the documents, records, computer media, physical objects, prototypes and samples containing the Proprietary Information, the

Receiving Party shall issue a certification confirming its compliance with the provisions of this section of the AGREEMENT.

8. **Amendment** - This AGREEMENT may, upon mutual consent of the parties, be amended or modified through an addendum duly signed by them.
9. **Effectivity** - This AGREEMENT shall take effect upon signing and shall continue in full force and effect unless otherwise revoked by the parties hereto upon prior notice of sixty (60) days.

IN WITNESS WHEREOF, the parties have caused their signatures to be affixed to this AGREEMENT on this _____ of _____, in Quezon City.

DEPARTMENT OF FINANCE

DEPARTMENT OF JUSTICE

By:


CESAR V. PURISIMA
Secretary

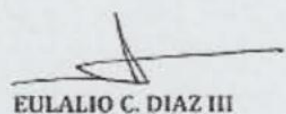
LEILA M. DE LIMA
Secretary

BUREAU OF INTERNAL REVENUE

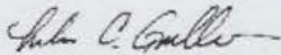
LAND REGISTRATION AUTHORITY

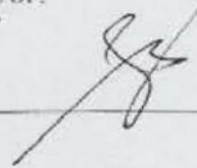
By:


KIM S. JACINTO-HENARES
Commissioner


EULALIO C. DIAZ III
Administrator

SIGNED IN THE PRESENCE OF:

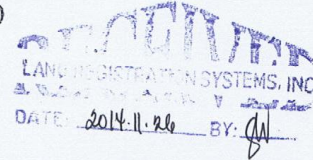




Implementing Guidelines on Self-Service Electronic Registration



REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASIWAAN SA PATALAAAN NG LUPAIN
(LAND REGISTRATION AUTHORITY)
East Avenue cor. NIA Road
Quezon City



LRA CIRCULAR No.: 20 - 2014

SUBJECT: IMPLEMENTING GUIDELINES ON "SELF-SERVICE ELECTRONIC REGISTRATION" OF TRANSACTIONS RELATING TO CHATTEL MORTGAGES AND PERSONAL PROPERTIES THROUGH THE LRA EXTENSION OFFICES OPERATED BY LRA'S PARTNER INSTITUTIONS

WHEREAS, the Land Registration Authority ("LRA") is the government agency mandated by law to preserve the integrity of the land registration process, protect the sanctity of the Torrens Title, and act as the central repository of all land records through its Registry of Deeds ("RD") offices nationwide where all records are kept affecting registered and unregistered lands as well as the chattel mortgages affecting movable properties;

WHEREAS, to support its mandate, LRA is implementing the Land Titling Computerization Project ("LTCP" or the "Project"), which, among others, seeks to maintain on-line information on titles that is current, complete and accurate; maintain the security and integrity of records by safeguarding these from tampering or destruction and deter substitution or insertion of questionable data; ensure the integrity of the land titling registration system by moving from a largely paper-based to a largely paperless system; protect land titles from loss due to fire, theft, natural disasters and the normal ravages of time; and implement more reliable and predictable land registration procedures;

WHEREAS, the implementation of the LTCP allows for data, in electronic form, to be shared among different LRA offices through the "anywhere-to-anywhere" ("A2A") capability of the computerized LRA System;

WHEREAS, with this data-sharing capability brought about by the LTCP, LRA proceeded to identify ways to de-clog the RDs and provide services to LRA's clients beyond usual working hours, and one option identified by LRA was to set-up offices in selected areas outside of LRA and its RDs ("LRA Extension Office");

WHEREAS, this Authority has authorized, through different Memoranda of Agreement with its Partner Institutions, the implementation, commissioning, and operation of LRA Extension Offices by the Partner Institutions (the "LRA Third Party EO"), for the purpose of processing requests for certified true copies of titles for their own official use;

WHEREAS, LRA's Partner Institutions have requested this Authority to make its other services available through the LRA Third Party EOs, which include registration-related services;

WHEREFORE, after thorough review and consideration of the request, and in order to maximize the benefits of the Land Titling Computerization Project being

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11/21/14
NORILYN T. TOMAS
Chief, Central Records Section

1 of 4

implemented by this Authority, the scope of services offered through the LRA Third Party EOs shall hereinafter include the option to avail of the "Self-service Electronic Registration" ("SER Mechanism") of transactions involving Chattel Mortgages and Personal Properties, in addition to the present practice of registering the same transactions directly with the Registry of Deeds concerned, as follows:

Section 1. The following rules shall apply:

- a. The SER Mechanism shall cover the registration of transactions of the LRA Partner Institutions involving Chattel Mortgages and Personal Properties;
- b. Only Authorized Users in the LRA Third Party EO shall be allowed to process transactions using the SER Mechanism;
- c. During the processing of transactions using the SER Mechanism, the Electronic Primary Entry Book ("EPEB") and Databases to be used shall be of the RD having jurisdiction over the transaction (the "Host RD");
- d. For the purpose of Self-service Electronic Registration, the LRA Third Party EOs shall be granted controlled-access through the system to the Databases of the Host RD;
- e. All transactions entered and processed using the SER Mechanism shall be logged and saved, in sequence of receipt and/or processing, in the same EPEB and Databases used by the Host RD, and the corresponding EPEB Number and Chattel Mortgage Identification Number ("CMIN") as the case may be, shall follow the sequence provided in the Host RD's EPEB and Databases;
- f. Payment of the assessed fees is required for the registration of the transaction;
- g. The Partner Institution shall use the prescribed Standard CM Document with the 2D barcode containing the CM data. This document shall be signed and notarized, and thereafter be submitted to LRA together with the other required supporting documents;
- h. All documents subject of a transaction registered by the Partner Institution through the SER Mechanism shall be kept and preserved by the Partner Institution in a secure manner, and shall be sent to the Host RD by the 15th of the month for transactions confirmed from the 26th of the previous month up to the 10th of the current month; and by the end of the month for transactions confirmed from the 11th up to the 25th of the current month;
- i. Subsequent transactions on the registered Chattel Mortgage and Personal Properties shall only be allowed after the Host RD databases have been updated;

i. Issuance of Certified True Copy of registered documents shall only be

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Norilyn T. Tomas
NORILYN T. TOMAS

Chief, Central Records Section

2 of 4

allowed after the original documents have been received by the Host RD;
and

- k. An LRA Partner Institution may use the facility only for its official and exclusive use, which exclusive use may be extended to its subsidiaries or affiliates, as may be provided in the Memorandum of Agreement between LRA and its Partner Institution.

Section 2. The following procedures shall be followed for the Self-service Electronic Registration of transactions involving Chattel Mortgages and Personal Properties by an LRA Partner Institution, through its LRA Third Party EO:

- a. The Authorized Encoder in the LRA Third Party EO shall receive the notarized Standard CM document and all the other required supporting documents for the transaction, select the RD having jurisdiction over the transaction, and provide all mandatory information into the System.
- b. The Authorized Encoder shall scan and upload into the System all documents related to the transaction.
- c. The System shall automatically-compute the appropriate fees based on the information provided by the Authorized Encoder.
- d. The LRA Third Party EO Authorized Validation Officer shall check and certify on the (i) completeness and correctness of data encoded by the Authorized Encoder; (ii) the correctness of the assessment; and (iii) the completeness and authenticity of documents.
- e. If the transaction was validated by the Authorized Validation Officer, an Assessment Form shall be printed, a designated account shall be debited for the transaction fees due, and the System shall alert the Host RD that there is a CM transaction that has been registered at the EO and awaiting confirmation by the Host RD.
- f. At the Approval Module of the Host RD, the System shall allow the user to view all CM transactions validated at the EOs and confirm these accordingly.
- g. The System shall consider the transaction as confirmed if not acted upon by the RD after one (1) business day.
- h. Upon confirmation by the Host RD, the System shall automatically assign the EPEB Number and CMIN for the transaction and save the verified encoded information in the Host RD's EPEB and Databases. Thereafter, a Certificate of Registration shall be printed at the EO.
- i. The original documents of all validated transactions shall be forwarded by the Partner Institution to the Host RD based on the schedule described under Section 1.h. above.

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- j. Upon receipt of the documents registered through the SER Mechanism,

Norilyn T. Tomas
NORILYN T. TOMAS

Chief, Central Records Section

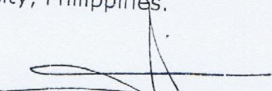
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3 of 4

the Authorized Encoder at the Host RD shall indicate in the System that the documents relating to the transaction have been received.

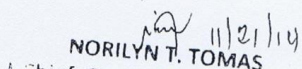
Section 3. The Self-service Electronic Registration of transactions involving Chattel Mortgages and Personal Properties by an LRA Partner Institution, through its LRA Third Party EO, consistent with this Circular, shall be deemed to have the same legal effect of registering a similar transaction directly in the Host RD, and is in accordance with PD 1529, the E-Commerce Act, and all other pertinent and applicable laws.

This Circular shall take effect immediately.

Done this 19th day of November 2014 at Quezon City, Philippines.


EULALIO C. DIAZ III
Administrator

CERTIFIED TRUE COPY.


NORILYN T. TOMAS
Chief, Central Records Section

Joint BIR-LRA Memorandum Circular

JOINT BIR-LRA MEMORANDUM CIRCULAR

**TO: THE BUREAU OF INTERNAL REVENUE AND ITS REVENUE DISTRICT OFFICES,
THE LAND REGISTRATION AUTHORITY AND ITS REGISTRIES OF DEEDS**

**SUBJECT: IMPLEMENTATION AND USE OF THE LRA'S PHILIPPINE LAND
REGISTRATION AND INFORMATION SYSTEM (PHILARIS) FOR THE
AUTOMATED VERIFICATION OF THE BIR ELECTRONIC CERTIFICATE
AUTHORIZING REGISTRATION (eCAR)**

I. PREFATORY STATEMENT

The Bureau of Internal Revenue (BIR) is a government agency under the supervision of the Department of Finance (DOF) mandated by law to generate financial resources for the government through the enforcement of internal revenue laws and regulations.

The Land Registration Authority (LRA) is a government agency under the Department of Justice (DOJ) mandated by law to preserve the integrity of the land registration process, protect the sanctity of the Torrens System, and act as the central repository of records relative to original registration of lands titled under the Torrens System, including subdivision and consolidation plans of titled lands and, through its Registry of Deeds (RD) offices nationwide, be the repository of records of instruments affecting registered or unregistered lands and chattel mortgages in the province and the city wherein such office is situated.

The LRA is currently implementing the Land Titling Computerization Project (LTCP) which involves, among others, the development of customized application systems, the supply of IT products and services, training of end-users, conversion of titles and documents from physical to digital format, nationwide network interconnection, and rehabilitation and construction of IT-enabled government offices.

Under the LTCP, the operations of the LRA and its RDs shall be fully-computerized, where all documents, deeds, instruments shall be electronically-registered, and requests for verification, certifications and certified true copies shall be processed pursuant to published Circulars and Guidelines of the LRA, namely:

1. Implementing Guidelines on Electronic Registration of Land Titles and Deeds issued on 02 July 2009;
2. Implementing Guidelines on Electronic Registration of Land Titles and Deeds and Processing of Central Office Transactions issued on 21 December 2010; and,
3. Amendment to the Implementing Guidelines on Electronic Registration of Chattel Mortgage and Other Personal Properties, Electronic Recording of Transactions on Unregistered Land, and Electronic Registration of Land Titles and Deeds issued on 21 January 2011.

BIR is likewise implementing various computerization projects aimed at further improving tax collection. One of the systems developed by BIR is the Electronic Certificate Authorizing Registration (eCAR) System for the processing and generation of Certificates Authorizing Registration (CAR) as evidence of proper and complete payment of transfer taxes.

In the spirit of inter-agency cooperation, the DOF, the DOJ, the BIR and the LRA entered into a Memorandum of Agreement (MOA) on September 25, 2013, whereby all parties agreed to implement the automated verification of CAR issued by the BIR and presented in the

JOINT BIR-LRA MEMORANDUM CIRCULAR

Registries of Deeds, to ensure the effective implementation of Section 5(B) of the National Internal Revenue Code (NIRC) of 1997, as amended, in relation to Sections 58 (E) and 95 of the same Code.

This Joint Memorandum Circular is being issued to guide all concerned on the rules and procedures for the implementation of the LRA-BIR eCAR Verification System Project.

II. COVERAGE

This Circular shall cover all transactions involving transfer of real properties processed in the Registries of Deeds requiring the presentation of the eCAR, which shall be automatically verified using the PHILARIS prior to the processing of a transfer transaction.

The automated verification of the eCAR shall be implemented in the Registries of Deeds already using the PHILARIS for transaction processing, and where the corresponding BIR Office has started using the BIR eCAR System for the issuance of the eCAR.

The eCAR verification follows the general guidelines listed below:

1. BIR shall provide LRA with data relevant to an eCAR by directly updating the LRA-BIR eCAR Database;
2. BIR shall issue an eCAR only after successfully updating the LRA-BIR eCAR Database;
3. The eCAR shall contain a barcode, which shall be scanned at the Registry of Deeds for verification, after the entry into the Electronic Primary Entry Book of the eCAR as a supporting document of a transaction;
4. The eCAR presented shall be automatically validated against the data provided by BIR in the LRA-BIR eCAR Database, and only transactions that have validated eCARs shall be approved by the Registry of Deeds; and,
5. LRA shall provide BIR relevant data relating the eCAR to its corresponding Certificate of Title.

III. OPERATING PROCEDURES AND GUIDELINES - BIR

1. The eCARs (BIR Form No. 2313-R) for transactions involving transfer of real properties are currently being used by the following Revenue Regions and Large Taxpayers' offices:

BIR OFFICE	DATE OF eCAR SYSTEM IMPLEMENTATION
Revenue Region No. 1 - Calasiao, Pangasinan (RDO Nos. 1-Laoag City, 2-Bantay, Ilocos Sur, 3-San Fernando, La Union, 4-San Miguel, Calasiao, Pangasinan, 5-Alaminos City, Pangasinan, 6-Urdaneta, Pangasinan)	May 19, 2014
Revenue Region No. 5 - Caloocan (RDO Nos. 24-Valenzuela City, 25-A-Plaridel, Bulacan, 25-B-Sta. Maria, Bulacan, 26-Malabon/Navotas, 27-Caloocan)	
Revenue Region No. 8 - Makati City (RDO Nos. 44-Taguig/Pateros, 47-East Makati, 48-West Makati, 49-North Makati, 50-South Makati, 51-Pasay City,	

JOINT BIR-LRA MEMORANDUM CIRCULAR

52-Paranaque City, 53-A Las Pinas City, 53-B Muntinlupa City)	July 7, 2014
Large Taxpayers (LT) Audit Division Regular 1- (RDO No. 116), 2- (RDO No. 125), 3 - (RDO No. 126)	
LT Excise Audit Division 1 (RDO No. 121), 2 (RDO No. 124)	
LT District Office – Makati (RDO No. 122)	
Revenue Region No. 6 – Manila (RDO Nos. 29-Tondo/San Nicolas, 30-Binondo, 31-Sta. Cruz, 32-Sampaloc/Sta. Mesa/San Miguel/Quiapo, 33-Ermita/Intramuros/Malate, 34-Paco/Pandacan/Sta. Ana)	July 14, 2014
Revenue Region No. 7 – Quezon City (RDO Nos. 28-Novaliches, 38-North QC, 39-South QC, 40-Cubao, QC, 41-Mandaluyong, 42-San Juan, 43-A East Pasig, 43-B West Pasig, 45-Marikina, 46-Cainta, Rizal)	July 21, 2014
Revenue Region No. 2 – Cordillera Administrative Region (RDO Nos. 7-Bangued, Abra, 8-Baguio City, 9-La Trinidad, Benguet, 10-Bontoc, Mt. Province, 11-Tabuk Kalinga, 12-Lagawe, Ifugao)	
Revenue Region No. 3 – Tuguegarao, Cagayan (RDO Nos. 13 Tuguegarao City, 14-Bayombong, Nueva Vizcaya, 15-Naguilian, Isabela, 16-Cabarroguis, Quirino)	
Revenue Region No. 4 – San Fernando, Pampanga (RDO Nos. 17A-Tarlac City, Tarlac, 17B Paniqui, Tarlac, 18-Olongapo City, 19-SBMA, 20-Balanga City, 21A-North Pampanga, 21B-South Pampanga, 22-Baler, Aurora, 23A-North Nueva Ecija, 23B-South Nueva Ecija)	
Revenue Region No. 6 – Manila (RDO Nos. 35-Odiangan, Romblon, sub-office Romblon, Romblon, 36-Puerto Princesa City, 37-Occidental Mindoro)	
Revenue Region No. 9 – San Pablo City (RDO Nos. 54A-Trece Martirez City, South Cavite, 54B- Bacoor, Cavite, 55-San Pablo City, 56-Calamba City, 57-Binan, Laguna, 58-Batangas City, 59-Lipa City, 60-Lucena City, 61-Gumaca, Quezon, 62-Boac, Marinduque, 63-Calapan City)	September 15, 2014

[Handwritten signatures and initials in black, blue, and red ink]

2. However, the following BIR offices shall continue to manually prepare and issue CAR until these offices are ready to implement the eCAR System:
- a. Revenue Region No. 10 – Legaspi City;
 - b. Revenue Region No. 11 – Iloilo City;
 - c. Revenue Region No. 12 – Bacolod City;
 - d. Revenue Region No. 13 – Cebu City;
 - e. Revenue Region No. 14 – Tacloban City;
 - f. Revenue Region No. 15 – Zamboanga City;
 - g. Revenue Region No. 16 – Cagayan de Oro City;
 - h. Revenue Region No. 17 – Butuan City;
 - i. Revenue Region No. 18 – Koronadal City;
 - j. Revenue Region No. 19 – Davao City; and,
 - k. Large Taxpayers District Office – Cebu (RDO No. 123).

The roll out dates for the above-mentioned offices shall be accordingly informed by BIR to LRA. Thereupon, LRA shall immediately issue corresponding notice advising all Registries concerned of the automatic inclusion of the said offices in the coverage of this Joint Memorandum Circular upon the roll-out of the eCAR System.

JOINT BIR-LRA MEMORANDUM CIRCULAR No. _____

3. There shall be one (1) eCAR per title in case of registered land and/or improvement(s) and one (1) eCAR per tax declaration in case of unregistered land and/or improvement(s).
4. All CARs issued within one (1) year prior to the implementation of the eCAR System are still valid for presentation by taxpayers to the Registry of Deeds. Thus, the Revenue District Officers/ LT Division Chiefs shall furnish the concerned Registry of Deeds with a list of the said manually issued CARs. The list, in hard copy, shall be provided to the Register of Deeds not later than two (2) days after implementation of the eCAR system in the RDO concerned.
5. For other manually-issued CARs that are outstanding but not yet presented to the Registry of Deeds, within the validity period as prescribed in existing BIR issuances, the same shall no longer be valid for presentation to the Registry of Deeds. Instead, the said CARs shall be replaced with an eCAR by the concerned Revenue District Officer/ LT Division Chief, provided, the eCAR System is already implemented in the concerned Revenue District Office. Otherwise, a new CAR shall be manually issued in its stead.
6. All eCARs shall have a validity period of one (1) year from date of issue. In case the taxpayer fails to present the eCAR to the RD concerned within the one (1) year validity period, the RDO/LT Division Chief shall issue a new eCAR to the taxpayer. In the event the eCAR is lost or destroyed within its validity period, the RDO/LT Division Chief shall not issue a new eCAR but instead he shall reprint the same eCAR and issue this to the requesting taxpayer.
7. In the case of Estate and Donor's Taxes, the eCARs shall be issued by the RDO having jurisdiction over the domicile/residence of the decedent/donor. For non-resident decedent/donor, the eCAR shall be issued by RDO 39 South Quezon City.
8. The eCAR shall be printed on an accountable form with security features and a barcode. There shall be a Barcode Reference Number located below the barcode, which can be encoded in case the latter cannot be scanned/read.
9. The RDO shall indicate on the face of each page of all the copies of the document of sale or exchange or transfer (e.g., *Deed of Sale, Deed of Exchange, Deed of Assignment, Deed of Donation, Deed of Extrajudicial Settlement of Estate, etc.*) the details of information indicated in the eCAR, to wit:
 - a. Transaction Number;
 - b. eCAR Number;
 - c. Date of eCAR;
 - d. Title Number of Property (for titled property); and,
 - e. Tax Declaration Number of the Property (for untitled property).
10. No registration of any deed or instrument resulting in the transfer of ownership of real property shall be allowed by the RD unless the Commissioner or his duly authorized representative has issued the corresponding eCAR, which has been properly verified under the LRA-BIR eCAR Veification System Project. Once the new TCT/CCT is issued in the name of the transferee/s, the RDs shall annotate on the cancelled OCT/TCT/CCT the following information:
 - a. eCAR Number;
 - b. Date of issuance of eCAR;
 - c. RDO Number;
 - d. Name of Revenue District Officer; and,
 - e. Type and Amount of Taxes Paid.



JOINT BIR-LRA MEMORANDUM CIRCULAR

IV. OPERATING PROCEDURES AND GUIDELINES - LRA

1. The BIR shall inform the LRA of the roll-out dates for the offices listed in Section III (2) hereof. Thereupon, LRA shall immediately notify all Registries concerned of the automatic inclusion of the said offices in the coverage of this Joint Memorandum Circular, upon eCAR System roll-out.
2. Upon presentation of the required documents for registration, the Entry Clerk shall assign a system-generated unique Electronic Primary Entry Book Number (EPEB Number) for the transaction.
3. The bar code of eCAR shall be scanned at the Entry Module, thereby capturing the required eCAR data and automatically storing these in the RD's Database.
4. In case the eCAR bar code cannot be read, the Entry Clerk shall input the Bar Code Reference Number shown under the bar code.
5. The same documents currently required for the registration of deeds and instruments relating to registered and unregistered lands shall be complied with.
6. The RD personnel shall also input other data in the Entry and Return to Entry Modules, as required under the law and existing LRA rules and regulations, such as, presenter information, received documents, etc.
7. After the input of all required information in the Entry Module, the PHILARIS shall validate the submitted eCARs:
 - a. If any eCAR does not pass the verification process, the PHILARIS shall generate a "Notice of Unverified eCAR" to be presented to the client, and the System shall tag the EPEB Number as "void". This "void" tag shall render this EPEB Number without force and effect; or,
 - b. If all eCARs pass the verification process, the PHILARIS shall generate the Assessment Form and Payment Order, which shall be used by the client as the basis for paying the required fees.
8. An eCAR Authentication Fee amounting to One Hundred Fifty Pesos (Php150.00), exclusive of VAT, shall be collected from the Registrants for each verified eCAR submitted, on top of the regular fees charged for each transaction type as provided for under the law and existing LRA Circulars on the matter.
9. After payment of all fees duly assessed for the transaction, the transaction shall proceed to the next module, and the regular transaction process shall be followed.
10. Any subsequent modification by the BIR of an eCAR that has been entered in and verified by the RD shall not affect any transaction already approved by the RD.
11. The annotation text referred to Section III (10) above shall be automatically generated by the PHILARIS using the standard LRA templates and the data from the eCAR.
12. The LRA shall, using their eCAR Verification System, provide the BIR, after the processing of the transaction where the eCAR was submitted as a supporting document, with the following information:
 - a. Newly issued TCT/CCT Number;
 - b. OCT/TCT/CCT Number of old OCT/TCT/CCT Cancelled (title of previous owner and replaced by the TCT/CCT newly issued);

JOINT BIR-LRA MEMORANDUM CIRCULAR

- c. eCAR Number;
- d. Transaction Status;
- e. Register of Deeds (RD) Code and Name;
- f. Entry Number;
- g. Entry Date and Time; and,
- h. Approval Date and Time.


13. All other transaction processes shall be in accordance with published Circulars and Guidelines of the LRA.

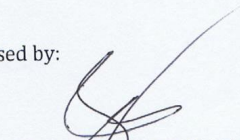
V. OTHERS

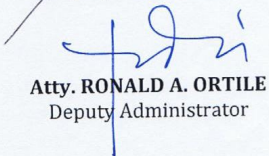
- 1. This Joint Memorandum Circular may be amended, from time to time, as may be deemed necessary. All amendments shall be in writing and shall be jointly approved by the BIR and LRA.
- 2. Should any provision of this Joint Memorandum Circular, or application of such provision to any circumstance, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.
- 3. All orders, guidelines, circulars, rules and regulations inconsistent herewith are hereby repealed or amended accordingly.
- 4. This Joint Memorandum Circular shall take effect immediately upon approval and publication in a newspaper of general circulation.

Diliman, Quezon City, _____, 2015.

LAND REGISTRATION AUTHORITY

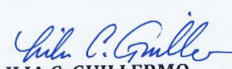
By: 
Atty. EULALIO C. DIAZ III
Administrator


Witnessed by: 
Atty. ROBERT NOMAR V. LEYRETANA
Deputy Administrator


Atty. RONALD A. ORTILE
Deputy Administrator

BUREAU OF INTERNAL REVENUE

By: 
Atty. KIM S. JACINTO-HENARES
Commissioner
0318239

Witnessed by: 
LILIA C. GUILLERMO
Deputy Commissioner


NELSON M. MASPE
Deputy Commissioner

Revenue MC 20 – 2014

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

May 12, 2014

REVENUE MEMORANDUM CIRCULAR NO. 40-2014

SUBJECT: Prescribing the Use of Electronic Certificate Authorizing Registration (BIR Form No. 2313-R for Transaction Involving Transfer of Real Properties and BIR Form No. 2313-P for Transaction Involving Transfer of Personal Properties)

TO : All Internal Revenue Officials, Employees and Others Concerned

In line with the Bureau's continuing initiatives to strengthen internal control toward data integrity, the manual issuance of Certificate Authorizing Registration (CAR) shall be discontinued upon the rollout of the Electronic CAR (*e*CAR) System in the Revenue District Offices (RDOs)/Large Taxpayers (LT) Audit Divisions.

Once the *e*CAR System is in place in the respective RDOs/LT Audit Divisions, only *e*CARs per BIR Form Nos. 2313-R and 2313-P, January 2013 version, (Annexes "A" and "B") printed in a security paper, an accountable form with enhanced security features and barcode shall be generated and issued. The same information appearing on the manually issued CARs shall be reflected in the *e*CAR. Under the *e*CAR System, one (1) *e*CAR covering one real property shall be issued. Thus, there will be as many *e*CARs as there are real properties to be transferred. However, for transactions involving transfers of personal properties, one (1) *e*CAR may be issued covering the transfer of more than one (1) personal property.

For transfers of real properties, the concerned Register of Deeds (RD) shall not accept manually issued CARs upon the roll out of the *e*CAR System. However, manually issued CARs issued within one year before the roll out date are still valid for presentation by taxpayers to the RD. For this purpose, the concerned Revenue District Officers shall furnish the Register of Deeds with a list of the said manually issued CARs.

Initially, the *e*CAR System shall be rolled out on May 19, 2014 in the RDOs under the jurisdiction of Revenue Region No. 1 – Calasiao, Pangasinan. The Bureau of Internal Revenue (BIR) shall announce at a later date the roll out of the System in the other BIR Offices. Hence, RDOs/LT Audit Divisions where the *e*CAR System is not yet available shall continue to issue manually prepared CARs based on existing revenue issuances.

All concerned revenue officials are hereby enjoined to strictly comply with this directive and to give this Circular as wide a publicity as possible.

(Original Signed)
KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

Memorandum Circular 07S2015



Republic of the Philippines
OFFICE OF THE MAYOR

3rd Floor, Quezon City Hall, East Avenue
Corner Elliptical Road, Diliman, Quezon City



Herbert M. Bautista mpa mmsa.

MEMORANDUM CIRCULAR No. 7
Series of 2015

TO : **RODOLFO M ORDANES**
City Assessor

EDGAR T VILLANUEVA
City Treasurer

REYNALD PAUL M IMJADA
ITDO

SUBJECT : **GUIDELINES AND PROCEDURES IN FORMULATING A SINGLE-WINDOW TRANSACTION TO STREAMLINE REGISTERING PROPERTY RELATED REQUESTS**



DATE : **09 JULY 2015**

X=====X

I. BACKGROUND AND OBJECTIVES

This Circular is being issued to facilitate accepting and processing Registering Property-related transactions involving the Offices of the Assessor and Treasurer, in support to the Ease of Doing Business initiative. From the three (3)- step transaction involving four (4) days, as follows:

<u>Steps/Procedure</u>	<u>Time to Complete</u>	<u>Associated Cost</u>
Obtain Tax Clearance from the Real Property Tax Division of the City Treasurer's Office	2 days	Php 115 (Php50 for tax clearance for land and improvement plus Php 15 for documentary stamp tax.
Obtain certified true copy of latest tax declaration and certificate of improvement(with or without improvement) from the City Assessor's Office	1 day (simultaneous with procedure mentioned above)	Php50 per RPU + Php20 for documentary stamp tax; and Php 90 for certification of improvement
Pay transfer tax at the Real Property Tax Division of the City Treasurer's Office	1 day	0.75% of 1% of property selling price/zonal value whichever is higher plus Php125 certificate of payment

to a single-window transaction or one (1) step, process, consolidating the three (3) procedures in one application, completing the process within two (2) business days.

II. COVERAGE

This Circular operationalizes a Single Window Transaction module that shall streamline all the three steps mentioned above to be developed by the Quezon City Information Technology Development Office (QCITDO), in collaboration with the Treasury and Assessor's Office, to be referred to as the "Transfer Assistance Program (TAP-QC).

15-1219-1

As such it would be a one-time application for a customer or property owner or his/her authorized representative, for the concerned Offices and units to process, and finally release the documents required within two (2) business days.

III. POLICIES AND GUIDELINES

As provided for under existing laws, the following shall form part of the requirements in registering properties, on the part of the Local Government Unit, such as to wit:

- (1) Certified True Copy of the latest Tax Declaration of the property (whether land/lot, building/improvement and machinery);
- (2) Certification as to existing improvement;
- (3) Real Property Tax Clearance; and
- (4) Payment of Transfer Tax

All steps involving units from the Treasury and Assessor's Offices, with their respective requirements, fees, and procedures to follow, should be consolidated by the QCITDO into a Single Window Transaction Module.

Under the module, a customer or property owner need only accomplish an electronically prescribed form (Annex A attached), tick the required buttons based on their requirement, pay corresponding fees and return to claim the documents requested within two (2) business days. The form shall be uploaded in the Official Website of the city, downloadable and may be sent via electronic mail by the requesting party.

The document shall include: (1) Certified true copy of the Transfer Certificate of Title of subject property from the Register of Deeds (2) Duly Notarized Deed of Conveyance (Deed of Sale, Donation, etc.) (3) Original copy of the Official Receipt evidencing payment of Real Property Taxes (4) Valid Identification of the seller or buyer (5) Authorization and valid ID of the authorized representative, if applicable.

The module should be capable of farming out the request by electronic mail to the concerned offices and units, monitoring the same and reporting action taken. Order of payment has to be auto-computed based on request, claim stub and tentative computation of transfer tax must likewise be auto-generated. Only upon release of documents – Certified True Copy of TD Certification and Tax Clearance/s, can the property owner or his/her authorized representative can pay the corresponding transfer tax, which should be the last part of the process.

“TAP-QC” Kiosk shall be deployed in both Offices, which shall provide at least five (5) desktop units each with scanner, to accommodate the transacting public. Officers-of-the-Day shall be designated to man these kiosks.

Logistics support in terms of emergency procurement and distribution of necessary equipment, and trained personnel, which are essential to the full operation of this program shall be provided, subject to availability of funds of the Implementing Officers and compliance to RA9184 and its Implementing Rules and Regulation.

IV. EFFECTIVITY

This Order shall take effect immediately.


HERBERT M BAUTISTA MPA MNSA
Mayor

GETTING CREDIT

GETTING CREDIT

INDICATOR	2014 REPORT	2015 REPORT	MOVEMENT/ CHANGE IN RANK
Credit Information Index (0-8)	5/6	5/8*	-
Legal Rights Index (0-12)	4/10	3/12*	-
Public registry coverage (% of adults)	0.0	0.0	-
Private bureau coverage (% of adults)	9.3	11.3	+2
Distance to Frontier	56.25	40.00	-16.25
Indicator Rank	86	104	-18

(*) with new measure

GETTING CREDIT – 4 UPDATES

- There are updates on operations of the Credit Information Corporation including:

UPDATES:

1. Testing of sample data from 14 financial institutions - 3 universal/commercial banks, 3 thrift banks, 2 rural banks, 1 credit card issuer, 1 financing company, 2 cooperatives, 2 consumer credit/other lending institutions, who are expected to be the first participants for data contribution starting mid June 2015.
2. Testing with CRIF, our software provider, to ensure that the secured File Transfer Protocol (FTPS) will be ready by 1st week of June.
3. Issuance of CIC Circular on Code of Conduct requiring financial institutions to submit Credit Data last June 5, 2015.

- There is also a reported increase in the coverage of Credit Bureau Bankers Association of the Philippines:

UPDATE:

4. Increase of in the number of individuals and firms covered by the Credit Bureau Bankers Association of the Philippines from 6.9M to 8.7M

GETTING CREDIT REFORM REFERENCES

Operations Update of CIC

Credit Information Corporation Operations Update As of May 26, 2015

List of CIC activities to meet the target date of mid-June 2015 for CIC to be ready to accept data contributions from financial institutions:

1. Testing of sample data from 14 financial institutions - 3 universal/commercial banks, 3 thrift banks, 2 rural banks, 1 credit card issuer, 1 financing company, 2 cooperatives, 2 consumer credit/other lending institutions, who are expected to be the first participants for data contribution starting mid June 2015.
2. Testing with CRIF, our software provider, to ensure that the secured File Transfer Protocol (FTPS) will be ready by 1st week of June.
3. Posting/issuance of CIC Circular on Code of Conduct for financial institutions as submitting entities by 1st week of June.

Coverage of BAP

Bankers Association of the Philippines –Credit Bureau.

Update on the Number of Individuals and Firms Covered by the Credit Bureau.

as of January 1, 2015

Coverage	January 1, 2014	January 1, 2015
Individuals	6,493,077	8,500,098
Firms	397,709	197,187
Total	6,890,786	8,697,285

PROTECTING MINORITY INVESTORS

PROTECTING MINORITY INVESTORS

INDICATOR	2014 REPORT	2015 REPORT	MOVEMENT / CHANGE IN RANK
Extent of conflict of interest regulation index (0-10)	-	4.0*	-
Disclosure (0-10)	2	2.0	-
Director Liability (0-10)	3	3.0*	-
Shareholder Suits Index (0-10)	8	7.0*	-1
Extent of shareholder governance index (0-10)	-	4.3*	-
Extent of shareholder rights index (0-10.5)	-	4.5*	-
Strength of governance structure index (0-10.5)	-	2.0*	-
Extent of corporate transparency index (0-9)	-	6.5*	-
Strength of minority investor protection index (0-10)	4.3	4.2	-0.1
Distance to Frontier	43.33	41.67	-1.66
Indicator Rank	128	154	-26

(*) with new measure

PROTECTING MINORITY INVESTORS – 2 REFORMS

- Improved scores on Shareholder Rights Index and Shareholder Governance Index through:

REFORMS:

1. Creation of Securities and Exchange Commission (SEC) taskforce to review regulations affecting the internal governance of corporations, regulations of related-party transactions, disclosure obligations, liability of company executives and access to evidence in civil litigations.
2. Issuance of SEC Memorandum Circular Nos. 11 and 18 on the posting of pertinent company information on websites of Publicly Listed companies (e.g. Corporate Profile, Board of Directors, Management Team and Executive Officers, etc.)

PROTECTING INVESTORS REFORM REFERENCES

SEC Memorandum Circular No. 11 Series of 2014



Republic of the Philippines
Department of Finance
Securities and Exchange Commission
SEC Building, EDSA, Greenhills, Mandaluyong City

SEC MEMORANDUM CIRCULAR NO. 11 Series of 2014

TO : ALL LISTED COMPANIES

SUBJECT : TEMPLATE FOR PUBLICLY-LISTED COMPANIES' WEBSITES

Pursuant to the Commission's drive to promote a better corporate governance environment for publicly-listed companies (PLC), the Commission resolved in its meeting on 22 May 2014 that the following information, arranged under recommended topic headings, shall be included in all PLC's websites:

HOME

Our Business

The Company's Business Operations

Our Company

1. The Company's Corporate or Business Profile;
2. The Company's Mission, Vision and Values;
3. The Company's Board of Directors, Management Team and Executive Officers;
4. The Company's Organizational Chart;
5. The Company's Conglomerate Map or Group Corporate Structure;
6. The Company's Shareholdings structure; and
7. The Company's Articles of Incorporation and By-Laws and all amendments thereto.

CORPORATE GOVERNANCE

Manual on Corporate Governance Code of Business Conduct and Ethics Annual Corporate Governance Report (ACGR)

1. ACGR for 2012;
2. Updates and Changes as of December 31, 2013;
3. Consolidated Changes in the ACGR for 2013;
4. Updates and Changes as of present date; and
5. Consolidated Changes in the ACGR for 2014 and so on and so forth until ACGR is required.

Board Committees

1. Board Committees
2. Board Committee Members; and
3. Board Committee Charters

Corporate Social Responsibility

The Company's Corporate Social Responsibility initiatives

Enterprise Risk Management

The Company's Risk Management System

Company's Policies

1. Whistle-blowing Policy;
2. Conflict of Interest Policy;
3. Insider Trading Policy;
4. Related Party Transactions Policy;
5. Policy and Data Relating to Health, Safety and Welfare of Employees, including company sponsored trainings.

COMPANY DISCLOSURES

SEC Filings

1. SEC Form 17-A (Annual Report);
2. SEC Form 17-Q (Quarterly Report);
3. SEC Form 17-C (Current Report);
4. SEC Form 20-IS (Information Statement);
5. SEC Form 23-A/B (Statement of Beneficial Ownership);
6. General Information Sheet.

Notice of Annual or Special Stockholders' Meetings
Minutes of all General or Special Stockholders' Meetings
Other Disclosures to SEC, PSE and Other Pertinent Agencies

PRESS MATERIALS/NEWS

Materials provided in briefings to analysts and media

INVESTOR RELATIONS

Investor Relations Programs **Share Information**

1. Total Outstanding Shares;
2. Exchange where Listed; and
3. Top 20 Stockholders.

Attached as Annex "A" is a sample website incorporating all the above-mentioned information.

All required information must be retained in the company's website for a period of five (5) years.

This website template is deemed as a minimum requirement for PLC's websites and any item/s could be added or removed therefrom any time the need arises.

This Memorandum Circular shall take effect immediately.

Mandaluyong City, Philippines, 26 May 2014.

For the Commission:


TERESITA J. HERBOSA
Chairperson



CGD CORPORATION

ANNEX A

HOME	CORPORATE GOVERNANCE	COMPANY DISCLOSURES	PRESS MATERIALS / NEWS	INVESTOR RELATIONS
Our Business	Manual on Corporate Governance	SEC Filings		Investor Relations Program
Our Company	Code of Business Conduct and Ethics	Notice of Annual or Special Stockholders' Meetings		Share Information
	Annual Corporate Governance Report (ACGR)	Minutes of All General or Special Stockholders' Meetings		
	Board Committees			
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SEC Memorandum Circular No. 18 Series of 2014



Republic of the Philippines
SECURITIES AND EXCHANGE COMMISSION
SEC Building, EDSA, Greenhills, Mandaluyong City, Metro Manila

CORPORATE GOVERNANCE & FINANCE DEPARTMENT

SEC MEMORANDUM CIRCULAR NO. 18
Series of 2014

TO : ALL PUBLICLY-LISTED COMPANIES

**SUBJECT : COMPLIANCE WITH SEC MEMORANDUM CIRCULAR NO. 11,
SERIES OF 2014**

Memorandum Circular No. 11, Series of 2014 mandates all Publicly-Listed Companies (PLCs) to include in their website all information per SEC-web template for investors to check Corporate Governance practices of their investee companies and to help the former rank high in the ASEAN Scorecard Peer Review.

The Commission, in its meeting on 28 August 2014, resolved to extend compliance with Memorandum Circular No. 11, Series of 2014 up to **December 31, 2014**.

The following penalties shall be imposed for non-compliance with this Circular:

Violation	Basic Penalty	Monthly Penalty
Non-Posting	Php10,000.00	Php2,000.00
Incomplete posting	Php5,000.00	Php1,000.00

Signed this 1 day of September 2014, Mandaluyong City, Philippines.

For the Commission:

Handwritten signature of Teresita J. Herbosa in black ink.

TERESITA J. HERBOSA
Chairperson

SEC's RESPONSE ON PROTECTING MINORITY INVESTORS



Doing Business 2016

Protecting Minority Investors in Philippines

www.doingbusiness.org

Dear Contributor,

We would like to thank you for your participation in the *Doing Business* project. Your expertise is essential to the success of the *Doing Business* report, which benchmarks business regulations in 189 economies worldwide and is one of the four flagship publications of the World Bank Group. The protecting minority investors indicator measures legal protections afforded to minority shareholders of domestic corporations, and is one of the 11 indicator sets published by the report.

The report attracts much attention around the world. The latest edition, *Doing Business 2015: Going Beyond Efficiency*, received over 4,000 media citations within two weeks of its publication on October 29, 2014. The coverage spanned major global, regional and local media outlets, from print and broadcast to the web. The *Doing Business* website had over 800,000 page views and more than 54,000 downloads in the first two weeks after the report's launch.

Governments worldwide read the report with interest every year, and your contribution makes it possible to disseminate regulatory best practices that continue to inspire their reform efforts. In the past ten years the project recorded 149 reforms in 98 economies improving the protection of minority shareholders.

We are honored to be able to count on your expertise this year by completing the following:

- Please review the assumptions of the case study before updating last year's consolidated information in the questionnaire;
- Please describe any reform that has affected the rights of minority shareholders since June 1, 2014;
- Please update your contact information if necessary, so that we can mail you a complimentary copy of the report.

Sincerely,

Nadine Abi Chakra
Tel: +1 (202) 458-9096
Email: nabichakra@ifc.org

Hervé Kaddoura
Tel: +1 (202) 473-6738
Email: hkaddoura@worldbank.org

Tanya Santillan
Tel: +1 (202) 473-6369
Email: tsantillan@ifc.org

Primary Contributor Information: Please check the box next to information you **do not** want us to **publish**.

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Last year *Doing Business* contributors saved nearly half a million pieces of paper by selecting the paperless report option. We welcome you to join us in conserving resources:

Please e-mail me an electronic copy of the report and my certificate of appreciation, rather than mailing me a paper copy.

■ **Did any reform** (e.g. a new act, code, law, decree, order, supreme court decision, amendment, stock exchange listing rule) affecting the internal governance of corporations, the regulation of related-party transactions, disclosure obligations, liability of company executives or access to evidence in civil litigations enter into force **between June 1, 2014 and June 1, 2015**? If yes, please provide the information below.

Name of the legislation: SEC Memorandum Circular No. 11 and 18, Series of 2014

Date of adoption:

Date of entry into force: December 31, 2014

Link to electronic copy:

Description of the reform: Publicly-listed companies are required to post on their websites pertinent company information, among which are the following: Company Business or Corporate Profile, Board of Directors, Management Team and Executive Officers, Organizational Structure, Conglomerate Map, Shareholding Structure, Manual on Corporate Governance, Annual Corporate Governance Report, all SEC, PSE and other regulatory agency's filings and disclosures, Company's policies on Whistle-blowing, Insider Trading, Related Party Transactions and Investor Relations information.

I. GENERAL CORPORATE MATTERS

Buyer Co. ("**Buyer**") is a manufacturing company that has not adopted specific bylaws or articles of association that differ from default corporate law or securities regulations, and does not follow any code of corporate governance, model charter, or code of good practice, unless it is mandatory.

Buyer is assumed to be a publicly traded listed corporation or its functional equivalent under the economy's legislation. Examples include JSC, PLC, C Corp, SE, AG and SA.

For a subset of the questions, we also ask what the answer would be if Buyer were a private limited company or its functional equivalent. Examples include Ltd, LLC, SPE, GmbH, SRO and SARL.

1. Shareholder Rights

■ **Does the sale of 51% of Buyer's assets require approval of shareholders?**

	<i>Last year</i>	This year
If Buyer is a publicly traded listed corporation		Yes
If Buyer is a limited company		-Click to Select-

Applicable provisions: Section 40 and 76 of the Corporation Code

Comments (please specify the triggering percentage): Subject to the provisions of existing laws on illegal combinations and monopolies, a corporation may, by a majority vote of its board of directors or trustees, sell, lease, exchange, mortgage, pledge or otherwise dispose of all or substantially all of its property and assets, including its goodwill, upon such terms and conditions and for such consideration, which may be money, stocks, bonds or other instruments for the payment of money or other property or consideration, as its board of directors or trustees may deem expedient, when authorized by the vote of the stockholders representing at least two-thirds (2/3) of the outstanding capital stock. Written notice of the proposed action and of the time and place of the meeting shall be addressed to each stockholder or member at his place of residence as shown on the books of the corporation and deposited to the addressee in the post office with postage prepaid, or served personally: Provided, That any dissenting stockholder may exercise his appraisal right under the conditions provided in this Code.

A sale or other disposition shall be deemed to cover substantially all the corporate property and assets if thereby the corporation would be rendered incapable of continuing the business or accomplishing the purpose for which it was incorporated.

Should the sale constitute a merger or consolidation, Section 76 of the Corporation Code states that upon approval by majority vote of each of the board of directors or trustees of the constituent corporations of the plan of merger or consolidation, the same shall be submitted for approval by the stockholders or members of each of such corporations at separate corporate meetings duly called for the purpose. Notice of such meetings shall be given to all stockholders

or members of the respective corporations, at least two (2) weeks prior to the date of the meeting, either personally or by registered mail. Said notice shall state the purpose of the meeting and shall include a copy or a summary of the plan of merger or consolidation. The affirmative vote of stockholders representing at least two-thirds (2/3) of the outstanding capital stock of each corporation in the case of stock corporations or at least two-thirds (2/3) of the members in the case of non-stock corporations shall be necessary for the approval of such plan. Any dissenting stockholder in stock corporations may exercise his appraisal right in accordance with the Code: Provided, That if after the approval by the stockholders of such plan, the board of directors decides to abandon the plan, the appraisal right shall be extinguished.

Any amendment to the plan of merger or consolidation may be made, provided such amendment is approved by majority vote of the respective boards of directors or trustees of all the constituent corporations and ratified by the affirmative vote of stockholders representing at least two-thirds (2/3) of the outstanding capital stock or of two-thirds (2/3) of the members of each of the constituent corporations. Such plan, together with any amendment, shall be considered as the agreement of merger or consolidation.

■ **Can shareholders owning 10% of Buyer's share capital call for an extraordinary meeting of shareholders?**

If Buyer is a publicly traded listed corporation	No	Yes
If Buyer is a limited company		-Click to Select-

Applicable provisions: *Section 50 of the Corporation Code* SRC Rule20(11)(a)(vi), Article 6, last paragraph of the Revised Code of Corporate Governance

Comments (please specify the percentage needed): *Special meetings of stockholders or members shall be held at any time deemed necessary or as provided in the by-laws: Provided, however, That at least one (1) week written notice shall be sent to all stockholders or members, unless otherwise provided in the by-laws. Notice of any meeting may be waived, expressly or implicitly, by any stockholder or member. Whenever, for any cause, there is no person authorized to call a meeting, the Secretaries and Exchange Commission, upon petition of a stockholder or member on a showing of good cause therefor, may issue an order to the petitioning stockholder or member directing him to call a meeting of the corporation by giving proper notice required by this Code or by the by-laws. The petitioning stockholder or member shall preside thereat until at least a majority of the stockholders or members present have been chosen one of their number as presiding officer.*

SRC Rule 20(11)(a)(vi) states that the Commission en banc may, moto proprio, or upon the written request of any stockholder, direct the calling of an annual stockholders' meeting under its supervision, if the corporation fails or refuses to call said meeting for any justifiable reason.

The last paragraph of Article 6 of the Revised Code of Corporate Governance provides that although all stockholders should be treated equally or without discrimination, the Board should give minority stockholders the right to propose the holding of meetings and the items for discussion in the agenda that relate directly to the business of the corporation.

■ **Must Buyer obtain shareholder approval to issue unissued share up to its authorized share capital?**

If Buyer is a publicly traded listed corporation	Yes	No
If Buyer is a limited company		-Click to Select-

Applicable provisions: *Corporation Code* Sections 23, 36(6) and 60

Comments: *Section 38 of CC*

Under the Corporation Code, there is no specific provision if stockholders approval is required for the issuance of unissued shares of stock of a corporation. However, the law provides in part thus:

Section 23. The board of directors or trustees. - Unless otherwise provided in this Code, the corporate powers of all corporation formed under this Code shall be exercised, all business conducted and all property of such corporation controlled and held by the board of directors or trustees to be elected from among the holders of stocks, or where there is no stock, from among the members of the corporation, who shall hold office for one (1) year until their successors are elected and qualified.xxx

Section 36. Corporate powers and capacity. - Every corporation incorporated under this Code has the power and capacity:

xxx

6. In case of stock corporation, to issue or sell stocks to subscribers and to sell stocks to subscribers and to sell treasury stocks in accordance with the provisions of this Code; and to admit members to the corporation if it be a non-stock corporation;

Section 60. Subscription contract. - Any contract for the acquisition of unissued stock in an existing corporation or a corporation still to be formed shall be deemed a subscription within the meaning of this Title, notwithstanding the fact that the parties refer to it as a purchase or some other contract,

It can be deduced from the above-quoted provisions of law that the Board of Directors is the governing body of the corporation. Thus, in the absence of specific provision requiring stockholder approval, the Board of Directors of the corporation has the sole power to issue unissued shares of stocks anytime at their option.

Section 38 of the Corporation Code would apply to an increase in the authorized capital stock, in which case, stockholders approval is required.

■ **Are shareholders automatically granted subscription (preemption) rights on new shares?**

If Buyer is a publicly traded listed corporation	No	Yes
If Buyer is a limited company		-Click to Select-

Applicable provisions: Section 39 of the Corporation Code

Comments: *The pre-emptive right may be waived by the Articles of Incorporation (AOI) or an amendment thereto: Provided, That such pre-emptive right shall not extend to shares to be issued in compliance with laws requiring stock offerings or minimum stock ownership by the public; or to shares to be issued in good faith with the approval of the stockholders representing two-thirds (2/3) of the outstanding capital stock, in exchange for property needed for corporate purposes or in payment of a previously contracted debt.*

Section 39 of the Corporation Code provides that all stockholders of a stock corporation SHALL enjoy pre-emptive right to subscribe to all issues or disposition of shares of any class, in proportion to their respective shareholdings, UNLESS the right is DENIED by the articles of incorporation or an amendment thereto. This presupposes that the pre-emptive right is automatically granted to stockholders unless specifically denied in the articles of incorporation.

■ **Must shareholders approve the election and dismissal of the external auditor?**

If Buyer is a publicly traded listed corporation	No	Yes
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Applicable provisions: SRC Rule 68 - Special Accounting Rules

Comments: *No law/statute requires the shareholders to approve the election and dismissal of the external auditor. It is usually the bylaws of a company that provides that the shareholders shall appoint the external auditor. Article 5(B) of the Revised Code of Corporate Governance requires the board to "recommend to the shareholders an external auditor", which implies that it is the shareholders who appoint the external auditor. However, the Revised Code of Corporate Governance is not a law/statute, and it only serves as a framework of rules for covered companies (such as listed companies) in forming their own code of governance. Article 5(B) of the Revised Code of Corporate Governance is a mandatory provision, meaning that covered companies must adopt and comply with the same, otherwise they will be subject to the administrative sanctions provided under Article 11 of the Revised Code of Corporate Governance.*

■ **Must changes to the voting rights of a series or class of shares be approved only by the holders of the affected shares?**

If Buyer is a publicly traded listed corporation	No	No
If Buyer is a limited company		-Click to Select-

Applicable provisions: CC Section 6, 76-77, 81

Comments: Corporations may divide shares of stock into classes or series of shares, but in no case shall the holders of any of the shares be deprived of voting rights, except "preferred" and/or "redeemable" shares. In any case, there shall always be a class or series of shares with complete voting rights. Any change to the articles of incorporation of a corporation that has the effect of changing or restricting rights of any stockholder shall require the vote of stockholders representing at least two-thirds (2/3) outstanding capital stock.

■ **Are restrictions on trading of shares prior to a major corporate action or meeting of shareholders (shareblocking) disallowed?**

If Buyer is a publicly traded listed corporation | Yes | Yes

Applicable provisions: SRC Sections 24-27

Comments: Qualifications of insider trading, fraudulent acts and manipulation are included in the Philippine Securities Regulation Code as well as restrictions thereof.

■ **Must Buyer distribute profits or pay dividends within a set maximum time period from the declaration date?**

If Buyer is a publicly traded listed corporation | Yes
If Buyer is a limited company | -Click to Select-

Applicable provisions: SEC Amended Rules Governing Pre-emptive and other Subscription Rights and Declaration of Stock or Cash Dividends of Corporations Whose Securities are Registered Under the Revised Securities Act or Listed in the Stock Exchange; PSE Disclosure of Record and Payment Dates for Dividend Declaration

Comments (please specify the time period): For publicly traded listed corporations, the stock and cash dividends shall be remitted to the Philippine Central Depository (now Philippine Depository and Trust Corporation) for immediate distribution to its Participants no later than eighteen (18) trading days from record date, provided that in case of stock dividends, the credit of the stock dividend shall be on the Payment Date which in no case shall be later than the stock dividends listing date.

2. Ownership and Control

■ **Is the CEO barred from also serving as chair of the board of directors?**

Answer yes if the majority of companies follow a 2-tier board structure.

If Buyer is a publicly traded listed corporation | Yes | No
If Buyer is a limited company | -Click to Select-

Applicable provisions: Revised Code of CG Article 3, C) and CC Section 25

Comments: While permitted for listed companies, it is encouraged that the CEO and the Chairman positions be separately held. A clear delineation of the functions of CEO and Chairman should be made and if the positions are unified, the proper checks and balances should be laid down.

■ **Must the board of directors (or supervisory board) include independent and non-executive board members?**

- Independent board members are defined as not owning shares in the company, and otherwise not having any material or pecuniary relationship with the company directly or indirectly through related persons, except for sitting fees.

- Non-executive board members are defined as not being employees of the company or affiliated with it in any way whether directly or indirectly, and more generally not being involved in its day-to-day activities.

If Buyer is a publicly traded listed corporation | Yes | Yes

Applicable provisions: Revised Code of CG Article 3, A) Section 38 of the Securities Regulation Code and Rule 38 of its Implementing Rules and Regulations

Comments (please specify the number or percentage): There is a minimum of two (2) or twenty percent (20%) which ever is less, but in no case less than two (2), independent directors in the board. The minimum number of independent directors, by definition, also represents the minimum number of non-executive directors. Philippine laws do not classify directors between executive or non-executive.

■ **Can shareholders remove members of the board of directors before the end of their term? (members of the supervisory board in a 2-tier structure)**

If Buyer is a publicly traded listed corporation	Yes	Yes
If Buyer is a private limited company		-Click to Select-

Applicable provisions: *Section 28 of the Corporation Code*

Comments (please specify if a showing of cause or good reason to dismiss is required, or if terms are limited to 1 year): *Any director or trustee of a corporation may be removed from office by a vote of the stockholders holding or representing at least two-thirds (2/3) of the outstanding capital stock, or if the corporation be a non-stock corporation, by a vote of at least two-thirds (2/3) of the members entitled to vote: Provided, That such removal shall take place either at a regular meeting of the corporation or at a special meeting called for the purpose, and in either case, after previous notice to stockholders or members of the corporation of the intention to propose such removal at the meeting. A special meeting of the stockholders or members of a corporation for the purpose of removal of directors or trustees, or any of them, must be called by the secretary on order of the president or on the written demand of the stockholders representing or holding at least a majority of the outstanding capital stock, or, if it be a non-stock corporation, on the written demand of a majority of the members entitled to vote removal without cause may not be used to deprive minority stockholders or members of the right of representation to which they may be entitled under Section 24 of this Code.*

■ Must Buyer have a separate audit committee?

An audit committee is defined as a subcommittee of the board of directors, composed exclusively of board members.

If Buyer is a publicly traded listed corporation	No	Yes
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Applicable provisions: *Corporation Code; Article 3(K)(i) of the Revised Code of Corporate Governance*

Comments (please specify if it must include independent directors and if it must be chaired by an independent director): *Under Article F(2)(i) the Revised Corporate Code of Governance, the Board of Directors duties and functions include constituting an Audit Committee and such other committees it deems necessary to assist the Board in the performance of its duties and responsibilities. The Audit Committee is mandatory under the Revised Code of Corporate Governance. It shall consist of at least three (3) director, one of whom shall be an independent director. The Chair of the Audit Committee should also be an independent director.*

■ Is there a percentage of acquired shares which triggers a mandatory bid rule, requiring a potential acquirer to make a tender offer to all remaining shareholders?

If Buyer is a publicly traded listed corporation	Yes	Yes
If Buyer is a limited company		-Click to Select-

Applicable provisions: *Section 19 of the Securities Regulation Code (SRC)* SRC Rule 19

Comments (please specify the triggering percentage): Mandatory tender offer is required in the following instances:

A. Any person or group of persons acting in concert, who intends to acquire thirty five percent (35%) or more of equity shares in a public company shall disclose such intention and contemporaneously make a tender offer for the percent sought to all holders of such class, subject to paragraph (9)(E) of this Rule.

In the event that the tender offer is oversubscribed, the aggregate amount of securities to be acquired at the close of such tender offer shall be proportionately distributed across both selling shareholder with whom the acquirer may have been in private negotiations and minority shareholders.

B. Any person or group of persons acting in concert, who intends to acquire thirty five percent (35%)¹ or more of equity shares in a public company in one or more transactions within a period of twelve (12) months, shall be required to make a tender offer to all holders of such class for the number of shares so acquired within the said period.

C. If any acquisition of even less than thirty five percent (35%) would result in ownership of over fifty one percent (51%) of the total outstanding equity securities of a public company, the acquirer shall be required to make a tender offer under this Rule for all the outstanding equity securities to all remaining stockholders of the said company at a price supported by a fairness opinion provided by an independent financial advisor or equivalent third party. The acquirer in such a tender offer shall be required to accept any and all securities thus tendered.

D. In any transaction covered by this Rule, the sale of the shares pursuant to the private transaction shall not be completed prior to the closing and completion of the tender offer. Transactions with any of the seller/s of significant blocks of shares with whom the acquirers may have been in private negotiations shall close at the same time and upon

the same terms as the tender offer made to the public under this Rule. For paragraph (2)(B), the last sale meeting the threshold shall not be consummated until the closing and completion of the tender offer.

■ **Is cross-shareholding between two independent companies limited to 10% of outstanding shares?**

Assume Buyer owns 11% of another incorporated entity. Is that entity restricted from later purchasing 11% of Buyer's shares?

If Buyer is a publicly traded listed corporation | No | No

Applicable provisions: Sections 36(7) and 42 of the Corporation Code

Comments: Sec. 36. Corporate powers and capacity. - Every corporation incorporated under this Code has the power and capacity:

xxx

7. To purchase, receive, take or grant, hold, convey, sell, lease, pledge, mortgage and otherwise deal with such real and personal property, including securities and bonds of other corporations, as the transaction of the lawful business of the corporation may reasonably and necessarily require, subject to the limitations prescribed by law and the Constitution;

xxx

Sec. 42. Power to invest corporate funds in another corporation or business or for any other purpose. - Subject to the provisions of this Code, a private corporation may invest its funds in any other corporation or business or for any purpose other than the primary purpose for which it was organized when approved by a majority of the board of directors or trustees and ratified by the stockholders representing at least two-thirds (2/3) of the outstanding capital stock, or by at least two thirds (2/3) of the members in the case of non-stock corporations, at a stockholders' or members' meeting duly called for the purpose. Written notice of the proposed investment and the time and place of the meeting shall be addressed to each stockholder or member at his place of residence as shown on the books of the corporation and deposited to the addressee in the post office with postage prepaid, or served personally: Provided, That any dissenting stockholder shall have appraisal right as provided in this Code: Provided, however, That where the investment by the corporation is reasonably necessary to accomplish its primary purpose as stated in the articles of incorporation, the approval of the stockholders or members shall not be necessary.

■ **Is a subsidiary barred from acquiring shares issued by its parent company?**

Assume Buyer owns more than 50% of another separate incorporated entity. Is that entity restricted from becoming the record owner of Buyer's shares?

If Buyer is a publicly traded listed corporation | Yes | No

Applicable provisions: Section 42 of the Corporation Code

Comments: *There is no Philippine law restricting the acquisition of parent company shares by its subsidiary.*

Sec. 42. Power to invest corporate funds in another corporation or business or for any other purpose. - Subject to the provisions of this Code, a private corporation may invest its funds in any other corporation or business or for any purpose other than the primary purpose for which it was organized when approved by a majority of the board of directors or trustees and ratified by the stockholders representing at least two-thirds (2/3) of the outstanding capital stock, or by at least two thirds (2/3) of the members in the case of non-stock corporations, at a stockholders' or members' meeting duly called for the purpose. Written notice of the proposed investment and the time and place of the meeting shall be addressed to each stockholder or member at his place of residence as shown on the books of the corporation and deposited to the addressee in the post office with postage prepaid, or served personally: Provided, That any dissenting stockholder shall have appraisal right as provided in this Code: Provided, however, That where the investment by the corporation is reasonably necessary to accomplish its primary purpose as stated in the articles of incorporation, the approval of the stockholders or members shall not be necessary.

3. Corporate Transparency

■ **Can shareholders who hold 5% of Buyer's share capital put items on the general meeting agenda?**

If Buyer is a publicly traded listed corporation | Yes
If Buyer is a limited company | -Click to Select-

Applicable provisions: last paragraph of Article 6(B) of the Revised Code of Corporate Governance

Comments (please specify the percentage needed): The Board should give minority stockholders the right to propose the holding of meetings and the items for discussion in the agenda that relate directly to the business of the corporation.

■ **Must the notice of shareholder meeting be published 30 days in advance and contain sufficient information?**

Sufficient information is defined as clearly stating the matter which is to be brought before the meeting for resolution, and all of the following: i) reference information required regarding any external acts; ii) location, day and time of the meeting; iii) the type of meeting, whether general or extraordinary; iv) requirements relating to participation and exercise of voting rights; v) meeting's agenda; vi) description of the way in which postal voting is processed including the address, physical or electronic, safety measures, the deadline for receiving the voting ballots and the date for their count.

If Buyer is a publicly traded listed corporation

If Buyer is a limited company

-Click to Select-

-Click to Select-

Applicable provisions: Sections 47 (2,3,4 &6), 50 and 51 of the Corporation Code; Rule 20 of the SRC

Comments (please specify the notice period):

Sec. 47. Contents of by-laws. - Subject to the provisions of the Constitution, this Code, other special laws, and the articles of incorporation, a private corporation may provide in its by-laws for:

xxx

2. The time and manner of calling and conducting regular or special meetings of the stockholders or members;

3. The required quorum in meetings of stockholders or members and the manner of voting therein;

4. The form for proxies of stockholders and members and the manner of voting them;

xxx

6. The time for holding the annual election of directors of trustees and the mode or manner of giving notice thereof;

Sec. 50. Regular and special meetings of stockholders or members. - Regular meetings of stockholders or members shall be held annually on a date fixed in the by-laws, or if not so fixed, on any date in April of every year as determined by the board of directors or trustees: Provided, That written notice of regular meetings shall be sent to all stockholders or members of record at least two (2) weeks prior to the meeting, unless a different period is required by the by-laws.

Special meetings of stockholders or members shall be held at any time deemed necessary or as provided in the by-laws: Provided, however, That at least one (1) week written notice shall be sent to all stockholders or members, unless otherwise provided in the by-laws.

Notice of any meeting may be waived, expressly or impliedly, by any stockholder or member.

Whenever, for any cause, there is no person authorized to call a meeting, the Securities and Exchange Commission, upon petition of a stockholder or member on a showing of good cause therefor, may issue an order to the petitioning stockholder or member directing him to call a meeting of the corporation by giving proper notice required by this Code or by the by-laws. The petitioning stockholder or member shall preside thereat until at least a majority of the stockholders or members present have been chosen one of their number as presiding officer.

Sec. 51. Place and time of meetings of stockholders or members. - Stockholders' or members' meetings, whether regular or special, shall be held in the city or municipality where the principal office of the corporation is located, and if practicable in the principal office of the corporation: Provided, That Metro Manila shall, for purposes of this section, be considered a city or municipality.

Notice of meetings shall be in writing, and the time and place thereof stated therein.

All proceedings had and any business transacted at any meeting of the stockholders or members, if within the powers or authority of the corporation, shall be valid even if the meeting be improperly held or called, provided all the stockholders or members of the corporation are present or duly represented at the meeting.

STATEMENT OF THE PURPOSE OF THE MEETING (Corporation Code)

1. Election of Directors (see Sec. 24, last sentence);

2. Removal of Directors (Sec. 28);

3. Filling of vacancies in the office of the director (Sec. 29, par. 2);

4. Ratification of contract of the corporation with a director (Sec. 32, par. 2);

5. Extension or reduction of corporate term (Sec. 37);
6. Increase or decrease of capital stock (Sec. 38, par. 1);
7. Creation or increase of bonded indebtedness (Sec. 38, par. 1);
8. Sale or other disposition of all or substantially all of the corporate assets (Sec. 40, par. 1);
9. Investment of corporate funds in another corporation or business or for any other purpose (Sec. 42);
10. Declaration of Dividends (Sec. 43);
11. Entering into a management contract with another corporation (Sec. 44);
12. Amendment to, or repeal of, any by-laws or adoption of new by-laws (Sec. 48, par. 1);
13. Fixing the issued price of no par value shares (Sec. 62, last par.);
14. Plan of merger or consolidation (Sec. 77, par. 1);
15. Amendment of the articles of incorporation in a close corporation (Sec. 103);
16. Voluntary dissolution of the corporation where no creditors are affected (Sec. 118);
17. Voluntary dissolution of the corporation where creditors are affected (Sec. 119); and
18. Dissolution by shortening corporate term (Sec. 120).

Rule 20(3)(C)(iv) states that the information statement, proxy form and management report shall be distributed to security holders at least fifteen (15) business days from the date of the stockholders' meeting.

■ **Must Buyer disclose ultimate beneficial ownership stakes (i.e. direct and/or indirect) representing 5%?**

Including disclosure whenever an existing shareholder has now reached 5% through the purchase of additional shares.

If Buyer is a publicly traded listed corporation	Yes	Yes
--	-----	-----

Applicable provisions: SRC Sections 17 and 18 SRC Rule 17 and 18

Comments: *The Philippine Securities Regulation Code provides for reportorial requirements and procedures thereof of any person who acquires five percent (5%) or in excess of such percentage as prescribed by the Securities and Exchange Commission.*

■ **Must information on other activities and directorships held by board members as well as on their primary employment be disclosed?**

If Buyer is a publicly traded listed corporation	Yes	Yes
--	-----	-----

Applicable provisions: Annual Corporate Governance Report, SRC Section 17, CC Section 141

Comments: *These are subject to the reportorial requirements as indicated in the Annual Corporate Governance Report (ACGR) of the Securities and Exchange Commission for publicly-listed companies. Part A(1)(d) of the ACGR requires disclosure of the other directorships of the company's directors. Any other material information shall be reported in SEC Form 17-A or 17-C.*

■ **Must the compensation of individual directors and high-ranking officers be disclosed, including bonuses and incentive schemes? (or members of the supervisory board and the management board)**

If Buyer is a publicly traded listed corporation	No	Yes
--	----	-----

Applicable provisions: SEC Memorandum Circular No. 5, series of 2013, Annual Corporate Governance Report

Comments: *For listed companies, the TOP 4 highest paid management officers remuneration are required to disclose (as a group) under SEC Memorandum Circular No. 5, series of 2013, Annual Corporate Governance Report. Part D of the ACGR requires disclosure of remuneration matters.*

■ **Must annual financial statements be audited by an external auditor?**

If Buyer is a publicly traded listed corporation	Yes	Yes
If Buyer is a limited company		-Click to Select-

Applicable provisions: Section 141 of the Corporation Code

Comments: *SRC Rule 68, as amended Rules and Regulations covering Form and Content of Financial Statements Rule 68 provides that the SEC will not accept financial statements required to be audited unless such financial statements are*

accompanied by auditors report issued by an independent auditor. - This applies even if the company were not listed.
This applies to all registered corporation in the Securities and Exchange Commission.

■ **Must audit reports be disclosed to the public?**

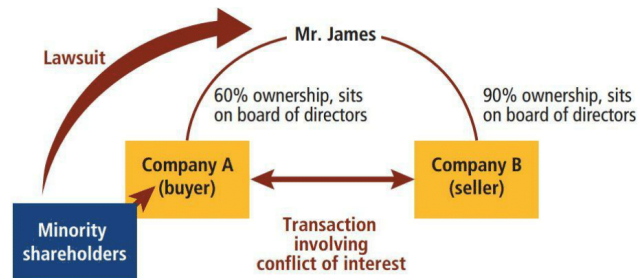
If Buyer is a publicly traded listed corporation | Yes | Yes

Applicable provisions: *Section 141 of the Corporation Code* Section 17 of the Securities Regulation Code and SRC Rule 17

Comments: *Section 141 of the Corporation Code requires all companies to file their audited financial statements with the SEC. Once filed with the SEC, audited financial statements are accessible by the public. Under the Revised Disclosure Rules of the Philippine Stock Exchange, listed companies are also required to submit their audited financial statements with the Philippine Stock Exchange. Once submitted to the Exchange, the same are accessible by the public. Section 17 and Rule 17-A also requires submission of an Annual Report, which includes the audited financial statements, to the Commission.*

II. CONFLICT OF INTEREST CASE STUDY

- Our manufacturing company Buyer is not state-owned and has issued stock that is publicly traded and is **listed on your country's largest stock exchange**. If there is no stock exchange in your country, or if there are fewer than 10 firms actively traded on your country's stock exchange, please assume that Buyer is a privately held joint-stock company with a large number of shareholders.
- Buyer **does not follow any code of corporate governance**, model charter, or code of good practice, unless it is mandatory (i.e. unless its non-observance results in sanctions from the stock exchange regulator or creates a cause of action for shareholders in civil jurisdictions).
- **Mr. James owns 60% of Buyer. He sits on the 5-member board of directors** together with 2 other directors whom he elected. Please note that Mr. James is not the CEO.
- If your country requires a supervisory board that is appointed at least in part by shareholders, assume that Mr. James has elected 60% of the shareholder-elected members of the supervisory board. Assume also that the 5-member board of directors then includes Mr. James himself as well as 2 other members who were designated or proposed by Mr. James's members on the supervisory board.
- **Mr. James also owns 90% of Seller Co.** ("Seller"), which operates a chain of retail stores. Seller is facing financial problems and recently shut a large number of its stores. As a result, many of its trucks are not being used.
- **Mr. James proposes to Buyer** that Buyer purchase Seller's unused fleet of trucks to expand Buyer's distribution of its products. Buyer agrees and enters into the transaction.
- **All required approvals are obtained and all mandatory disclosures are made.** Under the final terms of the transaction, Buyer pays Seller a cash amount equal to **10% of Buyer's assets** to acquire the trucks. If Mr. James can lawfully vote on the transaction as a member of Buyer's board of directors or as a shareholder please assume he is the deciding vote in favor of the transaction.
- Assume that the transaction is part of Buyer's **ordinary course of business** and is **not ultra vires** (i.e. is not outside the power or authority of Buyer).
- **The price of the trucks is above market value and the transaction causes damages to Buyer.** Minority shareholders of Buyer sue Mr. James and the parties who approved the transaction.



1. Approval and Disclosure

■ **Who must provide the final approval to authorize Buyer's acquisition of Seller's trucks?** *The CEO or managing director alone.*

The board of directors including Mr. James.

Applicable provisions: *Section 23 and 25 of the Corporation Code (CC)* Section 32 and 33 of the Corporation Code

Sec. 32. Dealings of directors, trustees or officers with the corporation. - A contract of the corporation with one or more of its directors or trustees or officers is voidable, at the option of such corporation, unless all the following conditions are present:

1. That the presence of such director or trustee in the board meeting in which the contract was approved was not necessary to constitute a quorum for such meeting;
2. That the vote of such director or trustee was not necessary for the approval of the contract;
3. That the contract is fair and reasonable under the circumstances; and
4. That in case of an officer, the contract has been previously authorized by the board of directors.

Where any of the first two conditions set forth in the preceding paragraph is absent, in the case of a contract with a director or trustee, such contract may be ratified by the vote of the stockholders representing at least two-thirds (2/3) of the outstanding capital stock or of at least two-thirds (2/3) of the members in a meeting called for the purpose: Provided, That full disclosure of the adverse interest of the directors or trustees involved is made at such meeting: Provided, however, That the contract is fair and reasonable under the circumstances.

Sec. 33. Contracts between corporations with interlocking directors. - Except in cases of fraud, and provided the contract is fair and reasonable under the circumstances, a contract between two or more corporations having interlocking directors shall not be invalidated on that ground alone: Provided, That if the interest of the interlocking director in one corporation is substantial and his interest in the other corporation or corporations is merely nominal, he shall be subject to the provisions of the preceding section insofar as the latter corporation or corporations are concerned.

Stockholdings exceeding twenty (20%) percent of the outstanding capital stock shall be considered substantial for purposes of interlocking directors.

■ **Must an independent body, external to the company, review the transaction prior to its execution (e.g. external auditor, outside financial advisor, stock exchange or regulator)?**

If yes, what is its name? No

Applicable provisions: *Section 33 of the CC* Part K(3) of the Annual Corporate Governance Report asks the company to name the independent party the board of directors appointed to evaluate the fairness of the transaction price.

■ **What information about the Buyer-Seller transaction must Mr. James disclose to the board of directors before the transaction is concluded?** *None.*

-Click to Select-

Applicable provisions: *Section 32 of the CC* Article 3(G) of the Revised Code of Corporate Governance states that a director should conduct fair business transactions with the corporation and ensure that his personal interest does not conflict with the interests of the corporation. The basic principle to be observed is that a director should not use his position to profit or gain some benefit or advantage for himself and/or his related interests. He should avoid situations that may compromise his impartiality. If an actual or potential conflict of interest may arise on the part of a director, he should fully and immediately disclose it and should not participate in the decision-making process.

■ Which information about the Buyer-Seller transaction must be disclosed by Buyer (i) to the public, the regulator or the stock exchange immediately (within 72 hours of closing the transaction), and (ii) in its annual financial statement?

	A description of the assets purchased by Buyer	The nature and amount of consideration paid by Buyer to Seller	Mr. James' ownership interest and/or director position in Buyer	The fact that Mr. James owns 90% of Seller	Applicable provisions
Within 72 hours to the public	No -Click to Sele	No -Click to Select-	No -Click to Select-	No -Click to S	<i>Article 8 of the Revised Code of Corporate Governance ("RCCG") Section 4.1 of PSE Disclosure Rules Disclosure of Material Information In addition to the reportorial requirements under the Securities Regulation Code, Issuers are hereby required to disclose to the Exchange once they become aware of any material information or corporate act, development or event, within ten (10) minutes from receipt of such information or the happening or occurrence of said act, development or event. Disclosure must be made to the Exchange prior to its release to the news media</i>
In the annual financial statement	Yes -Click to Sele	Yes -Click to Select-	Yes -Click to Select-	Yes -Click to S	<i>Section 141 of the CC; Rule 17.1.1.A.i, Rules Implementing the Securities Regulation Code SRC Rule 68</i>

2. Shareholder Action

■ Can a shareholder (or a group of shareholders) representing 10% of Buyer's shares sue Mr. James for harm caused to Buyer by the transaction? *Yes, derivatively.*

-Click to Select-

Applicable provisions: *Section 31 of the CC*

■ What is the lowest degree of wrongdoing or least demanding cause of action that would be sufficient for shareholders to hold Mr. James liable for the damage that the Buyer-Seller transaction causes to the company? *That Mr. James was grossly negligent, committed fraud, or acted in bad faith.*

-Click to Select-

Applicable provisions: *Section 31 of the CC*

■ What is the lowest degree of wrongdoing or least demanding cause of action that would be sufficient for shareholders to hold the rest of the board of directors liable for the damage that the Buyer-Seller transaction causes to the company? *That they were grossly negligent, committed fraud, or acted in bad faith.*

-Click to Select-

Applicable provisions: *Section 31 of the CC*

■ **If shareholders are successful in their action(s) against Mr. James, what remedies are available?**

	<i>Last year</i>	This year
Mr. James pays damages:	Yes	Yes
Mr. James repays personal profits made from the transaction:	Yes	Yes

Applicable provisions: Section 31 of the Corporation Code

■ **Assuming no fraud was committed and that Mr. James complied with all disclosure and approval mechanisms required by law, will Mr. James be fined, sentenced to jail or disqualified (forbidden by court order from becoming involved in the management of any company for at least 1 year)?**

Mr. James pays punitive fines to the government:	<i>No</i>	-Click to Select-
Mr. James is put in jail:	<i>No</i>	-Click to Select-
Mr. James is disqualified:		-Click to Select-

Applicable provisions: Since no fraud was committed and Mr. James complied with all disclosure and approval mechanism, there is no basis for a fine, jail term or disqualification.

■ **Can Buyer's shareholders undo or rescind the transaction?** *The court will not override the business judgment of the board of directors of a company unless it was proven that such board acted maliciously or arbitrarily. The CC is silent regarding the possibility of rescission of a transaction by a court in the event of a successful claim by a shareholder plaintiff on the basis that the terms of the transaction caused economic loss to the company or that the management of the company was negligent in concluding said transaction* Section 32 of the Corporation Code provides that a contract of the corporation with one or more of its directors or trustees or officers is voidable, at the option of such corporation.

Applicable provisions: *San Miguel v. Kahn 176 SCRA 447 (1989) Civil Code Art. 2198 CC Sec 31 Rules of Court Rule 133 Sec 1* Section 32 of the Corporation Code

Sec. 32. Dealings of directors, trustees or officers with the corporation. - A contract of the corporation with one or more of its directors or trustees or officers is voidable, at the option of such corporation, unless all the following conditions are present:

1. That the presence of such director or trustee in the board meeting in which the contract was approved was not necessary to constitute a quorum for such meeting;
2. That the vote of such director or trustee was not necessary for the approval of the contract;
3. That the contract is fair and reasonable under the circumstances; and
4. That in case of an officer, the contract has been previously authorized by the board of directors.

Where any of the first two conditions set forth in the preceding paragraph is absent, in the case of a contract with a director or trustee, such contract may be ratified by the vote of the stockholders representing at least two-thirds (2/3) of the outstanding capital stock or of at least two-thirds (2/3) of the members in a meeting called for the purpose: Provided, That full disclosure of the adverse interest of the directors or trustees involved is made at such meeting: Provided, however, That the contract is fair and reasonable under the circumstances.

■ **What is the standard of proof or level of certainty that courts must reach in order to hold defendants liable in a civil action brought by shareholders** (e.g., beyond a reasonable doubt, clear and convincing evidence, intimate conviction, preponderance of the evidence, balance of probabilities):

For a civil claim? *Preponderance of evidence*

For a criminal claim? *Beyond reasonable doubt.*

Applicable provisions:

3. Access to Evidence

■ **Before filing a suit, can shareholders (or a group of shareholders) owning 10% of Buyer's shares access internal company documents in connection with Buyer's acquisition of the trucks, such as minutes of board meetings, contracts or purchase agreements? Yes, both directly and through an inspector.**

-Click to Select-

Applicable provisions: *Section 74 of the CC*

■ **In a civil trial, what is the scope of information that the plaintiff can ask the judge to compel?**

From the defendant: *Any information that is relevant to the subject matter of the claim.*

-Click to Select-

■ **From an uncooperative witness:** *Any information that is relevant to the subject matter of the claim.*

-Click to Select-

Applicable provisions: *Rule 27 of the Rules of Court*

■ **How specific must the plaintiff's request to the judge be to compel evidence from a defendant or witness in a civil trial? The request must specifically identify the documents sought (i.e. list the title, author, date and contents).**

-Click to Select-

Applicable provisions: *Rule 27 of the Rules of Court.*

■ **Which statements best describe the process of questioning defendants and witnesses in civil trials?**

The defendant: *Plaintiff or plaintiff's lawyer performs the examination without prior approval by the court of the questions posed.*

-Click to Select-

Witnesses: *Plaintiff or plaintiff's lawyer performs the examination without prior approval by the court of the questions posed.*

-Click to Select-

Applicable provisions: *Rule 132 of the Rules of Court*

■ **Regardless of the outcome of a civil action brought by shareholders against their company's directors, and provided that it was decided on the merits, must the company or the defendant director reimburse all of plaintiff's legal expenses? The court decides the allocation of legal expenses at its sole discretion.**

-Click to Select-

■ **Are contingent or conditional fees allowed (i.e., plaintiff pays attorney's fees only if damages are awarded from a settlement or favorable verdict in a civil suit)?**

-Click to Select-

Applicable provisions: *Article 2208 of the Civil Code*

Comments: *It must be noted that the shareholders and its counsel may enter into a contract for the payment of legal fees. In which case, the applicable provisions of the Civil Code will apply. - Further, Article 2208 of the Civil Code enumerates the circumstances when the award of attorneys fees may be justified in the concept of damages. It must be noted that the Supreme Court stated, in the case of Philippine National Construction Corporation v. APAC Marketing Corporation, G.R. No. 190957 (2013), that the general rule is that attorneys fees cannot be recovered as part of damages because of the policy that no premium should be placed on the right to litigate. They are not to be awarded every time a party wins a suit. The power of the court to award attorneys fees under Article 2208 demands factual, legal, and equitable justification. Even when a claimant is compelled to litigate with third persons or to incur expenses to protect his rights, still attorneys fees may not be awarded where no sufficient showing of bad faith could be reflected in a party's*

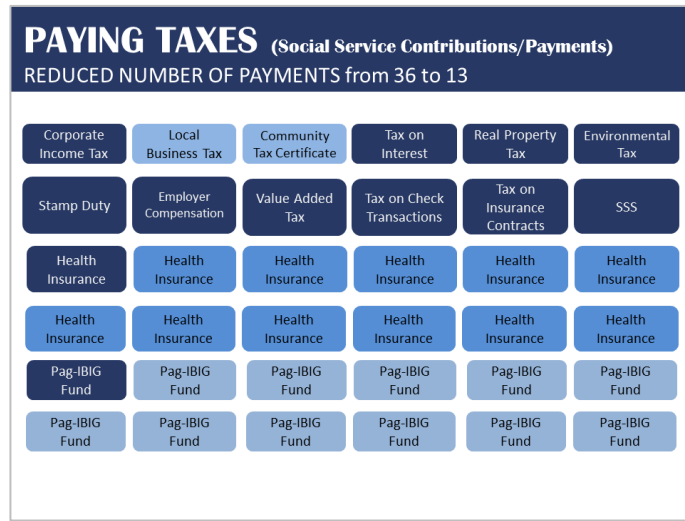
persistence in a case other than an erroneous conviction of the righteousness of his cause. In other words, attorneys fees are not automatically awarded to the winning shareholder.

Thank you for completing the Protecting Minority Investors questionnaire. Kindly email it back to protectinginvestors@worldbank.org

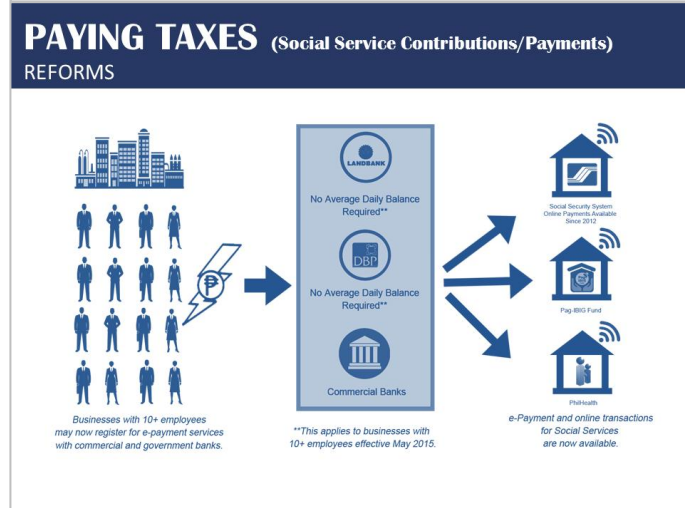
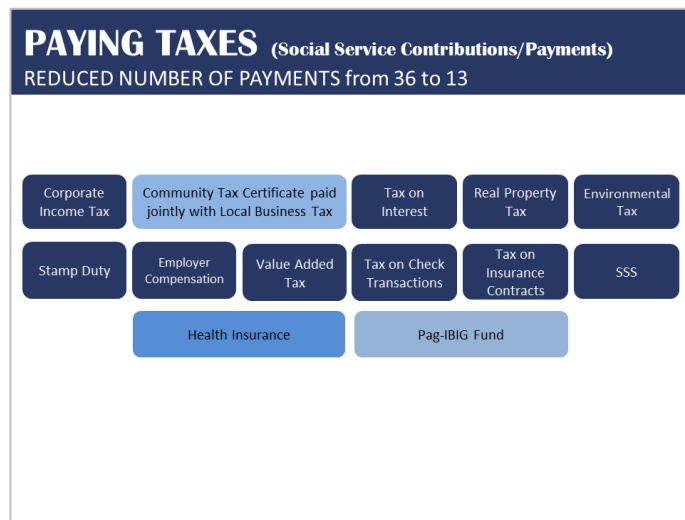
PAYING TAXES

PAYING TAXES

OLD PROCEDURES



NEW PROCEDURES



PAYING TAXES – 3 REFORMS

- Reforms to reduce steps and days for Paying Taxes were also institutionalized and implemented this year. E-government initiatives including online payments to government financial institutions, such as Land Bank of the Philippines and Development Bank of the Philippines, offer accessible and convenient online transactions for payroll-related payments to the Philippine Health Insurance System (or Philhealth) and the Home Development Mutual Fund (or the Pag-IBIG Fund). The E-payment system allows business employers to open corporate accounts with "No Average Daily Balance", enabling employers to pay annually, thus reducing the number of payments from 36 to 13 annually.

REFORMS:

1. The Home Development Mutual Fund (or the Pag-IBIG Fund) signed a Memorandum of Agreement with the Landbank of the Philippines (LBP) and Development Bank of the Philippines (DBP) to implement an electronic payment system that allows business employers to open corporate accounts with 'No Average Daily Balance', thus reducing the number of payments to HDMF from 12 to 1.
2. Like the Pag-IBIG Fund, the Philippine Health Insurance System (or PhilHealth) signed a Memorandum of Agreement with the Landbank of the Philippines (LBP) and Development Bank of the Philippines (DBP) to implement an electronic payment system that allows business employers to open corporate accounts with 'No Average Daily Balance'. Moreover, PhilHealth required all employers in government and private sector to pay premium contributions at accredited collecting agents or through e-Payment facilities and adopt e-Premium Reporting System (e-PRS) in reporting premium payments. To date, a total of 2,103 out of 2,685 e-Pay users were registered in the period of January to April 2015 or 78% from 79% of users in the previous year.
3. The Local Government of Quezon City also maintained that the annual community tax is not a separate payment but is paid together with the local business tax at the Business Permits and Licensing Office (BPLO), thus considered as one payment only.

PAYING TAXES REFORM REFERENCES

Issuance of certification for mandatory use of online platforms



HOME DEVELOPMENT MUTUAL FUND

Office of the Board of Trustees


CERTIFICATION

May 27, 2015

TO WHOM IT MAY CONCERN:

This is to certify that during the 308th Regular Board Meeting of the Board of Trustees on May 26, 2015 at the HDMF Board Room, 43rd Floor, Petron Mega Plaza Bldg., 358 Sen. Gil Puyat Ave., Makati City, the Board approved, among others, the **HDMF Circular on the mandatory enrollment to and remittance through accredited electronic payment and collection facilities for all member-employers from the government and private sector.**

Subject to the approval of the Minutes of the 308th Regular Board Meeting.


ATTY. ILDRIAN JOSEPH T. ASERON
Vice President
Corporate Secretary & Head of Compliance

CORPORATE HEADQUARTERS
44th Floor, Petron Mega Plaza, Sen. Gil J. Puyat Avenue, Makati City, Philippines
Tel. Nos. (632) 8848088, (632) 8892422, Fax No. (632) 8848085
P.O. Box 2382 MCPO

Approved Signed MOA of LBP and Pag-IBIG

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

HOME DEVELOPMENT MUTUAL FUND, a government financial institution duly organized and existing by virtue of R.A. No. 9679, with principal address at 358 Petron Mega Plaza, Sen. Gil Puyat Ave., Makati City, duly represented herein by its Chief Executive Officer, **ATTY. DARLENE MARIE B. BERBERABE**, hereinafter referred to as "**Pag-IBIG Fund**",

and

LAND BANK OF THE PHILIPPINES, a government financial institution duly created and existing under and by virtue of R.A. No. 3844, as amended with principal office at the Land Bank Plaza 1598 M.H. Del Pilar Street, Malate, Manila, Philippines, represented herein by its President and Chief Executive Officer, **GILDA E. PICO**, hereinafter referred to as "**LANDBANK**";

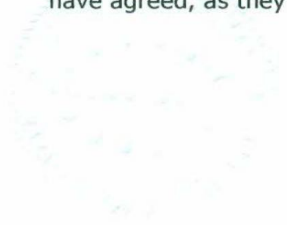
WITNESSETH: That

WHEREAS, Republic Act No. 8792, otherwise known as E-Commerce Act of 2000 and its implementing rules mandate all government-owned and -controlled corporations to provide a method and manner of payment or settlement of fees and other obligations to the government through systems using electronic data messages or electronic documents;

WHEREAS, in order to provide a more efficient and convenient payment channel to **Pag-IBIG Fund**'s registered employers, **Pag-IBIG Fund** has decided to adopt and implement an electronic and web-based collection platform, such as, herein "**LANDBANK Electronic Collection Facility**";

WHEREAS, **LANDBANK** has agreed to provide **Pag-IBIG Fund** a web-based collection solution which will enable **Pag-IBIG Fund** to accept payments with the corresponding data files from the employers and **LANDBANK** shall likewise provide reports necessary for **Pag-IBIG Fund** to efficiently monitor payments made under the system.

NOW THEREFORE, for and in consideration of foregoing premises and the mutual covenants and conditions hereinafter set forth, the parties hereto have agreed, as they hereby agree, as follows:



**ARTICLE I
OBJECTIVE**

This Agreement has been entered into by the Parties with the primary purpose and objective of providing **Pag-IBIG Fund** and its registered employers an electronic online payment and collection facility developed by **LANDBANK**.

The Parties shall provide a web-based solution for internet originated payments and collections supported by all necessary facilities for the effective and efficient management and handling of the collection of **Pag-IBIG Fund** contributions and loan amortizations due from registered employers and member-borrowers.

**ARTICLE II
COMMITMENTS AND UNDERTAKINGS**

In order to attain the objectives of this Agreement, each Party hereby commits itself as follows:

Pag-IBIG Fund shall:

1. Inform its registered employers that they may open a Current /Savings Account with no Average Daily Balance (ADB) requirement with **LANDBANK** where their remittances for **Pag-IBIG Fund** shall be debited;
2. Inform all its registered employers that they may utilize the **LANDBANK Electronic Collection Facility** for the remittance of contributions and loan amortizations due to **Pag-IBIG Fund**;
3. Provide **LANDBANK** with all the necessary data and information, as well as other pertinent technical requirements, specifications, procedures and facilities for the installation and development of the **LANDBANK Electronic Collection Facility**;
4. Open and maintain a Deposit Account with **LANDBANK** in order to implement the objectives of this Agreement; and
5. Accept and post all transactions and/or payments sent by **LANDBANK** in accordance with the terms and conditions set herein.

LANDBANK shall:

1. Handle the opening of Current/Savings Accounts with no ADB requirement for **Pag-IBIG Fund**-registered employers where remittances for **Pag-IBIG Fund** shall be debited;

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2. Provide **Pag-IBIG Fund** with the **LANDBANK Electronic Collection Facility** which shall allow **Pag-IBIG Fund** to accept remittances of contributions and loan amortizations from registered employers electronically;
3. Secure all the necessary approvals, permits and clearances for the implementation of the project;
4. Accept, for and in behalf of **Pag-IBIG Fund**, remittances of membership contributions and loan amortizations from registered employers;
5. Provide **Pag-IBIG Fund** an online viewing facility for proper monitoring of fund balances and collections; and
6. Submit the Collection Files to **Pag-IBIG Fund** containing all the details of the remittances received by **LANDBANK** on behalf of **Pag-IBIG Fund** via File Transfer Protocol (FTP) or any other secured means on or before the agreed time of the following day.

ARTICLE III GUIDELINES

1. **LANDBANK**, in accepting the remittances on behalf of **Pag-IBIG Fund**, does not in any way guarantee that the amount remitted by the registered employer is the correct amount due or the correct payment for the state period or the employees covered therein, it being understood that by virtue of the foregoing collection arrangement, **LANDBANK** shall not be required to verify with **Pag-IBIG Fund** the correctness of the amount paid. **LANDBANK** shall, however, ensure that the amount paid corresponds to the figures reflected in the system-generated acknowledgement receipt which is displayed in each successful transaction.
2. **LANDBANK** agrees to provide **Pag-IBIG Fund** an electronic facility for downloading of Collection Files to **Pag-IBIG Fund** containing all the details of the remittances received by **LANDBANK** on behalf of **Pag-IBIG Fund** and other electronic files that may be required by **Pag-IBIG Fund**.
3. Subject to regular security procedures, **Pag-IBIG Fund** reserves the right, and **LANDBANK**, upon prior written notice by **Pag-IBIG Fund**, agrees to allow **Pag-IBIG Fund** to examine the Current/Savings Account arising from and by virtue of this Agreement during reasonable business hours of any banking day as **Pag-IBIG Fund** may deem necessary, provided that the registered employer concerned has expressly given its consent to the disclosure of deposit information to **Pag-IBIG Fund** or waived its right under applicable bank secrecy laws. It is understood that such examination by **Pag-IBIG Fund** shall strictly be limited only to the

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[Handwritten signature]

records pertaining to **Pag-IBIG Fund** and such other miscellaneous payments for the account of **Pag-IBIG Fund**.

Pursuant thereto, **Pag-IBIG Fund** agrees to keep the confidentiality of any and all customer information and data obtained not pertaining to Pag-IBIG fund but in connection with or relating to such examination. It shall likewise be the responsibility of **Pag-IBIG Fund** to ensure that the employees or representatives who are recipients of the Confidential Information to keep such information strictly confidential.

4. **LANDBANK** shall undertake, in proper coordination with **Pag-IBIG Fund**, an information dissemination campaign regarding arrangements embodied in this Agreement.

ARTICLE IV EFFECTIVITY

The Agreement shall be effective upon signing by the Parties and shall be enforceable until terminated by either Party upon sixty (60) days prior written notice served upon the other Party. Upon such termination, **LANDBANK** shall remit to **Pag-IBIG Fund** all collections due to the latter, if any, and submit to the latter the reports, records and documents required, pursuant to this Agreement and those that maybe necessary consistent with this Agreement's nature and purpose.

ARTICLE V COMPLAINTS

1. Except for **LANDBANK's** failure to credit the Deposit Account for any payments received pursuant to and under the Agreement, **Pag-IBIG Fund** shall be responsible for handling and/or settlement of registered employer's complaints. For this purpose, all registered employers who have complaints against **Pag-IBIG Fund** shall be referred/directed by **LANDBANK** to **Pag-IBIG Fund**.
2. Any questions/complaints of **Pag-IBIG Fund** with regard to this Agreement shall be handled by the **LANDBANK** Atrium Branch.

ARTICLE VI NON-EXCLUSIVITY CLAUSE

Nothing herein shall be construed as a grant of exclusive rights to **LANDBANK** in providing an electronic online web-based payment gateway or e-banking facilities/services for the **Pag-IBIG Fund**. It is expressly understood that the **Pag-IBIG Fund** has the right to engage the services of

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other payment gateways or e-banking facilities/services as may be warranted by its needs and requirements. It is further understood that no prior consultation and/or notice to **LANDBANK** is required for the exercise such right of the **Pag-IBIG Fund**.

ARTICLE VII CONFIDENTIALITY

Both parties shall treat all customer, process, internet payment design, data and information as strictly confidential and shall not disclose any such data or information to any third Party without prior written consent of the other Party, except to the extent that such data or information is already in the public domain or is acquired from a third Party who is not in breach of any confidentiality undertaking or obligation with respect to the same, or where such disclosure is required by law, valid judicial order or process or whenever necessary to initiate judicial, quasi-judicial, extra-judicial or administrative proceedings to effectively implement or enforce the provisions of RA 9679 and related laws subject to the provisions of Bank Secrecy Law.

ARTICLE VIII MISCELLANEOUS PROVISIONS

1. This Agreement shall be subject to review as may be deemed necessary by either Party and may be supplemented, modified, or amended at any time for the mutual benefit and upon mutual agreement in writing of the Parties hereto.
 2. It is understood and agreed that no employer-employee relationship shall exist or arise between **Pag-IBIG Fund** and the **LANDBANK** representative/s and other workers who may be contracted by the latter to carry out the services of **LANDBANK** under this Agreement. **LANDBANK** shall hold **Pag-IBIG Fund** free and harmless from any claims and causes of action relating to the employment status of the **LANDBANK's** representatives and workers who shall remain accountable solely to **LANDBANK** in the performance of their duties.
 3. The failure of the Parties to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any right or remedy a Party may have, nor shall it be construed as a waived of any subsequent breach or default or the terms, conditions and covenants herein contained, which shall be in full force and effect. No waiver by either Party shall be deemed to have been made unless expressed in writing and signed by a duly authorized representative thereof. OWB
 4. If any of the provisions of this Agreement be declared invalid or illegal, such invalidity or illegality shall not in any way affect the remaining
-
-

provisions hereof or any vested right which may have already accrued in favor of the Parties.

5. During the period when collections and payments made in accordance with this Agreement are not yet credited to the **Pag-IBIG Fund** Current/Savings Account, risk of loss of the amounts collected electronically shall be the sole responsibility of **LANDBANK**, without prejudice to the **LANDBANK's** right to avail of its legal remedies against the person responsible for the loss.
6. **LANDBANK** shall be relieved from the performance of its obligations and the payment of penalties under this Agreement in the event of force majeure.
7. This Agreement and the documents referred to herein or executed contemporaneously herewith constitute the entire Agreement of the Parties with respect to the subject matter hereof and shall supersede any prior expressions of intent or understanding with respect to this transaction.
8. Neither Party may assign or delegate its rights, duties or obligations under this Agreement without the prior written consent of the other Party. Notwithstanding the foregoing, a Party may assign this Agreement to an affiliate, subsidiary or any entity owned or controlled by the assigning Party, or pursuant to the merger, consolidation or corporate reorganization upon notice to **LANDBANK**.
9. **Pag-IBIG Fund** at its own expense, agrees to indemnify and hold **LANDBANK**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **LANDBANK** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **Pag-IBIG Fund** and/or its employees. Likewise, **LANDBANK** at its own expense, agrees to indemnify and hold **Pag-IBIG Fund**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **Pag-IBIG Fund** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **LANDBANK** and/or its employees.
10. This Agreement shall be governed and construed in accordance with the laws of the Philippines.
11. The parties shall use their best effort to settle amicably any dispute, controversy or claim arising out of or in connection with this Agreement, or the breach, interpretation, termination or invalidity thereof, within a period of thirty (30) days after receipt by one party of the other party's request for such amicable settlement.

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[Handwritten signature]

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Should the said controversy be not settled amicably within said period, any dispute, controversy or claim arising out of or in connection with this Agreement, or the breach, interpretation, termination or invalidity thereof, shall be settled by arbitration in accordance with the Philippine Dispute Resolution Center, Inc. (PDRCI) Arbitration Rules as at present in force. The PDRCI shall also act as the appointing authority in the appointment of a sole arbitrator. The venue of arbitration shall be in Metro Manila, Philippines.

12. The waiver or failure of a Party to exercise any right provided for herein shall not be deemed a waiver of any further right hereunder. The rights and remedies of a Party set forth in this Agreement are in addition to any rights or remedies the **Pag-IBIG Fund** may otherwise have at law or in equity.
13. All provisions hereof relating to proprietary rights, confidentiality and non-disclosure and indemnification shall survive the completion of the collection services or any earlier termination of this Agreement.
14. All terms and conditions not expressly provided herein shall be subject to the mutual agreement by the Parties in writing.

IN WITNESS WHEREOF, the parties through their respective authorized representative have hereinto signed in this Agreement this _____ day of 14 APR 2015, 2015 at CITY OF MAKATI, Philippines.

**HOME DEVELOPMENT
MUTUAL FUND**

**LAND BANK OF THE
PHILIPPINES**

By:

By:

ATTY. DARLENE MARIE B. BERBERABE
Chief Executive Officer

GILDA E. PICO
President and CEO

SIGNED IN THE PRESENCE OF

EMMA LINDA B. FARIA
DCEO, Support Services Cluster

JOCELYN dG. CABREZA
EVP, Branch Banking Sector

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

CITY OF MAKATI)

At the above stated place, on the 14 APR 2015 day of _____ 2015,
before me personally appeared:

<u>NAME</u>	<u>GOVERNMENT-ISSUED IDENTIFICATION.NO.</u>	<u>EXPIRY</u>
ATTY. DARLENE MARIE B. BERBERABE	Passport No.EB6849579	28 November 2017
GILDA E. PICO	LBP ID No. 1128	

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed as well as the entities they respectively represent.

This instrument consists of _____ pages, including this page whereon this Acknowledgement is written and signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND SEAL this _____ day of 14 APR 2015, 2015 at
CITY OF MAKATI.

Notary Public

Doc. No. 241
Page No. 50
Book No. 17
Series of 2015

YOLANDA Y. VILLANUEVA
Notary Public
Until December 31, 2015
PTR No MKT4249553/1-22-2014/Makati City
Roll No. 55493
IBP Lifetime No. 09175
MCLE No. IV-0005379/29 March 2012/Pasig City



Approved Signed MOA of DBP and Pag-IBIG

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

HOME DEVELOPMENT MUTUAL FUND, a government financial institution duly organized and existing by virtue of R.A. No. 9679, with principal address at 358 Petron Mega Plaza, Sen. Gil Puyat Ave., Makati City, duly represented herein by its Chief Executive Officer, **ATTY. DARLENE MARIE B. BERBERABE**, hereinafter referred to as "**Pag-IBIG Fund**",

and

DEVELOPMENT BANK OF THE PHILIPPINES, a government financial institution created and operating pursuant to Executive Order No. 81 dated December 3, 1986, as amended by Republic Act (R.A.) No. 8523 dated February 14, 1998, with principal address at DBP Building, Sen. Gil Puyat Avenue corner Makati Avenue, Makati City, herein represented by its President and Chief Executive Officer, **Gil A. Buenaventura**, hereinafter referred to as **DBP**;

WITNESSETH: That

WHEREAS, Republic Act No. 8792, otherwise known as E-Commerce Act of 2000 and its implementing rules mandate all government-owned and -controlled corporations to provide a method and manner of payment or settlement of fees and other obligations to the government through systems using electronic data messages or electronic documents;

WHEREAS, Pag-IBIG Fund has an existing agreement with Bancnet Inc. to allow the latter's participating banks to make use of Bancnet's eGOV Facility for Pag-IBIG Fund's electronic and web-based collection requirements;

WHEREAS, in order to provide a more efficient and convenient payment channel to **Pag-IBIG Fund's** registered employers, **Pag-IBIG Fund** has decided to adopt and implement an electronic and web-based collection platform, such as, herein provided via BancNet's eGOV Facility, of which **DBP** is a participating bank, herein referred to as "**DBP Collection Facility via BancNet's eGOV**";

WHEREAS, **DBP** has agreed to provide **Pag-IBIG Fund** a web-based collection solution which will enable **Pag-IBIG Fund** to accept payments with the corresponding data files from the employers and **DBP** shall



likewise provide reports necessary for **Pag-IBIG Fund** to efficiently monitor payments made under the system;

NOW THEREFORE, for and in consideration of foregoing premises and the mutual covenants and conditions hereinafter set forth, the parties hereto have agreed, as they hereby agree, as follows:

**ARTICLE I
OBJECTIVES**

1. This Agreement has been entered into by the Parties with the primary purpose and objectives of providing **Pag-IBIG Fund** and its registered employers an electronic online payment and collection facility developed by **DBP** utilizing the BancNet eGOV Portal as an Accredited Agent Bank (AAB).
2. The Parties shall work to establish and create a web-based solution for internet originated payments and collections via BancNet eGOV Portal supported by all necessary facilities for the effective and efficient management and handling of the collection of **Pag-IBIG Fund** contributions and loan amortizations due from registered employers and member-borrowers.

**ARTICLE II
COMMITMENTS AND UNDERTAKINGS**

In order to attain the objectives of this Agreement, each Party hereby commits itself as follows:

Pag-IBIG Fund shall:

1. Inform its registered employers that they may open a Current /Savings Account with zero (0) opening and maintaining balance with **DBP** where its remittances for **Pag-IBIG Fund** shall be debited;
2. Inform its registered employers that they may utilize the **DBP Collection Facility via BancNet's eGOV** for the remittance of contributions and loan amortizations due to **Pag-IBIG Fund**;
3. Provide **DBP** with all the necessary data and information, as well as other pertinent technical requirements, specifications, procedures and facilities for the installation and development of the **DBP Collection Facility via BancNet's eGOV**;

[Handwritten signature]

[Handwritten signature]

[Handwritten asterisk]

4. Open and maintain a Current/Savings Account with **DBP** in order to implement the objectives of this Agreement. The Current/Savings Account shall be an interest-bearing account subject to **DBP's** Rules and Regulations and in accordance with applicable Bangko ng Sentral ng Pilipinas guidelines; and
5. Accept and post all transactions and/or payments sent by **DBP** in accordance with the terms and conditions set herein.

DBP shall:

1. Handle the opening of Current/Savings Accounts with zero (0) opening and maintaining balance for **Pag-IBIG Fund** registered employers where remittances for **Pag-IBIG Fund** shall be debited;
2. Provide **Pag-IBIG Fund** with the **DBP Collection Facility via BancNet's eGOV** which shall allow **Pag-IBIG Fund** to accept remittances of contributions and loan amortizations from registered employers electronically;
3. Secure all the necessary approvals, permits, and clearances from the Department of Finance, Bangko Sentral ng Pilipinas and other government agencies for the implementation of the project;
4. Accept, for and in behalf of **Pag-IBIG Fund**, remittances of membership contributions and loan amortizations from registered employers, and other amounts due **Pag-IBIG Fund**;
5. Remit all payments received for and in behalf of **Pag-IBIG Fund** based on the agreed upon float period as stipulated in **Pag-IBIG's** Agreement with BancNet for the collections coursed through BancNet's eGOV Facility;
6. Provide **Pag-IBIG Fund** an online viewing facility for proper monitoring of fund balances and collections;
7. Submit the Collection Files to **Pag-IBIG Fund** containing all the details of the remittances received by **DBP** on behalf of **Pag-IBIG Fund** following the reportorial requirements embodied in the BancNet eGOV Facility Agreement.



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**ARTICLE III
GUIDELINES**

1. **DBP**, in accepting the remittances on behalf of **Pag-IBIG Fund**, does not in any way guarantee that the amount remitted by the registered employer is the correct amount due or the correct payment for the state period or the employees covered therein, it being understood that by virtue of the foregoing collection arrangement, **DBP** shall not be required to verify with **Pag-IBIG Fund** the correctness of the amount paid. **DBP** shall, however, ensure that the amount paid corresponds to the figures reflected in the system-generated acknowledgement receipt which is displayed in each successful transaction.
2. **DBP** agrees to provide **Pag-IBIG Fund** through BancNet eGOV an electronic facility for downloading of Collection Files to **Pag-IBIG Fund** containing all the details of the remittances received by **DBP** on behalf of **Pag-IBIG Fund** and other electronic files that may be required by **Pag-IBIG Fund**.
3. Subject to regular security procedures, **Pag-IBIG Fund** reserves the right, and **LANDBANK**, upon prior written notice by **Pag-IBIG Fund**, agrees to allow **Pag-IBIG Fund** to examine the Current/Savings Account arising from and by virtue of this Agreement during reasonable business hours of any banking day as **Pag-IBIG Fund** may deem necessary, provided that the registered employer concerned has expressly given its consent in writing to the disclosure of deposit information to **Pag-IBIG Fund** or waived its right under applicable bank secrecy laws. It is understood that such examination by **Pag-IBIG Fund** shall strictly be limited only to the records pertaining to **Pag-IBIG Fund** and such other miscellaneous payments for the account of **Pag-IBIG Fund**.

Pursuant thereto, **Pag-IBIG Fund** agrees to keep the confidentiality of any and all customer information and data obtained not pertaining to Pag-IBIG fund but in connection with or relating to such examination. It shall likewise be the responsibility of **Pag-IBIG Fund** to ensure that the employees or representatives who are recipients of the Confidential Information to keep such information strictly confidential.

4. **DBP** shall undertake, in proper coordination with **Pag-IBIG Fund**, an information dissemination campaign regarding arrangements embodied in this Agreement.



**ARTICLE IV
EFFECTIVITY**

The Agreement shall be effective upon signing by the Parties and shall be enforceable until terminated by either Party upon sixty (60) days prior written notice served upon the other Party. Upon such termination, **DBP** shall remit to **Pag-IBIG Fund** all collections due to the latter, if any, and submit to the latter the reports, records and documents required, pursuant to this Agreement and those that maybe necessary consistent with this Agreement's nature and purpose.

**ARTICLE V
COMPLAINTS**

1. Except for **DBP's** failure to credit the Current/Savings Account for any payments received pursuant to and under the Agreement, **Pag-IBIG Fund** shall be responsible for handling and/or settlement of registered employer's complaints. For this purpose, all registered employers who have complaints against **Pag-IBIG Fund** shall be referred/directed by **DBP** to **Pag-IBIG Fund**.
2. Any questions/complaints of **Pag-IBIG Fund** with regard to this Agreement shall be handled by the **DBP** Financial Center.

**ARTICLE VI
NON-EXCLUSIVITY CLAUSE**

Nothing herein shall be construed as a grant of exclusive rights to **DBP** in providing an electronic online web-based payment gateway or e-banking facilities/services for the **Pag-IBIG Fund**. It is expressly understood that the **Pag-IBIG Fund** has the right to engage the services of other payment gateways or e-banking facilities/services as may be warranted by its needs and requirements. It is further understood that no prior consultation and/or notice to **DBP** is required for the exercise such right of the **Pag-IBIG Fund**.

**ARTICLE VII
CONFIDENTIALITY**

Both parties shall treat all customer, process, internet payment design, data and information as strictly confidential and shall not disclose any such data or information to any third Party without prior written consent of the other Party, except to the extent that such data or information is



already in the public domain or is acquired from a third Party who is not in breach of any confidentiality undertaking or obligation with respect to the same, or where such disclosure is required by law, valid judicial order or process or whenever necessary to initiate judicial, quasi-judicial, extra-judicial or administrative proceedings to effectively implement or enforce the provisions of RA 9679 and related laws.

**ARTICLE VIII
MISCELLANEOUS PROVISIONS**

1. This Agreement shall be subject to review as may be deemed necessary by either Party and may be supplemented, modified, or amended at any time for the mutual benefit and upon mutual agreement in writing of the Parties hereto.
2. It is understood and agreed that no employer-employee relationship shall exist or arise between **Pag-IBIG Fund** and the **DBP** representative/s and other workers who may be contracted by the latter to carry out the services of **DBP** under this Agreement. **DBP** shall hold **Pag-IBIG Fund** free and harmless from any claims and causes of action relating to the employment status of the **DBP's** representatives and workers who shall remain accountable solely to **DBP** in the performance of their duties.
3. The failure of the Parties to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any right or remedy a Party may have, nor shall it be construed as a waived of any subsequent breach or default or the terms, conditions and covenants herein contained, which shall be in full force and effect. No waiver by either Party shall be deemed to have been made unless expressed in writing and signed by a duly authorized representative thereof.
4. If any of the provisions of this Agreement be declared invalid or illegal, such invalidity or illegality shall not in any way affect the remaining provisions hereof or any vested right which may have already accrued in favor of the Parties.
5. During the period when collections and payments made in accordance with this Agreement are not yet credited to the **Pag-IBIG Fund** Current/Savings Account, risk of loss of the amounts collected electronically shall be the sole responsibility of **DBP**, without prejudice to the **DBP's** right to avail of its legal remedies against the person responsible for the loss.



6. **DBP** shall be relieved from the performance of its obligations and the payment of penalties under this Agreement in the event of force majeure.
7. This Agreement and the documents referred to herein or executed contemporaneously herewith constitute the entire Agreement of the Parties with respect to the subject matter hereof and shall supersede any prior expressions of intent or understanding with respect to this transaction.
8. Neither Party may assign or delegate its rights, duties or obligations under this Agreement without the prior written consent of the other Party. Notwithstanding the foregoing, a Party may assign this Agreement to an affiliate, subsidiary or any entity owned or controlled by the assigning Party, or pursuant to the merger, consolidation or corporate reorganization upon notice to **DBP**.
9. **Pag-IBIG Fund** at its own expense, agrees to indemnify and hold **DBP**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **DBP** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **Pag-IBIG Fund** and/or its employees. Likewise, **DBP** at its own expense, agrees to indemnify and hold **Pag-IBIG Fund**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **Pag-IBIG Fund** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **DBP** and/or its employees.
10. This Agreement shall be governed and construed in accordance with the laws of the Philippines.
11. In case of unresolved conflicts in the interpretation and implementation of this Agreement, the Parties agree to submit such dispute/s to domestic arbitration.
12. The waiver or failure of a Party to exercise any right provided for herein shall not be deemed a waiver of any further right hereunder. The rights and remedies of a Party set forth in this Agreement are in addition to any rights or remedies the **Pag-IBIG Fund** may otherwise have at law or in equity.
13. All provisions hereof relating to proprietary rights, confidentiality and non-disclosure and indemnification shall survive the completion of the collection services or any earlier termination of this Agreement.

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14. All terms and conditions not expressly provided herein shall be subject to the mutual agreement by the Parties in writing.

IN WITNESS WHEREOF, the parties through their respective authorized representative have hereinto signed in this Agreement this _____ day of 14 APR 2015, 2015 at CITY OF MAKATI, Philippines.

**HOME DEVELOPMENT
MUTUAL FUND**

By:



ATTY. DARLENE MARIE B. BERBERABE
Chief Executive Officer

**DEVELOPMENT BANK OF THE
PHILIPPINES**

By:

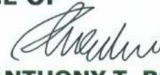


GIL A. BUENAVENTURA
President and CEO

SIGNED IN THE PRESENCE OF



EMMA LINDA B. FARIA
DCEO, Support Services Cluster



ANTHONY T. ROBLES
EVP, Branch Banking Sector

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

~~CITY OF MAKATI~~)

At the above stated place, on the _____ day of 14 APR 2015 2015,
before me personally appeared:

<u>NAME</u>	<u>GOVERNMENT-ISSUED IDENTIFICATION.NO.</u>	<u>EXPIRY</u>
ATTY. DARLENE MARIE B. BERBERABE	Passport No.EB6849579	28 November 2017
GIL A. BUENAVENTURA	DBP ID No. _____	

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed as well as the entities they respectively represent.

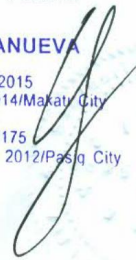
This instrument consists of _____ pages, including this page whereon this Acknowledgement is written and signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND SEAL this _____ day of 14 APR 2015, 2015 at
CITY OF MAKATI.

Notary Public

Doc. No. 244
Page No. 50
Book No. 17
Series of 2015

YOLANDA Y. VILLANUEVA
Notary Public
Until December 31, 2015
PTR No. MKT4249553/1-22-2014/Makati City
Roll No. 55493
IBP Lifetime No. 09175
MCLE No. IV-0005379/29 March 2012/Pasig City



Philhealth's report on the number of e-Pay users



Republic of the Philippines
PHILIPPINE HEALTH INSURANCE CORPORATION
Citystate Centre, 709 Shaw Boulevard, Pasig City
Call Center (02) 441-7442 Trunkline (02) 441-7444
www.philhealth.gov.ph



June 15, 2015

GUILLERMO M. LUZ
Co-Chairman, Private Sector
National Competitiveness Council
6/F Trade and Industry Building
Senator Gil Puyat Avenue, Makati City 1200

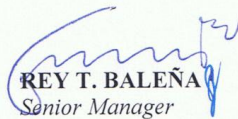
Dear **Co-Chairman Luz**,

Greetings!

Relative to the request from the National Competitiveness Council (NCC)- Philippines for the data on the number of registered employers in NCR-Central, please find attached a summary of employers currently enrolled and utilizing the e-Payment facility to pay for their PhilHealth premium contribution.

For your information and reference.

Thank you.



REY T. BALEÑA
Senior Manager

Formal Sector, Member Management Group

Cc: *Office of the President & CEO*
Office of the Vice-President-Member Management Group
Office of the Corporate Planning Department

Total Number of Registered Employers who are currently paying online.

(January-December, 2014)

PhilHealth Regional Office	SMALL (11-100)	MEDIUM (101-200)	LARGE (201-500)	X-LARGE (501-ABOVE)	TOTAL
NCR North	336	43	37	52	468
NCR Central	288	78	48	26	440
NCR South	926	214	160	153	1453
<i>PRO NCR</i>	<i>1550</i>	<i>335</i>	<i>245</i>	<i>231</i>	<i>2361</i>

Note:

1. Count of distinct registered employers with at least one (1) payment from January-December 2014 extracted from Contributions Database last 22 May, 2015

(January-March, 2015)

PhilHealth Regional Office	SMALL (11-100)	MEDIUM (101-200)	LARGE (201-500)	X-LARGE (501-ABOVE)	TOTAL
NCR North	158	20	24	21	223
NCR Central	188	47	24	9	268
NCR South	558	108	74	76	816
<i>PRO NCR</i>	<i>904</i>	<i>175</i>	<i>122</i>	<i>106</i>	<i>1307</i>

Note:

1. Count of distinct registered employers with at least one (1) payment from January-December 2014 extracted from Contributions Database last 22 May, 2015

(April, 2015)

PhilHealth Regional Office	SMALL (11-100)	MEDIUM (101-200)	LARGE (201-500)	X-LARGE (501-ABOVE)	TOTAL
NCR North	291	42	39	65	437
NCR Central	207	55	45	36	343
NCR South	1236	272	203	194	1905
<i>PRO NCR</i>	<i>1734</i>	<i>369</i>	<i>287</i>	<i>295</i>	<i>2685</i>

Note:

1. Count of distinct registered employers with at least one (1) payment as of 15 April, 2015.
2. Extracted from contributions database

PHILHEALTH CIRCULAR NO. 004-2015



Republic of the Philippines
PHILIPPINE HEALTH INSURANCE CORPORATION
Citystate Centre, 709 Shaw Boulevard, Pasig City
Call Center (02) 441-7442 Trunkline (02) 441-7444
www.philhealth.gov.ph



PHILHEALTH CIRCULAR
No. 004-2015

TO : ALL EMPLOYERS IN THE GOVERNMENT AND PRIVATE SECTORS

SUBJECT : PAYMENT AND REPORTING OF PREMIUM CONTRIBUTIONS OF EMPLOYERS AND EMPLOYEES

Pursuant to Section 6.f of the Revised Implementing Rules and Regulations of the National Health Insurance Act of 2013, PhilHealth is mandated to "establish and maintain an updated membership and contribution database."

To fulfil this mandate, the following shall be implemented effective the applicable period of April 2015:

1. On payment of premium contributions, all employers in the government and private sectors are strongly encouraged to pay at PhilHealth's accredited collecting agents (ACAs) or through e-Payment facilities. With the continuous endeavour to improve its business processes, the corporation ensures a more efficient posting of premium payments.
2. On the reporting of premium payments, all employers in the Formal Economy shall adopt the Electronic Premium Reporting System (EPRS) as the mode of preparation and transmission of all remittance reports (RF-1). However, this remains optional for employers of Kasambahays.

During the transition period, the PhilHealth Employer Engagement Representatives (PEERs) are advised to coordinate with the PhilHealth Accounts Information Management Specialists (PAIMS) or the nearest PhilHealth office for the orientation, training and registration for the said systems.

This Circular shall take effect fifteen (15) days after its publication in any newspaper of general circulation and deposited with the National Administrative Register at the University of the Philippines Law Center.

All provisions of previous issuances which are consistent and were not affected by this Circular shall remain in full force and effect.

MASTER DOCUMENT

(Signature)
ALEXANDER A. PAQUILA
President and CEO

Date signed: 3/5/15

PhilHealth | Office of the PCEO

[teamphilhealth](http://teamphilhealth.com)

www.facebook.com/PhilHealth

www.youtube.com/teamphilhealth

actioncenter@philhealth.gov.ph

15-2015-004

Approved Signed MOA of LBP and PhilHealth

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

PHILIPPINE HEALTH INSURANCE CORPORATION, a Government Owned and Controlled Corporation duly organized and existing by virtue of Republic Act No. 7875 otherwise known as the National Health Insurance Act of 1995, with principal office address at No. 709, City State Center Bldg., Shaw Blvd., Pasig City, duly represented herein by its President and Chief Executive Officer, **ALEXANDER A. PADILLA**, hereinafter referred to as "**PHILHEALTH**",

and

LAND BANK OF THE PHILIPPINES, a government financial institution duly created and existing under and by virtue of R.A. No. 3844, as amended with principal office at the Land Bank Plaza 1598 M.H. Del Pilar Street, Malate, Manila, Philippines, represented herein by its President and Chief Executive Officer, **GILDA E. PICO**, hereinafter referred to as "**LANDBANK**";

WITNESSETH: That

WHEREAS, in order to provide a more efficient and convenient payment channel to **PHILHEALTH**'s registered employers, **PHILHEALTH** has decided to adopt and implement an electronic and web-based collection platform herein referred to as "**PHILHEALTH Electronic Premium Reporting System (EPRS)**";

WHEREAS, **LANDBANK** has agreed to provide and interface the "**LANDBANK Electronic Collection Facility**" with the **EPRS** in order for **PHILHEALTH** to accept payments from registered employers online using their **LANDBANK** accounts and **LANDBANK** shall likewise provide reports necessary for **PHILHEALTH** to efficiently monitor payments made under the system;

NOW THEREFORE, for and in consideration of foregoing premises and the mutual covenants and conditions hereinafter set forth, the parties hereto have agreed, as they hereby agree, as follows:



Page 1 of 8

**ARTICLE I
OBJECTIVE**

This Agreement has been entered into by the Parties with the primary purpose and objective of providing **PHILHEALTH** registered employers an electronic online payment and collection facility.

The Parties shall provide a web-based solution for internet originated payments and collections supported by all necessary facilities for the effective and efficient management and handling of the collection of **PHILHEALTH** contributions due from registered employers.

**ARTICLE II
COMMITMENTS AND UNDERTAKINGS**

In order to attain the objectives of this Agreement, each Party hereby commits itself as follows:

PHILHEALTH shall:

1. Inform its registered employers that they may open a Current/Savings Account with no Average Daily Balance (ADB) requirement with **LANDBANK** where its remittances for **PHILHEALTH** shall be debited;
2. Inform all its registered employers that they may utilize the **EPRS** and **LANDBANK Electronic Collection Facility** for the remittance of contributions due to **PHILHEALTH**;
3. Provide **LANDBANK** with all the necessary data and information, as well as other pertinent technical requirements, specifications, procedures and facilities for the interface of the **LANDBANK Electronic Collection Facility**;
4. Open and maintain a Non-Interest Bearing Current Account with no ADB requirement with **LANDBANK** in order to implement the objectives of this Agreement;
5. Allow **LANDBANK** to put on hold for a period of fifteen (15) days on the daily collections remitted to the Non-Interest Bearing Current Account of **PHILHEALTH**; and
6. Accept and post all transactions and/or payments sent by **LANDBANK** in accordance with the terms and conditions set herein.



Page 2 of 8

LANDBANK shall:

1. Handle the opening of Current/Savings Accounts with no Average Daily Balance (ADB) requirement for **PHILHEALTH** registered employers where remittances for **PHILHEALTH** shall be debited;
2. Interface the **LANDBANK Electronic Collection Facility** with **PHILHEALTH's** system which shall allow **PHILHEALTH** to accept remittances of contributions from registered employers electronically;
3. Secure all the necessary approvals, permits, and clearances for the implementation of the project;
4. Accept, for and in behalf of **PHILHEALTH**, remittances of membership contributions from registered employers;
5. Provide **PHILHEALTH** an online viewing facility for proper monitoring of fund balances and collections;
6. Submit the Collection RF2 Files containing all the details of the remittances received by **LANDBANK** on behalf of **PHILHEALTH** to **PHILHEALTH** via Secure File Transfer Protocol (SFTP) or any other secured means on or before the agreed time of the following day;
7. Implement a hold period of fifteen (15) calendar days on the daily collections remitted to the Non-Interest Bearing Current Account of **PHILHEALTH**; and
8. Make funds withdrawable from the **PHILHEALTH** Non-Interest Bearing Current Account on the 16th day from the date of collection. Should this fall on a non-banking day, the funds shall be withdrawable on the next banking day.

**ARTICLE III
IMPLEMENTATING GUIDELINES**

1. **LANDBANK**, in accepting the remittances on behalf of **PHILHEALTH**, does not in any way guarantee that the amount remitted by the registered employer is the correct amount due or the correct payment for the state period or the employees covered therein, it being understood that by virtue of the foregoing collection arrangement, **LANDBANK** shall not be required to verify with **PHILHEALTH** the correctness of the amount paid. **LANDBANK** shall, however, ensure that the amount paid corresponds to the figures reflected in the system-generated acknowledgement receipt which is displayed in each successful transaction.



Page 3 of 8

2. **LANDBANK** agrees to provide **PHILHEALTH** an electronic facility for downloading of Collection Files containing all the details of the remittances received by **LANDBANK** on behalf of **PHILHEALTH** and other electronic files that may be required by **PHILHEALTH**.
3. Subject to regular security procedures, **PHILHEALTH** reserves the right and **LANDBANK**, upon prior written notice by **PHILHEALTH**, agreed to allow **PHILHEALTH** to examine the Current/Savings Account arising from and by virtue of this Agreement during reasonable business hours of any banking day as **PHILHEALTH** may deem necessary, provided that the registered employer concerned has expressly given its consent to the disclosure of deposit information to **PHILHEALTH** or waived its right under applicable bank secrecy law. It is understood that such examination by **PHILHEALTH** shall strictly be limited only to the records pertaining to **PHILHEALTH** and such other miscellaneous payments for the account of **PHILHEALTH**.

Pursuant thereto, **PHILHEALTH** agrees to keep the confidentiality of any and all customer information and data obtained in connection with or relating to such examination. It shall likewise be the responsibility of **PHILHEALTH** to ensure that the employees or representatives who are recipients of the Confidential Information covenant on similar terms to keep such information strictly confidential.

4. **LANDBANK** shall undertake, in proper coordination with **PHILHEALTH**, an information dissemination campaign regarding arrangements embodied in this Agreement.

ARTICLE IV EFFECTIVITY

The Agreement shall be effective as of the date of the full compliance of the terms and conditions herein set forth and shall be enforceable until terminated by either Party upon sixty (60) days prior written notice served to the other party. Upon such termination, **LANDBANK** shall remit to **PHILHEALTH** all collections due to the latter, if any, and the relevant reports, records and documents required, pursuant to this Agreement.

ARTICLE V COMPLAINTS

1. Except for **LANDBANK**'s failure to credit the Current Account for any payments received pursuant to and under the Agreement, **PHILHEALTH** shall be responsible for handling and/or settlement of registered employer's complaints. For this purpose, all registered employers who have complaints against **PHILHEALTH** shall be referred/directed by **LANDBANK** to **PHILHEALTH**.



Page 4 of 8

2. Any questions/complaints of **PHILHEALTH** with regard to this Agreement shall be handled by the **LANDBANK** Pasig Capitol Branch.

ARTICLE VI CONFIDENTIALITY

Both parties shall treat all customer, process, internet payment design, data and information as strictly confidential and shall not disclose any such data or information to any third Party without prior written consent of the other Party, except to the extent that such data or information is already in the public domain or is acquired from a third Party who is not in breach of any confidentiality undertaking or obligation with respect to the same, or where such disclosure is required by law, valid judicial order or process.

ARTICLE VII MISCELLANEOUS PROVISIONS

1. This Agreement shall be subject to a periodic review every after six (6) months and may be modified, amended or rescinded at any time for the mutual benefit and upon mutual agreement in writing of the Parties hereto.
2. It is understood and agreed that no employer-employee relationship shall exist or arise between **PHILHEALTH** and the **LANDBANK** representative/s and other workers who may be contracted by the latter to carry out the services of **LANDBANK** under this Agreement. **LANDBANK** shall hold **PHILHEALTH** free and harmless from any claims and causes of action relating to the employment status of the **LANDBANK's** representatives and workers who shall remain accountable solely to **LANDBANK** in the performance of their duties.
3. The failure of the Parties to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any right or remedy a Party may have, not shall it be construed as a waived of any subsequent breach or default or the terms, conditions and covenants herein contained, which shall be in full force and effect. No waiver by either Party shall be deemed to have been made unless expressed in writing and signed by a duly authorized representative thereof.
4. If any of the provisions of this Agreement be declared invalid or illegal, such invalidity or illegality shall not in any way affect the remaining provisions hereof or any vested right which may have already accrued in favor of the Parties.



Page 5 of 8

5. During the period when collections and payments made in accordance with this Agreement are not yet credited to the **PHILHEALTH** Non-Interest Bearing Account, risk of loss of the amounts collected electronically shall be the sole responsibility of **LANDBANK**, without prejudice to the **LANDBANK**'s right to avail of its legal remedies against the person responsible for the loss.
6. **LANDBANK** shall be relieved from the performance of its obligations and the payment of penalties under this Agreement in the event of force majeure.
7. This Agreement and the documents referred to herein or executed contemporaneously herewith constitute the entire Agreement of the Parties with respect to the subject matter hereof and shall supersede any prior expressions of intent or understanding with respect to this transaction.
8. Neither Party may assign or delegate its rights, duties or obligations under this Agreement without the prior written consent of the other Party. Notwithstanding the foregoing, a Party may assign this Agreement to an affiliate, subsidiary or any entity owned or controlled by the assigning Party, or pursuant to the merger, consolidation or corporate reorganization upon notice to the other Party.
9. **PHILHEALTH** at its own expense, agrees to indemnify and hold **LANDBANK**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **LANDBANK** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **PHILHEALTH** and/or its employees. Likewise, **LANDBANK**, at its own expense, shall indemnify and hold **PHILHEALTH**, its directors, officers and employees free and harmless with respect to losses, damages or liabilities, including Attorney's fees, to the extent based upon (i) personal injury or property damage caused by the fault or negligence of **LANDBANK** or its employees, or (ii) any breach or wilful, intentional or negligent actions or failures by **LANDBANK** or its employees.
10. This Agreement shall be governed and construed in accordance with the laws of the Philippines.
11. The waiver or failure of a Party to exercise any right provided for herein shall not be deemed a waiver of any further right hereunder. The rights and remedies of a Party set forth in this Agreement are in addition to any rights or remedies the **PHILHEALTH** may otherwise have at law or in equity.



Page 6 of 8

12. All provisions hereof relating to proprietary rights, confidentiality and non-disclosure and indemnification shall survive the completion of the collection services or any earlier termination of this Agreement.
13. The parties shall use their best effort to settle amicably any dispute, controversy or claim arising out of or in connection with this Agreement, or the breach, interpretation, termination or invalidity thereof, within a period of thirty (30) days after receipt by one party of the other party's request for such amicable settlement.

Should the said controversy be not settled amicably within said period, any dispute, controversy or claim arising out of or in connection with this Agreement, or the breach, interpretation, termination or invalidity thereof, shall be settled by arbitration in accordance with the Philippine Dispute Resolution Center, Inc. (PDRCI) Arbitration Rules as at present in force. The PDRCI shall also act as the appointing authority in the appointment of a sole arbitrator. The venue of arbitration shall be in Metro Manila, Philippines.

IN WITNESS WHEREOF, the parties through their respective authorized representative have hereinto signed in this Agreement this _____ day of 14 APR 2015, 2015 at CITY OF MAKATI, Philippines.

PHILIPPINE HEALTH INSURANCE CORPORATION

LAND BANK OF THE PHILIPPINES

By:

By:


ALEXANDER A. PADILLA
President and CEO


GILDA E. PICO
President and CEO

SIGNED IN THE PRESENCE OF


DR. ISRAEL FRANCIS PARGAS
PhilHEALTH


JOCELYN G. CABREZA
EVP, Branch Banking Sector

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MAKATI)

At the above stated place, on the _____ day of 14 APR 2015 2015,
before me personally appeared:

<u>NAME</u>	<u>GOVERNMENT-ISSUED IDENTIFICATION.NO.</u>	<u>EXPIRY</u>
ALEXANDER A. PADILLA		
GILDA E. PICO	LBP-1128	

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed as well as the entities they respectively represent.

This instrument consists of _____ pages, including this page whereon this Acknowledgement is written and signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND SEAL this _____ day of 14 APR 2015, 2015 at
CITY OF MAKATI

Doc. No. 242
Page No. 50
Book No. 17
Series of 2015

ROLANDA Y. MILLANUEVA
Notary Public
Until December 31, 2015
PTR No. MKT424953/1-22-2014/Makati City
Roll No. 85493
IBR Lifetime No. 09175
MCLE No. IV-0005379/29 March 2012/Pasig City



Approved Signed MOA of DBP and PhilHealth

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

PHILIPPINE HEALTH INSURANCE CORPORATION, a Government Owned and Controlled Corporation duly organized and existing by virtue of Republic Act No. 7875 otherwise known as the National Health Insurance Act of 1995, with principal office address at No. 709, City State Center Bldg., Shaw Blvd., Pasig City, duly represented herein by its President and Chief Executive Officer, **ALEXANDER A. PADILLA**, hereinafter referred to as "**PHILHEALTH**",

and

DEVELOPMENT BANK OF THE PHILIPPINES, a government financial institution created and operating pursuant to Executive Order No. 81 dated December 3, 1986, as amended by Republic Act (R.A.) No. 8523 dated February 14, 1998, with principal address at DBP Building, Sen. Gil Puyat Avenue corner Makati Avenue, Makati City, herein represented by its President and Chief Executive Officer, **Gil A. Buenaventura**, hereinafter referred to as "**DBP**";

WITNESSETH: That

WHEREAS, in order to provide a more efficient and convenient payment channel to **PHILHEALTH**'s registered employers, **PHILHEALTH** has decided to adopt and implement an electronic and web-based collection platform herein referred to as "**PHILHEALTH Electronic Premium Reporting System (EPRS)**";

WHEREAS, **DBP** has agreed to provide and interface the "**DBP ePayment System**" with the **EPRS**, utilizing BancNet's eGOV Facility, in order for **PHILHEALTH** to accept payments from registered employers online using their **DBP** accounts and **DBP** shall likewise provide reports, generated from the said BancNet eGOV Facility, necessary for **PHILHEALTH** to efficiently monitor payments made under the system;

NOW THEREFORE, for and in consideration of foregoing premises and the mutual covenants and conditions hereinafter set forth, the parties hereto have agreed, as they hereby agree, as follows:



**ARTICLE I
OBJECTIVE**

1. This Agreement has been entered into by the Parties with the primary purpose and objective of providing **PHILHEALTH** registered employers an electronic online payment and collection facility.
2. The Parties shall work to establish and create a web-based solution for internet originated payments and collections supported by all necessary facilities for the effective and efficient management and handling of the collection of **PHILHEALTH** contributions due from registered employers.

**ARTICLE II
COMMITMENTS AND UNDERTAKINGS**

In order to attain the objectives of this Agreement, each Party hereby commits itself as follows:

PHILHEALTH shall:

1. Inform its registered employers that they may open a Current /Savings Account with zero (0) opening and maintaining balance with **DBP** where its remittances for **PHILHEALTH** shall be debited;
2. Inform its registered employers that they may utilize the **EPRS** and **DBP ePayment System** for the remittance of contributions due to **PHILHEALTH**;
3. Provide **DBP** with all the necessary data and information, as well as other pertinent technical requirements, specifications, procedures and facilities for the installation and development of the **DBP ePayment System**;
4. Open and maintain a Current/Savings Account with **DBP** where all collections will be credited in order to implement the objectives of this Agreement. The Current/Savings Account shall be an interest-bearing account subject to **DBP**'s Rules and Regulations and in accordance with applicable Bangko Sentral ng Pilipinas guidelines;
5. Accept and post all transactions and/or payments sent by **DBP** in accordance with the terms and conditions set herein.



Page 2 of 8

DBP shall:

1. Handle the opening of Current/Savings Accounts with zero (0) opening and maintaining balance for **PHILHEALTH** registered employers where remittances for **PHILHEALTH** shall be debited;
2. Secure all the necessary approvals, permits, and clearances from the Department of Finance, Bangko Sentral ng Pilipinas and other government agencies for the implementation of the project;
3. Accept, for and in behalf of **PHILHEALTH**, remittances of membership contributions from registered employers;
4. Remit all payments received for and in behalf of **PHILHEALTH** based on the agreed upon float period as stipulated in **PHILHEALTH**'s Agreement with BancNet for the collections coursed through BancNet's eGOV Facility;
5. Provide **PHILHEALTH** an online viewing facility for proper monitoring of fund balances and collections;
6. Submit the Collection RF2 Files containing all the details of the remittances received by **DBP** on behalf of **PHILHEALTH** to **PHILHEALTH** following the reportorial requirements embodied in the BancNet eGOV Facility Agreement;

ARTICLE III IMPLEMENTATING GUIDELINES

1. **DBP**, in accepting the remittances on behalf of **PHILHEALTH**, does not in any way guarantee that the amount remitted by the registered employer is the correct amount due or the correct payment for the state period or the employees covered therein, it being understood that by virtue of the foregoing collection arrangement, **DBP** shall not be required to verify with **PHILHEALTH** the correctness of the amount paid. **DBP** shall, however, ensure that the amount paid corresponds to the figures reflected in the system-generated acknowledgement receipt which is displayed in each successful transaction.
2. **DBP** agrees to provide **PHILHEALTH** an electronic facility for downloading of Collection Files containing all the details of the remittances received by **DBP** on behalf of **PHILHEALTH** and other electronic files that may be required by **PHILHEALTH**.
3. Subject to regular security procedures, **PHILHEALTH** reserves the right and **DBP**, upon prior written notice by **PHILHEALTH**, agreed to



Page 3 of 8



allow **PHILHEALTH** to examine the Current/Savings Account arising from and by virtue of this Agreement during reasonable business hours of any banking day as **PHILHEALTH** may deem necessary, provided that the registered employer concerned has expressly given its consent in writing, to the disclosure of deposit information to **PHILHEALTH** or waived its right under applicable bank secrecy law. It is understood that such examination by **PHILHEALTH** shall strictly be limited only to the records pertaining to **PHILHEALTH** and such other miscellaneous payments for the account of **PHILHEALTH**.

Pursuant thereto, **PHILHEALTH** agrees to keep the confidentiality of any and all customer information and data obtained in connection with or relating to such examination. It shall likewise be the responsibility of **PHILHEALTH** to ensure that the employees or representatives who are recipients of the Confidential Information covenant on similar terms to keep such information strictly confidential.

4. **DBP** shall undertake, in proper coordination with **PHILHEALTH**, an information dissemination campaign regarding arrangements embodied in this Agreement.

ARTICLE IV EFFECTIVITY

The Agreement shall be effective as of the date of the full compliance of the terms and conditions herein set forth and shall be enforceable until terminated by either Party upon sixty (60) days prior written notice served to the other party. Upon such termination, **DBP** shall remit to **PHILHEALTH** all collections due to the latter, if any, and the relevant reports, records and documents required, pursuant to this Agreement.

ARTICLE V COMPLAINTS

1. Except for **DBP's** failure to credit the Current/Savings Account for any payments received pursuant to and under the Agreement, **PHILHEALTH** shall be responsible for handling and/or settlement of registered employer's complaints. For this purpose, all registered employers who have complaints against **PHILHEALTH** shall be referred/directed by **DBP** to **PHILHEALTH**.
2. Any questions/complaints of **PHILHEALTH** with regard to this Agreement shall be handled by the **DBP** Commonwealth Branch.



**ARTICLE VI
CONFIDENTIALITY**

Both parties shall treat all customer, process, internet payment design, data and information as strictly confidential and shall not disclose any such data or information to any third Party without prior written consent of the other Party, except to the extent that such data or information is already in the public domain or is acquired from a third Party who is not in breach of any confidentiality undertaking or obligation with respect to the same, or where such disclosure is required by law, valid judicial order or process.

**ARTICLE VII
MISCELLANEOUS PROVISIONS**

1. This Agreement shall be subject to a periodic review every after six (6) months and may be modified, amended or rescinded at any time for the mutual benefit and upon mutual agreement in writing of the Parties hereto.
2. It is understood and agreed that no employer-employee relationship shall exist or arise between **PHILHEALTH** and the **DBP** representative/s and other workers who may be contracted by the latter to carry out the services of **DBP** under this Agreement. **DBP** shall hold **PHILHEALTH** free and harmless from any claims and causes of action relating to the employment status of the **DBP**'s representatives and workers who shall remain accountable solely to **DBP** in the performance of their duties.
3. The failure of the Parties to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any right or remedy a Party may have, not shall it be construed as a waived of any subsequent breach or default or the terms, conditions and covenants herein contained, which shall be in full force and effect. No waiver by either Party shall be deemed to have been made unless expressed in writing and signed by a duly authorized representative thereof.
4. If any of the provisions of this Agreement be declared invalid of illegal, such invalidity or illegality shall not in any way affect the remaining provisions hereof or any vested right which may have already accrued in favor of the Parties.
5. During the period when collections and payments made in accordance with this Agreement are not yet credited to the **PHILHEALTH** Current/Savings Account, risk of loss of the amounts



collected electronically shall be the sole responsibility of **DBP**, without prejudice to the **DBP's** right to avail of its legal remedies against the person responsible for the loss.

6. **DBP** shall be relieved from the performance of its obligations and the payment of penalties under this Agreement in the event of force majeure.
7. This Agreement and the documents referred to herein or executed contemporaneously herewith constitute the entire Agreement of the Parties with respect to the subject matter hereof and shall supersede any prior expressions of intent or understanding with respect to this transaction.
8. Neither Party may assign or delegate its rights, duties or obligations under this Agreement without the prior written consent of the other Party. Notwithstanding the foregoing, a Party may assign this Agreement to an affiliate, subsidiary or any entity owned or controlled by the assigning Party, or pursuant to the merger, consolidation or corporate reorganization upon notice to the other Party.
9. **PHILHEALTH** at its own expense, agrees to indemnify and hold **DBP**, its directors, officers and employees, free and harmless from any and all losses, damages or liabilities, of whatever kind and nature, including Attorney's fees, which **DBP** may suffer in connection with this Agreement for causes attributable to the fault or negligence of **PHILHEALTH** and/or its employees. Likewise, **DBP**, at its own expense, shall indemnify and hold **PHILHEALTH**, its directors, officers and employees free and harmless with respect to losses, damages or liabilities, including Attorney's fees, to the extent based upon (i) personal injury or property damage caused by the fault or negligence of **DBP** or its employees, or (ii) any breach or wilful, intentional or negligent actions or failures by **DBP** or its employees.
10. This Agreement shall be governed and construed in accordance with the laws of the Philippines.
11. All disputes, claims and controversies between the Parties arising from the interpretation or application of this Agreement shall be administratively settled or adjudicated in the manner provided under PD 242 in relation to relevant provisions of R.A.9285 and the Administrative Code of 1987.
12. The waiver or failure of a Party to exercise any right provided for herein shall not be deemed a waiver of any further right hereunder.

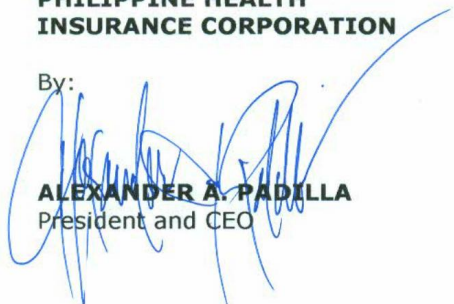


The rights and remedies of a Party set forth in this Agreement are in addition to any rights or remedies the **PHILHEALTH** may otherwise have at law or in equity.

- 13. All provisions hereof relating to proprietary rights, confidentiality and non-disclosure and indemnification shall survive the completion of the collection services or any earlier termination of this Agreement.
- 14. In case of unresolved conflicts in the interpretation and implementation of this Agreement, the Parties agree to submit such dispute/s to arbitration in accordance with Philippine arbitration laws, rules and regulations.

IN WITNESS WHEREOF, the parties through their respective authorized representative have hereinto signed in this Agreement this _____ day of 14 APR 2015, 2015 at CITY OF MAKATI, Philippines.

PHILIPPINE HEALTH INSURANCE CORPORATION


By: 
ALEXANDER A. PADILLA
President and CEO

DEVELOPMENT BANK OF THE PHILIPPINES

By: 
GIL A. BUENAVENTURA
President and CEO

SIGNED IN THE PRESENCE OF


DR. ISRAEL FRANCIS PARGAS
PhilHEALTH


ANTHONY T. ROBLES
EVP, Branch Banking Sector

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MAKATI)

At the above stated place, on the _____ day of 14 APR 2015 2015,
before me personally appeared:

<u>NAME</u>	<u>GOVERNMENT-ISSUED IDENTIFICATION.NO.</u>	<u>EXPIRY</u>
ALEXANDER A. PADILLA		
GIL A. BUENAVENTURA		

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed as well as the entities they respectively represent.

This instrument consists of _____ pages, including this page whereon this Acknowledgement is written and signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND SEAL this 14 APR 2015 day of _____, 2015 at
CITY OF MAKATI.

Doc. No. 243
Page No. 50
Book No. 17
Series of 2015

Notary Public

YOLANDA Y. VILLANUEVA
Notary Public
Until December 31, 2015
PTR No. MKT4249553/1-22-2014/Makati City
Roll No. 65483
IBP Lifetime No. 09175
MCLE No. IV-0006379/29 March 2013/Pasig City



4


PT Summary of Number of Payments



Paying Taxes

2014 BASELINE			2015 COMMITTED TARGETS	
NO. OF PAYMENTS	DESCRIPTION	Agency	NO. OF PAYMENTS	DESCRIPTION/Reference
1	Corporate Income Tax	BIR	1	Retain
1	Local Business Tax	BIR and QC LGU	1	Retain
1	Employer paid – SSS	SSS	1	Retain
1	Real Property Tax	BIR	1	Retain
12	Employer paid – Health Insurance	Philhealth	1	To reduce number of social contribution payments from 12 to 1
12	Employer paid – Housing Development Fund	Pag-IBIG Fund	1	To reduce number of social contribution payments from 12 to 1
1	Tax on interest	BIR	1	Retain
1	Community Tax Certificate	Quezon City LGU	0	Paid jointly with local business tax
1	Environmental Tax	BIR	1	Retain
0	Employer paid-Employer's compensation	SSS	0	Retain
1	Vehicle Tax		1	Retain
1	Value Added Tax (VAT)	BIR	1	Retain
1	Tax on check transactions	BIR	1	Retain
0	BIR Certificate	BIR	0	Retain
1	Tax on insurance contracts	BIR	1	Retain
1	Stamp Duty	BIR	1	Retain
36			13	

Office Order 138



OFFICIAL RECEIPT
Republic of the Philippines
Office of the City Treasurer
Quezon City

ORIGINAL

No. A1COR3363056-1

Machine Validation No. B-2014-00-025-0005354-BRBYLVN

Bill Number B-2014-05-13-K4-004135 2014 1-4(6)

PROCESSED BY
14-006918 PROSNERGY INC.

Computerized Official Receipt

05/13/2014 02:28:07 PM

NATURE OF COLLECTION	FUND AND ACCOUNT CODE	AMOUNT
WARR'S PERMIT		100.00
CITY TAX		625.00
GARBAGE FEE		390.00
SMITARY FEE		450.00
BUILDING INSP. FEE		50.00
ELECTRICAL INSP. FEE		20.00
PLUMBING INSP. FEE		7.00
STREBCHRO		50.00
FIRE INSPECTION FEE		200.00
NEW REGISTRATION PLATE / STICKER		250.00
ZONING FEE		395.00
TOLUISH		0.00
ADJUDG		0.00
SPECIAL PERMIT		100.00
APPLICATION FEE		0.00
CTC (Please Claim CTC after payment)		500.00
TOTAL		3,337.00

Received

Cash

Treasury Warrant

Check

Money Order

Treasury Warrant, Check, Money Order Number

Date of Treasury Warrant, Check, Money Order

Received the Amount stated above

3,337.00

EDGAR T. VILLANUEVA
City Treasurer

BUSINESS TAX BILL

REPUBLIC OF THE PHILIPPINES
QUEZON CITY, METRO MANILA
OFFICE OF THE CITY TREASURER

BILLING NO. 0522094


DATE BILLED 05/13/2014 - BIS


ASSESSED BY

LOCATION ADDRESS
201, 2/F, 1408 GREEN PALM BLDG., QUEZON AVE SOUTH TRIANGLE

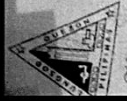
NAME OF TAXPAYER
PROSNERGY INC.

NATURE OF COLLECTION	AMOUNT
WARR'S PERMIT	100.00
CITY TAX	625.00
GARBAGE FEE	390.00
SMITARY FEE	450.00
BUILDING INSP. FEE	50.00
ELECTRICAL INSP. FEE	20.00
PLUMBING INSP. FEE	7.00
STREBCHRO	50.00
FIRE INSPECTION FEE	200.00
NEW REGISTRATION PLATE / STICKER	250.00
ZONING FEE	395.00
TOLUISH	0.00
ADJUDG	0.00
SPECIAL PERMIT	100.00
APPLICATION FEE	0.00
CTC (Please Claim CTC after payment)	500.00
TOTAL	3,337.00

RECOMMENDING APPROVAL BY: 
EDGAR T. VILLANUEVA
CITY TREASURER

APPROVED BY: 
HERBERT M. BAUTISTA
MAYOR

ORIGINAL - TAXPAYER COPY


 Republic of the Philippines
 Quezon City
OFFICE OF THE MAYOR
Herbert M. Bautista *mayor*
OFFICE ORDER NR. 190
 Series of 2013

In preparation for the tax period for Fiscal Year 2014 and anticipating the influx of taxpayers, the city government hereby adopts and implements the following steps in the processing and applications for renewal and collection or acceptance of payment for business taxes pursuant to Chapter 3, Book II, RA7160, as amended; Chapter 2, Book Five, Local Treasury Manual and Ordinance Nr SP-91, series of 1993, as amended, including the payment of Real Property Taxes. The purpose of this guidance is to ensure ease in doing business, efficiency, transparency and accountability in our official dealings and transactions with our taxpaying clients.

SECTION 1. PROCESS FLOW. Treasury Department Officers and Staff, including authorized representatives of the Office of the Mayor are directed to observe the following process flow in the Business Tax collections:

1.1 First Step (Step 1) – Initial Evaluation. Initial evaluation including determination of gross sales shall be performed by employees of the Inspection and Examination Division, Treasury Department. They shall require the taxpayer to present the following documents:

1.1.1 Complete Set of Audited Financial Statement (FS), FY2012; Provided, however that the accountant signing the audited FS is duly accredited by the Bureau of Internal Revenue, Board of Accountancy-PRC or the Securities and Exchange Commission (SEC);

1.1.2 Income Tax Returns, FY2012;

1.1.3 Original Copy of the Value Added Tax Returns/Percentage Tax returns, FY2013;

1.1.4 Original Copy of the Letter of Confirmation, if applicable;

1.1.5 Certified Sales Breakdown, if consolidated, Financial Statement.

Acting on the recommendation of the City Treasurer, the Evaluation Team, under this Step, shall be composed of the following:

1.2 Second Step (Step 2) – Assessment and Billing. This involves the preparation of the Business Tax Assessment, including Corporate or Single Proprietorship Community Tax Certificates pursuant to Art 6, Ch 2, Title I, Bk II, RA7160, as amended and Ordinance Nr SP-91, s.1993, as amended.

1.3 Third Step (Step 3) – Final Evaluation and Review. Pursuant to Memorandum Circular Nr 8, s. 2013 and Office Order Nr 122, s. 2013, the Review and Audit Team shall perform final evaluation and review of all assessments and billings performed under the preceding number. Provided:

1.3.1 In case of loss, the Original Billing for FY2014 may only be reprinted once. Succeeding reprinting of Original Billing shall be subject to evaluation and submission of a sworn statement of such loss;

1.3.2 The QC Information Technology Development Office shall submit to and provide the Review and Audit Team a certified Assessment History of all registered businesses covering a period of Five (5) Years, ie, FY2008-2013;

1.3.3 Validation through the SEC i-View, and;

1.3.4 Rebilling, if necessary, may only be entertained upon the written authorization of the authorized representative of the Mayor.

Provided, finally, Blocking and Unblocking Procedures of tax accounts may only be performed by the concerned Heads of Offices and accountable career employees of the Business Permits and Licensing Office and the Treasury Department, at the Assessment Lounge, Second Floor, QC Hall Main Building.

Acting on the recommendation of the City Treasurer, the Final Evaluation and Rebilling Teams, under this Step, shall be composed of the following:

FINAL EVALUATION

1.4 Fourth Step (Step 4) – Approval for Payment. The Mayor, through his authorized representative, in this instance, the Business Permits and Licensing Office Chief and the Treasurer shall cause the approval of the Final Billing and Order of Payment, in that order.

1.5 Fifth Step (Step 5) – Renewal of Business Permits. Upon payment, the Business Permits and Licensing Office Chief, is hereby authorized to renew or cause the issuance of business permits for FY2014; Provided, however, that all registered businesses have a period of Ten (10) days within which to secure Locational Clearances from the City Planning and Development Office.

For the entire duration of the taxation period, only career employees are authorized to perform functions, duties and responsibilities in relation to the revenue generation efforts of the city, unless authorized by the Mayor, in writing.

Section 2. BRANCH OPERATIONS; AUTHORITY. The Five (5) Treasury Department branches are hereby authorized to assess, levy and collect all forms of taxes with an annual gross sales value of Five Hundred Thousand Pesos (P500,000.00) and below, and shall be limited to retailers of goods (Sari-Sari Stores) and Apartment lessors,

Section 3. MODES OF PAYMENT. Pursuant to Memorandum Circular Nr 7, series of 2013 dated 07 June 2013 and subject to its prescribed guidelines, Checks may be accepted in the payment of taxes and other forms of indebtedness to the government.

Section 4. REAL PROPERTY TAX PAYMENTS. Subject to the provisions of Ordinance Nr SP-2228, series of 2013 and its Implementing Rules and Regulations, Real Property Tax Payments, without delinquencies, may be accepted through electronic means.

Blocking and Unblocking procedures for Real Property Tax Accounts or records may only be performed by the City Treasurer and City Assessor at the Office of the City Assessor.

Section 5. COORDINATION; INTER-DEPARTMENT - The General Services, Public Order and Safety Departments, QC Hall PNP Detachment-QCPD are directed to provide assistance in the deployment of its personnel and augment security and crowd control measures within the QC Hall Compound and all Treasury Department Branches.

The Communications Coordination Center and Public Affairs and Information Service Office must ensure widest dissemination of the Business Renewal and Application Process. This includes availability of non-accountable forms, downloadable from the official website of the city. Information dissemination on the continuing operations, even during weekends, of the Treasury Department and its satellite branches is directed.

Section 6. SANCTIONS. The City Administrator and the QC Information Technology Development Officer shall regularly conduct random audit of transactions performed under item number 1.1, 1.2, 1.3,4 of this Order, to determine a trend of discrepancies, malfeasance or misfeasance in the evaluation, assessment or billing process. Once established, they are authorized to recommend to the Mayor, the relief of assigned Treasury Department employees from their work stations pending investigation and institution of appropriate disciplinary and administrative action, pursuant to Memorandum Circular Nr 10, series of 2013 dated 19 September 2013.

Non-organic or unauthorized employees are strictly prohibited from loitering within or around the premises of all Revenue Generation Offices. Their unauthorized presence shall be presumed as "Acts of Fixing" and shall be dealt with the fullest extent of the law.



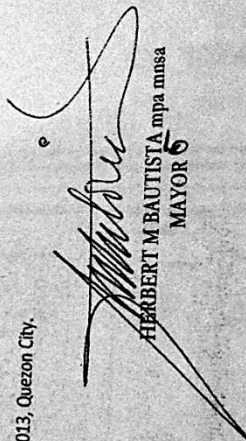
Section 7. OTHER PROVISIONS. The following provisions must be faithfully complied with:

7.1 The QC Information and Technology Development Office must ensure strict compliance to the prescribed Rebilling, Blocking and Unblocking Procedures under this Order;

7.2 All orders, directives and memorandums inconsistent herewith are hereby amended or rescinded accordingly.

7.3 This Order shall take effect on 01 January 2014.

Issued, 26th December 2013, Quezon City.



HERBERT M. BAUTISTA
MAYOR

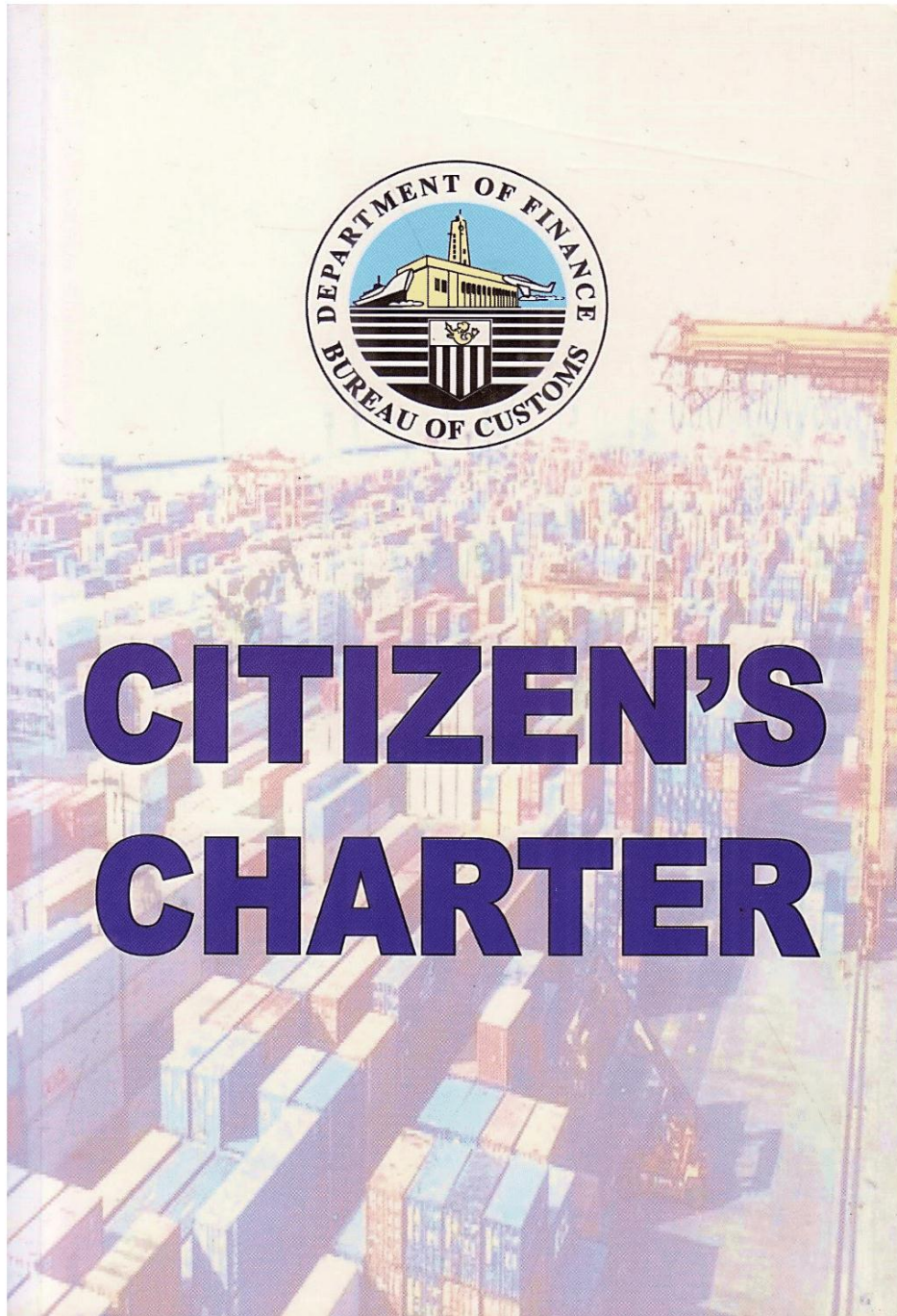
TRADING ACROSS BORDERS

TRADING ACROSS BORDERS – 1 UPDATE

- To continuously improve trade through facilitation of import and export processes:
 1. The Bureau of Customs' Citizen's Charter is being **fully** implemented resulting to reduced days and documents for Import and Export.

TRADING ACROSS BORDERS UPDATE REFERENCE

Bureau of Customs Citizen's Charter



FRONTLINERS COMMITMENT TO SERVICE

I am customs officer and a frontliner

I am sworn to serve the public

with utmost care, fidelity and promptness.

*I will perform my duty with excellence
to the best of my ability.*

As a public servant,

*I will uphold the time-honored principle
that public service is a public trust.*

I will discharge my duties

*with the highest degree of professionalism,
intelligence and skill*

*I will serve with courtesy, act with fairness and sincerity,
and provide efficient service to everyone.*

I will not discriminate against anyone

regardless of race, creed or political affiliation.

As a frontliner of the Bureau of Customs

I will serve with honor and dignity.

So, help me God.

Bureau of Customs List of Services

TYPE OF FRONTLINE SERVICE	FEES	FORMS	PROCESSING TIME (UNDER NORMAL CIRCUMSTANCES PER TRANSACTION)	PERSON RESPONSIBLE /LOCATION
IMPORT TRANSACTIONS 1. Processing of Consumption Entry.				
a. Green lane	P305.00 – Cost of Form with CDS	BC Form 236	32 mins	Customs Officers, Formal entry Division/Equivalent Division, POM; MICP and NAIA
b. Yellow Lane	P305.00 – Cost of Form with CDS	BC Form 236	57 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM; MICP and NAIA
c. Red Lane	P305.00 – Cost of Form with CDS	BC Form 236	2 hrs. & 35 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM; MICP and NAIA
2. Processing of warehousing entry.				
a. Green Lane	P305.00 – Cost of Form with CDS	BC Form 236	50 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM; MICP and NAIA
b. Yellow Lane	P305.00 – Cost of Form with CDS	BC Form 236	1 hr & 30 mins	Customs Officers, Warehouse Assessment Division/Equivalent Division, POM; MICP and NAIA
c. Red Lane	P305.00 – Cost of Form with CDS	BC Form 236	2 hrs & 30 mins	Customs Officers, Warehouse Assessment Division/Equivalent Division, POM; MICP and NAIA
3. Processing of Informal Entry Declaration	P295.00 – Cost of Form with CDS	BC Form 117	3 hrs & 22 mins	Customs Officers, Informal entry Division/Equivalent Division, POM; MICP and NAIA
4. Release of imported goods through postal stations	CDS-P115.00	BC Form 116	45 mins	Customs Officers, Informal entry Division/Equivalent Division, POM; MICP and NAIA
5. Entrance Formalities for Arriving International Vessel	CDS-P115.00	Documents required to be submitted for clearance of vessels	1 hr & 5 mins	COO III/Customs Postal Stations in all ports
6. Clearance Formalities for Departing International Vessel	CDS-P115.00	Documents required to be submitted for clearance of vessels	1 hr	Customs Boarding Officer, Piers & Inspection Division, POM and MICP

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VISION

A modernized and efficient customs administration that every Filipino can trust and be proud of.

MISSION

- *To assess and collect lawful revenues efficiently*
- *To effectively curb illicit trade and all forms of customs fraud*
- *To facilitate trade in a secured manner*
- *To implement relevant technology for an efficient and effective customs management aligned with the international customs best practices*
- *To promote professionalism and integrity in the service*

GUIDING PRINCIPLES

- *Commitment to the delivery of high quality services to our transacting public.*
- *Enhanced use of modern management techniques such as electronic transactions, compliance audit and risk management.*
- *Focus on personnel as the driving force in the achievement of our missions.*
- *Consideration of relevant international instruments, conventions, agreements such as the Revised Kyoto Convention and others promulgated by WCO, WTO, APEC, ASEM, and ASEAN.*

VALUES

As a Customs Administration we are committed to:

- *Professionalism and Integrity*
- *Transparency and Accountability*
- *Consistency and Simplicity*
- *Vigilance and Dynamism*
- *Be responsive to the needs of the community and industry*

As a Customs personnel we are committed to be:

- *Competent and Efficient*
- *Accountable and Responsible*
- *Honest and Dedicated*
- *Firm and Fair*
- *Helpful and Courteous*
- *Simple in lifestyle*

STRATEGIC GOALS

- *Collected lawful revenues*
- *Improved information sharing on intelligence and enforcement matters*
- *Strengthened enforcement*
- *Enhanced security and facilitation of international trade supply chain*
- *Improved level of compliance of stakeholders*
- *Implemented and applied international customs best practices*
- *Improved customs management through modernized technology*
- *Delivered targeted capacity building and welfare programs*

FRONTLINERS COMMITMENT TO SERVICE

*I am customs officer and a frontliner
I am sworn to serve the public
with utmost care, fidelity and promptness.
I will perform my duty with excellence
to the best of my ability.*

*As a public servant,
I will uphold the time-honored principle
that public service is a public trust.*

*I will discharge my duties
with the highest degree of professionalism,
intelligence and skill*

*I will serve with courtesy, act with fairness and sincerity,
and provide efficient service to everyone.*

*I will not discriminate against anyone
regardless of race, creed or political affiliation.
As a frontliner of the Bureau of Customs
I will serve with honor and dignity.*

So, help me God.

Bureau of Customs List of Services					
TYPE OF FRONTLINE SERVICE	FEES	FORMS	PROCESSING TIME (UNDER NORMAL CIRCUMSTANCES PER TRANSACTION)	PERSON RESPONSIBLE /LOCATION	
IMPORT TRANSACTIONS 1. Processing of Consumption Entry:					
a. Green lane	P305.00 – Cost of Form with CDS	BC Form 236	32 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM, MICP and NAIA	
b. Yellow Lane	P305.00 – Cost of Form with CDS	BC Form 236	57 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM, MICP and NAIA	
c. Red Lane	P305.00 – Cost of Form with CDS	BC Form 236	2 hrs & 35 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM, MICP and NAIA	
2. Processing of warehousing entry:					
a. Green Lane	P305.00 – Cost of Form with CDS	BC Form 236	50 mins	Customs Officers, Formal Entry Division/Equivalent Division, POM, MICP and NAIA	
b. Yellow Lane	P305.00 – Cost of Form with CDS	BC Form 236	1 hr & 30 mins	Customs Officers, Warehousing Assessment Division/Equivalent Division, POM, MICP and NAIA	
c. Red Lane	P305.00 – Cost of Form with CDS	BC Form 236	2 hrs & 30 mins	Customs Officers, Warehousing Assessment Division/Equivalent Division, POM, MICP and NAIA	
3. Processing of Informal Entry Declaration	P295.00 – Cost of Form with CDS	BC Form 117	3 hrs & 22 mins	Customs Officers, Warehousing Assessment Division/Equivalent Division, POM, MICP and NAIA	
4. Release of Imported goods through postal stations	CDS-P115.00	BC Form 116	45 mins	Customs Officers, Informal Entry Division/Equivalent Division, POM, MICP and NAIA	
5. Entrance Formalities for Arriving International Vessel	CDS-P115.00	Documents required to be submitted for entrance of vessels	1 hr & 5 mins	COO III/Customs Postal Stations in all ports	
6. Clearance Formalities for Departing International Vessel	CDS-P115.00	Documents required to be submitted for entrance of vessels	1 hr	Customs Boarding Officer, Piers & Inspection Division, POM and MICP	

3. Processing of Customs Baggage Declaration for incoming passengers with Receipt of Held Baggage	None	Customs Baggage Declaration	14 mins	Customs Operations Officer/Arrival Operations Division, NAIA
4. Processing of Customs Baggage Declaration for incoming passengers with Currency Declaration	None	Customs Baggage Declaration	10 mins	Customs Operations Officer/Arrival Operations Division, NAIA
5. Processing of Customs Baggage Declaration for incoming passengers with Issuance of Re-Export Commitment	None	Customs Baggage Declaration	10 mins	Customs Operations Officer/Arrival Operations Division, NAIA
6. Cancellation of Re-Export Commitment for departing passengers	None	Copy of duly issued Re-export Commitment	5 mins	Customs Operations Officer/Departure Operations Division, NAIA
7. Cancellation of Re-export Commitment with bond for departing passengers	None	Copy of duly issued Re-export Commitment	15 mins	Customs Operations Officer/Departure Operations Division, NAIA
8. Processing of Foreign Current Declaration for departing passengers	None	Foreign Current Declaration Form	3 mins	Customs Operations Officer/Departure Operations Division, NAIA
9. Issuance of Certificate of Identification for departing passengers	CDS-P115.00	BC Form 40-45 Special Identification	31 mins	Customs Operations Officer/Departure Operations Division, NAIA
10. Processing of Special Permit to Load for departing passengers	CDS-P115.00	BC Form 40-45 Special permit to load	5 mins	Customs Operations Officer/Departure Operations Division, NAIA
11. Entrance Formalities for incoming international aircraft	None	Documents required for entrance of aircraft	27 mins	Customs Boarding Officer/Aircraft Operations Division, NAIA
12. Clearance Formalities for departing international aircraft	None	Documents required for departure of aircraft	10 mins	Customs Boarding Officer/Aircraft Operations Division, NAIA
OTHER TRANSACTIONS				
1. Processing of Tax Exemption Certificates	None	Tax Exemption Certificate with ATRIG/MAVIC/Embassy Certificate as applicable	1 hr & 10 mins	Customs Officers/Tax Exempt Division, CCOM
2. Issuance of Clearance of No Pending Case by the Legal Service	None	Letter request	10 mins	Staff, Prosecution & Litigation Division
3. Issuance of Clearance of No Pending Case by the CINS	None	Letter request	3 hrs	Staff, Customs Intelligence & Investigation Service

7. Processing of Transshipment Permit (Local)	43 mins	BC Form 199	Cost of Form with CDS-P115.00 CSF (\$10-1x40; \$5-1x20)	Customs Boarding Officer, Piers & Inspection Division, POM and MICP
8. Approval of Special Permit to Discharge	19 mins	Letter request	CDS-P115.00	Customs Operations Officers, Office of the Deputy Collector for Operations, POM & MICP
9. Approval of special Permit to Load	19 mins	Letter request	CDS-P115.00	Customs Operations Officers, Office of the Deputy Collector for Operations, POM & MICP
10. Processing of CBW Operations				
a. Processing of Requestion slip	30 mins	Requisition Slip Form	None	Staff, CBW Operating Divisions/equivalent division, POM, MICP & NAIA
b. Processing for Extension of Period of Storage	45 mins	Letter request	CDS-P115.00	Staff, CBW Operating Divisions/equivalent division, POM, MICP & NAIA
c. Application of Disposition By payment By condemnation By re-exportation	2 hrs & 25 mins 2 hrs & 35 mins 2 hrs & 55 mins	Letter request	None	Staff, CBW Operating Divisions/equivalent division, POM, MICP & NAIA
EXPORT TRANSACTIONS				
1. Processing of Export Certificate of Identification	31 mins	ED Form	CDS-P115.00	Customs Operations Officer/Export Division/Equivalent Division, POM, MICP & NAIA
2. Issuance of Certificate of Origin with Pre-exportation Evaluation of Goods	5 days, 2 hrs & 8 mins	CO Form	None	Customs Operations Officer, Export Division/Equivalent Division, POM, MICP & NAIA
3. Processing of Certificate of Origin	17 mins	CO Form	None	Customs Operations Officer, Export Division/Equivalent Division, POM, MICP & NAIA
4. Issuance of Certificate of Shipment	1 day & 14 mins	Certificate of Shipment Form	CDS-P115.00	Customs Operations Officer, Export Division/Equivalent Division, POM, MICP & NAIA
AIRPORT OPERATIONS				
1. Processing of Customs Baggage Declaration for Incoming Passengers	4 mins	Customs Baggage Declaration	None	Customs Operations Officer/Arrival Operations Division, NAIA
2. Processing of Customs Baggage Declaration for incoming passengers with arrival of customs duties and taxes	13 mins	Customs Baggage Declaration	None	Customs Operations Officer/Arrival Operations Division, NAIA

4. Processing of application for Drawback (One Stop Shop Drawback Center)	None	Letter-request with supporting documents	4 days & 52 mins	Staff, Tax Credit Committee, Office of the Commissioner
5. Processing of the request for the utilization of BOC approved TCC	None	Letter-request with supporting documents	1 day, 4 hrs & 35 mins	Staff, Tax Credit Committee, Office of the Commissioner
6. Processing of the request for the utilization of TCC jointly issued by BOC-OSS	None	Letter-request with supporting documents	1 day, 3 hrs & 55 mins	Staff, Tax Credit Committee, Office of the Commissioner
7. Processing of Application for Special Revalidation of TCC with the Tax Credit Committee	50k and below - Php 500 Over 500k-100k - Php 600 Over 100k-200k - Php 700 Over 200k-300k - Php 800 Over 300k-400k - Php 900 Over 400k-500k - Php 1000 Over 500k-750k - Php 1500 Over 750k-1M - Php 2000 Over 1M-Php3000 Php 115.00	Application	4 days, 1 hr & 23 mins	Tax Credit Committee, Accounting Division
8. Processing of Application for Special Revalidation of TCC District Collector's Office (Reduction of Duty Rate)	50k and below - Php 500 Over 500k-100k - Php 600 Over 100k-200k - Php 700 Over 200k-300k - Php 800 Over 300k-400k - Php 900 Over 400k-500k - Php 1000 Over 500k-750k - Php 1500 Over 750k-1M - Php 2000 Over 1M-Php3000 Php 115.00	Application	8 days, 2 hrs & 40 mins	OCOM, Revenue Accounting Division, Collection Service, Accounting Division, Tax Credit Committee
9. Processing of Application for VAT Refund through Tax Credit	50k and below - Php 500 Over 500k-100k - Php 600 Over 100k-200k - Php 700 Over 200k-300k - Php 800 Over 300k-400k - Php 900 Over 400k-500k - Php 1000 Over 500k-750k - Php 1500 Over 750k-1M - Php 2000 Over 1M-Php3000 Php 115.00	Application	10 days, 4 hrs & 23 mins	Staff Accounting Division, Accounting Revenue Accounting Division, Tax Credit Committee, Collection Service

**FORMAL ENTRY DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA; MICP; NAIA**

PROCESSING OF CONSUMPTION ENTRY - GREEN LANE CHANNEL

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THIS SERVICE:

IMPORTERS, BROKERS, AUTHORIZED REPRESENTATIVES

WHAT ARE THE REQUIREMENTS:

1. **Documentary Requirements:**
 - a. Duly accomplished Import Entry and Internal Revenue Declaration (BC Form 236)
 - b. Commercial Invoice
 - c. Packing List
 - d. Bill of Lading
 - e. Permits or Clearances, (for regulated import commodity)
2. **Payment of duties and taxes to Authorized Agent Bank (AAB)**
3. **Electronic lodgment of IEIRD through VASP**

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submit IEIRD with attached documents to the Entry and Light (ERU) and Collection Division.	Receive hard copy of IEIRD which had already been filed through the VASP.	1 minute	EPU Staff, Collection Division	Cost of BC Form 236	BC Form 236
2		<ol style="list-style-type: none"> 1. Segregate copies of IEIRD documents to other government agencies and offices concerned; 2. Validate/check documents and authenticity of documents; 3. Stamp Section Number Forward Documents to COO V. Import Specialist Team, Formal Entry Division 4. Forward documents to COO V. Import Specialist Team, Formal Entry Division 	5 minutes	EPU Staff, Collection Division		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
3		Assign IEIRD to COO III.	2 minutes	COO V, Section Concerned		
4		1) Check declaration of goods as regards valuation, tariff classification, etc. of origin, etc. 2) Affix signature over printed name if no discrepancy found.	15 minutes 3 minutes 4 minutes 2 minutes	COO III COO V, Section Concerned AMPP Verifier Collection Division		
5		1) Review of COO III in the IEIRD. 2) Affix signature over printed name. 3) Return IEIRD to IST.				
6		1) Approve release of the cargo. 2) Affix signature over printed name. 3) Transmit IEIRD to Collection Division for matching of payment.				
7		1. Verify duties and taxes paid using the Automated Matching of Payments and Payables System (AMPP); 2. Lift duty stop.				
TOTAL		END OF TRANSACTION	32 mins			
		*In case of discrepancy/questions on classification and valuation and other issues, COO III and COO V are referred to the District Collector through the VCRC for resolution.				

**FORMAL ENTRY DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA: MICP; NAIA**

PROCESSING OF CONSUMPTION ENTRY - YELLOW LANE CHANNEL

SCHEDULE OF AVAILABILITY OF SERVICE:
Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THIS SERVICE:
IMPORTERS OR HIS AUTHORIZED REPRESENTATIVE

- WHAT ARE THE REQUIREMENTS:**
1. **Documentary Requirements:**
 - a. Duly accomplished Import Entry and Internal Revenue Declaration (BC Form 236)
 - b. Commercial Invoice
 - c. Packing List
 - d. Bill of Lading
 - e. Permits or Clearances, (for regulated import commodity)
 2. **Payment of duties and taxes to Authorized Agent Bank (AAB)**
 3. **Electronic lodgment of IEIRD through VASP**

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submit IEIRD and supporting documents to the EPU, Formal Entry Division	1) Receive hard copy of IEIRD which has already been filed through the EPU, Formal Entry Division / Importers / brokers. 2) Validate/check and authenticity of IEIRD and its supporting documents. 3) Stamp the number of the Section on the entry documents as per declaration. 4) Proceed to the office for distribution to other government agencies and offices concerned. 5) Indicate the status of shipment if tagged or not for X-ray.	8 minutes	EPU Staff, Formal Entry Division	Cost of BC Form 236-	As above stated

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
2		Review and approve distribution of IEIRD to Section concerned if processed according to existing rules and regulations.	1 minute	Chief, EPU		
3		1) Record details of the IEIRD. 2) Transmit working copies to Section concerned in FED.	2 minutes	EPU Staff		
4		Receives hard copy of IEIRD from EPU, records its details in a logbook and forwards it to COO V.	2 minutes	Receiving Clerk Section Concerned		
5		1) Check selectivity to determine whether the IEIRD shall be coursed through the Yellow Channel. If bit "Yellow", shipment shall be subject to documentary examination 2) Affix signature entry to COO III.	2 minutes	COO V		
6		1) Make a study on the proper tariff classification, correct inclusion of the applicable rules of origin, etc. 2) Indicate findings and discrepancies, if any, to the SAD as well. 3) Affix signature over printed name. 4) Register findings electronically.	30 minutes	COO III		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
7		1) Review findings indicated in both the IEIRD and SAD, and may either approve or disapprove the same. 2) Reroute to green lane the IEIRD and assess the imported goods. 3) Print Final Assessment approved or approved or no discrepancy found. 4) Affix signature over printed name.	10 minutes	COO V		
8		1) Record other details of the IEIRD. 2) Transmit to Collection Division.	5 minutes	Releasing Clerk/Messenger		
9		Verify payment of duties, issues using the Automated Matching of Payment and Payable System (AMPP). If in order, lifts duty stop and trigger OLR. Issues EIR to client.	5 minutes	AMPP Verifier Collection Division		
TOTAL		END OF TRANSACTION	1 hr 5 mins			
		*In case of discrepancy/questions on classification and value issues, COO III and COO V recommend to the District Collector through the VRC for resolution.				

**FORMAL ENTRY DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA; MICP; NAIA**

PROCESSING OF CONSUMPTION ENTRY - RED LANE CHANNEL

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THIS SERVICE:

IMPORTERS, BROKERS, OR AUTHORIZED REPRESENTATIVES

WHAT ARE THE REQUIREMENTS:

1. **Documentary Requirements:**
 - a. Duly accomplished Import Entry and Internal Revenue Declaration (BC Form 236)
 - b. Commercial Invoice
 - c. Packing List
 - d. Bill of Lading
 - e. Permits or Clearances, (for regulated import commodity)
2. **Payment of duties and taxes to Authorized Agent Bank (AAB)**
3. **Electronic lodgment of IEIRD through VASP**

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submits IEIRD with supporting documents as above stated to the EPU Staff, Formal Entry Division	<ol style="list-style-type: none"> 1) Receive hard copy of IEIRD which had already been processed through the VASP for importers/brokers. 2) Validate/check completeness of IEIRD and its supporting documents. 3) Assign the number of the assigned Section on the entry declaration per declaration. 4) Segregate copies of IEIRD and its supporting documents to other government agencies and offices concerned. 5) Assign the status of shipment if tagged or not for X-ray. 	8 minutes	EPU Staff, Formal Entry Division	Cost of BC Form 236	BC Form 236

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
2		Review and approval of IEIRD to Section concerned.	1 minute	Chief, EPU		
3		<ol style="list-style-type: none"> 1) Record details of the IEIRD. 2) Transmit copies to Section concerned in Formal Entry Division (FEU). 	2 minutes	EPU Staff		
4		Receives hard copy of IEIRD from the EPU Staff, Formal Entry Division and forwards it to COO V.	2 minutes	Receiving Section Concerned		
5	Importer/ Broker will have the container scanned in Designated Examination Area to undergo either physical or X-ray examination.	<ol style="list-style-type: none"> 1) Check the selectivity to determine IEIRD shall be processed through the Yellow Channel. If hit "Red", shipment shall be subject to documentary and physical examinations. The provisions of CAO 17-2008 shall apply on those tagged for X-ray. 2) Assign entry to COO III. 	2 minutes	COO V		
6		<ol style="list-style-type: none"> 1) Conduct physical examination of the cargo. 2) Make a study on the proper tariff classification, valuation of the imported goods, and the rules of origin, etc. 3) Indicate findings on the entry, if any on the IEIRD and the findings on the Narrative Document (SAD) as well as the signature over the same. 5) Register findings electronically. 	2 hours *	COO III		

**BUREAU OF CUSTOMS
WAREHOUSING ASSESSMENT DIVISION/EQUIVALENT UNIT
PORT OF MANILA; MANILA INTERNATIONAL CONTAINER PORT & NINOY
AQINO INTERNATIONAL AIRPORT**

**FILING AND PROCESSING OF WAREHOUSING ENTRIES
(Reference : CMO Nos. 17-97, 20-97 19-2007, 2-98 17-2008)**

SCHEDULE OF AVAILABILITY OF SERVICE
Monday-Friday
8:00 a.m-5:00 p.m.

WHO MAY AVAIL OF THE SERVICE
IMPORTER, CBW OPERATOR, CUSTOMS BROKER OR THEIR AUTHORIZED REPRESENTATIVE/S

WHAT ARE REQUIREMENTS

1. BC Form No. 236
2. Bill of Lading
3. Packing List
4. Commercial Invoice
5. Warehousing Bond or Re-export Bond
6. Permit, if applicable

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Importer accomplishes IEIRD and lodge the same with Service Processor for lodgment and receiving feedback from the system, submits IEIRD with supporting documents to the Entry Processing Unit, Warehousing Assessment Division/Unit	1. Receive and check documents for completeness; 2. Write-off manifest; 3. Segregates manifest copies and based on the Selectivity color, send documents to the Green Lane entry Division and for bonded entry to Warehouse Assessment Division	15 mins	EPU Staff	P305.00- Cost of form with CDS	Warehousing Entry with supporting documents

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
7		1) Review findings of the COO III indicated in both the IEIRD and SAD; and may either approve or disapprove the same. 2) Route to green lane the IEIRD if there is discrepancy in the imported goods. 3) Print Final Assessment Notice if approved or no discrepancy found. 4) Affix signature over printed name.	10 minutes	COO V		
8		1) Record details of the IEIRD 2) Transmit to Collection Division.	5 minutes	Releasing Clerk/ Messenger		
9		1. Verify payment of duties and taxes using the Automated Matching or Payment and System (AMPS) if in order, fills duty stop and trigger OLF's. 2. Issue EIR to client.	5 minutes	AMPP Verifier Collection Division		
TOTAL		END OF TRANSACTION *In case of discrepancy/ classification and valuation and other issues, COO III/COO V recommend to the District Collector through the VICRC for resolution.	2 hours 35 mins			

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
		IF ENTRY IS SELECTED GREEN				
2		Apply the bond against the shipment and forward documents to the concerned Operating Division.	15 mins	Bonds Division Staff		
3		1. Post the warehousing entry, importable and account quota balance; assign Customs Guard and prepares Mission Order; 4. Lift the duty 5. Send the warehousing entry to WDRD for safekeeping.	20 mins	Staff, Concerned Operating Division		
		END OF TRANSACTION	50 mins			
		IF ENTRY IS SELECTED YELLOW				
2		1. Chief, WAD sends entry to COO III; COO III perform mandatory document check; COO III writes findings of examination; Make necessary adjustment on assessment if necessary; 6. Register entry into the system; 7. Transmit documents to Bonds Division.	30 mins	COO III/COO V/Chief, Warehousing Assessment Division		
3		Apply the bond against the shipment and forward documents to the concerned Operating Division.	15 mins	Bonds Division Staff		
4		1. Post the warehousing entry, importable and account quota balance; assign Customs Guard and prepares Mission Order; 4. Lift the duty 5. Send the warehousing entry to WDRD for safekeeping.	20 mins	Staff, Concerned Operating Division		
		END OF TRANSACTION	1 hr 20 mins			

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Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
		IF ENTRY IS SELECTED RED				
2	Client request to be readied for examination	1. Chief, WAD sends entry to COO III; COO III perform mandatory document check; COO III conduct physical examination; COO III writes findings of examination; Make necessary adjustment on assessment if necessary; 6. Register entry into the system; 7. Transmit documents to Bonds Division.	1 hr & 30 mins	COO III/COO V/Chief, Warehousing Assessment Division		
3		Apply the bond against the shipment and forward documents to the concerned Operating Division.	15 mins	Bonds Division Staff		
4		1. Post the warehousing entry, importable and account quota balance; assign Customs Guard and prepares Mission Order; 4. Lift the duty 5. Send the warehousing entry to WDRD for safekeeping.	20 mins	Staff, Concerned Operating Division		
		END OF TRANSACTION	2 hours 30 mins			

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**INFORMAL ENTRY DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA; MICP; NAI**

PROCESSING OF INFORMAL IMPORT ENTRY DECLARATION

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

**WHO MAY AVAIL OF THIS SERVICE:
IMPORTERS OR HIS AUTHORIZED REPRESENTATIVE**

WHAT ARE THE REQUIREMENTS:

1. Documentary Requirements:
 - a. Duly accomplished Informal Import Declaration Entry (IIDE) (BC Form 117)
 - b. Commercial Invoice
 - c. Packing List
 - d. Bill of Lading
 - e. Permits or Clearances, (for regulated import commodity)
 - f. Permit to Deliver Imported Goods (PDIG)

HOW TO AVAIL SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Accomplishes the Informal Import Declaration and Entry (IIDE) and attaches supporting documents, then brings IIDE to Chief, Informal Entry Division (IED)	Assign to designated Section in IED	1 minute	Chief, IED	None	BC Form 1177
2		<ol style="list-style-type: none"> 1) Record details of the of the IIED in the logbook; 2) Match IIDE against Elec-ronic Manifest; 3) Check completeness of the attached documents; 4) Review IIDE 	6 minutes	EPU Staff		
3		Review and approve if IIDE was processed in compliance with existing rules and regulations	2 minutes	EPU Chief		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
4		<ol style="list-style-type: none"> 1) Indicate and assign entry number; 2) Stamp the entry number on the supporting documents; 3) Segregate copies of the IIDE distribution to the corresponding offices; 4) Record necessary data in the logbook. 	5 minutes	EPU Staff		
5		<ol style="list-style-type: none"> 1) Receive IIDE from EPU; 2) Record in logbook; 3) Forward to the COO V. 	2 minutes	Section Clerk, Informal Entry Division		
6		Assign IIDE to COO III	1 minute	COO V		
7		<ol style="list-style-type: none"> 1) Conduct physical examination; 2) Reflect findings at the back of the logbook; 3) Stamp name and affix signature 	2 hours	COO III		
8		<ol style="list-style-type: none"> 1) Review findings of the COO III and may either approve or disapprove the same; 2) Stamp name and affix signature ** 	5 minutes	COO V		
9		Record details of the of the IIDE in the logbook, then forwards it to the Liquidation and Billing Division for pre-liquidation	5 minutes	Section Clerk		
10		<ol style="list-style-type: none"> 1) Receive IIDE from IED record details of the IIDE in the logbook. 2) Review computation of the duties and taxes. 	10 minutes	Assessor		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
11		Review IDE and forward to Chief, IED	5 minutes	Assistant Chief		
12		1) Review IDE 2) Affix signature allowing release of the cargo.	5 minutes	Chief, IED		
13		Forward IDE to Collection Division whether or not subject for payment of duties and taxes.	3 minutes	Releasing Clerk		
14		1) Receive IDE. 2) Forward to Collecting Officer	2 minutes	Receiving Clerk		
15	Pay duties and taxes	1) Collect payment of corresponding duties and taxes from importer 2) Broker/BCCOR and attaches green copy to IDE. 3) Forward IDE to On Line Release System (OLRS) Officer	20 minutes	Collecting Officer		
16	Receive the IDE Importer's/Broker's Copy.	Encode details of the IDE and the payment made in the system for tracking and gives the cargo clearance for release	10 minutes	OLRS Officer		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
		Notes: For break bulk cargoes stored at warehouses outside the CY, the importer/broker is given an abstract (a document) by the broker, presents to the Wharfinger of the warehouse where the cargo is kept to certify that it has been cleared for release) Note: For containerized cargoes, the importer/broker pays the arrange and container processing until the cargo is released. One of the copies of the abstract is given to the importer/broker and the rest of the documents are kept for filing at the Collection Division.				
TOTAL		END OF TRANSACTION	3 hours 22 mins			

** Note : (upon readiness of shipment for examination)

- 1) For break bulk cargoes (stored at warehouses outside the CY), the importer/broker advises the COO III on the schedule of the physical examination.
- 2) For containerized cargoes (inbound consolidation shipments and shipments falling under Sec. 105, an additional clearance to the District Collector thru Channels is required under CMO 54-89 and CMO 79-90. Importer/broker makes arrangement with ATI regarding the location and schedule of examination of the container.

**BUREAU OF CUSTOMS
PORT OF MANILA
CUSTOMS POSTAL OFFICES**

RELEASE OF GOODS IMPORTED THROUGH THE POSTAL STATIONS

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
CLAIMANT/OWNERS/AUTHORIZED REPRESENTATIVE OF IMPORTED
GOODS SENT THROUGH THE MEDIUM OF MAIL

WHAT ARE THE REQUIREMENTS:

Notice Card sent by the Philippine Postal Corporation
Permit, for regulated shipments
Tax Exemption Certificate, for tax-exempt shipment
Clearance of DepEd, for book shipment

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Claimant/ Owner of im- ported goods/ Authorized Representa- tive present Notice Card with ID	Verifies Notice Card against valid ID, con- ducts examina- tion, appraisal of goods and permits release thereof. If the following whichever is applicable: 1. computes duties and taxes, if taxable, 2. requires for pre- clearance if regulated. If 1 or 2, are not ap- plicable, release goods to the claimant.	30 mins	COO III at the Customs Postal Stations	P115.00 Documen- tary Stamp	BC Form 116 Statement & Receipts of Duties Collected in Informal Entry
2		If goods are taxable, collect lawful duties and taxes and issue Official Receipt.	15 mins	Collecting Officer at the same postal station		
TOTAL		END OF TRANSACTION	45 mins *			

* Assumption - Claimant is willing and able to pay duties and taxes, if applicable.

PIERS AND INSPECTION DIVISION

PROCESSING OF ENTRANCE/ARRIVAL OF FOREIGN VESSEL

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Sunday
24/7

WHO MAY AVAIL OF THE SERVICE:
SHIPPING LINES/SHIPPING LINES REPRESENTATIVES/MASTER OF THE VESSEL

WHAT ARE THE REQUIREMENTS:

Master of the Vessel Submits the following:

- A. Oath of Master of Entering Vessel (4) copies
- B. Quarantine Pratique
- C. Clearance of Vessel from Last Port of Call
- D. (6) copies of Inward Foreign Manifest (IFM) and original copy
- E. (3) copies of each of the following:
 1. Crew List
 2. Passenger list
 3. Bonded Store list
 4. Narcotics and Dangerous Drugs List
 5. Ship's Store List
 6. Firearms and ammunition list
 7. Crew's Declaration List
 8. Parcel List

**** Affix Documentary Stamps

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submit the Notice of Arrival of For- eign Vessel 24 hours be- fore its actual arrival.	Receive Notice of Arrival of Foreign Vessel 24 hours be- fore its actual arrival.	5 mins/ Notice	Records Officer Chief Bay Service Sec- tion	P115.00**** Documen- tary Stamp	
		Evaluate/ check/account completion of above documentary requirements Issues General Permit to Dis- charge Imported ships/Load export ship- ment	1 hour	Senior Board- ing Officer assigned on board foreign vessel		
TOTAL		END OF TRANSACTION	1 hour 5 mins			

PIERS AND INSPECTION DIVISION
PROCESSING OF DEPARTURE/CLEARANCE OF FOREIGN VESSEL
SCHEDULE OF AVAILABILITY OF SERVICE:
 Monday - Sunday
 24/7

WHO MAY AVAIL OF THE SERVICE:
 SHIPPING LINES/SHIPPING LINES REPRESENTATIVES/MASTER OF THE VESSEL

WHAT ARE THE REQUIREMENTS:

- Submits following document to Entrance and Clearance Unit
- a. (7) copies of Outward Foreign Manifest B.C. Form 88 Not for sale
- b. (3) copies Clearance of Vessel to a Foreign Port ***
- c. (4) copies Clearance from Customs Inspector assigned on Board B.C. Form 101 Not for sale
- d. (4) copies Statistical Supplement assigned on Board
- e. Bureau of Quarantine Clearance for outgoing vessels
- f. Plant Quarantine Clearance
- g. Post Office Clearance
- h. Request for Clearance by Shipping Agency signed by the Customs Inspector concurring that the vessel in which he is assigned is ready to sail for Foreign Port
- i. Inspector's Report/Clearance
- j. Oath of Master for the departing/outgoing vessel ****
- k. Oath of Mast to Foreign Port clearing without passenger ****

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submit above requirements.	Evaluate/check/account compliance of above requirements Issue Clearance to sail to Foreign Port	1 hour	Chief, Entrance & Clearance Unit at Pier 13 Office	P11E.00 *** Documentary Stamp	
TOTAL		END OF TRANSACTION	1 hour			

BUREAU OF CUSTOMS
PORT OF MANILA
PIERS AND INSPECTION DIVISION (PID)
PROCESSING OF TRANSSHIPMENT PERMIT (LOCAL)
SCHEDULE OF AVAILABILITY OF SERVICE
 Monday - Friday
 8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
 PHILIPPINE ECONOMIC ZONE AUTHORITY (PEZA) LOCATORS; WAREHOUSING ENTRIES; IMPORTERS; FREIGHT FORWARDERS; BROKERS

WHAT ARE THE REQUIREMENTS:

Transshipment Permit Form affixed with Customs Documentary Stamp (CDS), Import Permit/Customs EPZA Warehousing Entry (CEWE) from PEZA Customs Documentation Unit (PCDU) including Invoice; Certification of Importation and Bill of Lading Official Receipt (OR) for payment of Container Security Fee (CSF)

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Customs Broker/Representative files application for transshipment permit using the form of the Deputy Collector for Operations with documents enumerated	Receive/record application with documents; Put in transshipment permit; Verify against manifest using Verification System	15 mins	Staff, Office of the Deputy Collector for Operations	CSF 60.00 for 1x20; \$5.00 for 1x20; Cost of BC with CDS	BC Form 99 with documents as above stated
2		Approve/sign the Transshipment permit	3 mins	Deputy Collector for Operations		
3		Verify telegram for transmission; Record and transmit permits to Piers and Inspection Division	10 mins	Staff, Office of the Deputy Collector for Operations		
4		Record Permit; Verify payment of CSF	10 mins	Staff, PID		
5		Review documents for the preparation of Boatnote and Mission Order for PEZA locators/Customs Bonded Goods (CBWG)/Container Yard/Container Freight Station (CFS) under-guarded	5 mins	Chief, PID		
TOTAL		END OF TRANSACTION	43 mins			

**BUREAU OF CUSTOMS
PORT OF MANILA
PIERS AND INSPECTION DIVISION**

ISSUANCE OF SPECIAL PERMIT TO LOAD (SPL)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 am to 5:00 pm

WHO MAY AVAIL OF THE SERVICE:

Shipping Lines/Shipping Lines Representatives/Importer

WHAT ARE THE REQUIREMENTS:

Request for Special Permit to Load/ Loading Sequence
Affixed Documentary Stamps p115.00

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Shipping Line Representatives/Customs Broker/Authorized representative submit letter-request for issuance of special permit to Load	1. Receive/record request 2. Evaluate and recommend approval of the request	6 mins 6 mins	Staff, Office of the Deputy Collector for Operations Staff, Office of the Deputy Collector for Operations	CDS-P 115.00	None
2		Sign/approve request for SPL	2 mins	Deputy Collector for Operations		
3		Record approved request and permit to ID for implementation	5 mins	Staff, Office of the Deputy Collector for Operations		
TOTAL		END OF TRANSACTION	19 mins			

**BUREAU OF CUSTOMS
PORT OF MANILA
PIERS AND INSPECTION DIVISION (PID)**

APPROVAL OF SPECIAL PERMIT TO DISCHARGE (SPD)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 am to 5:00 pm

WHO MAY AVAIL OF THE SERVICE:

Shipping Lines/Shipping Lines Representatives/Importer/Broker or its Representative

WHAT ARE THE REQUIREMENTS:

Request for Special Permit to Discharge
Affixed Documentary Stamps P 115.00

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Shipping Line Representatives/Customs Broker/Authorized representative submit letter-request for issuance of Special permit to Discharge	1. Receive/record request 2. Evaluate and recommend approval of the request	6 mins 6 mins	Staff, Office of the Deputy Collector for Operations Staff, Office of the Deputy Collector for Operations	CDS-P 115.00	None
2		Sign/approve request for SPD	2 mins	Deputy Collector for Operations		
3		Record approved request and permits to PID for implementation	5 mins	Staff, Office of the Deputy Collector for Operations		
TOTAL		END OF TRANSACTION	19 mins			

**CBW OPERATING DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA; MICP; NAIA**

**PROCESSING OF REQUISITION SLIP
(Reference : CMO 39-91 Sec. III. 1.2.1.1)**

SCHEDULE OF AVAILABILITY OF SERVICE:
Monday – Friday
8:00 am – 5:00 pm

WHO MAY AVAIL OF THE SERVICE:
Importer/ CBW Operator/Authorized Representative

WHAT ARE THE REQUIREMENTS:
Requisition Slip Form

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	CBW Operator/Authorized Representative	1. Receive RS and if in order, the raw materials to the CBW Operator and submits to assigned Warehouseman at the CBW	30 mins	Warehouseman	None	Requisition Slip Form (RS Form)
		2. Fax copy of the Requisition Slip to the Account Collector and the CBW Operating Division for recording				
TOTAL		END OF TRANSACTION	30 mins			

**CBW OPERATING DIVISIONS/EQUIVALENT UNITS
PORT OF MANILA; MICP; NAIA**

**PROCESSING OF APPLICATION FOR EXTENSION OF PERIOD OF STORAGE
(Reference: Section 2002 of TCCP)**

SCHEDULE OF AVAILABILITY
Monday – Friday
8:00 am – 5:00 pm

WHO MAY AVAIL OF THE SERVICE:
CBW Operator/Authorized Representative

WHAT ARE THE REQUIREMENTS:

1. Letter Request
2. Copy of Original Import Entry and Import Documents
3. Certification of the Warehouseman that the Materials Subject of Request are Still Intact in the Warehouse

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	CBW Operator/Authorized Representative	Recall the letter request and check all documentary requirements and if complete, submit on the Indorsement prepared.	10 mins	Account Officer-Operating Division	P 115.00	
2		Affix his initial on the Indorsement and sign and have it transmitted to the District Collector	10 mins	Deputy Collector for Operations		
3		Affix signature on Indorsement to be transmitted back to the Operating Division	10 mins	District Collector		
4		Record in her logbook as approved Indorsement for the Warehouseman at the CBW through fax	10 mins	Account Officer-Operating Division		
5		After receipt of copy of Indorsement through fax, record in the warehouse logbook in new extended data	5 mins	CBW Warehouseman		
TOTAL		END OF TRANSACTION	45 mins			

CBW OPERATING DIVISION/EQUIVALENT UNIT

PORT OF MANILA; MICP; NAIA

PROCESSING OF DISPOSITION OF WASTAGES BY PAYMENT
(Reference: CMO 39-91 Sec. III.1.4)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday – Friday
8:00 am – 5:00 pm

WHO MAY AVAIL OF THE SERVICE:

CBW Operator/Authorized Representative

WHAT ARE THE REQUIREMENTS:

1. Letter Request
2. Statement of Raw Material Usage
3. Certification of the Warehouseman that the said wastages/reject materials are still intact in the CBW
4. Certification of the CBW Operator as to the Occurrence of said Wastages Or the Reason(s) for Rejects
5. Certificate of Identification
6. Prescribed Indorsement Form

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	CBW Operator submit complete documentary requirements to the Operating Division	Receive the letter request, evaluate and check all documents required. Accomplish the Retrieval Request Form of Warehousing Entry for Operating Division and transmit form to Warehousing Documentation & Records Division	10 mins 10 mins	Account Officer-Operating Division	P 115.00 Stamp/ Certification	BC Form No. 197 (Withdrawal Permit) Retrieval Request Form
2		Receive Retrieval Form, check the control/central record, then retrieve warehousing entries from the file.	10 mins	Records Clerk-Warehousing Documentation & Records Division		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
3		Attach the original warehousing entry to the BC Form 197 and indicate appropriate control to Warehousing Assessment Division for assessment of duties and taxes Schedule and conduct physical examination of subject goods at the Customs Bonded Warehouse Check all required documents attached and re-assess duties and taxes. Transmit assessment for payment of duties and taxes to Collection Division Note: The CBW is located within Metro Manila or out of town (i.e. Bulacan, Batangas, Cavite)	10 mins 45 mins (Examination time at the CBW) 30 mins	Customs Examiner - Warehousing Assessment Division		Entry Transmittal Slip
4		Collect payment of duties and taxes, issue Official Receipt and forwards to Warehousing Documentation & Records Division	10 mins	Cashier - Collection Division	Assessed Duties & Taxes	Official Receipt
5		Record all important details and transmit back to Operating Division	10 mins	Records Clerk - Warehousing Documentation & Records Division		Entry Transmittal Slip
6		Affix signature BC Form No. 197 and have at the warehouse provided form faxed to the warehouseman at the CBW	10 mins	Chief, Operating Division		BC Form No. 197
7		Facilitate the withdrawal of wastages at the CBW		Warehouseman - Warehousing Division		
TOTAL		END OF TRANSACTION	2 hours 25 mins			

* REQUEST FOR RETRIEVAL/PROCESSING OF MORE THAN ONE (1) ENTRY MAY ENTAIL A LONGER TIME

CBW OPERATING DIVISION/EQUIVALENT UNIT
POM: MICP; NA/A

PROCESSING OF REQUEST FOR DISPOSITION OF WASTAGES THRU CONDEMNATION
(Reference: CMO 39-91 Sec. III.1.4)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday – Friday
 8:00 am – 5:00 pm

WHO MAY AVAIL OF THE SERVICE:
 CBW OPERATOR/Authorized Representative

WHAT ARE THE REQUIREMENTS:

1. Letter Request
2. Statement of Raw Material Usage
3. Certification of the Warehouseman that the said Wastages/Reject materials Are Still Intact in the Warehouse
4. Certification of the CBW Operator as to the Occurrence of said Wastages Or the Reason(s) for Rejects
5. DENR/Other Govt. Agency Clearance
6. Prescribed Indorsement Form

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	CBW Operator submit letter with complete documentary requirements to Operating Division	Receive, evaluate and prepare documents and prepares/initials on indorsement for physical assessment to WAD. Sign the indorsement and have it transmitted to Warehousing Assessment Division	15 mins 10 mins	Account Officer-Operating Division Chief	None	Certificate Pending Case
2		Schedule and conduct physical assessment of subject goods at the CBW Check all required documents attached and re-assess duties and responsibilities to permit findings/assessment to the Operating Division	45 mins (Examination of subject goods at the CBW) 30 mins	Customs Examining Assessment Division		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
3		Affix signature on indorsement recommended and on Certificate of Condemnation and have it transmitted to Office of the Deputy Collector for Operations	10 mins	Chief-Operating Division		
4		Affix signature on indorsement to signify concurrence and have it transmitted to Office of the District Collector	10 mins	Deputy Collector for Operation-Deputy Collector for Operations		
5		Affix signature on indorsement to signify approval and have it transmitted back to the Operating Division	10 mins	District Collector		
6		Record in the logbook and send indorsement to Accounting Division. Customs Warehouseman through fax. Notify COA and other concerned agencies	10 mins 15 mins	Account Officer-Operating Division		
7		Check pertinent documents and affix signature on Certificate of Condemnation. Witness condemnation; affix signature on Certificate of Condemnation.	10 mins	Warehouseman - Warehouse Assessment Division CBW Operator - CBW/COA		
TOTAL		END OF TRANSACTION	2 hours 45 mins			

**CBW OPERATING DIVISION/EQUIVALENT UNIT
POM; MICP; NAIA**

PROCESSING OF DISPOSITION OF WASTAGES THRU RE-EXPORTATION
(Reference: CMO 39-91 Sec. III.1.4)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday – Friday
8:00 am – 5:00 pm

WHO MAY AVAIL OF THE SERVICE:

CBW Operator/Authorized Representative

WHAT ARE THE REQUIREMENTS:

1. Letter Request
2. Invoice/Packing List
3. Statement of Raw Material Usage
4. Certification of the Warehouseman that the said Wastages/Reject materials Are Still Intact in the Warehouse
5. Certification of the CBW Operator as to the Occurrence of said Wastages Or the Reason(s) for Rejects
6. Certificate of Identification
7. Certificate of Inspection and Loading
8. Boat Note
9. Export Declaration
10. PEZA Form 8105/Bring In Permit for Special Ecozone, if applicable
11. DENR/Other Govt. Agency Clearance, if applicable
12. Prescribed Indorsement Form

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	CBW Operator submit documentary requirements to the Operating Division	Receive letter request, evaluate and check all documents required Prepare and affix signature and stamp for signature of the Chief and transmit indorsement to Warehousing/Assessment Division	10 mins 15 mins	Account Officer-Operating Division	P 115.00 (certification boatnote)	

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
2		Schedule and conduct physical examination at the warehouse. Submit signature on Certificate of Identification. Note: The CBW located within Metro Manila or Muntinlupa (i.e. Batangas, Cavite)	45 mins (Examination time at the CBW)	Customs - Warehousing Division		Certificate of Identification
3		Review all attached documents, prepare indorsement Affix signature on indorsement for approval of the documents and the documents transmitted to the Chief Collector for Operations	10 mins 10 mins	Account Officer - Operating Division Chief, Operating Division		
4		Affix signature on indorsement to signify concurrence and have it transmitted to the Office of the District Collector	10 mins	Deputy Collector for Operation		
5		Affix signature on indorsement to signify approval, and have it transmitted back to the Operating Division	10 mins	District Collector		
6		Escort/underguard transfer from the CBW to port of export Note: Underguarding of export ships from the port of loading may vary due to the time from the CBW		Customs Guard - Operating Division		Boatnote
7		Verify finished documents; process signature and affix initial on Export Declaration	20 mins	Trade Control - Export Division		Export Declaration Form
8		Supervise loading into vessel, sign Certificate of Inspection and submit copies of export documents.	45 mins (at the loading area)	Aircraft Operations Div./Piers & Customs Container Carg. Div.		Certificate of Inspection and Loading
TOTAL		END OF TRANSACTION	2 hours 55 mins			

**BUREAU OF CUSTOMS
PORT OF MANILA
EXPORT DIVISION**

PROCESSING OF EXPORT DECLARATION AND CERTIFICATE OF IDENTIFICATION

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:

1. Exporters or their duly authorized representatives
2. Customs Brokers

WHAT ARE THE REQUIREMENTS:

1. **Regular Export**
 - Export Declaration
 - Proforma Invoice
 - Packing List
2. **Export under Sec. 2001 to 2004 (warehousing)**
 - Export Declaration
 - Proforma Invoice
 - Packing List
 - Certificate of Identification (signed by WAD)
 - Certificate Inspection and Loading
 - Boatnote (not mandatory)
3. **Export under Drawback**
 - Export Declaration
 - Proforma Invoice
 - Packing List
 - Shipment Information Slip issued by CIIS
4. **Export under Bond/ for repair**
 - Export Declaration
 - Proforma Invoice
 - Packing List
 - Certificate of Identification (signed by COO1)
5. **Export of Regulated Product**
 - Export Declaration
 - Proforma Invoice
 - Packing List
 - Commodity Clearance/ Export Permit
6. **Transshipment**
 - Special Permit to Load
 - Proforma Invoice / packing List
 - Copy of processed Export Declaration from the outports
 - Copy of Cargo Manifest
 - Copy of Domestic Bill of Lading

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Exporter/Broker (Client duly accomplished Declaration together with documents)	Receive Export Declaration, check completeness of documents, sign the application for the Declaration, and forward to the Station Operator for proper evaluation.	3 mins per ED	Receiving Clerk	P115.00 Documentary Stamp	DTI Export Declaration Form
2		1. Check completeness and consistency of the data in the documents. 2. examination of the shipment if: a. it is with alert order b. it is with X-ray scanning result c. it is covered by export bond d. it is subject to repair - Issue repair Certificate of Identification in case of items c. - Initial the Export Declaration and forward documents to the Assistant Chief for review.	3 mins 2 hours 15 mins	Customs Operations Officer (COO 1)		
3		Review evaluation by COO1	3 mins	Assistant Chief		
4		Approve and Declaration	2 mins	Chief		
5		1. Stamp Authority to Load 2. Issue Reference 3. Separate copies of documents 4. Duplicate copies of export declaration to transmitter ID or broker for COO1 or PID	3 mins	Receiving Clerk		
TOTAL		END OF TRANSACTION	2 hrs 29 mins			

**BUREAU OF CUSTOMS
PORT OF MANILA
EXPORT DIVISION**

ISSUANCE OF CERTIFICATE OF ORIGIN (CO)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:

1. EXPORTERS OR THEIR DULY AUTHORIZED REPRESENTATIVE
2. CUSTOMS BROKERS

WHAT ARE THE REQUIREMENTS:

1. For pre-exportation evaluation of the product
 - a. Written request for evaluation to be submitted at least 5 days prior to exportation.
 - b. Complete List of all materials used in the production both local and imported
 - c. Break down of cost element
 - d. Import and Export declarations
 - e. Production Flowcharts
 - f. Company Profile
 - g. Other Documents to support originating status of the product
 - h. Photo of production process

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Exporter/Broker submit request together with the required documents to the Chief of the Export Division.	Receive and Assign the request for evaluation to a Customs Operations Officer.	3 minutes	Chief	None	None
2		1. Verify all the supporting documents. 2. Conduct evaluation of the product. 3. Determine origin status of the product. 4. Conduct technology visit and examine of book of records of company. 5. Prepare evaluation report including proposed Origin Ruling.	5 days	Customs Operations Officer		
3		Review evaluation of the COO1	1 hour	Assistant Chief		
4		Approve and issue RCO Ruling.	1 hour	Chief		
5		Record and release ruling to the exporter.	5 mins	Releasing Clerk		
TOTAL		END OF TRANSACTION	5 days 2 hours 8 mins			

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**BUREAU OF CUSTOMS
PORT OF MANILA
EXPORT DIVISION**

ISSUANCE OF CERTIFICATE OF ORIGIN (CO)

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:

1. EXPORTERS OR THEIR DULY AUTHORIZED REPRESENTATIVE
2. CUSTOMS BROKERS

WHAT ARE THE REQUIREMENTS:

1. Copy of approved Export Declaration
2. Copy of Bill of Lading/ AWB
3. Commercial Invoice
4. Copy of Export Permit for regulated products

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form				
1	*Exporter/Broker submit accompanied Certificate of Origin together with supporting documents.	1. Receive CO declaration 2. Check completeness of the supporting documents 3. Assign the application to a COO1.	3 mins	Receiving Clerk	None	CO Form A, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ	3 mins	Receiving Clerk	None	CO Form A, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ
2		1. Check completeness, accuracy and consistency 2. Evaluate the application to determine if the inclusion list covered by Preference 3. Origin Criteria of a particular FTA 4. Initial the CO with 5. Forward to Assistant Chief.	5 mins	COO1						
3		Review actions of COO1	3 mins	Assistant Chief						
4		Approve and Sign CO	3 mins	Chief						
5		1. Issue Reference No. 2. Stamp Bureau Seal to the CO 3. Segregate copies, and duplicate copies to the applicant.	3 mins	Releasing Clerk						
TOTAL		END OF TRANSACTION	17 mins							

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**BUREAU OF CUSTOMS
PORT OF MANILA
EXPORT DIVISION**

ISSUANCE OF CERTIFICATE OF SHIPMENT

SCHEDULE OF AVAILABILITY OF SERVICE
Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
1. EXPORTERS OR THEIR DULY AUTHORIZED REPRESENTATIVE
2. CUSTOMS BROKERS

WHAT ARE THE REQUIREMENTS:

- Copy of processed Export Declaration
- Copy of Commercial Invoice
- Inspector's Certificate of Lading/CCCD (Containerized Cargo)/PID (Conventional Cargo)

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Exporter/Broker submit written request together with required documents	1. Receive request 2. Check completeness of documents 3. Record Officer/Custodian	3 mins	Receiving Clerk	P115.00 Documentary Stamp	Certificate of Shipment Form
2		1. Retrieve records on file. 2. Refer requests to determine whether the data whether the data with records on file. 3. Sign and Initial Certificate of Shipment. 4. Assistant Chief for review.	1 day	Record Officer/Custodian		
3		Review the findings then forwarded to the Chief for approval	5 mins	Assistant Chief		
4		Sign Certificate of Shipment, Certified Copy of Inspector's Certificate of Lading and Export Declarations.	3 mins	Chief		
5		1. Issue Reference Number 2. Number of CC Seal. 3. Release Document to the Applicant.	3 mins	Releasing Clerk		
TOTAL		END OF TRANSACTION	1 day 14 mins			

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**HINYO AQUINO INTERNATIONAL AIRPORT
ARRIVAL OPERATIONS DIVISION**

PROCESSING OF CUSTOMS BAGGAGE DECLARATION

SCHEDULE FO AVAILABILITY OF SERVICES
24 X 7

WHO MAY AVAIL OF THE SERVICES
Arriving Passengers

WHAT ARE THE REQUIREMENTS:

Customs Baggage Declaration; Passport

HOW TO AVAIL OF THE SERVICES:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Arriving Passenger duly accompanied by Customs Baggage Declaration Form with passport and concerned baggage	1. Receive Customs Baggage Declaration 2. Verify declaration against actual baggage presented 3. If no payment of duty and tax for filing of currency declaration is required, sign Customs Baggage Declaration and return the same to the passenger	3 mins	Customs Operations Officer III	None. Distributed by airlines and flights	Customs Baggage Declaration Form
2	Arriving Passengers duly approved by Customs Guard on-duty at the gate.	Verify signature of COO III, the CBD and allow passenger to pass through the gate	1 min	Customs on-duty at gate		
TOTAL		END OF TRANSACTION	4 mins			

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**NINYO AQUINO INTERNATIONAL AIRPORT
ARRIVAL OPERATIONS DIVISION**

**FRONTLINE SERVICE: PROCESSING OF CUSTOMS BAGGAGE
DECLARATION with declaration of currencies**

**SCHEDULE OF AVAILABILITY
24 X 7**

WHO MAY AVAIL OF THE SERVICE
Arriving Passengers

WHAT ARE THE REQUIREMENTS
Customs Baggage Declaration; Passport

HOW TO AVAIL OF THE SERVICE

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Arriving Passenger presents filled-up Customs Baggage Declaration Form with passport and concerned baggage	1. Receive Customs Baggage Declaration Form 2. Verify declaration against actual baggage presented 3. If presented customs declaration requires declaration of currencies in accordance with BSP rules and regulations, provide Currency Declaration Form to passenger for filling-up.	3 mins	Customs Operations Officer III (COO III)	None. Distributed by airlines on board flights	Customs Baggage Declaration Form
2	Concerned passenger fill-up Currency Declaration Form	Review Currency Declaration and if in order, sign Customs Baggage Declaration Form	6 mins	Same COO III	None	Currency Declaration Form
3	Arriving Passenger present duly signed CBD to guard on-duty	Verify signature on the CBD and allow passenger to pass through.	1 min	Customs Guard on-duty at gate		
TOTAL		END OF TRANSACTION	10 mins			

**NINYO AQUINO INTERNATIONAL AIRPORT
ARRIVAL OPERATIONS DIVISION**

**FRONTLINE SERVICE: PROCESSING OF CUSTOMS BAGGAGE
DECLARATION with issuance of Re-export Commitment**

**SCHEDULE OF AVAILABILITY
24 X 7**

WHO MAY AVAIL OF THE SERVICE
Arriving Passengers

WHAT ARE THE REQUIREMENTS
Customs Baggage Declaration; Passport

HOW TO AVAIL OF THE SERVICE

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Arriving Passenger presents filled-up Customs Baggage Declaration Form with passport and concerned baggage	1. Receive Customs Baggage Declaration Form 2. Verify declaration against actual baggage presented 3. If presented baggage are subject to re-exportation, COO III, requires passenger to fill-up Re-export Commitment	4 mins	Customs Operations Officer III (COO III)	None. Distributed by airlines on board flights	Customs Baggage Declaration Form
2	Arriving Passenger fill-up Re-export Commitment	Verify goods with the declaration in the Re-export Commitment and Re-export Commitment and Baggage Declaration Form	5 mins	Same COO III	None	Re-export Commitment
3	Arriving Passenger present duly signed CBD to guard on-duty	Verify signature on the CBD and allow passenger to pass through.	1 min	Customs Guard on-duty at gate		
TOTAL		END OF TRANSACTION	10 mins			

**NAIA
DEPARTURE OPERATIONS DIVISION
CANCELLATION OF RE-EXPORT COMMITMENT NOT COVERED BY CASH
BOND**

**SCHEDULE OF AVAILABILITY OF SERVICE:
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING PASSENGER**

WHAT ARE THE REQUIREMENTS:

1. Passport of the Departing Passenger
2. Re-exportation Commitment Form (DUPLICATE Pink Copy - B.C. Form No. 117-A) - PASSENGER COPY
3. Re-exportation Commitment Form ORIGINAL (WHITE Copy - B.C. Form No. 117-A) - OFFICE COPY
4. Articles/items to be re-exported as described or detailed in the Re-exportation Commitment Form

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Presents goods with required documents to the Customs Operations Officer on duty at the Departure Area, International Airport	Locates BOC copy of the Re-export Commitment, checks against the passenger copy and the goods presented. If in order, cancels re-export commitment and allows passenger to check-in or hand-carry the goods.	5 mins	Customs Operations Officer III	None	Re-export Commitment
TOTAL		END OF TRANSACTION	5 mins			

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**NAIA
DEPARTURE OPERATIONS DIVISION
CANCELLATION OF RE-EXPORT COMMITMENT COVERED BY CASH
BOND**

**SCHEDULE OF AVAILABILITY OF SERVICE:
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING PASSENGER**

WHAT ARE THE REQUIREMENTS:

1. Passport of the Departing Passenger
2. Re-exportation Commitment Form (DUPLICATE Pink Copy - B.C. Form No. 117-A) - PASSENGER COPY
3. Re-exportation Commitment Form ORIGINAL (WHITE Copy - B.C. Form No. 117-A) - OFFICE COPY
4. Articles/items to be re-exported as described or detailed in the Re-exportation Commitment Form

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Presents goods with required documents to the Customs Operations Officer on duty at the Departure Area, International Airport	Locates BOC copy of the Re-export Commitment, checks against the passenger copy and the goods presented. If covered by Cash Bond, accompanies passenger to Customs Collecting Officer.	5 mins	Customs Operations Officer III	None	BC Form 117-A Re-export Commitment
2		Customs Collecting Officer verifies all documents presented and refunds cash money on hold as cash bond.	5 mins	Customs Collecting Officer		
3		If in order, cancels re-export commitment and allows passenger to hand-carry or check-in goods.	5 mins	Same COO III		
TOTAL		END OF TRANSACTION	15 mins			

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**NAIA
DEPARTURE OPERATIONS DIVISION
PROCESSING OF FOREIGN CURRENCY DECLARATION**

**SCHEDULE OF AVAILABILITY OF SERVICE:
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING PASSENGER**

- WHAT ARE THE REQUIREMENTS:**
1. Passport of the Departing Passenger
 2. The foreign currency or other foreign exchange-denominated bearer monetary instruments in excess of US\$10,000 or its equivalent (BSP Circular No. 507 date January 19, 2006, effective 11 February 2006)

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Departing passenger carrying foreign currencies in excess of US\$10,000 or its equivalent, present duly accomplished Foreign Currency Declaration to the Customs Officer in Duty at the International Airport prior to check-in	Customs Operations Officer on-duty verifies details of actual currencies carried by the passenger. If in order, gives copy of the Foreign Currency Declaration and allows passenger to check-in	3 mins	Customs Operations Officer	None	Foreign Currency Declaration
TOTAL		END OF TRANSACTION	3 mins			

**NAIA
DEPARTURE OPERATIONS DIVISION
ISSUANCE OF CERTIFICATION OF IDENTIFICATION (CI)**

**SCHEDULE OF AVAILABILITY OF SERVICE:
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING PASSENGER**

- WHAT ARE THE REQUIREMENTS:**
1. Passport of the Departing Passenger
 2. Articles/items to be declared by passengers.

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Departing Passengers bringing out articles for exhibition, repair, etc. With intention of returning the same to the Philippines. Departing goods to the Customs Officer on duty at the Customs Departure Desk, International Airport	Accomplishes Certificate of Identification signed by the passenger concerned.	30 mins		P115.00 Documentary Stamp	Certificate of Identification-BC Form No. 49
2		If in order, issues a copy of CI to the passenger and attaches the hand-carry or check-in the goods	1 min			
TOTAL		END OF TRANSACTION	31 mins			

**NAIA
DEPARTURE OPERATIONS DIVISION**

PROCESSING OF SPECIAL PERMIT TO LOAD (SPL)

**SCHEDULE OF AVAILABILITY OF SERVICE:
24 x 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING PASSENGER**

WHAT ARE THE REQUIREMENTS:

1. Passport of the Departing Passenger
2. Items/articles brought by the passenger, commercial in nature in the absence of Export Declaration

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Departing passenger with items/commercial articles, in nature not exceeding \$200 in the absence of Export Declaration, present goods to the Customs Operations Desk at the Customs Departure Desk, International Airport	Customs Officer on duty checks goods, accomplishes Special Permit and issues the same to the passenger and allows him to handcarry/check-in the goods.	5 mins		P115.00 Documentary Stamp	Special Permit to Load-BC Form 45
TOTAL		END OF TRANSACTION	5 mins			

**BUREAU OF CUSTOMS
NAIA
AIRCRAFT OPERATIONS DIVISION**

**ENTRANCE FORMALITIES OF ARRIVING INTERNATIONAL AIRCRAFT
(Boarding Formalities Only)**

**SCHEDULE OF AVAILABILITY OF SERVICE
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
INCOMING INTERNATIONAL AIRCRAFT**

WHAT ARE THE REQUIREMENTS:
Documents required in the entrance of international aircraft:

1. General Declaration
2. Passenger List
3. Cargo Manifest
4. Store List

HOW TO AVAIL OF THE SERVICE

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Pilot in command or authorized representative submit the documents enumerated above	Receive the documents enumerated above	5 mins	Customs Boarding Officer	None	As above stated
2		If in order, supervise disembarkation of passengers and crew	20 mins	Same Boarding Officer		
3		After disembarkation, clear aircraft for other authorized activities while aircraft is in airport (e.g. search, unloading/load-boarding of passengers, boarding of authorized personnel)	2 mins	Same Boarding Officer		
TOTAL		END OF TRANSACTION	27 mins			

**BUREAU OF CUSTOMS
NAIA
AIRCRAFT OPERATIONS DIVISION**

CLEARANCE FORMALITIES OF DEPARTING INTERNATIONAL AIRCRAFT

**SCHEDULE OF AVAILABILITY OF SERVICE
24 X 7**

**WHO MAY AVAIL OF THE SERVICE:
DEPARTING INTERNATIONAL AIRCRAFT**

WHAT ARE THE REQUIREMENTS:
Documents required in the entrance of international aircraft:

1. General Declaration
2. Passenger List
3. Cargo Manifest
4. Store List

HOW TO AVAIL OF THE SERVICE

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Pilot in command or representative authorized to submit documents enumerated above	Receive the documents enumerated above	5 mins	Customs Boarding Officer	None	As above stated
2		If in order, sign aircraft clearance.	5 mins	Same Boarding Officer		
TOTAL		END OF TRANSACTION	10 mins			

**BUREAU OF CUSTOMS
OFFICE OF THE COMMISSIONER
TAX EXEMPT DIVISION, LEGAL & INTELLIGENCE SERVICE**

PROCESSING OF TAX EXEMPTION

**SCHEDULE OF AVAILABILITY OF SERVICE
Monday-Friday
8:00am-5:00pm**

WHO MAY AVAIL OF THE SERVICE:
GOVERNMENT OFFICES, RETIRED FOREIGN INVESTORS, EMBASSIES, DIPLOMATS, RETURNING RESIDENTS AND OTHER PERSONS WHO ARE ENTITLED TO TAX EXEMPTION

WHAT ARE THE REQUIREMENTS:
Documents from Central Records (BOC)

1. ATRIG - BIR
2. EXEMPTIONS - DOF
3. GUARANTY - EMBASSIES & INTERNATIONAL ENTITIES
4. MAVIC - Department of Agriculture

HOW TO AVAIL OF THE SERVICE:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Submits application form and supporting documents	<ol style="list-style-type: none"> 1. Receive documents 2. Log the transaction into the system 3. Forward documents to the Tax Specialist 	5 mins	Receiving Clerk - Aristotle Turnalla 5274579		
2		<ol style="list-style-type: none"> 1. Determine, evaluate the object of the request 2. Recommend the necessary action on the request 3. reduction of the needed action 4. Sign the written form prepared document/written form 	25 mins	Tax Specialist - Rusico Masayon - Norma Paudac - Elnora Sison 5274579		
3		1. Comply with the No. 3 action of the tax Specialist	5 mins	Secretariat - Janet Casallay 5274579		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
4		<ol style="list-style-type: none"> 1. Review the recommendation of the Tax Specialist 2. Check copies of the attachments and supporting papers. 3. Check the basis of the recommended action of the Tax Specialist. 3.a. Confirm the recommended action of this Tax Specialist. 3.b. Reject the recommendation of the Tax Specialist, and prepare recommendation. 4. Sign the appropriate memorandum/indorsement. 5. Submit the memorandum/indorsement and attachments to the Chief. 	10 mins	Assistant Specialist - Simeona Hernandez 5274579		
5		<ol style="list-style-type: none"> 1. Check whether the transaction has been acted by the Tax Specialist. 2. Check whether the transaction has been acted by the Assistant Chief Tax Specialist. 3. Check whether memo/attachments are indorsed. 4. After the Chief affixes his signature, prepare the same to the Releasing Pool 	5 mins	Document Processor - Ranerick 5274579		

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
6		<ol style="list-style-type: none"> 1. Review the recommended action of the Assistant Chief Tax Specialist. 2. Check completeness of the attachments and supporting papers. 3. Check the basis of the recommended action of the Assistant Chief Tax Specialist. 3.a. Confirm the recommended action of the Assistant Chief Tax Specialist, or 3.b. Reject the recommended action of the Assistant Chief Tax Specialist, and prepare his own recommendation. 4. Sign the memorandum/indorsement. 5. Cause the transmittal of the same to the Releasing Pool (BOC). 	10 mins	Chief Tax Specialist - Talek J. Tablo 5274579		
7		<ol style="list-style-type: none"> 1. Completed action encoded in the Computer Database 	5 mins	Computer Encoder - Joseph Aquino 5274579		
8		<ol style="list-style-type: none"> 1. Log the complete action in the record book. 2. Transmit the documents to the Central Records (BOC) 	5 mins	Releasing Pool - Jenette Turnalla 5274579		
TOTAL		END OF TRANSACTION	1 hour 10 mins			

**BUREAU OF CUSTOMS
OFFICE OF THE COMMISSIONER
PROSECUTION AND LITIGATION DIVISION**

**PROCESSING OF CLEARANCE FOR NO PENDING CASE (CLEARANCE
CERTIFICATE)**

SCHEDULE OF AVAILABILITY OF SERVICE

Monday-Friday
8:00am-5:00pm

WHO MAY AVAIL OF THE SERVICE:
BOC EMPLOYEES

WHAT ARE THE REQUIREMENTS:
Letter-request for a Clearance Certificate with purpose

How to Avail of the Service:

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Prepare and Letter-request for a Clearance Certificate with purpose.	Make initial evaluation of the applicant's request and assigned part.	2 mins.	Staff	None	None
2		Check with the database whether or not the applicant has a pending case. If the applicant has a pending case with the same name as the pending case is issued.	3 mins.	Staff	None	None
3		Prepare Clearance Certificate or Certification	1 min.	Staff	None	None
4		Have the document initialed first with the P.L.D. Lawyers	1 min.	Staff	None	None
5		P.L.D. Chief signs the Clearance Certificate	1 min.	Chief	None	None
6		Put a BOC Seal	30 secs.	Staff	None	None
7		Photocopy of this document for record purposes	30 secs.	Staff	None	None
8		Release	30 secs.	Staff	None	None
TOTAL		END OF TRANSACTION	9 mins 30 secs			

CUSTOMS INTELLIGENCE AND INVESTIGATION SERVICE

CERTIFICATE OF NO PENDING CASE

SCHEDULE OF AVAILABILITY OF SERVICE

Monday - Friday
11:00 A.M. to 5 P.M.

WHO MAY AVAIL OF THE SERVICE:
BUREAU OF CUSTOMS EMPLOYEES IN ACTIVE SERVICE WHO WISH TO APPLY FOR ALL KINDS OF LOANS

WHAT ARE THE REQUIREMENTS:
Letter Request for Certificate of No Pending Case

HOW TO AVAIL OF THE SERVICE

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
1	Make request for Certificate of No Pending Case. Indicate full name, position and purpose of request.	Drop Certificate of No Pending Case	5 minutes	Admin Clerk, Administrative and Support Unit	None	Certificate Pending Case
2		1. Review of Certificate for errors; 2. If no errors, initial on receiving copy.	10 minutes	OIC, CIIS Administrative and Support Unit		
3		1. Record Certificate for tracking purposes; 2. Forward Certificate to the Office of the Acting Chief, Prosecution and Prevention Division (IPD)	15 minutes	Admin Clerk, CIIS Administrative and Support Unit		
4		1. Receive Certificate of No Pending Case records available in the IPD 2. Verify against	1 hour	Clerk, IPD		
5		Sign Certificate No Pending Case	5 minutes	Acting Chief, IPD		

**OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**

**PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)**

SCHEDULE OF AVAILABILITY OF SERVICE:
Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE

WHAT ARE THE REQUIREMENTS:
Application for Drawback

HOW TO AVAIL OF THE SERVICE:
By filing an application for drawback with the One-Stop Shop Inter-Agency Tax
Credit and Duty Drawback Center
(One-Stop Shop Drawback Center for brevity)

Step	Client	Activity	Duration of Activity	Person in Charge	Fee	Form
6		Record Certificate for tracking purpose	5 minutes	Clerk, IPD		
7		Forward Certificate to the Office of the Acting Chief, Internal Inquiry and Prosecution Division (IPD)	5 minutes	Admin. Clerk, CIIS Administrative and Support Unit		
8		1. Receive Certificate of No Pending Case; 2. Verify against case file available in the IPD	1 hour	Clerk, IPD		
9		Sign Certificate of No Pending Case	5 minutes	Acting Chief, IPD		
10		Forward Certificate to the Office of the Administrative and Support Unit	10 minutes	Clerk, IPD		
11		1. Receive Certificate of No Pending Case; 2. Forward to the Office of the Director, CIIS for his signature	5 minutes	Admin. Clerk, CIIS Administrative and Support Unit		
12		Sign Certificate of No Pending Case	5 minutes	Director, CIIS		
13		Forward signed Certificate to the Admin and Support Unit, subject to concerned BOC employee	5 minutes	Clerk, Director's Office		
14		Release signed Certificate to BOC Employee	5 minutes	Clerk, CIIS Administrative and Support Unit		
TOTAL		END OF TRANSACTION	3 hours 20 mins			

Step	Applicant/Client	Activity	Duration Activity	Person in Charge/Office	Fee	Form
1	Importer-Exporter/Authorized Representative submits the approved application for drawback to OSS Drawback Center.	Receive/Record the docket/ application	5 minutes	Receiving Clerk/OCOM		
2		Forward complete docket to the Tax Credit Center by way of Indorsement/ routing slip	10 minutes	Chief of Staff/OCOM		
3		1. Receive/Record the docket/ application; 2. Check completeness of the application; 3. Check that the docket has no outstanding obligation with the BOC.	2 days 20 minutes	Secretary/ The Credit Committee		

**OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**
**PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)**

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
11:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE

**WHAT ARE THE REQUIREMENTS:
UTILIZATION OF BOC ISSUED TCC**

- a. Approval to utilize TCC with the Office of the Commissioner
- b. Clearance from Collection Service

HOW TO AVAIL OF THE SERVICE:
By filing an application to utilize TCC with the Office of the Commissioner

			Secretarial/ Tax Credit Committee	
4.	Check if claimant has filed with BOC; Review and evaluate application; Report resolution for approval or denial of the application.	2 days	Chairman and members of Tax Credit Committee	
5.	1. Review and sign the application; 2. Sign indorsement to OSS Drawback Center. Record/Forward docket to OSS Drawback Center.	5 minutes	Secretarial/ Tax Credit Committee	
6.	1. Prepare TCC and forward TCC to Tax Credit Committee.		OSS Drawback Center	
5.	1. Receive TCC; 2. Review and sign the TCC; 3. Record/Forward signed TCC to OSS Drawback Center.	12 minutes	Secretarial/ Tax Credit Committee	
TOTAL	END OF TRANSACTION	4 days 52 minutes		

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - (02) 527-9473 - Office of the Commissioner
- h. Mr. Emerito Castillo - (02) 527-4534 - Accounting Division
- i. Ms. Lourdes Liamson - (02) 527-3727 - Collection Service
- j. Mr. Emilio Jacinto - (02) 527-4575 - Revenue Accounting Division
- k. Atty. Venter S. Baquian or
- l. Mr. Frederick S. Leano
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - (02) 527-4427 - Tax Credit Committee

Step	Applicant/ Client	Activity	Duration of Activity	Person in Charge/ Office	Fees	Form
1	Submits application for approval to utilize TCC	1. Receive/ Record the application; 2. Approve and clear; 3. Approve and Issue clearance.	1 hour 10 minutes	OCOM Staff		
2	Request transmit- tal of TCC yellow copy to Collection Division	Transmit TCC Yellow Copy to Collection Division	10 minutes	Accounting Division		
3		Receive and forward TCC yellow copy to District Collector	10 minutes	Collection Division		
4		District Collector transmit TCC to Tax Credit Committee	30 minutes	District Collector		

**OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**

**PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)**

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

**WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE**

**WHAT ARE THE REQUIREMENTS:
Utilization of BOC-OSS jointly issued TCCs and BOI-OSS jointly issued
TCCs**

- a. Tax Debit Memo issued by the OSS Drawback Center
- b. Approval to utilize TCC with Office of the Commissioner
- c. Clearance from Collection Service

HOW TO AVAIL OF THE SERVICE:

By filing application for Tax Debit Memo with OSS Drawback Center and
Application to utilize TCC with the Office of the Commissioner (OCOM)

5	1. Receive/Record the docket/ application. 2. Check completeness of the application; 3. Check if claimant has no outstanding obligation with BOC; 4. Review and evaluate the application; 5. Prepare indorsement or detail of the application; 6. Review and sign the indorsement or detail of the application; 7. Record/Forward indorsement with the utilization to Accounting Division.	1 day 1 hour 15 minutes	Secretariat/ Tax Credit Committee
6	Record/Forward indorsement approving the utilization to District Collector	10 minutes	Accounting Division
7	Receive and transmit approved appli- cation to Collec- tion Division Issue BCORs	10 minutes	District Col- lector
8		1 hour	Collection Division
TOTAL	END OF TRANSACTION	1 day 4 hours 35 mins	

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - Office of the Commissioner
- h. Mr. Emerito Castillo - Accounting Division
- i. Ms. Lourdes Liamson - Collection Service
- j. Mr. Emilio Jacinto - Revenue Accounting Division
- k. Atty. Vener S. Baquiran or
l. Mr. Frederick S. Leaño
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - Tax Credit Committee

Step	Applicant/ Client	Activity	Duration of Activity	Person in Charge/ Office	Fees	Form
1	Importer/ Exporter/ Authorized Representa- tive submits application for approval with the Office of the Com- missioner	1. Receive/ Record the application; 2. Prepare Representa- tive submits clearance; 3. Approve and Issue clear- ance 4. Forward to CRMD the original TCC for releasing.	1 hour 10 minutes	OCOM Staff		
2		Transmit Original TCC and TDM to Tax Credit Com- mittee	10 minutes	CRMD Staff		
3		1. Receive/Re- cord the docket/ application; 2. Check com- pleteness of the application;	1 hour 10 minutes	Secretariat/ Tax Credit Committee		

**OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**
PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE

WHAT ARE THE REQUIREMENTS:

Application for Special Revalidation of TCC

HOW TO AVAIL OF THE SERVICE:
Filing a request for revalidation with the Tax Credit Committee with the following requirements: (to be supplied)

	3. Check if claimant has no outstanding obligation with the BOC; 4. Review and evaluate the application; 5. Prepare indorsement for approval or denial of the application.	1 day	Chairman and Member / Tax Credit Committee	
4	Review and sign the request approving the application	5 minutes	Secretarial/ Tax Credit Committee	
5	Record/Forward indorsement approving the utilization to Accounting Division	10 minutes	Accounting Division	
6	1. Record and assign control number; 2. Forward approving indorsement to District Collector	10 minutes	District Collector	
7	Receive and transmit approved application to Collection Division	1 hour	Collection Division	
TOTAL	END OF TRANSACTION	1 day 3 hours 55 mins		

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - (02) 527-9473 Office of the Commissioner
- h. Mr. Emerito Castillo - (02) 527-4534 Accounting Division
- i. Ms. Lourdes Liamson - (02) 527-3727 Collection Service
- j. Mr. Emilio Jacinto - (02) 527-4575 Revenue Accounting Division
- k. Atty. Vener S. Baquiran or
- l. Mr. Frederick S. Leano
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - (02) 527-4427 Tax Credit Committee

Step	Applicant/ Client	Activity	Duration of Activity	Person in Charge/ Office	Fees	Form
1	Submit request for revalidation with the documentary requirements	1. Receive/Review BOC application; 2. Check compliance of the application; 3. Check if has no outstanding obligation with the BOC; 4. Check if claimant has no pending BOC with the BOC; 5. Review and approve the application; 6. Prepare resolution or denial of the application;	2 days 20 minutes	Secretarial/ Tax Credit Committee	Depending on the amount of Special Revalidation - Ptg 500 over 500.-100k - Ptg 600 over 100k-200k - Ptg 700 over 200k-300k - Ptg 800 over 300k-400k - Ptg 900 over 400k-500k - Ptg 1000 over 500k-1000k - Ptg 1500 over 1M- Ptg 2000 Over 1M- Ptg 3000	
1		7. Review and sign the Resolution; 8. Forward indorsement to Accounting Division; 9. Forward indorsement to OSS Draw-back Center.	2 days 6 minutes	Chairman and Member / Tax Credit Committee		

2	1. Prepare Disposition and TCC. 2. Forward TCC to Tax Credit Committee.	35 minutes	Accounting Division	
3	1. Receive Prepared TCC; 2. Sign the TCC; 3. Record/Forward signed TCC to Accounting.	12 minutes	Secretarial/Tax Credit Committee	
4	Release TCC	10 minutes	Accounting Division	Php115.00
TOTAL	END OF TRANSACTION	4 days 1 hour 23 minutes		

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - (02) 527-9473 Office of the Commissioner
- h. Mr. Emerito Castillo - (02) 527-4534 Accounting Division
- i. Ms. Lourdes Llamson - (02) 527-3727 Collection Service
- j. Mr. Emilio Jacinto - (02) 527-4575 Revenue Accounting Division
- k. Atty. Vener S. Baquiran or
- l. Mr. Frederick S. Leano
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - (02) 527-4427 Tax Credit Committee

**BUREAU OF CUSTOMS
OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**

**PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)**

SCHEDULE OF AVAILABILITY OF SERVICE:
Monday - Friday
8:00 AM - 5:00 PM

WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE

WHAT ARE THE REQUIREMENTS:

BOC Approved Claims for refund (fully unutilized Advance Deposit, Protest Cases, Excess payment, Reduction of Duty Rate

HOW TO AVAIL OF THE SERVICE:

By filing an application with the District Collector concerned

Step	Applicant/Client	Activity	Duration of Activity	Person in Charge/Office	Fees	Form
1	Importer-Exporter/Authorized Representative submits application to the Office of the Commissioner.	Forward complete docket to Revenue Accounting Division by way of indorsement/routing slip	10 minutes	OCOM	Depending on the amount of claim: 5% and below - Php 500 over 500-1000 - Php 600 over 1000-2000 - Php 700 over 2000-3000 - Php 800 over 3000-4000 - Php 900 over 4000-5000 - Php 1000 over 5000-7500 - Php 1500 over 7500-1M - Php 2000 Over 1 M - Php 3000	
2		1. Verify payments of Value added Taxes (VAT); 2. Forward complete docket to Revenue Accounting Division by way of indorsement	3 days	Revenue Accounting Division		
3	Applies for Certification of Balance with the Collection Service	1. Issue Certification as to outstanding account of the applicant.	1 hour	Collection Service		

**OFFICE OF THE COMMISSIONER
TAX CREDIT COMMITTEE**

**PROCESSING RELATIVE TO ISSUANCE, REVALIDATION AND UTILIZATION
OF TAX CREDIT CERTIFICATE (TCC)**

SCHEDULE OF AVAILABILITY OF SERVICE:

Monday - Friday
8:00 AM - 5:00 PM

**WHO MAY AVAIL OF THE SERVICE:
IMPORTER-EXPORTER / AUTHORIZED REPRESENTATIVE**

**WHAT ARE THE REQUIREMENTS:
Application for VAT Refund through Tax Credit**

**HOW TO AVAIL OF THE SERVICE:
Filing an application for drawback with the One-Stop Shop Drawback Center**

4	1. Check consistency and completeness of the applicant's claims for VAT refund. 2. Forward complete Tax Credit Committee by way of indorsement.	1 day 5 minutes	Staff/Accounting Division
5	1. Receive/Record application; 2. Check completeness of the application; 3. Check if there is no outstanding obligation with the TCC; 4. Check if claimant has no outstanding obligation with BOC; 5. Review and sign the application; 6. Prepare resolution of the TCC or denial of the application.	2 days 20 minutes	Secretariat/ Tax Credit Committee
6	1. Review and sign the resolution; 2. Sign indorsement to Accounting Division; 3. Forward drawback docket to Accounting Division.	2 days 5 minutes	Member and Chairman/ Tax Credit Committee/ Secretariat
7	1. Prepare Disposition to Tax Credit Committee; 2. Forward TCC to Tax Credit Committee.	35 minutes	Accounting Division
8	1. Receive TCC; 2. Review and sign the TCC; 3. Sign TCC and forward to Accounting Division.	12 minutes	Secretariat/ Tax Credit Committee/ Chairman
9	Release TCC	10 minutes	Accounting Division
TOTAL	END OF TRANSACTION	8 days 2 hours 37 minutes	

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - Office of the Commissioner
- h. Mr. Emerito Castillo - Accounting Division
- i. Ms. Lourdes Liamson - Collection Service
- j. Mr. Emilio Jacinto - Revenue Accounting Division
- k. Atty. Vener S. Baquiran or
- l. Mr. Frederick S. Leano
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - Tax Credit Committee

Step	Applicant/Client	Activity	Duration of Activity	Person in Charge/Office	Fee	Form
1	Importer-Exporter/ Authorized Representative	1. Receive/Record the application docket from the OSS Duty Drawback Center; 2. Forward complete docket to Revenue Accounting Division by way of indorsement.	15 minutes	Staff/Accounting Division	Depending on the amount of claim, viz: 50k and below - Php 500 over 50k-100k - Php 600 over 100k-200k - Php 700 over 200k-300k - Php 800 over 300k-400k - Php 900 over 400k-500k - Php 1000 over 500k-750k - Php 1500 over 750k -1M - Php 2000 Over 1M - Php 3000	
2		1. Verify payments of Input Tax Credits (VAT); 2. Return complete docket to Accounting Division or by indorsement.	3 days	Revenue Accounting Division		
3	Applies for Certification as to applicant's account of the balance with the Collection Service	Issue Certification as to outstanding account of the applicant	1 hour	Collection Service		

4	1. Receive/Review the claim for refund in the logbook; 2. Reviews claim for refund; 3. Prepare report to TCC Committee for approval or to other Office concerned which requires certification/verification.	3 days 15 minutes	Staff/Accounting Division		
5	Review claims and sign indorsement	1 hour	Chief, Accounting Division		
6	Forward complete docket to the Tax Credit Committee by way of indorsement	10 minutes	Staff/Accounting Division		
7	1. Receive/Review docket/ application; 2. Check completeness of application; 3. Check if claimant has outstanding obligation with the BIR; 4. Check if claimant has no pending case with BIR; 5. Review and evaluate application; 6. Prepare resolution for approval or denial of the application.	2 days 20 minutes	Secretarial/Tax Credit Committee		
8	1. Review and sign the Resolution; 2. Indorsement to Accounting Division.	2 days 1 minute	Member and Chief, Secretarial/Tax Credit Committee		

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9	Record/Forward docket to OSS Drawback Center	5 minutes	Secretarial/Tax Credit Committee		
10	1. Prepare Disposition and TCC; 2. Forward TCC to Tax Credit Committee.	35 minutes	Accounting Division		
11	Receive Prepared TCC	2 Minutes	Secretarial/Tax Credit Committee		
12	Review and Sign TCC	5 minutes	Chairman/Tax Credit Committee		
13	Record/Forward TCC to Accounting	5 Minutes	Secretarial/Tax Credit Committee		
14	Release TCC	10 minutes	Accounting Division	Php115.00	
TOTAL	END OF TRANSACTION	10 days 4 hours 3 minutes			

Contact Persons/No./Office:

- g. Mr. Jeffrey de la Cruz - Office of the Commissioner
- h. Mr. Emerico Castillo - Accounting Division
- i. Ms. Lourdes Liamson - Collection Service
- j. Mr. Emilio Jacinto - Revenue Accounting Division
- k. Atty. Yener S. Baquiran or
- l. Mr. Frederick S. Leano
- m. Ronald Gabriel Reyes
- n. Mr. Danilo A. Castro - Tax Credit Committee

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ENFORCING CONTRACTS

ENFORCING CONTRACTS – 3 REFORMS, 3 UPDATES

- Improved efficiency of the judicial system in resolving a commercial dispute through:

REFORMS:

1. Issuance of A.M 13-10-08-SC on the roll-out of eCourts Project in 73 Trial Court Branches including Quezon City. The eCourt Project is an automated case management system which increases court efficiency by providing a modern tool primarily for judges and court personnel to monitor, manage and process cases and for court officials to monitor performance.
2. Issuance and implementation of A.M. No. 14-09-06-SC on the updated Enterprise Information Systems Work Plan and Budget. The Enterprise Information Systems Plan (EISP) is aimed to speed-up the adjudication of cases, increasing personnel productivity, and improving the overall court management.
3. Development and institutionalization of the The Supreme Court's Small Claims Case Monitoring System (SC2MS) to facilitate the monitoring of the disposition of small claims cases and to serve as a reporting tool to evaluate the effectiveness of the small claims rules and the performance of the first level courts in handling small claims cases.

UPDATES:

Other updates to facilitate enforcement of contracts include:

1. Launch of the Court of Appeals' Case Management Information System last June 2008, making public access to court decisions/resolutions much easier through online publication of judgments.
2. Full implementation of the eLibrary System. Since 2004, court issuances, executive issuances, laws and regulations, treaties and other legal references of the Supreme Court, Court of Appeals, Court of Tax Appeals, and Sandiganbayan could be easily accessed through this System which was fully implemented through the issuance of A.M. No. 04-11-09-SC.
3. Launch of the Hustisyeh! Case Decongestion Program in July 2013 with 33 participating courts in Quezon City, allowing volunteer paralegals and lawyers, and Court Management Office personnel to go to target courts and do an intensive and methodical inventory of cases. The program resulted to disposal of 30% of cases as of December 2014, without considering the inflow of new cases during the same period.

ENFORCING CONTRACTS REFORM/UPDATE REFERENCES

AMERICAN BAR ASSOCIATION Report dated May 26, 2015

American Bar Association Rule of Law Initiative

Building sustainable institutions and societies that deliver justice, foster economic opportunity and ensure respect for human dignity

1050 Connecticut Avenue, NW, Suite 450 phone: +1.202.662.1950 e-mail: rol@americanbar.org
Washington, DC 20036, USA fax: +1.202.662.1597 website: www.abarol.org



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May 26, 2015

Atty. Michael Ocampo, Court Attorney VI
Office of the Chief Justice
Supreme Court of the Philippines
Padre Faura St., Ermita, Manila

Dear Atty. Ocampo

The American Bar Association Rule of Law Initiative (Philippine representative office) is happy to confirm that the court automation project known as eCourt has long moved past the pilot stage, and is currently operational in 73 trial court branches in the court stations of Quezon City, Lapu-Lapu City, and Angeles City. Last October 22, 2013 the Supreme Court *en banc* had issued a Resolution (docketed as A.M. No. 13-10-08-SC) authorizing the roll-out of eCourt in several other court stations. Over the next twelve months, eCourt is projected to be operational as well in Cebu City, Davao City, Tacloban City, Pasig City, and the City of Manila. It is also expected that in the coming months, formal approval will be secured for the expansion of the eCourt project to include the automation of the court management systems of the Supreme Court, the Court of Appeals, the Court of Tax Appeals, and the Sandiganbayan.

eCourt features several automation tools designed to increase productivity through the automation of manual processes, and promote transparency and increased confidence in the judicial process. These tools include:

- *Electronic docketing* – Newly-filed cases are now docketed by the courts through eCourt. The system is designed to accommodate electronic filing of cases once such filing is authorized under the Rules of Court.
- *Electronic raffle* – Newly-filed cases are assigned to their handling branch immediately upon filing, through an electronic raffle system based on an algorithm that prizes randomness.
- *Electronic computation of court fees* – eCourt automates the computation of filing fees to be paid by the parties.
- *Case classification* – eCourt categorizes cases according to case type (civil, criminal, etc.) and case nature, facilitating statistical collation and analysis. Cases handled by specialized trial courts such as Special Commercial Courts and Family Courts are duly tagged, allowing for the easier monitoring of the performance of these courts.
- *Case documents* – eCourt allows for the recording of incoming and outgoing case documents (including court orders) and for the uploading of electronic copies of said documents.
- *Case incidents* – eCourt generates an electronic timeline and calendar that records key incidents and hearings in the lifetime of a case.

- *Documents templates* – eCourt retains templates of commonly-issued court orders and forms, automatically generating case captions and parties in these templates based on the case database.
- *Automated hearings* – As part of the eCourt project, courtrooms have been outfitted with computers and printers that allow for the instantaneous printing and service of court orders issued in open court, dispensing with the need of mailing these orders.
- *Electronic back-up of database* – All case data recorded or uploaded onto the eCourt system is backed-up on a daily basis, allowing for immediate retrieval of case information in case of
- *Electronic copies of judgments* – eCourt records the promulgation of judgments by trial courts and allows for the uploading of electronic copies of these decisions onto the server.

We have also attached to this letter of confirmation the following documents that attest to the full operation of the eCourt project:

1. System Requirements Specifications for eCourt version 1.0
2. Release Notes for eCourt versions 1.1.4 and 1.1.6
3. Success Story on eCourt launch
4. Success Story on Automated Hearings
5. Supreme Court *en banc* Resolution dated October 22, 2013 (A.M. No. 13-10-08-SC)

Very truly yours,


Robert C. La Mont
Country Director

System Requirement Specification for QC e-Court



QCeC

System Requirements Specification for *Quezon City eCourt*

Quezon City Hall of Justice

Company Proprietary

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1 OVERVIEW

1.1 Purpose of Document

The content of this document is the result of constant collaboration of Ideyatech, ABA-ROLI and Quezon City Court Personnel through extensive review of the QCeC prototype.

The purpose of this document is divided into three (3):

- a. To set the grounds for a common understanding between the OCC, BCC, Branch Staff and Judges of Quezon City Hall of Justice (QC HOJ), as represented by the Technical Working Group; the American Bar Association ROLI (ABA-ROLI); and the Ideyatech project team regarding the details of the project requirements;
- b. To serve as a baseline of requirements in order for ABA-ROLI and Technical Working Group to verify completeness and correctness of system delivered by Ideyatech; and
- c. To serve as the basis for all specifications and assist the Ideyatech project team members in the development of the Quezon City eCourt.

Moreover, this document intends to convey to the interested parties the purpose, scope and requirements of the QCeC.

1.2 Document Conventions

This document emphasizes the distinction between the use of “shall”, “must”, “will”, “should”, “may” and “can”, based on Section 5 of the 2007 IEEE Standards Style Manual (<http://standards.ieee.org/guides/style/section5.html>)

- a. The word “must” is used only in describing unavoidable situations.
- b. The word “will” is used only in statements of fact.
- c. The word “can” indicates possibility and capability, whether material, physical or causal.
- d. The word “shall” indicates mandatory requirements strictly to be followed in order to conform to the standard and from which no deviation is permitted.
- e. The word “should” indicates that among several possibilities, one is recommended as the best suitable, but not necessarily required.
- f. The word “may” indicates a course of action permissible within the limits of the standard.

1.3 Intended Audience and Reading Suggestions

This document should be reviewed along with the QCeC Screen Workflow Document in order to fully understand how the functionalities will be used.

This document contains six(6) sections:

- a. An overview of the requirements, which includes a summary of the scope, assumptions and limitations of the project;

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- b. A description of the system, which includes an explanation of the system’s purpose, features and benefits, characteristics, and technical and operational background; and,
- c. A list of requirements, which contains information regarding each system requirement, such as the modules, users and activities involved with each requirement.
- d. A list of definition of terms used in the document;
- e. A list of issues and questions for consideration; and,
- f. A list of the appendices.

This document is intended for the following people:

- a. Technical Working Group– The TWG and other court personnel involved in the project should read this document thoroughly to verify that the requirements are correct and applicable to the various groups.
- b. ABA-ROLI Team – ABA-ROLI shall read this document to ensure they understand the requirements for implementation and for acceptance of software.
- c. The Ideyatech Project Team – The Ideyatech project team shall use this document as basis for the development of the QCeC.

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2 REQUIREMENTS OVERVIEW

2.1 Objective

The objective of the project is to modernize and improve the current administrative operations of the Quezon City Hall of Justice(QC HOJ)—focusing on the QC Regional Trial Court (QC RTC) and the QC Metropolitan Trial Court (QC MeTC)—via a case management system called the Quezon City eCourt (QCeC). This case management system provides the means to manage court cases, court documents, evidences, case incidents and activities. Furthermore, this system provides tracking and management of the court calendar and automatic generation of reports.

2.2 Scope

The eCourt application covers the following major functionalities needed to support the administrative functions of the system. Details of the functionalities are described in the subsequent chapters.

- a. Office of the Clerk of Court
 - Assessment of Filing Fees
 - Verification of Case Documents and Fees
 - Payment of Filing Fees
 - Docketing of Case
 - Electronic Raffling of Case
- b. Court Branch
 - Receiving of Subsequent Pleadings
 - Management of Case Documents
 - Management of Evidence
 - Management of Case Activities and Schedule
 - Creation of Court Resolutions, Orders from pre-defined templates
 - Management of Mails (e.g. Summons, Orders, etc.)
 - Management of Users and System Roles
 - Tracking of Court Calendar
 - Generation of Reports
- c. System Administrator
 - Management of Branches, Users, System Roles and Access Rights
 - Management of Drop-down Values (e.g. Case Incidents, Nature of Case, etc.)
- d. Court Management Office

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- Generation of Reports
- e. Public/PAO/DOJ and other QC HOJ Users
 - Search of Case and Case Status
 - Viewing of Court Calendar

2.3 Limitations

The system shall be limited and shall not support the following:

- a. Handling of Executive Matters is not covered since they do not involve any activities on the case.
- b. Recording of Small Claims Cases is not integrated into the eCourt System.
- c. The eCourt is designed based on EISP requirements. However, it does not implement ALL requirements of EISP requirements.

2.4 Assumptions

The following are the assumptions in creating and maintaining this document:

- a. This document will be reviewed thoroughly and approved by the TWG as official requirements for QC eCourt.

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3 SYSTEM DESCRIPTION

3.1 Context Diagram

The figure below represents the context diagram of the system. The users of the system are broken down into five (5) offices namely: Office of Clerk of Court (OCC), Branch/Court (BCC), System Administrator, Court Management Office and the Public. OCC and BCC have various roles within their group that perform different functions. A more detailed list of functions of each role is described in Section 3.2.

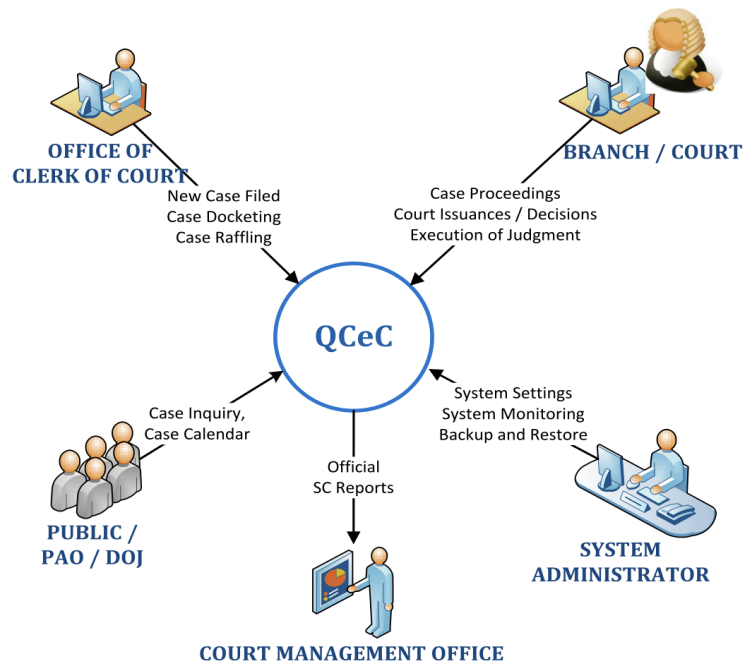


Figure 3-1: Context Diagram

3.2 User Classes and Characteristics

The table below lists functions that are available for users as grouped by their respective offices above.

Office of the Clerk of Court

USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
ASSESSOR	The Assessor computes the filing fee and prints the payment form.
VERIFIER	The Verifier validates and checks the correctness and completeness of the initiatory documents prior to payment and filing of the case.

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USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
CASHIER	The Cashier receives the payment from filing party along with payment form. The cashier enters the payment details (i.e. cash/check details) and prints the official receipt.
DOCKET CLERK (Civil Docket Clerk, Criminal Docket Clerk)	The Docket Clerk encodes basic information on the case profile, i.e. case details and party details. After docketing, the system automatically assigns the case number and performs electronic raffle of new cases. A barcode sticker will also be printed and attached to the case as reference.
OCC (Office of Clerk of Court)	The OCC monitors the operation of the entire office by tracking the activities (i.e. assessments, payments, docketing, etc.) and monitoring the results of electronic raffle. The OCC also administers the users who can perform OCC functions.

Court Branch

USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
BRANCH CLERK (BCC, Civil Clerk, Criminal Clerk)	The Branch Clerk performs the following tasks: <ul style="list-style-type: none"> • Accepts the newly raffled case • Encodes and updates the case profile (i.e. counsel details, evidences) • Records case incidents and actions • Monitors case activities • Uploads court resolutions and decisions • Monitors execution of judgment • Administers who can access the system within their branches.
JUDGE	The Judge performs the following tasks: <ul style="list-style-type: none"> • Acts on the cases via case actions • Monitors the case activities and schedule • Uploads court resolutions and decisions (Optional)
STENOGRAPHER	The Stenographer performs the following tasks: <ul style="list-style-type: none"> • Uploads court orders and documents (via document template) • Uploads minutes and stenographic notes • Prepares mail labels and RRC for distribution
INTERPRETER	The Interpreter performs the following tasks: <ul style="list-style-type: none"> • Manages the court calendar • Determining upcoming hearing dates for a case • Generating the daily court calendar.
EXECUTIVE JUDGE and VICE EXECUTIVE JUDGE	The Executive Judge and Vice Executive Judge performs the following tasks: <ul style="list-style-type: none"> • Search and View of all cases in QC HOJ • Generation of report for all cases in QC HOJ

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USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
	Note: EJ and Vice-EJ performs similar functions of a Judge in the court he/she is assigned.

Court Management Office

USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
CMO (Court Management Office)	The CMO generates real-time official SC reports for all branches in QC HOJ based on the data available in the system.

System Administrator (MISO)

USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
SYSTEM ADMINISTRATOR	The System Administrator performs the following tasks: <ul style="list-style-type: none"> • Manages Branches and Users • Manages Roles and Access Rights • Manages Dropdown Values (System Codes) • Manages Case Incidents and Actions • Manages Document Templates • Monitoring of Server and Network Performance • Backup and Restore of the System

Public

USER	OVERVIEW OF RESPONSIBILITIES TO THE SYSTEM
Public	The Public Users searches for their cases and accesses basic information about them (e.g. Case Title, Status). The Public also accesses the court calendar to check for hearing dates.
PAO (Public Attorney's Office), DOJ, PMC	The PAO, similar to Public Users, searches for their cases and access basic information about them (e.g. Case Title, Status). PAO also accesses the court calendar to check for hearing dates.

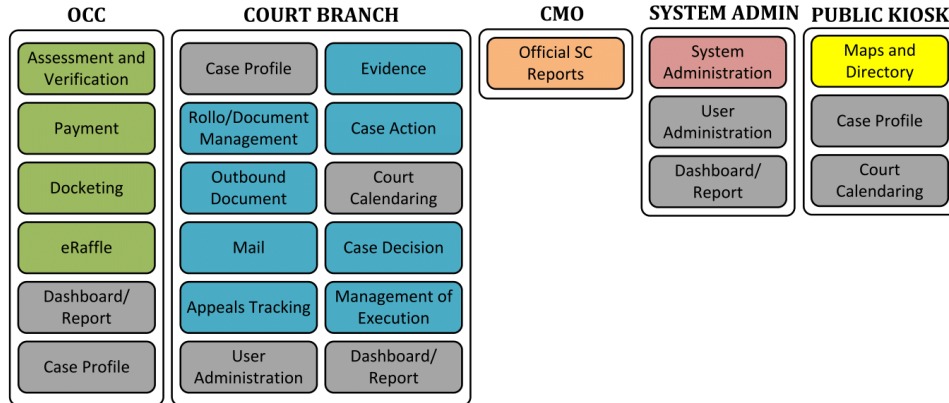
3.3 Modules Design

The diagram below depicts the system, its components and its modules:

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The modules are grouped into five (5) components, depicted in different shades above.

- The OCC Component, represented by the green shade, includes activities of the OCC and the users under its office.
- The BCC Component, represented by the blue shade, includes activities of the BCC and the users under the branch.
- The CMO Component, represented by the orange shade, includes activities of the Supreme Court – Court Management Office in generating reports.
- The System Admin Component, represented by the red shade, includes activities of the System Administrator to manage the system.
- The Public Kiosk Component, represented by the yellow shade, includes activities that the Public User can do to the system.

The Shared Component, represented by the gray shade, includes activities that are applied across the components. To depict it correctly, the corresponding modules are placed under its respective component. Each component and its modules are detailed out in Chapter 4 below.

3.4 Operating Environment

QCeC requires the following minimum specification for hardware, software and infrastructure in order to operate properly:

- Server Specification
 - Application Rack Server
 - 2 x Intel® Xeon® Processor E5606 or higher
 - 12 GB PC3-10600R-9(RDIMM) or higher
 - Integrated Dual Port Gigabit Server Adapter

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4. 2 x HP 1TB 7.2k HP MDL SATA (RAID 0 or 1)
5. Compatible with Ubuntu or Linux variant operating system.
6. Operating system should be hardened with necessary open ports.

Database Rack Server

1. 2 x Intel® Xeon® Processor E5606 or higher
2. 16 GB PC3-10600R-9(RDIMM) or higher
3. Integrated Dual Port Gigabit Server Adapter
4. 1 x HP P410/256 Smart Array Controller 5 x HP 500GB 7.2k (RAID 5)
5. Compatible with Ubuntu or Linux variant operating system.
6. Operating system should be hardened with necessary open ports.

Note: Separate server configuration shall be allocated for RTC and MeTC.

b. Workstation Specification (Minimum)

1. Intel Pentium 4 or higher
2. At least 1Gb RAM
3. Windows XP, Windows 7 or higher
4. Firefox 7.0 Browser or higher
5. Adobe PDF viewer
6. Workstations should have appropriate security controls (e.g. anti-virus, spam detector, etc.).

c. Network Configuration

7. Workstations should have stable and reliable network access to the eCourt server.
8. Workstations should be able to access http port of the eCourt server.

3.5 Software Components

QCeC is based on the following software components and shall require the following to be installed on the servers:

- Apache Tomcat 7.0 or higher
- Java Software Development Kit (SDK) v 6.0 or higher
- MySQL Community Edition 5.5 or higher
- Open Office Server – for processing of word document.

In addition, the following technology stack will be used in developing the QCeC application:

- HTML/JSP/CSS/Web 2.0
- Javascript/Ajax/JQuery

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- Java
- Spring and Spring MVC
- Jasper Reports
- JPA/Hibernate
- Attaché and Open-Tides

The application framework of QCeC is built on top of Open-Tides, an open-source web application framework developed by Ideyatech. Furthermore, some modules will be derived from Attaché, a case management system developed by Ideyatech.

Ideyatech will give complete copies of the source code to Supreme Court for future updates and maintenance.

3.6 Issues/Questions

- Should we keep separate role for Interpreter and Stenographer? Or should we combine their access as one?
- How can we verify if CMO is able to properly access the reports in the system through the VPN?

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4 MODULE REQUIREMENTS

This section details the description of each module involved under each component.

4.1 The OCC Component

The diagrams below depict the OCC workflow for new cases with filing fee (first image below), and for new cases without filing fee (second image below).

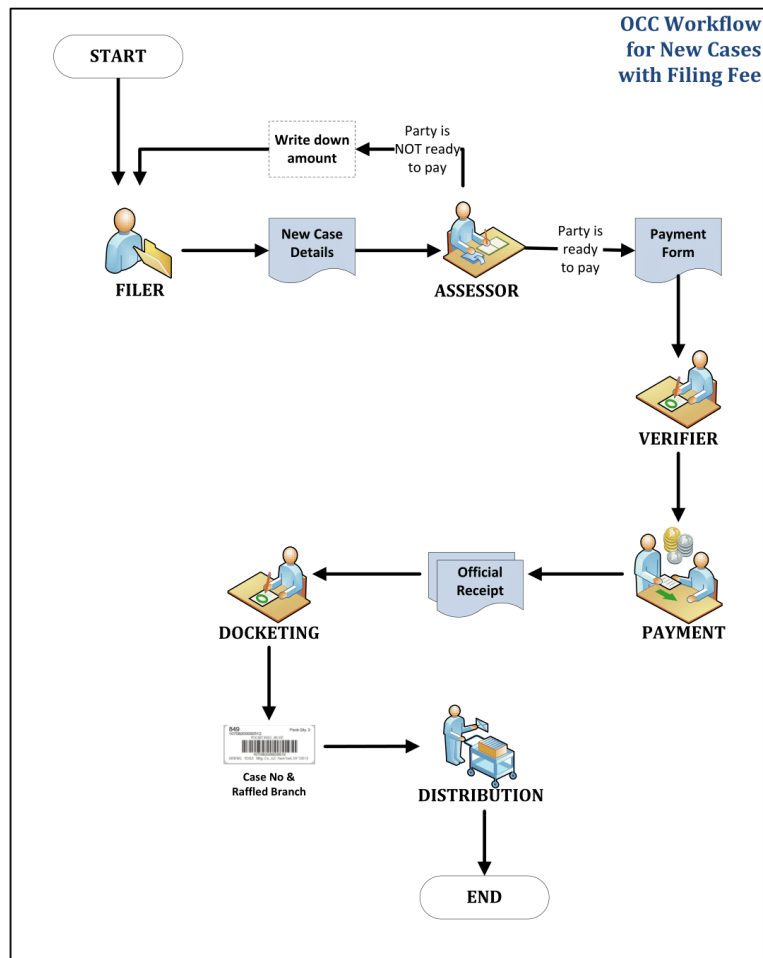


Figure 4-1: OCC Workflow for New Cases With Filing Fee

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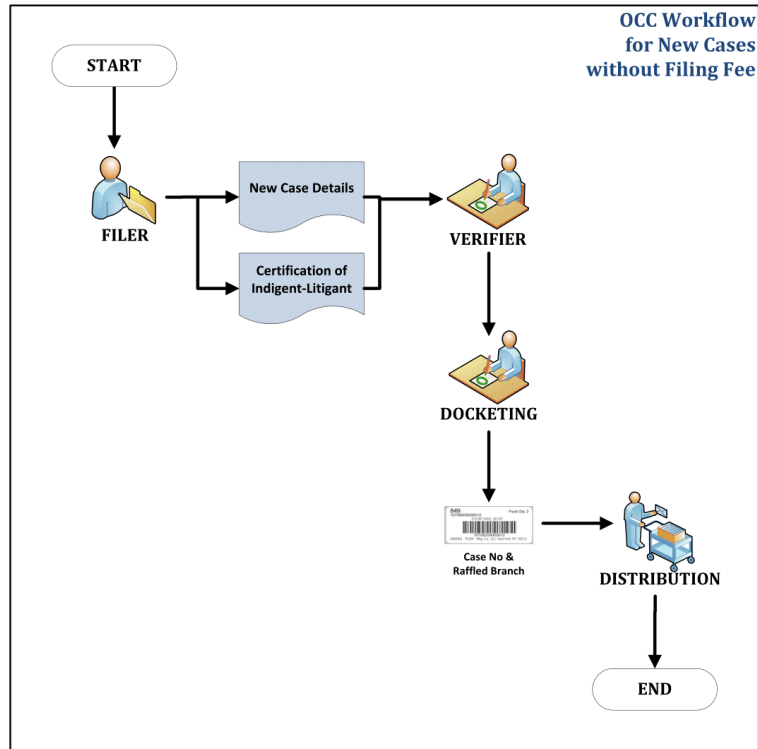


Figure 4-2: OCC Workflow for New Cases Without Filing Fee

General Description of OCC Modules

This section provides a table of the different modules involved in the OCC component with a listing of the different actions of the users involved. Specific requirements follow in the next section.

MODULE	GENERAL DESCRIPTION OF ACTIONS INVOLVED
Assessment and Verification	<ul style="list-style-type: none"> Receives new case details for assessment Completes the assessment of requirements to generate payment form Verifies assessment and payment form
Payment	<ul style="list-style-type: none"> Enters payment details on the payment form Prints Official Receipts
Docketing	<ul style="list-style-type: none"> Completes basic case information on the case profile, including case number, case party, related cases.
Appeals Tracking	<ul style="list-style-type: none"> Add case origin as MeTC Auto-complete list of MeTCs
eRaffle	<ul style="list-style-type: none"> Automatically assigns a case to a branch via electronic raffle as soon as

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	<p>the case is docketed.</p> <ul style="list-style-type: none"> Provides a means to manually assign or re-affle a case to a different branch in specific circumstances described later in this document. Automatically generate and print a barcode sticker for the case rollo.
Dashboard/ Report	<ul style="list-style-type: none"> Installs/Adds, Uninstalls/Deletes, views and move dashboard widgets. View, Customize and Print standard reports.
Case Profile	<ul style="list-style-type: none"> View Case Profile Add, edit and delete Case Profile Information, Party Details, Counsel Details, Case References, Subsequent Documents, Payments and Notes
Search	<ul style="list-style-type: none"> Provides the search mechanism for all objects in the system: assessments, payments and cases. View, sort and filter search results.

Detailed Requirements of OCC Modules

The following sections detail out the specific requirement of the system per module.

4.1.1.1 OCC Assessment and Verification Module

Req #	Requirements Description
1.01	The system shall allow the ASSESSOR to create a new assessment so that new case being filed for payment is recorded.
1.02	The system shall assign a unique ID for each new assessment so that each assessment can be easily distinguished.
1.03	The system shall allow the ASSESSOR to edit an existing assessment so that corrections can be made.
1.04	The system shall allow the ASSESSOR to enter 'count' for criminal cases so that it can be used as basis of computation of filing fees.
1.05	The system shall multiply the filing fee based on the count that has been entered.
1.06	The system shall automatically compute fees identified by funds based on 'purpose' and 'nature of case', and 'amount involved' in some cases. Refer to Section 6.1 - Appendix A – List of Values for Payment Fees and Nature of Case
1.07	The system shall allow OCC STAFF to search for existing assessments so that previous assessments can be retrieved.
1.08	The system shall allow the ASSESSOR to change the sort order and navigate by page number in search assessment results so that long list of assessments can be easily retrieved.
1.09	The system shall allow the ASSESSOR to add a new fund entry in the assessment form so that additional funds can be recorded.
1.10	The system shall allow the ASSESSOR to edit or delete a fund entry in the assessment form so that corrections to funds (e.g. amount) can be recorded.
1.11	The system shall allow the ASSESSOR to enter Miscellaneous payments so that non-case related payments (e.g. notarial fee, marriage fee) can be recorded.

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Req #	Requirements Description
1.12	The system shall allow ASSESSOR to generate payment form based on the assessment details inputted.
1.13	The system shall allow the ASSESSOR to print the payment form containing assessment details so that it can be issued to Filing Party prior to payment.
1.14	The system shall allow the VERIFIER to record exemption of filing fees so that exempted parties (e.g. indigent, etc.) can file their cases without payment.
1.15	The system shall automatically include Sheriff Trust Fund for all new cases filed so that STF is paid even on cases exempted from Filing Fees.
1.16	The system shall allow the VERIFIER to manually input funds so that other Funds can be recorded when Filing Party is exempt from payment of filing fees.
1.17	The system shall allow the VERIFIER to verify documents submitted for case filing so that annexes and appendices are checked prior to receipt of case records.

4.1.1.2 OCC Payment Module

Req #	Requirements Description
2.01	The system shall allow the CASHIER to specify payment details so that mode of payment (cash/check) and amount paid is recorded.
2.02	The system shall allow the CASHIER to enter check details (i.e. bank, check number) for each type of fund so that check details are recorded.
2.03	The system shall allow the CASHIER to view the payment details so that payment details can be reviewed and verified.
2.04	The system shall allow the CASHIER to edit payment details of a case, when needed.
2.05	The system shall allow the CASHIER to print and reprint an official receipt so that it can be issued to Filing Party.
2.06	The system shall allow the CASHIER to cancel or refund an official receipt so that corrections can be recorded.
2.07	The system shall require a reason for cancellation if official receipt will be cancelled or refunded so that reason is clearly identified.
2.08	The system shall allow the CASHIER to search for existing official receipts using official receipt number, date, assessment id and nature of case.
2.09	The system shall provide payment template that defines the computation rules of filing fees based on 'purpose', 'nature', and 'amount' so that filing fees can be automatically computed by the system.
2.10	The system shall allow the OCC to add a payment template based on 'purpose' and 'nature of case' and 'amount involved' so that new payment computation can be added.
2.11	The system shall validate the payment template to avoid duplicate entries. For example, 2 templates with same purpose and nature.

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Req #	Requirements Description
2.12	The system shall allow the OCC to view the list of payment templates and their contents so that computation formula can be reviewed and verified.
2.13	The system shall allow the OCC to edit and delete the details of a payment template so that corrections or changes to computation can be recorded.
2.14	The system shall be able to split the official receipt specifically for Sheriff's Trust Fund (STF) so that it can be refunded in the future by the Filing Party.
2.15	The system shall be able to automatically increment official receipt number based on the last issued OR of the user so that generation of OR is faster.
2.16	The system shall be able to check for duplicate official receipt numbers so that numbering errors are avoided.
2.17	The system shall allow the CASHIER to change the sort order and navigate by page number in search payment results so that long list of payments can be easily retrieved.

4.1.1.3 OCC Docketing Module

Req #	Requirements Description
3.01	The system shall allow the DOCKET CLERK to docket a new case so that initial case details are recorded.
3.02	The system shall allow the automatic assignment of a case number based on official SC numbering system.
3.03	The system shall allow generation of multiple case numbers for cases with multiple counts.
3.04	The system shall automatically assign default court type based on nature of case filed.
3.05	The system shall allow DOCKET CLERK to add/edit/delete party details of the case so that party information is readily available.
3.06	The system shall allow DOCKET CLERK to add case reference in case of consolidated cases so that case can be raffled to appropriate branch.

4.1.1.4 eRaffle Module

Req #	Requirements Description
4.01	The system shall be able to electronically raffle a case to a branch after docketing so that filing party knows the branch handling their case immediately after raffle.
4.02	The system shall allow scheduling of electronic raffle so that raffling of cases with TRO can be performed after the party has been informed of the case filed.
4.03	The system shall automatically classify a branch as Regular or New based on total case workload of the branch so that it can be used for electronic raffle.
4.04	The system shall allow the OCC to manually classify a Branch as New, Regular or Vacant so that raffling of cases can be properly distributed.

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Req #	Requirements Description
4.05	The system shall allow OCC to specify which branch is the Executive Judge so that it can be used for electronic raffle.
4.06	The system shall randomly select a branch based on the assignment ratio of 1:2:6; whereas Executive Judge is 1 case; Regular Branch is 2 cases; and New Branch is 6 cases so that case distribution follows prescribed rules.
4.07	The system shall not include branch that are vacant for raffle so that no additional cases are raffled to the branch.
4.08	The system shall restrict selection of branches to appropriate courts when case belongs to special court so that special cases are assigned to special courts (e.g. Commercial Court, Drugs Court, etc.).
4.09	The system shall automatically change the status of a case to 'raffled' after it has been raffled to a branch.
4.10	The system shall provide an animation to display the raffle process and its result so that random selection is projected to the user.
4.11	The system shall allow the user to manually assign a case to a branch so that cases for consolidation can be routed to appropriate branch.
4.12	The system shall require a reason if case is manually assigned so that reason is clearly recorded.
4.13	The system shall allow the OCC to re-raffle a raffled case so that inhibitions can be processed.
4.14	The system shall allow the user to print a barcode on a sticker to be attached to the initial document of newly raffled case.
4.15	The system shall allow the Judge and BCC to request for a case to be re-raffled so that inhibitions and other reasons for re-raffle can be recorded.

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4.1.1.5 OCC Case Profile Module

Req #	Requirements Description
5.01	The system shall allow OCC STAFF the viewing of the Case Profile page that contains the different sections of case details so that all case related information can be easily viewed in one page.
5.02	The system shall allow the OCC STAFF to modify of Case Information so that updates and corrections can be recorded.
5.03	The system shall allow the OCC STAFF to view the Party Details section of the Case Profile page.
5.04	The system shall allow the OCC STAFF to add the list of Parties involved in a case so that additional parties or changes in party can be recorded.
5.05	The system shall allow the OCC STAFF to edit and delete Party Details of a caseso that corrections or changes to party details can be recorded.
5.06	The system shall be able to automatically display other existing cases involving the parties listed so that the OCC STAFF is informed of possible related cases of the party.
5.07	The system shall allow the OCC STAFF to add the party record history as a note so that it can be easily referenced in the future.
5.08	The system shall allow the OCC STAFF to view Case References Details section of the Case Profile page.
5.09	The system shall allow the OCC STAFF to associate one case with another case using the case reference so that consolidated and related cases are properly recorded.
5.10	The system shall allow the OCC STAFF to retrieve the change history of a case so that they can check who does what and when.
5.11	The system shall allow OCC STAFF to search for existing cases so that information (e.g. handling branch) about the case can be easily retrieved.
5.12	The system shall allow OCC STAFF to view the search case results so that cases matching the search criteria can be retrieved.
5.13	The system shall allow OCC STAFF to change the sort order and navigate by page number in search case results so that long list of cases can be easily retrieved.

4.1.1.1 OCC Appealed Cases Module

Req #	Requirements Description
6.01	The system shall make provisions to indicate a case is appealed from the MeTC to RTC.
6.02	The system shall allow the DOCKET CLERK to search for decided MeTC cases as autocomplete in the Case Origin upon filing of new case so that details from originating court is accessible to the appellate court.
6.03	The system shall add the MeTC case as case reference when case is appealed so that the lower court case can be easily referenced.

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4.1.1.2 OCC Dashboard Module

Req #	Requirements Description
7.01	The system shall allow ALL USERS to view a list of recent activities they have done so that they can quickly recall the most recent actions they have performed on the system.
7.02	The system shall allow the ASSESSOR to view a bar graph of a summary of (new) assessments so that they have indicator of volume of assessments for the past 7 days.
7.03	The system shall allow the ASSESSOR and VERIFIER to view a list of assessments done for the day so that they can easily find assessment made for the day.
7.04	The system shall allow the ASSESSOR and VERIFIER to view a list of assessments verified for the day so that they can easily find assessments verified for the day.
7.05	The system shall allow the CASHIER to view a list of assessments paid for the day so that they can easily find new cases filed.
7.06	The system shall allow the DOCKET CLERK to view a list of cases for docketing so that they can easily find new cases for docketing.
7.07	The system shall allow the DOCKET CLERK and OCC to view a list of cases for raffle (postponed) so that cases with TRO awaiting notice to adverse parties can be tracked.
7.08	The system shall allow the DOCKET CLERK to view a list of cases raffled for distribution so that they can easily identify cases that have not been received by the branches.

4.1.1.3 OCC User Administration Module

Req #	Requirements Description
8.01	The system shall allow the OCC to manage (add, edit, delete) users within OCC so that appropriate staff can be given access to system.
8.02	The system shall allow the OCC to specify the role for each user within OCC so that users can be have access to appropriate functions.
8.03	The system shall allow the OCC to view audit log of activities performed by all users within the OCC so that they can track down activities performed by their staff.
8.04	The system shall allow the OCC to see users within OCC that are logged-in so that they know who are currently using the system.

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4.1.1.4 OCC Report Module

Req #	Requirements Description
9.01	The system shall allow the OCC to generate a report of “List of Raffled Cases per Day” so that they can have a hardcopy of list of cases raffled per day.
9.02	The system shall allow the OCC to generate a report of “Summary of Raffled Cases per Day” so that they can check the distribution of cases across all the branches.
9.03	The system shall allow the CASHIER to generate summary reports of payment collected.

Assumptions and Limitations

The following are the assumptions and limitations for this component:

1. Since Payment Form is printed prior to issuance of Official Receipt, the OR No. will be manually written by the CASHIER on the payment form.
2. The ASSESSOR may opt not to save nor print assessment if party is just asking for computation of filing fees. The ASSESSOR can manually write the amount computed. The Payment Form will be printed only if Filing Party confirms that they will proceed with payment and filing of the case.
3. If Filing Party returns to pay filing fee after a day or so, the ASSESSOR shall make a new assessment.
4. If payment is via Postal Money Order, OCC will exchange it to cash thru the bank and treat it as cash payment.
5. Copying of Assessment is not supported unlike in JCMS, because the Case Title will always differ per case and this could cause copy-and-paste errors if used. If case has multiple count, the count field will be used instead.

Issues and Questions

The following are some issues and questions concerning this component that needs to be answered by TWG:

1. In payment, the term “Nature” is used for classifying the payment computation to be used for the case. However, this does not coincide with Nature of Case used by the BCC. Should we treat them as separate fields?
2. Need sample reports used by CASHIER for payment received.
3. Are there reports generated on raffling, other than raffle report?
4. Should we include support for editing of Case Number? We need copy of A.O. that describes the case numbering system.
5. For ePayment, is there an existing system in SC that needs to be integrated to produce consolidated reports across all the courts? Or generation of payment reports will suffice?

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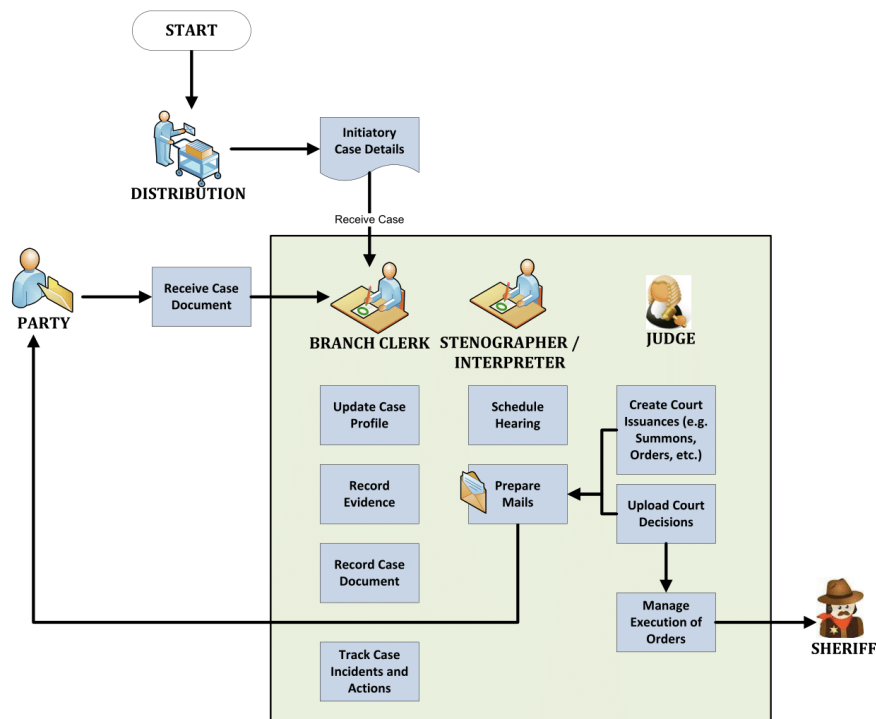
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6. If pairing Judge is assigned to Vacant branch, is the vacant branch exempted from raffle?
7. What is the involvement of Executive Judge when a case is consolidated, if any?

4.2 The Court Branch Component

Diagram

The diagram below depicts the functionalities that are available for the Court Branch. These functionalities are available across the different stages (e.g. pre-trial, trial, etc) of case. The details of each case proceeding can be referenced in Appendix H.



General Description of Court Branch Modules

MODULE	DESCRIPTION OF ACTIONS INVOLVED
Case Profile	<ul style="list-style-type: none"> • Search Case • View Case Profile • Add, edit and delete Case Profile Information, Party Details, Counsel Details, Case References, Subsequent Documents, Payments and Notes • View Case History

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MODULE	DESCRIPTION OF ACTIONS INVOLVED
Rollo/ Document Management	<ul style="list-style-type: none"> Receive Subsequent Document Search Case Document Document Page Numbering
Outbound Document	<ul style="list-style-type: none"> Creates Court Issuances, Resolution and Orders Creates document from pre-formatted templates Manage outbound documents and their recipients
Mail	<ul style="list-style-type: none"> Print the mail labels and RRC Monitor mails sent, served and confirmed receipt
Evidence	<ul style="list-style-type: none"> Manage documentary, object, testimonial evidences Add and delete sub-markings Upload evidence image
Case Action	<ul style="list-style-type: none"> Change party, track and stage of case Keep track of case incidents and actions
Court Calendaring	<ul style="list-style-type: none"> View an overview of calendar hearing events per month View a daily view of the hearings Management of court hearing schedule by branch Scheduling of next hearing dates
Case Decision	<ul style="list-style-type: none"> View add, edit, upload, download case decision Upload multiple decisions (e.g. MR)
Management of Execution	<ul style="list-style-type: none"> Add execution order note Add execution service notification
User Administration	<ul style="list-style-type: none"> Manage users, user groups, user roles and access rights Manage user sessions
Dashboard/ Report	<ul style="list-style-type: none"> Install/Add, Uninstall/Delete, view and move dashboard widgets. View, Customize and Print Reports

Specific Requirements of Court Branch Modules

4.2.1.1 Court Branch Case Profile Module

Req #	Requirements Description
8.01	The system shall allow BRANCH STAFF to search for existing cases within their branch so that information about the case can be easily retrieved.
8.02	The system shall allow BRANCH STAFF to view the search case results so that cases matching the search criteria can be retrieved.
8.03	The system shall allow BRANCH STAFF to change the sort order and navigate by page number in search case results so that long list of cases can be easily retrieved.
8.04	The system shall allow the BRANCH STAFF to receive newly raffled case via barcode scanner so that OCC and BRANCH STAFF can track cases received by branch after being raffled.

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Req #	Requirements Description
8.05	The system shall automatically change the status of a case to 'active' when raffled case is received.
8.06	The system shall allow BRANCH STAFF AND JUDGE the viewing of the Case Profile page that contains the different sections of case details so that all case related information can be easily viewed in one page.
8.07	The system shall allow the BRANCH STAFF to modify of Case Information so that updates and corrections can be recorded.
8.08	The system shall allow the BRANCH STAFF and JUDGE to view the Party Details section of the Case Profile page.
8.09	The system shall allow the BRANCH STAFF to add the list of Parties involved in a case so that additional parties can be recorded.
8.10	The system shall allow the BRANCH STAFF to edit and delete Party Details of a caseso that corrections or changes to party details can be recorded.
8.11	The system shall be able to automatically display other existing cases involving the parties listed so that the BRANCH STAFF or JUDGE is informed of possible related cases of the party.
8.12	The system shall allow the BRANCH STAFF and JUDGE to add the party record history as a note so that it can be easily referenced in the future.
8.13	The system shall allow the BRANCH STAFF to view Case References Details section of the Case Profile page so that they can view consolidated or referenced cases.
8.14	The system shall allow the JUDGE to record consolidated cases by associating a case reference so that consolidated cases are properly recorded.
8.15	The system shall allow the BRANCH STAFF to record related cases by associating a case reference so that related cases can be recorded.
8.16	The system shall allow the BRANCH STAFF and JUDGE to retrieve the change history of a case so that they can check who does what and when.
8.17	The system shall make provisions to interface with the existing RAIS (Roll of Attorneys Information System) so that initial list of Lawyers is readily available.
8.18	The system shall allow the BRANCH STAFF to add a new Counsel and associate to a case so that counsels representing the case can be recorded.
8.19	The system shall allow the BRANCH STAFF to add select a Counsel from an existing list (from RAIS) and associate to a case so that counsel details are not duplicated.
8.20	The system shall allow the BRANCH STAFF to edit and delete the Counsel details in a case so that corrections or changes to counsel can be recorded.
8.21	The system shall allow the BRANCH STAFF to record additional notes to a case so that additional notes or information about the case can be recorded.
8.22	The system shall allow the BCC to create a new assessment as order of payment for additional fees.

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4.2.1.1 Court Branch Rollo/ Document Management Module

Req #	Requirements Description
9.01	The system shall allow the BRANCH STAFF to search documents received by the branch on all their cases so that retrieval and analysis of documents can be easily performed.
9.02	The system shall allow the BRANCH STAFF to record the page number on file so that pages of the Case Folder (Rollo) are properly recorded.
9.03	The system shall allow the BRANCH STAFF to sort the search documents results and navigate by page number so that long list of documents can be easily retrieved.
9.04	The system shall allow the BRANCH STAFF to receive subsequent documents of a case so that subsequent documents to the case can be recorded.
9.05	The system shall automatically assign a unique control number (barcode number) to each subsequent document received so it can be used as a reference to the document.
9.06	The system shall allow the BRANCH STAFF to create a case action after a subsequent document is added so that next actions can be recorded as future tasks.
9.07	The system shall allow the BRANCH STAFF to modify or delete the details of a document so that corrections can be recorded.

4.2.1.2 Court Branch Outbound Documents (Court Issuances, Resolutions and Orders)

Req #	Requirements Description
10.01	The system shall allow the BRANCH STAFF and JUDGE to create outbound document (e.g. Court Resolutions, Orders)so that it can be included as official document related to the case.
10.02	The system shall allow the BRANCH STAFF and JUDGE to attach/upload documents (doc, pdf) to a case so that electronic copies of documents issued can be retrieved in the system.
10.03	The system shall allow the BRANCH STAFF and JUDGE to draft Court Resolutions, Orders based on a pre-defined template so that common portions of the document (i.e. header, case title, etc.) and standard pro-forma documents (e.g. notifications, summons, etc.)do not have to be manually typed all the time.
10.04	The system shall allow the BRANCH STAFF to specify recipients and CC's to a document so that mail labels for the document can be recorded.
10.05	The system shall automatically generate mail labels (for Mail Module) after document is published so that mail labels will be immediately ready for printing.
10.06	The system shall automatically integrate outbound documents into the Case Folder (Rollo) so that outgoing documents (e.g. orders) are included in counting of page numbers.

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4.2.1.3 Court Branch Mail Module

Req #	Requirements Description
11.01	The system shall allow the STENOGRAPHER to search for documents that are for delivery (Mails) so that all mail can be tracked.
11.02	The system shall allow STENOGRAPHER to change the sort order and navigate by page number in search mail results so that long list of mails can be easily retrieved.
11.03	The system shall allow the STENOGRAPHER to view the list of documents for delivery along with the recipient's information (e.g. Name, Address) so that mail can be easily monitored.
11.04	The system shall allow the STENOGRAPHER to print the mail labels based on recipient's information (i.e. Name, Address) so that mail labels do not have to be manually typed and saves time of STENORAPHER.
11.05	The system shall allow the STENOGRAPHER to print multiple mail labels in one piece of paper so that no waste in paper is produced when printing multiple mail labels.
11.06	The system shall allow the STENOGRAPHER to generate list of mailsto be personally served for the day so that this can be used as guide for the SHERIFF on his/her delivery rounds.
11.07	The system shall allow the STENOGRAPHER to print Registry Return Card (RRC) so that RRC do not have to be manually typed and saves time of STENOGRAPHER.
11.08	The system shall allow the STENOGRAPHER to add a recipient for a document for deliveryso that additional recipients can be recorded.
11.09	The system shall allow the STENOGRAPHER to edit and delete recipient for a document for delivery so that corrections or changes to recipients can be recorded.
11.10	The system shall allow the STENOGRAPHER to indicate the mode of delivery (i.e. mail, personally served) and mail status (e.g. sent, confirmed receipt, served) so that status of mail piece is recorded.

4.2.1.4 Court Branch Evidence Module

Req #	Requirements Description
12.01	The system shall allow the BRANCH STAFF and JUDGE to view the evidence section of the Case Profile.
12.02	The system shall allow the BRANCH STAFF to add an evidence entry so that evidence is recorded.
12.03	The system shall allow the BRANCH STAFF to edit and delete an evidence entry so that corrections or changes to evidence entries can be recorded.
12.04	The system shall allow the BRANCH STAFF to add markings and sub-marking entry to evidence so that evidence with multiple sub-markings (e.g. documentary evidence with signature) can be recorded.

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Req #	Requirements Description
12.05	The system shall allow the BRANCH STAFF and JUDGE to edit and delete marking and sub-marking entry to evidence so that corrections to sub-marketing can be recorded.
12.06	The system shall allow the BRANCH STAFF and JUDGE to upload an image to the evidence so that additional proof can be recorded.

4.2.1.5 Court Branch Case Action Module

Req #	Requirements Description
13.01	The system shall allow the BRANCH STAFF and JUDGE to view the case incidents and actions so that case activities can be monitored.
13.02	The system shall allow the BRANCH STAFF to add a case incident so that case activities can be recorded.
13.03	The system shall allow the BRANCH STAFF to edit and delete a case incident so that changes in case activities can be recorded.
13.04	The system shall allow the BRANCH STAFF and JUDGE to add action in response to an incident so that case activities can be recorded.
13.05	The system shall allow the BRANCH STAFF and JUDGE to edit and delete action in response to an incident so that changes can be recorded.
13.06	The system shall allow the case actions to be applied to one or more party so that case actions involving specific parties can be recorded.
13.07	The system shall allow the BRANCH STAFF and JUDGE to view case actions specific to a party so that activities involving specific party can be separately retrieved.
13.08	The system shall keep track the stages (Arraignment, Pre-Trial, Trial, etc.) of the case along with start and end dates so that duration of the case stage can be tracked and analyzed.
13.09	The system shall allow BCC and JUDGE to move the case from one stage to next (e.g. Pre-trial to Trial) so that progression of the case can be recorded.
13.10	The system shall check and warn the user if stage completion criteria is not satisfied prior to moving to next stage so that essential stage information is recorded.
13.11	The system shall allow selection of Case Incidents based on the current stage(e.g. Arraignment, Pre-Trial, etc.) of the case so that case incidents are restricted to allowable set of incidents only.
13.12	The system shall allow selection of 'Others' in Case Incidents so that incidents that are not in allowable set can be recorded.
13.13	The system shall allow selection of Case Actions based on Case Incidents of the case so that case actions are restricted to allowable set of actions only.
13.14	The system shall allow selection of 'Others' in Case Actions so that actions that are not in allowable set can be recorded.
13.15	The system shall allow the BRANCH STAFF and JUDGE to adjust the duration of case actions when needed so that extension in schedule can be recorded.

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Req #	Requirements Description
13.16	The system shall automatically keep track of the original date prior to any duration adjustment so that duration of extension can be recorded.
13.17	The system shall allow the BRANCH STAFF and JUDGE to filter the case actions and incidents by type (e.g. motion, order, etc.)
13.18	The system shall allow the BRANCH STAFF and JUDGE to add comment in a case action so that additional notes can be recorded.

4.2.1.6 Court Branch Calendaring Module

Req #	Requirements Description
14.01	The system shall be able to display a monthly view of the calendar containing details on the number of hearing per hearing type (i.e. arraignment, pre-trial, trial, judgment, commitment) so that volume of hearings per day for the whole month can be visually reviewed for scheduling purposes.
14.02	The system shall be able to display a per-day view of the calendar containing hearing details, i.e. case number, case title, parties involved and other details, sorted by hearing type so that interested parties can easily view the court calendar.
14.03	The system shall allow the filtering of the calendar by session (i.e. AM and PM sessions) so that scheduling is grouped by morning and afternoon sessions.
14.04	The system shall allow BRANCH STAFF to manage calendar within their respective branches so that court schedule is controlled within each branch.
14.05	The system shall allow BRANCH STAFF to print their court calendar so that it can be posted outside the branch for public consumption.
14.06	The system shall allow BCC to specify the maximum hearing schedule for their branch. (e.g. how many arraignments are allowed during Monday AM) so that system can provide warning if hearing is exceeding maximum capacity.
14.07	The system shall allow INTERPRETER to automatically find the nearest available dates when scheduling case hearing so that scheduling can be efficient.
14.08	The system shall allow INTERPRETER to manage (add, edit, delete) holiday / no hearing days for their branch so that holidays/no hearing days are excluded from scheduling.
14.09	The system shall allow the INTERPRETER to schedule hearing for a case based on case actions so that court hearings are properly scheduled.
14.10	The system shall allow the INTERPRETER to change hearing schedule and ask for reason of rescheduling so that changes in court schedule can be recorded.

4.2.1.7 Court Branch Case Decision Module

Req #	Requirements Description
-------	--------------------------

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Req #	Requirements Description
15.01	The system shall allow the BCC STAFF and JUDGE to view the Case Decision Details section of the Case Profile page.
15.02	The system shall allow the JUDGE to add a Case Decision entry so that Decisions can be recorded.
15.03	The system shall allow the JUDGE to edit and delete a Case Decision entry so that corrections can be recorded and reverted.
15.04	The system shall allow the user to attach file (doc, pdf) so that actual decision document can be recorded to the case.
15.05	The system shall automatically change the status of a case to 'decided' once a decision is uploaded.

4.2.1.8 Court Branch Management of Execution Module

Req #	Requirement Descriptions
17.01	The system shall allow the JUDGE to issue an execution order so that court decisions can be executed.
17.02	The system shall allow the BRANCH STAFF to view list of execution orders so that they can plan when and how to execute the order on behalf of the SHERIFF.
17.03	The system shall allow the BRANCH STAFF to update status of execution orders so that activities performed on the court order are recorded on behalf of the SHERIFF.
17.04	The system shall allow the BRANCH STAFF to add notes on execution order so that any remarks can be recorded for future reference on behalf of the SHERIFF.
17.05	The system shall allow the BRANCH STAFF to upload the Sheriff's report so that result of execution can be recorded.

4.2.1.1 Court Branch User Administration Module

Req #	Requirements Description
18.01	The system shall allow the BCC to manage (add, edit, delete) users within their branch so that appropriate staff can be given access to system.
18.02	The system shall allow the BCC to specify the role for each user within their branch so that users can be have access to appropriate functions.
18.03	The system shall allow the BCC to view audit log of activities performed by all users within their branch so that they can track down activities performed by their staff.
18.04	The system shall allow the BCC to see users within their branch that are logged-in so that they know who are currently using the system.

4.2.1.2 Court Branch Dashboard Module

Req #	Requirements Description
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Req #	Requirements Description
19.01	The system shall allow the BRANCH STAFF and JUDGE to view new cases raffled to their branch so they can easily identify cases that they should receive from the OCC.
19.02	The system shall allow the BRANCH STAFF and JUDGE to view a list of actions overdue so that they can prioritize their actions accordingly.
19.03	The system shall allow the BRANCH STAFF and JUDGE to view a list of overstaying detainees so that they can inform parties of their detention status.
19.04	The system shall allow the BRANCH STAFF and JUDGE to view a list of reminders on tasks that are about to be due so that they can organize their case actions by priority.
19.05	The system shall allow the BRANCH STAFF and JUDGE to view a pie chart depicting the summary of docketed cases so that they have indicator of volume of cases.
19.06	The system shall allow the BRANCH STAFF and JUDGE to view a bar graph depicting the summary of active cases so that they have visual indicator on breakdown of their active cases.
19.07	The system shall be allow the BRANCH STAFF and JUDGE to view a bar graph depicting the summary of the aging of the cases so that they know the volume of cases that are taking a long time.
19.08	The system shall be allow the BRANCH STAFF and JUDGE to view table of aging cases per year and case category so that they can retrieve exact cases that are taking a long time.

Assumptions and Limitations

- The list of case incidents and actions will be provided by TWG for analysis.
- The system assumes one courtroom is assigned to each branch and does not schedule a courtroom with multiple branches.

Issues and Questions

- What are the different completion criteria per stage? For example, what is required before a case move from Pre-Trial to Trial?
- Can we define a standard set of document templates (e.g. summons, subpoena, etc.) that are issued by the court?
- How do we add miscellaneous recipients who are not parties or counsel?
 - Under Others(e.g. Commissioners, Guardians, Receivers) under the Case Profile

4.3 The CMO Component

General Description of CMO Modules

MODULE	DESCRIPTION OF ACTIONS INVOLVED
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Official SC Reports	<ul style="list-style-type: none"> • Generation of official SC Report
---------------------	--

Specific Requirements

4.3.1.1 Official SC Reports Module

Req #	Requirements Description
20.01	The system shall generate the set Monthly report for cases for RTC (General Jurisdiction) with Multiple Sala so that it can be used by CMO in generating monthly, semestral, annual report for all regular RTC courts.
20.02	The system shall generate Monthly report for cases for RTC Special Court (e.g. Family, Commercial, etc.) so that it can be used by CMO in generating monthly report for all Family Courts.
20.03	The system shall generate list of cases by status per Branch per Month so that it can be used by CMO in Cases Submitted for Decision within the month.
20.04	The system shall generate list of cases by status per Branch per Month so that it can be used by CMO in Cases Previously Submitted for Decision but still Undecided.
20.05	The system shall generate report for Profile of Accused (Item No. VII) so that it can be used by CMO as part of official SC report.
20.06	The system shall generate report for Cases Under Mediation (Item No. VIII) so that it can be used by CMO as part of official SC report.
20.07	The system shall generate report for Data on Probation (Item No. IX) so that it can be used by CMO as part of official SC report.
20.08	The system shall generate report for Warrants, TROs, Injunction (Item No. X) so that it can be used by CMO as part of official SC report.
20.09	The system shall generate report for Aging of Pending (Item No. XI) so that it can be used by CMO as part of official SC report.
20.10	The system shall generate report for Decisions/Final or Interlocutory Orders Elevated on Appeal / Certiorari during the (Item No. XII) so that it can be used by CMO as part of official SC report.
20.11	The system shall generate report for Court Sessions during the Month during the (Item No. XIII) so that it can be used by CMO as part of official SC report.
20.12	The system shall generate report for Number of Writs Issued during the Month during the (Item No. XV) so that it can be used by CMO as part of official SC report.
20.13	The system shall generate List of Cases that is grouped by Case Category so that it can be used by CMO as part of official SC report.

Assumptions and Limitations

- The system does not track number of Marriages Solemnized. Thus, a blank field will be provided on the report for manual entry.

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Issues and Questions

- o None

4.4 The Admin Component

General Description of Modules

MODULE	DESCRIPTION OF ACTIONS INVOLVED
System Administration	<ul style="list-style-type: none"> • Manage drop down values, system codes, raffle rules and reports
User Administration	<ul style="list-style-type: none"> • Manage users, user groups, user roles and access rights • Manage user sessions
Dashboard/ Report	<ul style="list-style-type: none"> • Install/Add, Uninstall/Delete, view and move dashboard widgets. • View, Customize and Print Reports

Specific Requirements

4.4.1.1 System Administration Module

Req #	Requirements Description
21.01	The system shall allow the SYSTEM ADMINISTRATOR to manage the list of Court Branches so that new branches or change in branch assignment can be easily configured.
21.02	The system shall allow the SYSTEM ADMINISTRATOR to manage the System Codes that contains the values used for drop-downs (i.e. fund type, case status, etc.) so that additional changes on drop-down values can be easily configured.
21.03	The system shall allow the SYSTEM ADMINISTRATOR to manage the raffle rules.
21.04	The system shall allow the SYSTEM ADMINISTRATOR to manage the list of Case Stage, Incidents and Actions so that changes on values can be easily configured.
21.05	The system shall allow the SYSTEM ADMINISTRATOR to manage User Roles and their respective Access Rights so that permissions to functionalities can be easily configured.
21.06	The system shall allow the SYSTEM ADMINISTRATOR to manage the default Document Templates that are used for court notifications.

4.4.1.2 User Administration Module

Req #	Requirements Description
22.01	The system shall allow the SYSTEM ADMINISTRATOR to manage (add, edit, delete) users across all court branches so that users can be given access to system.
22.02	The system shall allow the SYSTEM ADMINISTRATOR to specify the role for each user across all court branches so that users can be given appropriate permissions.

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Req #	Requirements Description
22.05	The system shall allow the activation/deactivation of a user.
22.06	The system shall be able to display a list of users currently online so that users who are logged-in are known.
22.07	The system shall allow the SYSTEM ADMINISTRATOR to force logout an online user so that they can be logged-out in case they didn't log-out properly.
22.08	The system shall provide a login page for all users to enter their username and password so that they can enter their credentials to use the system.
22.09	The system shall check for the username and password and provide appropriate access rights so that access and permission to system functions are protected.
22.10	The system shall allow access of pages only to users who have successfully logged-in so that the system is protected from unauthorized access.
22.11	The system shall allow ALL USERS to update their own user profile so that they take control of their account's personal information.
22.12	The system shall allow ALL USERS to change their password so that they can secure their login credential based on their personal knowledge.
22.13	The system shall restrict user to login one at a time only so that multiple account login is avoided.

Assumptions and Limitations

- o System administrator will be available for RTC and MeTC to perform system maintenance, system monitoring, backup and restore, and computer troubleshooting.

Issues and Questions

- o Please provide list of reports from QC guidelines..

4.5 The Public Kiosk Component

General Description of Modules

MODULE	DESCRIPTION OF ACTIONS INVOLVED
Case Profile	<ul style="list-style-type: none"> • Search cases and status • View, sort and filter search results
Directory and Maps	<ul style="list-style-type: none"> • Shows Court Directory of RTC and MeTC • Shows the map of the QC HOJ Building and location of each Court Branch
Court Calendaring	<ul style="list-style-type: none"> • View an overview of calendar hearing events • View a daily view of the hearings

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Specific Requirements for PAO/DOJ/Public Kiosk

4.5.1.1 Case Profile Module

Req #	Requirement Descriptions
23.01	The system shall allow PUBLIC USERS to search for existing so that information (e.g. handling branch) about the case can be easily retrieved.
23.02	The system shall allow PUBLIC USERS to view the search case results so that cases matching the search criteria can be retrieved.
23.03	The system shall allow PUBLIC USERS to change the sort order and navigate by page number in search case results so that long list of cases can be easily retrieved.
23.04	The system shall make provisions to limit access for the public kiosk so that only Case No, Case Title, Branch, Status, Stage and next hearing dates are available for viewing.
23.05	The system shall make provisions to exclude family court cases from the public kiosk so that information about CICL is secured.

4.5.1.2 Court Calendaring

Req #	Requirement Descriptions
24.01	The system shall be able to display a per-day view of the calendar containing hearing details, i.e. case number, case title, parties involved so that parties can check for their hearing schedule.
24.02	The system shall allow the filtering of the calendar by session, i.e. AM and PM sessions.
24.03	The system shall allow the filtering of the calendar by branch.

4.5.1.3 Directory and Maps

Req #	Requirement Descriptions
25.01	The system shall allow PUBLIC USERS to look at the court directory of both MeTC and RTC Court Branches.
25.02	The system shall allow PUBLIC USERS to look at the map of each floor of QC HOJ along with the Court location.

Assumptions and Limitations

- The Public Attorney’s Office (PAO)/DOJ and other QC HOJ users will have similar access and features available to the public.
- The Public Kiosk will only be launched after the court has confirmed that a complete list of cases is available and updated in the system.

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Issues and Questions

- Should we include facility for Court Directory and Maps? Will it be more effective than the current map displayed on Ground Floor?

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5 DEFINITION OF TERMS

Terms	Description
ABA	American Bar Association
BCC	Branch Clerk of Court
CMO	Court Management Office
HOJ	Hall of Justice
JCMS	Judicial Case Management System
OCC	Office of the Clerk of Court
QCeC	Quezon City eCourt
RAIS	Roll of Attorneys Information System
BRANCH STAFF	Includes Branch Clerk of Court, Stenographer and Interpreter

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6 APPENDICES

- 6.1 Appendix A – List of Values for Payment Fees and Nature of Case
- 6.2 Appendix B – List of Values for Case Category
- 6.3 Appendix C – List of Values for Court Type
- 6.4 Appendix D – List of Values for Nature of Case
- 6.5 Appendix E – List of Values for Document Type
- 6.6 Appendix F – List of Values for Maximum Sentence
- 6.7 Appendix G – List of Values for Evidence Type and Status
- 6.8 Appendix H – List of Values for Case Actions

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7 REVISION HISTORY

Version No.	Date	Description of Changes	Author
V0.20	April 25, 2012	Revisions based on review meeting with ABA-ROLI	Allan Tan
V0.21	May 7, 2012	Added diagrams and clear separate of modules	Allan Tan

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Release Notes for e-Court

RELEASE NOTES FOR ECOURT v1.1.6

(Consolidated Release notes of eCourt version 1.1.6)

March 21, 2015

- Saving Case with Date Revive can now be saved with either Date Decided/ Date Closed or Date Archived.
- Saving Case with Date Revive should be after given date of at least 1 from the following: Date Decided / Date Closed or Date Archived
- Added Validation when re-raffling Cases with Date Decided/Date Archived or Date Closed. unless there is a Date Revive after the given dates
- Monthly Reports fixes for the adjustments of the Date Revive update.
- Required Dates Validations for Case Status is now configurable via System Codes.

March 10,2015

- Revert Cashier Reports Font from 12 to 10
- Court Type is required in adding backlog cases and assigning cases from OCC.
- Receiving consolidated cases - initial parties copied to the baby cases. When the party is edited in either one of the case, the party in other consolidated cases should not be updated.

February 27,2015

- Change date closed validation to accept dates "on or after filing date".
- Monthly Report fix count for re-raffled cases within the same month should be counted in II-C NUMBER OF CASES RECEIVED FROM OTHER COURTS/STATIONS

February 25,2015

- Remove Date Decided validation for last hearing date
- Layout issue for Summary of Collections (Detailed)
- Case title value stays after saving an Assessment

February 14,2015

eCourt v1.1.4 includes following patches:

Branch

- Consistent colors for case category in widgets
- For back encoded cases, entered remarks in the Remarks field be properly saved in the case information.
- For back encoded cases, Branch and Date Received by Branch is required providing the user have permission in changing the Date Receive by Branch.
- For back encoded cases, case will automatically be docketed.

- Make Date Received by Branch visible in Case Details provided that the user have permission to view date received by branch.
- Date Received is required once the case has been received.
- Cases cannot be edited if not received yet. A prompt will inform the user that the case should be received first.
- Name of the Respondent or Accused should automatically appear in the Calendar even if not represented by a Counsel providing that the case party type is properly configured in the System Codes. Please refer to the Configuration Manual.
- The postponement of Case Incident via Calendar should prompt user if the date is "Holidays or No Hearing Days" as well as the "Maximum Limit of the Hearings"
- The System to recognize the recorded "Holidays or No Hearing Days" as well as the "Maximum Limit of the Hearings" to be accommodated by the Branch daily on a per Stage Basis (**in the Manage Calendar**) when the Setting is done thru Documents entry.
- Remove CCs, Reviewers, is High Priority fields on outgoing document view.
- Fix count on Monthly Report > Item II. when re-raffling a case, it should not deducts twice on the report
- Complete details in RRC printing.
- When the user enters a marking enclosed in quotation marks (" ") in the Marking field in the Sub-markings section, the entry will appear upon saving.
- Date Submitted for decision is required when the case status is submitted for decision.
- Counsel, party and court photo upload should replace the old image
- Print Assessment form show OR even the fund is STF only
- Monthly Report Fix count

OCC

- Linking of Assessment should not create new case.
- Add a confirmation on **Assessment** page (create assessment) if the assigned case number is already existing without clicking the case from the auto complete to prevent users from creating duplicate Cases.
- OR Printing, allow printing of ñ and Ñ
- Add branch column for OCC in printing case search results.
- Assessment with zero value for type of fund should not display when it reached cashier so that OR will issue
- Case Title, Branch and Case Category will automatically be populated when the assessment will be linked to an already existing case.
- Consolidated cases coming from the OCC to have automatic nature of case, court type and party field copied from the mother case.
- In Payment-Add Payment, payment date is required.
- Increase in font size for Cashier's Report to size 12.
- PMF and PMF 141 amount will reflect on PMF column in Cashier Reports.
- Add Remarks field in Daily Detailed Collection, Detailed Collection and Report of Cancelled Official Receipt Reports.
- Other funds will now reflect on Others column in Cashier Reports.

- Fix Monthly Report of Collections per Fund Details for SAJ - Clearance/Miscellaneous and Summons value not be interchanged.

*from eCourt Workshop January 26-30, 2015

RELEASE NOTES FOR ECOURT v1.1.4

(Consolidated Release notes of eCourt version 1.1.4)

January 13, 2015

eCourt v1.1.4 includes following patches:

- Report of Collection for the Day-Detailed, align OR to center
- Ruffled Cases List panel - Case No. Link should be view only. Case information can still be edited but the Date Received by Branch will not be populated. The check box should be selected if the case is for receiving.
- Date Release and Date Order of Release can be same date as date detained
- Payment Reports - Add designation for Cashier, Date should have value per row/entry, The remarks or notes should appear under the word "Notes/Remarks:" Applicable to the following reports:
 - Monthly Report of Collections Per Fund Details
 - REPORT OF COLLECTION FOR THE DAY - JDF DETAILED
 - REPORT OF COLLECTION FOR THE DAY - SAJ DETAILED
 - Per Fund - Monthly Range Report of Payment / Collections
 - Per Fund - Monthly Report of Payment / Collections JDF
 - Per Fund - Monthly Report of Payment / Collections SAJ
- If Division type is changed to court type, the status will be empty so the Division not be included in raffle

January 09, 2015

eCourt v1.1.4 includes following patches:

- Amount Involved to accept decimals(using numpad) in Assessment Form
- Fixed Printed OR format
- Monthly Report of Collections Per Fund-Details. show full Case No.
- Fix Print RRC Missing **To**(recipient) value.
- Fix Monthly Report Civil Case Grand Total Count for MTC/ MTCC/ MeTC

December 17, 2014

eCourt v1.1.4 includes following patches:

- Add Date Closed field in Case Information, it will be required if the status is tagged as Closed.
- Case Information Date Archived will be required if case Date Revived is not empty.
- In RTC, case origin will be a required field.
- Monthly Report for RTC, old cases with no case origin will be included in *II-A-1 Original Jurisdiction*.
- Monthly Report, Cases with Date Closed and Cases with Date Decided but with no Court Decision will be included in *III-B NUMBER OF CASES DECIDED/RESOLVED BY WAY OF COMPROMISE, JDR, ETC.*
- Consolidated Cases update will include Case Origin (*for RTC*) and Date Closed.
- Cases will only have **Pencil** icon once all the required field is populated, if not will have **Folder** icon.
- Receiving of cases via Ruffled Cases List Panel and Read Barcode will redirect to Case Edit page.
- If the case required field is not populated, the case will remain in the Ruffled Cases List Panel, this will ensure all the required field is completed.
- Removed unused Widget Permissions
- Removed unused Report Permissions

- Remove Calendar Permissions, it is not for eCourt. Use Court Calendar Permissions.
- Case Incident Proceed Next Stage button will not be available if the user have no Access Cases Tab > Case Incidents Section > **Add Case Incidents** permission.
- Add Access Cases Tab > Search Case Page > **Search By Decided Date** permission.
- Assessment Copy button will not be available if user have no Access Payment Tab > Manage Payment > **Update Payment Permission**
- Case Incident will be view only if the user have no Access Cases Tab > Case Incidents Section > **Edit Case Incidents Permission**
- Calendar > Postpone, Reschedule All and Edit Remarks functions will only be available if user have Access Cases Tab > Case Incidents Section > **Edit Case Incidents Permission**
- Calendar > Complete Incident function will only be available if user have Access Cases Tab > Case Incidents Section > **Add Case Incidents** and **Edit Case Incidents Permission**

NOTE! Record Level Access Rights > Access All Cases or Access Cases by Division is required in making roles

- **Reports** - List of Fee Payment Collections should include payment even if without case linked. Should include paid payments only.

November 11, 2014

eCourt v1.1.4 includes following patches:

- Include Clerk of Court in Reprinting of OR
- Monthly Report of Collections Per Fund-Details Fix duplication of entries that occurs if payment is made manually
- Case Incident and Document Validation. Should not accept entries with date subsequent to the date of promulgation.
- Commercial Court Monthly Report Correction of Computation of Original Jurisdiction and Appeal from Lower Court Total Civil Cases count.
- Case Incident Reschedule Change. Case Incident will not be tagged as postponed if only the time is changed.

- Case Incident and Documents should not have double entries in saving.
- Turned off Indigent Litigants selection in Receive New Case. Added permission "Can Select Indigent Litigants" under Access Assessment Tab
- View Assessment Form Date shown for existing Assessment will be Assessment Date not Current Date
- Detailed Collections Report show Total Amount
- Assessment will not create new case if Assign Case Number is checked and an existing case is selected
- Existing Counsel Search shows Law Firm name and Counsel representing the firm.
- Added prefix for outgoing mails control number.
- Calendar and Reports include Executive Judge middle name if provided.
- Add "Cashier" and "Clerk of Court" in OR, below name of the staff.

September 7, 2014

- Additional Validation Rules
- System and Report Titles to System Codes
- Consolidated Cases Status Update Prompt
- Assessment
- Incoming and Outgoing Document
- Case Incident
- Calendar Case Incident Postponement/Rescheduling
- Case Title
- Case Party
- Case Party for Criminal Cases
- Enhance Calendar Printing Format

- Calendar Day
- Change "Court" panel in Case Profile to "Courts of Origin"
- Active Cases per Status Panel Widget
- Add links to Control Reports
- Date and Time Fields
- User Manual Update
- Bug Fix

Enhancements and New Feature Details:

Additional Validation Rules

The following validation rules are added on each of the data entry screen.

I. Cases

A. Receive New Case

Field Name	Validation Criteria
Date/Time Received	<ul style="list-style-type: none"> • Required Field • Should not be before 1950 • Should not be future date
No of Copies Received	<ul style="list-style-type: none"> • Valid positive number
Count	<ul style="list-style-type: none"> • Valid positive number
No. of Defendant	<ul style="list-style-type: none"> • Valid positive number

B. Add Case (For Encoding Backlog Cases)

Field Name	Validation Criteria
Filing Date	<ul style="list-style-type: none"> • Required Field • Should not be before 1950 • Should not be future date • Any user can change the date because this screen is intended for entering backlog cases.
Date of Raffle	<ul style="list-style-type: none"> • Should be on or after the filing date • Should not be future date

C. Edit Case

Field Name	Validation Criteria
Filing Date	<ul style="list-style-type: none"> • Required Field • Should not be before 1950 • Should not be future date • Only user with 'CHANGE CASE FILING DATE, can change this field. Otherwise, this will be read-only.
Count	<ul style="list-style-type: none"> • Valid positive number
Date of Raffle	<ul style="list-style-type: none"> • System Generated • Only user with 'CHANGE RAFFLE DATE' can change this field. • Should not be future date
Reraffle Date	<ul style="list-style-type: none"> • System Generated • Only user with 'CHANGE RAFFLE DATE' can change this field. • Should not be future date
Date Received by Branch	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
Case Status is Decided	<ul style="list-style-type: none"> • Date Decided is required
Case Status is Revived	<ul style="list-style-type: none"> • Date Revived is required • Date Archived is required
Case Status is Archived	<ul style="list-style-type: none"> • Date Archived is required
Date Decided	<ul style="list-style-type: none"> • Should be after filing date • Should not be future date • Should be after the last hearing date (Case Incident with type Scheduled)
Date Revived	<ul style="list-style-type: none"> • When 'Revived' is checked, Date Revived is required. • Date Archived is required. A case cannot be revived when it was not archived. • Should be after archived date • Should not be future date
Date Archived	<ul style="list-style-type: none"> • When 'Archived' is checked, Date Archived is required. • Should be after filing date • Should not be future date
Date Submitted for Decision	<ul style="list-style-type: none"> • Should be after filing date • Should not be future date
Report Group	<ul style="list-style-type: none"> • Required field
Report Group Type	<ul style="list-style-type: none"> • Required field
Case Status	<ul style="list-style-type: none"> • Cannot change case status to decided if no court decision is recorded

D. Edit Case > Add Party

Arrestment Date	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
-----------------	--

Date detained	<ul style="list-style-type: none"> Should not be future date
Minimum Period of Sentence	<ul style="list-style-type: none"> Should be positive number for years, months and days
Maximum Period of Sentence	<ul style="list-style-type: none"> Should be positive number for years, months and days
Minimum Date Accused Should Be Released	<ul style="list-style-type: none"> Should be after filing date Should be after date detained, if available
Maximum Date Accused Should Be Released	<ul style="list-style-type: none"> Should be after filing date Should be after date detained, if available Should be on or before Minimum Date Accused Should be Release
Date of Order of Release	<ul style="list-style-type: none"> Should be on or after filing date Should be after date detained, if available
Date Released	<ul style="list-style-type: none"> Should be on or after filing date Should be after date detained, if available Should not be future date

E. Edit Case > Add Counsel

Counsel Email Address	<ul style="list-style-type: none"> Should be valid email format. When blank, display pop-up warning to user.
PTR OR Date	<ul style="list-style-type: none"> Should not be future date
IBP Date Issued	<ul style="list-style-type: none"> Should not be future date
MCLE Date Issued	<ul style="list-style-type: none"> Should not be future date

F. Edit Case > Add Court

Email Address	<ul style="list-style-type: none"> Should be valid email format. When blank, display pop-up warning to user.
---------------	--

G. Edit Case > Add Incoming Document

Received Date	<ul style="list-style-type: none"> Should be on or after filing date Should not be future date
Sets of Copy	<ul style="list-style-type: none"> Should be a positive number
No of Pages	<ul style="list-style-type: none"> Should be a positive number
Date Due	<ul style="list-style-type: none"> Should be on or after filing date

H. Edit Case > Add Outgoing Document

Document Date	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
No. of pages	<ul style="list-style-type: none"> • Should be a positive number
Date Released	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date

I. Edit Case > Add Evidence

Date Marked	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
Date Marked under Submarking	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
Submarking field under Submarking	<ul style="list-style-type: none"> • Required field
Date Offered	<ul style="list-style-type: none"> • Should be on or after date marked • Should not be future date

J. Edit Case > Case Referencing

Date	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
------	--

K. Edit Case > Add Payment

Payment Date	<ul style="list-style-type: none"> • Should be on or after filing date • Should not be future date
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L. Edit Case > Add Court Decision

Date of Promulgation	<ul style="list-style-type: none"> • Should be after filing date • Should be after decision date • Should not be future date
Date Mailed	<ul style="list-style-type: none"> • Should be on or after date of promulgation • Should not be future date
Date Served	<ul style="list-style-type: none"> • Should be on or after date of promulgation • Should not be future date

M. Edit Case > Add Execution of Judgment

Date	<ul style="list-style-type: none"> • Should be on or after decision date • Should not be future date
------	--

N. Case Incidents

Event Date	<ul style="list-style-type: none"> • Should be on or after filing date
Scheduled Date	<ul style="list-style-type: none"> • Should be on or after date of promulgation
Start Date	<ul style="list-style-type: none"> • Should be on or after date of promulgation
End Date	<ul style="list-style-type: none"> • Should be on or after start date
Reminder Date	<ul style="list-style-type: none"> • Should be on or after start date • Should be on or before end date
Completed Date	<ul style="list-style-type: none"> • Should be on or after start date • Should not be future date

O. Court Action

Due Date	<ul style="list-style-type: none"> • Should be after filing date • Should be on or after the Case Incident start date
Completed Date	<ul style="list-style-type: none"> • Should be after filing date.

II. Assessment

Date	<ul style="list-style-type: none"> • Should not allow future dates • Should not be earlier than 1950
------	--

III. Payment

Payment Date	<ul style="list-style-type: none"> • Should not allow future dates • Should not be earlier than 1950
--------------	--

IV. Calendar

Manage Calendar > Hearing count	<ul style="list-style-type: none"> • Should be positive number
Holiday / No Hearing Days > End Date	<ul style="list-style-type: none"> • Should be on or after Start Date

V. Mails

Add Outgoing Mails > Date Received	<ul style="list-style-type: none"> • Should not allow future dates
Add Outgoing Mails > Date Mailed	<ul style="list-style-type: none"> • Should not allow future dates
Add Outgoing Mails > Control No	<ul style="list-style-type: none"> • Should be positive number

VI. System Codes

Manage Case Incident > Prescribed Dates	<ul style="list-style-type: none">• Should not positive number
---	--

VII. Stages

Before a case progress to next stage, checking of required completed case incidents must be recorded. As such, system allows the Administrator to specify a set of required case incidents for each stage.

- a.) In Manage Case Incidents administration screen, new checkbox is added for required option.
- b.) In Case Incidents, before a user can proceed to next stage, checking of required incidents will be performed.
- c.) If required case incident is not recorded, system will prompt user with specific incident that needs to be added.

Note: The rules of required incidents is a matter of policy and will be defined by eCourt Governance Group.No rules are initially configured.

System and Report Titles to System Codes

- *System and Report Titles are included in system codes under "SYSTEM_TITLE" category.*
- *This OR and Assessment Form to print client location dynamically.*
- Refer to the following for the use of each entry.

ST_CLIENT_LOCATION - value will be the location of the client
i.e "Lapu Lapu or Quezon City"

ST_CLIENT_NAME - this will reflect on the headers and footers of the pages of the system i.e *"Lapu Lapu or Quezon City Hall of Justice"*

ST_COURT_TYPE - Court Type i.e. *"RTC, MTC or MTCC"*

- Can be seen in OR

ST_DIVISION_COURT_TITLE - Branch title format *i.e.* "RTC, MeTC or MTCC"
- This field is important in report and widget division filtering

ST_COURT_TYPE_TITLE - Court type title *i.e.* "Regional Trial Court, Municipal Trial Court"
- Can be seen in reports

ST_COURT_CODE - Court code valud *i.e.* "QC, LLP"
- Can be seen in OR and system case numbering

The following values appear on the Reports, mails and payments.

ST_REPORT_TITLE_A - Client country *i.e.* "Republic of the Philippines"

ST_REPORT_TITLE_B - Client name *i.e.* "Lapu Lapu or Quezon City Hall of Justice "

ST_REPORT_TITLE_C - Court Region *i.e.* "National Capital Judicial Region, Seventh Judicial Region"

Consolidated Cases Status Update Prompt

- If a case with consolidated cases status is changed, there will be a prompt that will let the user choose what cases to be similarly updated.
- Same will happen if Date Revived, Date Archived, Date Submitted for Decision and Date decided, Report Group and Report Group Type are changed.
- Note that only the current updated field will be changed, but when Report Group field is changed the Report Group type will automatically be updated and vice versa.
- Uploading Court Decision will also have prompt, the court decision will be copied to the consolidated cases and status and decided date will be updated.

Assessment

- An alert box will prompt the user if the assessment is successfully saved

Incoming and Outgoing Document

- Added Select All checkbox in selecting recipient for outgoing document for easier selection.

- Incoming and Outgoing Document page and no. of pages fields will not be populated with NaN values.

Case Incident

- All case incident that have hearing as case incident type can be postponed. If scheduled date is changed, the system will be triggered that the incident is for postponement. New case incident with the new schedule date will be created and the old case incident will be tagged as postponed.
- In postponing case incident ,the system allows the new scheduled date to be earlier than existing date. The remarks field will have "(Moved to an earlier date/time)" additional message.

Calendar Case Incident Postponement/Rescheduling

- The user already have time field for setting new date for the case incident.
- The system will prompt the user if the selected date and time is holiday or if there's no available hearing slots.

Case Title

- Case information title will be ALL CAPS.
- Existing case information title should be updated if not ALL CAPS.
- Versus and vs. will be automatically changed to VS

Case Party

- In editing case party that was saved via case title entry, if Legal Entity type is changed to Natural or Private person, the first string of the name will be moved to first name and the remaining will be on the last name.
- If first or last name already have a value, nothing will be changed.
- First, Middle and Last Name fields have placeholder that will help user to recognize the fields.

Case Party for Criminal Cases

- Added a new field "No Bail Recommended"
- If the field is selected Bail Amount field will be empty and be disabled.

- In the case party view, if the field is selected Bail Amount value will be "No Bail Recommended"

Enhance Calendar Printing Format

- Made font size smaller and avoid wasting white spaces in printing court calendar day.

Calendar Day

- Specify Case Incident title on the court calendar day view.
- Withdraw counsel will not appear on the case incident entry.
- In printing, the prompt will only allow AM if the selected calendar is for AM and same goes for PM.

Change "Court" panel in Case Profile to "Courts of Origin"

- Case Profile "Courts" panel title is changed to "Courts of Origin"

Active Cases per Status Panel Widget

- Status will only be displayed if it have 100 and above case count.

Add links to Control Reports

- Links are provided for easy access to case information and documents that are candidates for update.

Date and Time Fields

- A form will not be saved if the date/time values are invalid.
- Time Fields to accept numbers and semi colon characters only.

User Manual Update

- User Manual Title and header show "eCourt Case Management System" instead of "Quezon City eCourt".

Bug Fix:*Receive New Case*

- Document type upon validation error retain selected value.
- If invalid time field is entered, the system will show error message.

Search Case

- Search case by status will be exact match

Incoming and Outgoing Document

- No. of pages in Incoming and Outgoing Document computation is corrected.
- If *from* page and *to* page is the same, No. of pages will be 1 not 0.

Incoming Document

- Fix in selecting multiple case parties for Apply to parties field.

Case Reference

- If existing case reference is edited and the case number is changed to another case, the case reference of the selected case will be removed to the old referenced case and the new referenced case will have a case reference entry to the selected case.
- Case referencing should not have double entry.

Bail Amount

- If the amount is from browser's auto complete, the value will not be converted to 0.00

Case Incident

- Fix bug in deletion of default case incidents.
- Fix bug in case incident applied to other parties incident update.

Calendar

- The time on the calendar day if loaded from the monthly calendar should match on what is selected on the calendar. That is, if AM is selected the calendar time value should be AM.
- The case incident count on the monthly calendar have accurate value, thus opening the calendar day will show the exact count shown on the monthly calendar.

Print Calendar

- In the "*Print Calendar*" dialog box, the Branch Interpreter and Stenographer value should be the same on the current value of the court calendar day.

Monthly Report - Civil Cases

- **Grand Total computation for Monthly Report of Civil Cases is corrected.**

User Widgets

- User widgets will update as the role changes.

Admin User

- Fix bug in removing and adding of division to user.

Number Fields

- Limit number fields to 10 characters.

Date Fields

- If invalid date is entered on a date field, the system will show an error message to let the user know that the date is incorrect. (e.g. "02/31/2014")

Mail Label

- Party and Counsel name is printed on the mail label even if organization name is available.
- If there's no address, field will be empty instead of "null".

Transmittal Letter Printing

- The transmittal letter document not to print null values, it will be blank instead.

Turn Off Checklist, Landholding Information and Interested Panel

- Turnoff panels that are not for eCourt.

Success Story on Launch of e-Court in QC

6 SUCCESS STORY

Supreme Court of the Philippines Spearheads the Launch of eCourt in Quezon City Courts

On June 14, 2013, Supreme Court Chief Justice Ma. Lourdes P.A. Sereno led the launch of eCourt in Quezon City Courts. The event marks the start of the Supreme Court's goal of automating all trial courts throughout the country. The event was graced by Supreme Court Associate Justices Teresita J. Leonardo-De Castro and Mario Victor F. Leonen, Court Administrator Jose Midas P. Marquez, and Executive Judges of the Quezon City Regional Trial Courts and Metropolitan Trial Courts, and Quezon City court personnel.



Supreme Court of the Philippines Chief Justice Ma. Lourdes Sereno presents the eCourt functionalities and the benefits that can be derived using the system in a recent Launch of the eCourt in Quezon City

In her remarks, Chief Justice Sereno cited key features of the eCourt that would speed court processes, eliminate possible sources of corruption, and provide greater transparency. She explained that the eCourt would remove doubt that “money is leaking in the court system,” as cases would now be raffled off electronically and the fees determined by the system. She added, “Quezon City courts are waiting to be transparent and above-board. In other words, you are willing to put the seal of transparency and good governance on the courts.” Associate Justice Leonardo-De Castro, in her own remarks focusing on the history of court innovation and automation in the Philippines, noted that the creation of a case management system for the judiciary was “long overdue”.

Quezon City is one of the largest metropolitan areas in the Philippines with one of the largest number of court cases filed each year. The Quezon City Hall of Justice is comprised of 58 courts, making the station the second largest in the country. In 2012 alone, Quezon City registered more than 32,000 pending court cases, and formed 32% of the total caseload of the National Capital Region of the country. Quezon City Court Stations therefore was recognized as formidable grounds for testing this hallmark automation project.

eCourt was first formulated in 2011 with assistance from the American Bar Association Rule of Law Initiative (ABA ROLI) and funding from USAID to automate key court processes that render increased access to case information within the courts and among court users, improved transparency on case status, and cut-down excessive delays found in the more clerical processes of the court. With the eCourt the court will be able to track completed and succeeding case actions and define when delays or non-compliance to court time standards are not met. ABA ROLI since then has built on the initial platform of eCourt in Quezon City to include such features automated raffling that reduces human intervention in the assignment of cases to court branches, document tracking as pleadings enter and court notices and orders are issued, among others. Motions and hearings are monitored through the eCourt and can now be accessed on a kiosk in the court lobby. Judges upload their decision onto the eCourt, enhancing the transparency of those decisions. A

dashboard provides real time information on the performance of individual courts to court administrators and supervising judges to allow them to improve the quality of court services. Future enhancements include allowing electronic notification of lawyers and internet access to hearing time.

Success Story on Automated Hearings

6 SUCCESS STORY FOR QUARTER 2, FY 2014

PHILIPPINE COURT EXPERIENCES FIRST AUTOMATED IN-COURT TRIAL PROCEEDINGS



Judge (now Justice) Filomena Singh and her court staff uses the eCourt System in issuing court orders to parties present during a case hearing, saving the court time and effort in sending the same through registered mail and awaiting receipt of service.

"...I presided over the first fully automated in-court trial proceedings in the country...At the end of the session, everybody in the courtroom was all smiles. The litigant thanked us for making them part of history and I thanked my staff for taking the first brave step into the annals of history."

February 2014 – Judge (now Justice of the Court of Appeals) Filomena Singh of Quezon City Regional Trial Court, Branch 85 was one of the first to experience one of the in-court features of the eCourt

system. In what is called the first "fully automated in-court trial proceeding", Judge Singh and her Branch Clerk of Court Atty. Butch Abutal noted a marked improvement in the speed of reviewing, approving and issuing a court order, and in acquiring a clear indication of receipt of order from parties. In a quote from an article written by Judge Singh, she recounts her experience:

"Last Friday, February 21, 2014, at 8:30 a.m., in Branch 85 of the Regional Trial Court of Quezon City, I presided over the first fully automated in-court trial proceedings in our country. My stenographer was directly typing all dictated orders into her computer and I had a monitor and keyboard connected to her computer which allowed me to check the order drafted per case real-time and once final, we printed each order and released them to all parties present at an average of no more than five minutes wait-time (mostly for printing and my signature on each page). It did not end there. Simultaneously, my interpreter was typing up the minutes per case, including the list of all marked exhibits for cases where witnesses adduced evidence, and we also printed the minutes for signature of all the parties present even ahead of my order per case. Lastly, my docket clerk (Civil Cases last Friday as we heard Special Proceedings and Land Registration Cases) was also ready to issue subpoena prayed for in the course of the hearings, while substituting with the interpreter when paper markings for exhibits were necessitated. At the end of the session, everybody in the courtroom was all smiles. The litigants thanked us for making them part of history and I thanked my staff for taking the first brave step into the annals of history."¹

¹ Written by Justice Singh for the Philippine Women Judges Association convention held from March 5-7, 2014. The Article was entitled "I Still Believe In Miracles: Women Judges Keeping Up With Information Technology."

In the past, court orders would be prepared only after the hearing and received by the parties days, weeks, or even months later through registered mail. The Philippine judiciary's reliance on registered mail for the service of processes has contributed to the lengthy litigation period of cases, as the period within which to file responsive pleadings or motions depends on the date of actual receipt of written court orders, rather than the date of promulgation. In most cases, the lack of receipt of order prior to a hearing also results in corresponding postponements. The use of eCourt's same-day service features, as demonstrated by Justice Singh and her court, will drastically reduce litigation time in many cases.

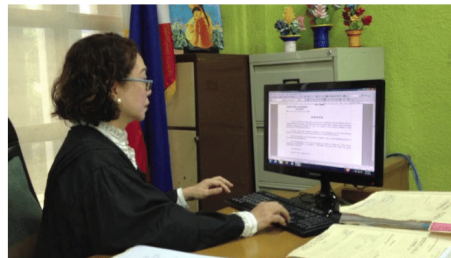
ABA ROLI and USAID continue to work together in developing eCourt features that will hasten other court processes, provide for means to monitor court schedules and track case action deadlines, and improve data reporting by courts.

SUCCESS STORY FOR QUARTER 1, FY 2015

JUDGES REPORT INCREASED EFFICIENCY AND TIME SAVINGS DUE TO AUTOMATED HEARINGS

Judges, litigants, and trial lawyers in the Philippines have long been accustomed to the lengthy delays associated with serving official court orders by mail – orders which the judge already dictates directly to parties during the hearing. This delay between the hearing and service of orders – and consequently, the ingrained expectation and acceptance of it – is often exacerbated by several rounds of time-consuming, post-hearing edits, or by judges simply deferring the issuance of orders deemed non-priorities. In most instances, these types of delays could be completely avoided by giving judges the right tools paired with corresponding procedural changes.

Automated hearings, a feature of ABA ROLI's eCourt, aim to address the issue of delayed service by enabling a judge to review, edit, print, and serve orders directly from the bench – all over the course of a live hearing. First piloted by now Court of Appeals Justice Filomena Singh at the Quezon City Regional Trial Court in February 2014, the automated hearings feature requires an easily accessible suite of tools: a laptop for the judge, a linked monitor and keyboard for the court stenographer, and a networked printer inside the courtroom. But the relative simplicity of equipping courts with this feature belies the deep and sweeping effects it may have on judicial efficiency.



"The burden is on the trial courts... [Judges] should not be afraid to try new things, to get out of our comfort zones." - Judge Angelene Mary Quimpo-Sale of Quezon City Regional Trial Court, on the obligation to improve judicial efficiency.

At face value, the benefits of automated hearings are obvious: there is no longer a need to rely on the post office to serve orders, immediately reducing the related delay and also reducing case duration in instances where further action is required upon receipt of the order. What has been even more promising and revelatory, however, is that the benefits of automated hearings have already been felt by key stakeholders across the board, from judges, to court staff, to litigants and lawyers, fundamentally altering their view of the justice system and its possibilities.

Judge Angelene Mary Quimpo Sale, who began use of the pilot system in June of 2014, estimates that automated hearings have saved her two hours of the afternoon each workday – hours which had previously been spent revising orders already promulgated in open court. Now, she is able to dedicate more time to studying the merits of cases and writing decisions. Her court stenographers report that because draft orders no longer undergo revision after trial, their own workload has been reduced by around 40%, allowing them to spend more time on their primary duty of preparing hearing transcripts. Judge Sale now issues automated orders in all hearings set on a trial date, with the exception of those orders which she, as a Family Court judge, is required to promulgate inside chambers. As a strong

supporter of automated hearings, Judge Sale has invited her fellow judges and their court staff to observe automated hearings for themselves at her courtroom.

For Judge Luisito Cortez, the automated hearing system has, on top of making him a more effective judge, “brought [him] inner peace.” First using the system in May of 2014, Judge Cortez’s initial skepticism was quickly dispelled by the immediate and noticeable effect that automated hearings brought to his courtroom. While he originally anticipated promulgating only the most routine orders via automated hearings, as his confidence in the system grew, so did the complexity of the orders he issued through it. One example he cites is the multi-page orders routinely issued during initial hearings for uncontested land registration cases. Without automated hearings, he says, between twenty to thirty minutes of trial time would be consumed by lawyers’ oral recitals and the corresponding dictation of orders, and it would take another two to three weeks before parties received the official orders by mail. With the introduction of automated hearings, however, that entire process has been reduced to a mere five minutes – with parties receiving the order on-the-spot. Judge Cortez recounts that the clear gains in efficiency produced by automated hearings have led him to actively try to resolve every pending motion through the new system, a habit which has continued to increase his efficiency and effectiveness.

Judges and their court staff are not the only ones who have been swayed by the efficiencies of automated hearings. Judge Sale reports that litigants are extremely pleased with the instantaneous promulgation and service of automated orders – an encouraging signifier of judicial reform at work, and a hint of the cultural shift required for sustainability. Judge Cortez corroborates this with his own experiences, recounting that “several lawyers have been manifesting in open court their awe [regarding] the automated hearings,” with some asking permission to view the judge’s screen as he edits the order, and another reporting that his client was so impressed at having received the order immediately that he was treated out to lunch.



“A process that used to take twenty to thirty minutes of hearing time now just takes five.” Judge Luisito Cortez of Quezon City Regional Trial Court

But new tools alone will almost never achieve ideal effectiveness or sustainability – they must be accompanied by the appropriate procedural changes, a maxim that holds true across much of the eCourt project. In line with this rule, both Judge Sale and Judge Cortez agree that the key to conducting successful automated hearings has been the revamped pre-hearing preparation undertaken by the judge and the court staff. Cases awaiting trial are now more carefully studied to identify the likely resolution of pending incidents and the corresponding orders that will have to be issued. Court stenographers are also briefed as to what orders are likely to be issued during the hearing, allowing them to prepare templates for the orders beforehand.

With positive results from the pilot phase, automated hearings are slated for expansion beginning March 2015 to all 58 Quezon City trial courts where they will complement the existing eCourt system. The new feature will also be introduced alongside the eCourt rollout to the trial courts of Manila, Makati City, Pasig City, Angeles City, Cebu City, Lapu-Lapu City, and Davao City in the coming months.

Supreme Court En Banc Resolution



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

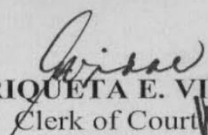
Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **OCTOBER 22, 2013**, which reads as follows:*

“A.M. No. 13-10-08-SC (Re: Approval of the Proposed Locations for the Rollout of the eCourts Project).- The Court Resolved, upon the recommendation of the Office of the Court Administrator, to **APPROVE** the following:

- (a) the roll out of the eCourts Project to: for the NCJR, the Cities of Manila, Makati and Pasig, including San Juan and Pateros; for Luzon, Angeles City; for Visayas, Cebu City and Lapu-Lapu City; and for Mindanao, Davao City;
- (b) the provision by the Court of an additional server and computers for Lapu-Lapu City, if needed; and
- (c) the provisions of enhancements to the existing systems of the Court of Appeals, Sandiganbayan and Court of Tax Appeals to pave the way for a unified electronic judicial system.” Del Castillo, J., on official leave. (adv35)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

-Oclar

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Court Administrator
Hon. Jose Midas P. Marquez (x)
Deputy Court Administrators
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Thelma C. Bahia (x)
Supreme Court

Atty. Caridad A. Pabello (x)
Chief, Office of Administrative Services
Atty. Lilian Barribal-Co (x)
Chief, Financial Management Office
Atty. Marina B. Ching (x)
Chief, Court Management Office
Atty. Wilhelmina D. Geronga (x)
Chief, Legal Office
OCA, Supreme Court

The Executive Judge (reg)
Office of the Executive Judge
RTC, Manila

The Executive Judge (reg)
Office of the Executive Judge
RTC, Makati

The Executive Judge (reg)
Office of the Executive Judge
RTC, Pasig City

The Executive Judge (reg)
Office of the Executive Judge
RTC, San Juan

The Executive Judge (reg)
Office of the Executive Judge
RTC, Cebu City

The Executive Judge (reg)
Office of the Executive Judge
Regional Trial Court, Angeles City

A. M. No. 13-10-08-SC
fam 10/22/13 (adv35)

Hon. Teresita J. Leonardo-De Castro (x)
Associate Justice and Chairperson
Committee on Computerization and Library
Supreme Court

Hon. Andres B. Reyes, Jr. (x)
Presiding Justice
Court of Appeals, Manila

Hon. Amparo M. Cabotaje-Tang (reg)
Presiding Justice
Sandiganbayan
Sandiganbayn Centennial Bldg.,
Commonwealth Avenue, Diliman 1121
Quezon City

Hon. Roman G. Del Rosario (x)
Presiding Justice
Court of Tax Appeals
National Government Center
Agham Road, Diliman 1128 Quezon City

The Executive Judge (reg)
Office of the Executive Judge
RTC, Lapu-Lapu City

The Executive Judge (reg)
Office of the Executive Judge
RTC, Davao City

The Executive Judge (reg)
Office of the Executive Judge
MeTC, Manila

The Executive Judge (reg)
Office of the Executive Judge
MeTC, Makati City

The Executive Judge (reg)
Office of the Executive Judge
MeTC, Pasig City

The Executive Judge (reg)
Office of the Executive Judge
MeTC, Dvaao City

Enterprise Information System Plan Executive Summary



indra



MANAGEMENT & CONSULTANCY SERVICES FOR THE DEVELOPMENT OF THE PHIL. JUDICIARY'S ICT CAPABILITY

ENTERPRISE INFORMATION SYSTEMS PLAN EXECUTIVE SUMMARY (Final Report)

Prepared for:

SUPREME COURT OF THE REPUBLIC OF THE PHILIPPINES

Date Submitted:
March 17, 2009



indra

EISP EXECUTIVE SUMMARY
Component 2: Development of the
Enterprise Information Systems Plan
(EISP)



REVISION HISTORY

<i>Issue</i>		<i>Description of Changes (list of changed pages and reason for change)</i>	<i>Changed by</i>
<i>No.</i>	<i>Date</i>		
1.0	February 6, 2009	EISP Executive Summary	Indra Project Team
2.0	March 9, 2009	EISP Executive Summary	Indra Project Team
2.1	March 17, 2009	Revisions based on comments of World Bank representative	Indra Project Team

EISP EXECUTIVE SUMMARY	Issue No:	2.1	Date:	17 March 2009	Page 1 of 32
	Filename: SCPProject_C2_EISP_ExecutiveSummary_v2.3_v2.1.doc				



indra

EISP EXECUTIVE SUMMARY
Component 2: Development of the
Enterprise Information Systems Plan
(EISP)



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ACRONYMS

PRIORITIZED SYSTEMS

CDTS	Computerized Document Tracking System
FAMS	Financial Auditing and Management System
FMS	Finance Management System
IHRMS	Integrated Human Resource Management System
JCMS	Judiciary Case Management System
LMS	Logistics Management System
LRMS	Legal Resource Management System
MEDICS	Medical and Dental Information Court System
PVS	Personnel Viewing System
SRIS	Service Request Information System

NON-SYSTEMS

EISP	Enterprise Information Systems Plan
HOJ	Halls of Justice
HW	Hardware
ICT	Information and Communications Technology
IS	Information System
IT	Information Technology
JIDIF	Judiciary-wide ICT Development Integration Framework
JRSP	Judicial Reform Support Project
MISO	Management Information Systems Office Management Information Systems (referring to various MIS groups within the Judiciary)
MIS	
MRDP	MISO Re-engineering Development Plan
SDLC	Systems Development Life Cycle
WB	World Bank
DSL	Digital Subscriber Line

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EISP EXECUTIVE SUMMARY
Component 2: Development of the Enterprise Information Systems Plan (EISP)



1. PREFACE

1.1 INTRODUCTION

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

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

This EISP is the first out of two (2) deliverables under Component 2 of this engagement which shall technically provide the Judiciary with the functional, technical and architectural specifications for the selected systems that will be part of the EISP based on the JIDIF. Thus, the EISP is the first step in the realization of the proposed reforms for the information technology of the Judiciary as documented in the accepted JIDIF under Component 1 of this project. The EISP shall be the basis then for the creation of bidding documents, the final deliverable under Component 2, for the evaluation and implementation of this plan. Needless to say, the ultimate realization of such reforms is the actual bidding and implementation of these systems in the Judiciary.

The EISP of 2010-2014 will serve as a framework of ICT initiatives of the Judiciary for the next five years. The EISP contains the present ICT needs of the Judiciary and proposed solutions vis-à-vis the organization's mandate, objectives, and programs through the development of new Information Systems (IS) and provision of additional state-of-the-art IT equipment.

There are three (3) main deliverables for the EISP. These deliverables are:

A. The EISP Executive Summary

This document serves as the presentation on major points of the EISP. This is intended for the officials of the Judiciary. Pertinent details of the executive summary shall be documented in the EISP.

B. The EISP (main document, in a separate document)

This document consolidates the strategic lines under which the prioritized systems fall. This also includes functional and technical requirements of the systems, cost estimates, and a discussion on the implementation plan and change management framework. It will contain the following:

1. Preface
The first part of the EISP presents an introduction, details the objectives and determinants, cost methodology used for the estimation and the general and system-specific assumptions that govern the estimation and creation of the 5-year roadmap.
2. Strategic Formulation

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This section aims to align the strategies with the appropriate objectives and course/s of action. More importantly, this provides a summary of the required investment in order to guide the Judiciary in budget preparation and planning.

3. Technical Infrastructure

This section discusses two major components of the foundation that needs to be established upon which the information systems will be built:

- A reliable yet cost-effective communications / network infrastructure
- A set of system standards that will be used to provide a consistent development and operational environment

4. Systems Architecture

This section contains the description of each system, the features and functions and technical specifications of each system.

5. Implementing the Enterprise Information Systems Plan

This section presents the five (5)-year roadmap with priorities based on the strategic objectives and the IT opportunities of the Judiciary. This aims to present the recommended implementation plan and change management framework to ensure that the EISP is successfully executed.

6. Realizing the Plan

Factors that contribute to the realization of the EISP are discussed for action by the Judiciary.

C. Annex to the EISP

This document contains the details and supporting documentation of the EISP. Included in the annexes are assumptions for hardware and software estimates, a system roll-out guide, a comparison between custom-developed application and a packaged application, discussions on approaches to IT operations, and system descriptions and discussions on development and database platforms.

Note: This document is intended for the Judiciary audience familiar with the accepted Assessment and JIDIF reports.

1.2 OBJECTIVES AND DETERMINANTS

To realize the Judiciary's vision of effectiveness and efficiency, the following shall be the specific objectives to guide the implementation of the EISP:

1. Provide an enterprise-wide systems plan that contains a diagnosis of the needs of the Judiciary in relation to Software, Hardware and Personnel requirements and establish the **Strategy, Objective and Action Plan** that permits the development and implementation of the systems.
2. Develop a **5-Year Roadmap** that determines the sequence for implementing specific information systems, with the end goal of delivering the most valuable information system at the earliest time possible in the most cost-effective manner.
3. Develop a **Technology Architecture** (technical infrastructure and systems architecture) required for implementing the EISP, documented in a form that can be used to prepare bidding documents, as necessary.

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- 4. Provide an **Implementation Plan** and framework to manage change that the Judiciary can adopt in ensuring the successful execution of the EIS Plan.

1.3 THE MAKING OF THE EISP

The steps that were undertaken to develop this EISP are documented below:

Step 1 – Assess

The consultants, together with the SC Project Team, assessed the current situation and defined the needs of the users as far as ICT initiatives are concerned. A model of the current operations was presented. This includes getting an inventory of the existing information systems and analyzing their effectiveness in meeting information needs. The assessment resulted in the Assessment Report documenting where the Judiciary is right now.

Step 2 – Recommend

Based on the assessment, the recommended ideal application system portfolio for the Judiciary was formulated and documented in the JIDIF. This step provides a validation of the work process and identification of areas where improvements are needed in delivering or processing information, both of which need to continue as on-going efforts.

Step 3 – Analyze and Define Benefits

An analysis of the various factors that contribute to a successful EISP was conducted to determine the viability of implementing the various systems proposed under the JIDIF. From the ideal system portfolio identified in the JIDIF, further study of these factors lead to the identification of priority systems to be included in the 5-year plan.

Step 4 – Estimate Timeline and Cost

After identifying the systems to be prioritized out of the ideal, the functional specifications describing what is needed by the system users as well as requested inputs and outputs were defined and validated with the SC Project Team and identified officials of the Judiciary.

These specifications are vital to the understanding of the effort required in developing or acquiring a system and is used in the estimation of cost and definition of timeline.

Step 5 - Create a Roadmap

This step involves the development of a written plan which describes the required projects, the integration needs and an implementation plan for meeting those needs, including the schedule, resource requirements and cost estimates for the 5-year plan.

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2. PRIORITIZED SYSTEMS

Following the identification of required systems and ICT reforms as documented in the Judiciary-wide Information and Communications Technology Development and Integration Framework (JIDIF), this document explores the various information system recommendations and selects those that agree and balance well with the reform priorities and other factors discussed below. The EISP, which encompasses 5 years worth of ICT developments and contains hardware and implementation costing and planning activities, is intended mainly to guide the Judiciary in the procurement and installation of the recommended ICT systems and components. Due to the extensiveness of the plan, it is not feasible and practical to implement all of the recommended information systems under the JIDIF within a 5 year period. Consequently, the information systems are proposed to be implemented in phases. After an analysis, the phases and their sequence have been determined considering the following factors, among others:

1. Impact to the Judiciary and the Strategic Objectives
 - The prioritization of each system in the roadmap is largely based on the impact this will have on the real needs of the Judiciary. A closer look into the reform issues and possible solutions was made.
 - This also takes into consideration the IT opportunities and available technology now and in the future, plus the IT limitations to support the implementation.
 - An analysis of each system's impact proved helpful in ranking the systems accordingly, as follows:

Rank	Objective vis-à-vis Results
1	Improve case adjudication and access to justice → create efficient management of cases, address backlogs
2	Enhance the integrity infrastructure of the judiciary → gain public trust and confidence
3	Strengthen the management of the judiciary → establish employee confidence and strengthened management

A higher rank was given to the system that answers the major objectives of the Judiciary. Rank 1 is given to the systems that support the improvement of case adjudication and access to justice. Rank 2 is given to the systems that support the enhancement of integrity to gain public trust and confidence. It is not saying though that rank 2 is of less importance to the Judiciary, but rather the contribution of ICT in the enhancement of the integrity infrastructure is not as great as improving effectiveness and efficiency in case adjudication and increasing access to justice. Other systems in the portfolio that do not fall under ranking 1 to 3 above were de-prioritized.

2. Integration Points (dependencies of each system)
 - Also taken into consideration is the data flow and dependencies of each system. The flow of data through the systems was mapped out to identify the dependencies of each system. This establishes pre-requisite systems by ensuring that systems processing or storing data needed by another system is available before the dependent system is scheduled for development.
3. Realistic Timeframe and Budget
 - The cost and the timeline to develop and/or acquire a system and put the required technology to support this in place will greatly affect the

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- prioritization of systems because funding and budget are major determinants to having these systems.
- With no defined budget for the 5-year period, the cost to develop and/or acquire each system (with the required hardware, service and technology) was prepared based on the following:
 - i. Current cost of technology
 - ii. Number and complexity of business processes supported (system functions and features)
 - iii. Prevailing rates of equipment and personnel
 - iv. Inflationary and foreign exchange impact
 - v. Local taxes
 - vi. Internal cost to the Judiciary to do a joint implementation
 - vii. Estimated number of users (refer to Annex O: Number of System Users per Judiciary Level and Annex P: Assumptions on the Number of Users at the Lower Courts)
 - viii. Volume of transactions (refer to Annex Q: Estimated Data Volume of System Processes)
 - ix. Pilot sites
 - x. Server distribution (centralized vs. distributed architecture) refer to Annex R: Server Deployment
 - xi. Travel and lodging cost (for the implementation at the regional CA)
 - xii. Required training and implementation support

4. Personnel Requirements

- Taken into consideration is the reality that MIS only has so much staff (in number) that can be made part of the joint-implementation with the winning bidder. Its manpower complement will also handle in parallel the maintenance of its existing systems until such systems can be retired.

The analysis resulted in the identification of the information systems from the JIDIF that are to be included in the 5-year plan. This is recommendatory and will depend greatly on budget, financing options and readiness of the Judiciary. Without any defined budget at this point, the prioritization depends highly on what could be feasibly implemented in a 5-year period. The Judiciary may opt to de-prioritize other systems identified in the EISP when the factors are more defined and timing more exact. Further in the document, the cost to implement each Tier is summarized. The systems that are recommended to be implemented in Year 2010-2014 may be grouped as follows and are listed in Table 2.1:

Tier 1 – Mission-Critical Front End Database and Information Systems

These are the systems recommended to be developed first and started within the first 2 years of the roadmap. This tier includes the systems that support the Judiciary’s main mission of providing justice, as well as the systems that run the major operations of the Judiciary as an organization, which are Finance, Human Resources and Logistics.

Tier 2 – Supplementary Systems

These systems build up on the capabilities of the mission-critical systems to enhance the overall delivery of existing information systems. Examples of systems included in this category are ePayment, which will automate the cashiering system of the Judiciary and support adjudication and financial processes and the Financial Auditing and Management System (FAMS), which will automate the auditing and counter-checking of financial entries and actual cash records at the courts.

Tier 3 – Systems for Continuous Improvement

Towards the end of the 5-year roadmap, systems to sustain improvements towards a better Judiciary are recommended. Systems to support the training of Judiciary

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personnel and lawyers and the Service Request Information System (SRIS) are among the systems that fall under this category. Also, new systems such as the Notary Public System and the Personnel Viewing System are introduced at this point as the major systems such as the Judiciary Case Management System (JCMS) and the Integrated Human Resource Management System (IHRMS) stabilize.

Table 2.1 Prioritized Systems

SYSTEM NAME	DESCRIPTION
Mission-Critical Information Systems	
Judiciary Case Management System (JCMS)	JCMS is intended to manage the entire case flow from filing, payment of filing fees, through the case events and until disposal.
Financial Management System (FMS)	Financial Management System is an accounting and finance solution to help track and analyze financial information. With end-to-end integration, users can efficiently manage general ledger, payables, receivables, fixed assets, as well as perform bank reconciliation.
Logistics Management System (LMS)	The Logistics Management System records and monitors the procurement, allocation, inventory and disposal of supplies and equipment. It provides reports on stock inventory of office supplies as well as accountabilities.
Integrated Human Resource Management System (IHRMS)	The Human Resource system is an integrated system covering organizational management, personnel administration, benefits administration, recruitment, training and events management, performance management and handling of complaints.
Judiciary-wide Email	A store-and-forward method of writing, sending, receiving and saving messages over electronic communication for the use of the judiciary. This is to provide faster and reliable information exchange between offices and courts.
Computerized Document Tracking System (CDTS)	This is a system used for recording and monitoring all the incoming and outgoing documents of the offices in the different levels of the Judiciary.
Supplementary Systems	
ePayment	This is an enhanced version of the existing ePayment system. This will allow automatic assessment and computation of legal fees for all types of cases. This system will also accommodate other payments made to the courts, be it part of Judiciary operations or for revenue-generation.
Payroll System	The Payroll System handles processing of salaries, wages, bonuses, allowances and deductions of regular and casual employees and generates payroll reports.
Attendance and Leave Data Entry System	An application that records the attendance and leaves of the lower court employees for upload to IHRMS.
Biometric Timekeeping System (Biometrics)	A system that records the daily time in and time out of the court employees necessary for attendance monitoring.
Financial Auditing and	A computerized system that produces the details of

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SYSTEM NAME	DESCRIPTION
Management System (FAMS)	all financial audits conducted on the book of accounts of all the accountable officers on the lower courts.
Legal Resource Management System (LRMS)	The Judiciary currently uses the E-Library, which contains Supreme Court and Appellate Court decisions, articles of law, legal journals and other significant resources such as the Manual for Clerks of Court. The system being recommended contains these functionalities and in addition, intends to be more comprehensive through a link with the JCMS for automatic transfer of all (promulgated) decisions from all levels of the Judiciary, to provide resource services to the public and lawyers and to be used as the basis for clearance issuances. To distinguish this more complex system from the existing E-Library, it shall be called the Legal Resource Management System (LRMS) in this document.
Archive Management System	This system accepts all closed case files and related documents from the Judiciary Case Management System (JCMS) for safekeeping and separate management (ad hoc) from working and pending cases.
Source Code Management System	Version control software that keeps track of all work and all changes in a set of files (usually program source codes), and allows several developers (potentially widely separated in space and/or time) to collaborate.
Intranet Portal	Made exclusively for court employees, an Intranet Portal would enable more ease in communication and coordination that is currently limited by the distances between offices. Through collaboration tools that could be provided through the intranet portal, transactions that usually take time because of personal appearances and postal mail (leave requests, permits and other administrative requirements), as well as to update employees on new policies and processes, etc. are better facilitated and supported. Other collaboration tools such as forums and "team room" capabilities could also support other processes and functions within the courts.
Intranet Content Management System	This system will serve as the front-end interface for all offices contributing to the content of the Intranet Portal. This will be used by the offices to upload news, documents, updates, and other information to the Intranet Portal.
Systems for Continuous Improvement	
Court Websites	The court websites will contain decisions, updates, news, procedures, vacancies and other information on the courts.
Judiciary Public Portal	A Judiciary Portal could establish constant and stable access to the Judiciary for any person anywhere, inside or outside the Judiciary as it could serve as the entry point to the court websites (for updates, specific procedures and rules, etc.) and

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SYSTEM NAME	DESCRIPTION
	the venue for online transactions and services (i.e. inquiries, search engines). The Portal also includes a sub-Portal with the same features and services but specifically for lawyers.
Website Content Management System	This system will serve as the front-end interface for all offices contributing to the content of the Court Websites and Judiciary Portal. This will be used by the offices to upload news, documents, updates, and other information to the Court Websites and the Judiciary Portal.
Notary Public System	This system contains information on Notary Public lawyers and enables the courts to monitor the documents that the Notary Public lawyers are required to submit monthly.
Service Request Information System (SRIS)	A system designed to store, monitor and provide other information about requests for IT equipment repairs (hardware and software), network issues, application problems and enhancements, for general services requests such as building facilities and equipment maintenance and repairs as well as printing requests. The system can provide reports such as classification of problems, average response time for the requests, accomplishments of personnel or group, among others.
PHILJA Training System	The system manages information on the training curricula and training programs conducted by PHILJA, such as training/seminar synopsis, delegates' attendance, and lecturer information. It also supports pre-event processes and generation of extract files of training attendance records for MCLE & OAS. It also supports the management of mediators.
E-Learning Management System	This system maintains the catalog of the Computer-Based Training (CBT) materials acquired or developed by PHILJA. The system also stores the actual training material itself when possible and will also serve as the electronic publishing mechanism for these training materials. The system will also monitor which employees have successfully completed the available CBTs and which employees have received copies of the training materials (for CD-based training).
Personnel Viewing System (PVS)	An integrated inquiry tool for personnel information for SC, CA, SB, CTA and LC court employee inquiries. May bring together information from IHRMS, FMS, LMS and Payroll.
Medical and Dental Information of the Court System (MEDICS)	The system manages all the health benefit of the Judiciary comprehensively through the management of employee (and dependent) medical records and history and the active maintenance of the inventory of medicines and corresponding employee claims/disbursements.

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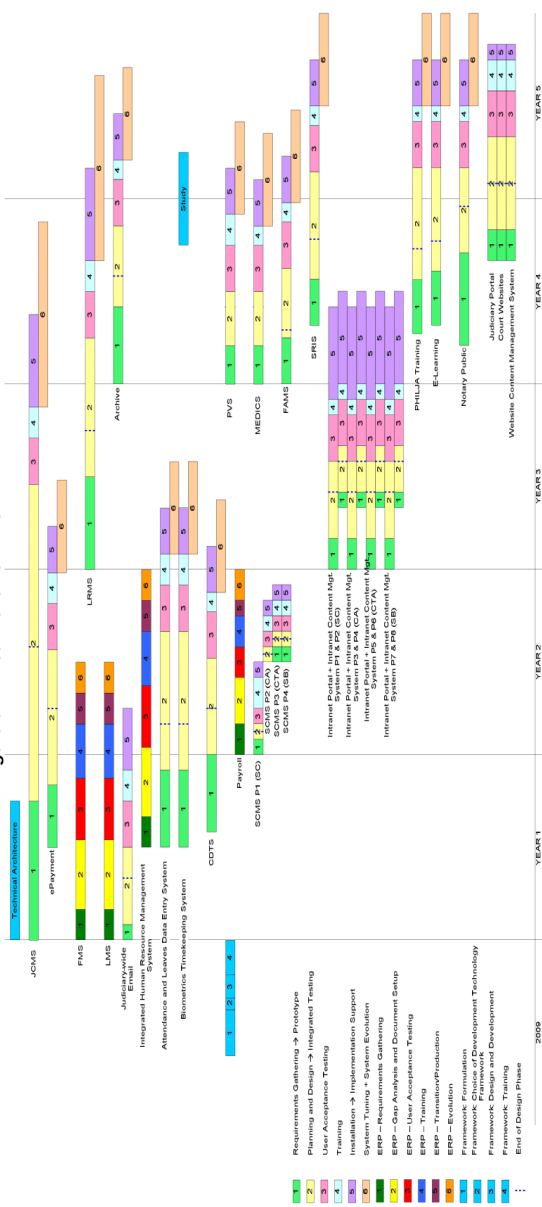


3. YEAR 2010-2014 ROADMAP

3.1 ROADMAP

Figure 3.1.1 provides the proposed 5-year ROADMAP for the Judiciary, on a phased-implementation. This pre-supposes that the bidding as well as the creation of the software-development framework is concluded before start of Year 1. It is also highly proposed for the Judiciary to undertake a study to plan for the next 5 years by Year 4.

Figure 3.1.1 Year 2010-2014 ROADMAP



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Table 3.1.1 provides the indicative costs for the implementation of priority EISP projects over a five-year horizon. The prioritization is aligned with strategic objectives of the Judiciary to ensure that priority is given to systems which will create greater impact and use to the organization. The Judiciary may use this as indicative cost for their planning and request for funding for the next 5 years in order to realize the reforms proposed under the EISP. Each strategic line redounds to objectives and specific information systems, as summarized below:

Table 3.1.1 Indicative Cost for the Implementation of the EISP (per System)

Strategic Line	Objective	Information System	Indicative Cost (in Million Pesos)
Effectiveness, efficiency and integrity in the administration and delivery of justice	To modernize and facilitate the administration of justice by the Judiciary in the SC, CA, SB, CTA and 3 selected Lower Courts in Manila	Judiciary Case Management System (JCMS)	442.1
		Archive Management System	73.3
	To standardize and provide a means to accurately assess, collect and record collections in the SC, CA, SB, CTA and 3 selected Lower Courts in Manila	e-Payment	62.4
		To serve as a comprehensive resource providing the Judiciary with information needed in adjudication and related research to support decision-making	Legal Resource Management System (LRMS)
Financial and administrative productivity, efficiency and integrity	To improve the budget and financial management of the Judiciary		Finance Management System
		Financial Auditing Management System	47.8
	To provide a mechanism of transparency and a means to efficiently accomplish daily operational tasks related to the logistics process in the Judiciary	Logistics Management System	225.6
	To modernize the payroll processes in SC, CA, SB and CTA	Payroll System	292.0
	For faster and cost-effective delivery of administrative services	Integrated Human Resource Management System	472.5

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Strategic Line	Objective	Information System	Indicative Cost (in Million Pesos)
	for a timely and accurate personnel management in the SC, CA, SB, CTA	Attendance and Leave Data Entry System and Biometric Timekeeping System	67.5
		Personnel Viewing System	91.7
		MEDICS	43.4
Efficiency and effectiveness in communication and coordination between employees of the Judiciary for enhanced productivity	To facilitate the circulation of documents across the levels and offices of the Judiciary while maintaining data integrity and security	Computerized Document Tracking System	84.4
	To modernize and facilitate the circulation of information and make coordination more effective and efficient between members of the Judiciary while maintaining data integrity and security	Intranet Portal and Intranet Content Management System	121.5
	To provide a fast and reliable means of communication to disseminate information	Judiciary E-mail	36.6
On-time delivery of service requests and better management of application codes	To provide a better management of source codes of information systems used in the Judiciary	Source Code Management System	26.2
	To enable requests to be reliably submitted, routed, approved, monitored and delivered	Service Request Information System	74.1
Transparency and efficient communication with the Public	To make processes, requirements and other information on the Justice and related transactions accessible to the Public online. To make information generally available to the Public at all times online	Public Portal and Website Content Management System	21.8

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Strategic Line	Objective	Information System	Indicative Cost (in Million Pesos)
Uphold and strengthen public trust and confidence in the Judiciary's services	To effectively and efficiently manage information on Notary Public lawyers and notarized documents	Notary Public System	95.1
Effective and efficient training administration for the continuous development of the bench and the bar	To facilitate the processes involved in the provision of training	PHILJA Training System	54.4
	Effective provision of computer-based training	E-Learning System	97.1
Knowledge and Technical Infrastructure to support its Information Technology (IT) Systems.	Create a Judiciary Network to support the implementation of the 5-year plan	Network Equipment	28.3
	To provide the necessary knowledge to support the 5-year plan information system's development and implementation	Software Development Framework (Study and Training)	9.7
Improvement of efficiency and effectiveness in the activities of the Judiciary	To be able to identify the functional, technical, labor and financial requirements for the remaining systems in the JIDIF that are not covered in the EISP	ICT Planning (Phase 2) for the next 5 years	8.7
TOTAL ESTIMATED COST (in Million Pesos)			2,798.6

The total cost of **Two Billion Seven Hundred Ninety Eight Million Pesos** is indicative of the cost of the whole 5-year EISP. Besides the initial investment required (for bidding) for projects, this estimate also includes the required maintenance costs for the 2nd to the 5th year (as applicable).

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The following table presents the cost of the EISP by Tier (priorities). In the event that there will be any constraint (i.e. budgetary) in the fulfillment of the plans under the EISP, the Judiciary may opt to implement by Tier, thus putting priority on Tier 1. Another option is to de-prioritize and move the Tier 3 group of systems to commence after the 5-year period.

Tier	Information System	Total Cost (In Million Pesos)
Tier 1 – Mission Critical Systems	Judiciary Case Management System (JCMS)	1,478.6
	Financial Management System (FMS)	
	Logistics Management System (LMS)	
	Integrated Human Resource Management System	
	Computerized Document Tracking System (CDTS)	
	Judiciary email	
	Technical Architecture (network)	
Tier 2 – Supplementary Systems	ePayment	824.0
	Payroll	
	Legal Resource Management System (LRMS)	
	Attendance and Leave Data Entry System and Biometric Timekeeping System	
	Financial Auditing and Management System (FAMS)	
	Intranet Portal & Content Management System	
	Source Code Management System	
Archive Management System		
Tier 3 – Systems for Continuous Improvement	Judiciary Public Portal	477.6
	Notary Public System	
	PhiJA Training System	
	PhiJA E-Learning	
	Service Request Information System	
	Personnel Viewing System (PVS)	
	Medical and Dental Information of the Court System (MEDICS)	
Others	Training Framework	18.4
	ICT Planning	
Total		2,798.6

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3.2 ASSUMPTIONS

In designing the roadmap and the estimation of costs and timeline, certain assumptions and factors have been considered. The following major assumptions govern the EISP:

- The Judiciary's main goal of attaining integrity and transparency, while ensuring effectiveness and efficiency, are the basic factors that lead to the prioritization of systems.
- The realization of the EISP is when this proposed roadmap is executed: that it is offered for bidding, awarded and implemented. Year 2010 is assumed to be Year 1 of the 5-year plan. Thus, the start date of January 2010 assumes that the bidding process for the systems is scheduled to happen in Year 2009.
- Bidding may be done per system or by group of systems. The proposed roadmap is to guide the Judiciary in deciding on the required resources for bidding.
- The EISP does not intend to recommend one specific approach to support the processes of the Judiciary. The Judiciary may opt to either: (1) implement a packaged (off-the-shelf) application (2) require systems development or (3) a mix of both. This would be decided based on the merits of the response to the Request for Proposal during the bidding process.
 - The EISP instead provides the System Architecture (recommended functions and features that the Judiciary needs and that an integrated system should provide). Then, in the future during the bidding process, perhaps some tool or solution (i.e. enterprise resource planning system) will be available in the market, developed under the required standard, covering all the functionalities, and fitting all the technical specifications/requirements that are requested into the bidding documents, then the Judiciary may decide to either develop or acquire an off-the-shelf solution.
 - The EISP also presents the following factors and arguments that aim to guide the Judiciary in its choice of systems approach (choice of option 1, 2, or 3).
 - For the adjudication-related processes, the critical factor is the uniqueness of the requirements. Based on INDRA's experience, adjudication-related processes are supported by systems developed specifically for a Judiciary. Each Judiciary has its own set of ways of doing things, and there is not much mature packaged application available to support adjudication processes.
 - For the finance, logistics, human resources and payroll functional areas, several major factors would have to be considered. There are available mature packaged applications available in the market that offer best practices, tried and tested functionalities, short implementation time, assurance of integration between modules, global support and continuous Research and Development (thus assuring continuous improvement of features and provision of software upgrades). Thus, the choice to opt for the implementation of packaged applications for these areas is logical. The benefits that can be derived from such tried and tested packaged application systems that offer global best practices are usually high since the Judiciary will have an integrated system up and running in a shorter time. The only additional factors that would have to be considered by the Judiciary are the following:
 - *Readiness to conform to the packaged application's design (and for gaps) ready to take the risk of customizing the packaged application?* The success of an implementation of packaged applications rests a lot on the percentage of fit between the Judiciary's requirements vis-à-vis the functions and features offered by the packaged application. It may

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also be the case that the Judiciary embraces what packaged applications offer (since these are based on best practices) and ensure that its users conform to it, thus reducing the risk of implementing an overly customized application.

- *Cost of the recurring fees that is bundled with a package software licensing scheme.* Recurring fees are usually required by software vendors to cover for software updates license and support (called maintenance agreements). These agreements provide the Client with product upgrades and 24 hours x 7 days support, via the web or global telephone support. Clients are highly encouraged to have the software application covered with a maintenance agreement to avail of software upgrades and support for possible software issues. The cost may be negotiated on a year-to-year basis or locked in for specific number of years, depending on agreed terms with the vendors.
- A detailed comparison (including cost) is presented in *Annex A: Software Development vs. Packaged Applications*. The annex also aims to detail the factors that would have to be anticipated by the Judiciary whether it decides to go for software development or implement a packaged application.
- For estimation purposes, it is assumed that the systems that form part of the 5-year plan will be outsourced to local and/or foreign vendors through public bidding. Also for estimation purposes, the following are assumed:
 - Software development approach (Option 2) is used for systems without mature packaged applications available in the market.
 - Packaged application implementation (Option 1) is used for systems with mature packaged applications available in the market. This is specifically for the following systems: Financial Management System (FMS), Integrated HR Management System (IHRMS), Payroll and Logistics Management System (LMS)
 - The following systems are recommended to be acquired (Option 1) and parameterized for the Judiciary's use because there are existing standard applications that would cater to these: Intranet Portal and Intranet Content Management System, Judiciary Email, Public Portal and Website Content Management System and the Source Code Management System.
- Option 3 (acquisition of an off-the-shelf application to be customized to fit the Judiciary's requirements) is not used for cost estimation since the gaps cannot be determined fully at this point, thus no costing can be established for the amount of customization required. This may be done later by the bidders, depending on their approach.
- In the same manner, the EISP does not name specifics for the database application, development platform, hardware, operating system, and other required software applications (i.e. software for the Intranet Portal, Judiciary Email, Intranet Content Management System, Public Portal and Website Content Management System, Source Code Management System) that the Judiciary should get. Instead, guidelines were given and for estimation purposes, assumptions were made.
- For systems that are to be developed ground up (software development approach), it is highly proposed that the Judiciary undertake a separate project that will help in defining a software development framework that will be the standard for all the systems. A software development framework is an abstraction in which common code providing generic functionality can be selectively overridden or specialized by user code providing specific functionality. This framework would ensure that system integration and system maintenance would be easier to

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accomplish since development standards would be in place. A software development framework can also help the IT developers focus more attention on the specific functionalities required of the system. With the software development framework in place, IS developers can make use of the customizable, pre-built programming libraries and templates for common functions such as database access, session management, user authentication, user authorization, and standard web services. This must be undertaken even before the bidding for the first information system. Together with the study and design of the software development framework, training is to be provided to the Judiciary's MIS personnel.

- All operational processes in the Judiciary have been established. The basis for the functional specifications per system is the current and proposed process flow within the Judiciary. No re-engineering of processes is planned before the EISP (as this is not part of the engagement's scope).
- The cost estimates were determined by considering the following factors (discussed in detail in the EISP main document): current cost of technology, number and complexity of business processes supported (system functions and features), prevailing rates of equipment and personnel, inflationary and foreign exchange impact, local taxes, internal cost to the Judiciary to do a joint implementation, estimated number of users, volume of transactions, pilot sites, server distribution (centralized vs. distributed architecture), travel and lodging expenses for the implementation at the Cebu and Cagayan de Oro Court of Appeals and the required training and implementation support.
- The information gathered and validated with the SC Project Team and identified Judiciary officials as of December 12, 2008 have been incorporated. The data have been estimated in cases where no sufficient information is available, or is not sufficiently validated to present approximated results (particularly on the number of system users, systems function and features, server distribution (centralized vs. distributed architecture per system), volume of transactions, pilot sites, training and implementation support).
- The scope considers implementation to the Supreme Court and the Appellate Courts (Court of Appeals- Manila, Cebu and Cagayan de Oro, Sandiganbayan, Court of Tax Appeals), plus three Lower Courts as pilot sites.
- The EISP estimation excludes the implementation services and hardware (servers and workstations for distributed type of architecture) for the roll-out sites. The internal team composed of MIS and key users may be tasked to do the roll out to the rest of the Judiciary. Please refer to *Annex C: System Roll-Out Guide* for a discussion on the roll out strategies that may be employed and the list of expenses that will be incurred for roll-out. This can guide the Judiciary in deploying the most suitable roll-out strategy.
- No recurring cost is computed for hardware (servers and workstations) as this is assumed to be covered by a 3 to 5 year warranty from the hardware vendor, as a standard for all server class hardware.
- For the data centers, it is also assumed that this is ready for use, thus no incidental costs (i.e. electricity, air conditioning cost) were considered.
- The EISP does not recommend a specific platform, but only for the purpose of systems development cost and time estimation, the following were used:

Database platform	Oracle (an enterprise grade Relational Database Management System (RDBMS) for mission-critical systems; MySQL (a lightweight but powerful database system) for smaller systems
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Component 2: Development of the Enterprise Information Systems Plan (EISP)



Operating System platform	Red Hat Linux (a 64-bit multi-user, multi-tasking, and multi-threaded operating system)
Development platform	JAVA (a web-based development platform)
Packaged Application (to cover FMS, HR, LMS and Payroll)	Oracle e-Business Suite (an Enterprise Resource Planning application)

The next section outlines the cost methodology specific to the software, hardware and implementation requirements of the EISP. They have been considered very carefully in estimating the scope and cost of the systems.

3.3 COST ESTIMATION METHODOLOGY

Various methods, combinations of proxy information and factors were used to arrive at the cost estimates. The indicative costs will be used by the Judiciary in defining the budget necessary to have these systems in place. The EISP estimation covers the following costs and the methodology and assumptions used for each are discussed in the next pages:

1. Software Development (where applicable) and Implementation Cost Estimates
2. Hardware and Software Cost Estimates

Software Development and Implementation Cost Estimates

The methodology used in estimating the cost to develop a particular information system is the "Estimation by Analogy". This involves the characterization of systems with information available at the point when estimation is required. Systems are characterized by the number of inputs and outputs, functionalities required, the number of screens and the programming language used to code it, among others. This method also means comparing the proposed system to previously completed similar systems. For the EISP, estimation on the needed resources and required schedules has been done by INDRA Information Systems experts in the field of software development and the specific functional area (i.e. adjudication). This way, they bring with them past experience and knowledge of related systems and then used the data provided (i.e. system description, list of functions and features, required outputs and inputs) in order to estimate the effort required to develop each of the proposed systems.

For the systems that are not proposed to be developed since there are available software applications in the market, a straight-costing methodology was used (please refer to the discussion on Hardware and Applications Cost Estimates, particularly on System Software below). This will apply to the following systems: Intranet Portal, Intranet Content Management System, Judiciary Email, Public Portal, Website Content Management System, Source Code Management System, Financial Management System, Integrated Human Resource Management System, Payroll and Logistics Management System.

For the following proposed undertakings, the following factors were considered:

1. Study and design of a software development framework and the trainings related to this framework
 - Project to be outsourced to external consultants
 - Training of 25 MIS personnel on the identified software development framework to be conducted outside the office (for cost estimation purposes only, JAVA was used)
 - 220 hours of training on various courses

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**Component 2: Development of the
Enterprise Information Systems Plan
(EISP)**



- 3 months of actual study and design of the framework suitable for the Judiciary's needs (composed of 1 consultant to work with MIS personnel)
2. Conduct of an ICT Planning to plan for the next 5 years – proposed to be scheduled on Year 4 of this EISP
- Project to be outsourced to external consultants
 - 6 months of actual ICT planning and documentation (composed of 3 consultants)

Hardware and Software Cost Estimates

Pricing for the hardware was based on the 2008 standard list prices. This pricing excludes any form of discount or aggregation (group) licensing / site licensing adjustments. For the software licenses (for packaged applications) the licensing was based on the latest (March 2009) price list, and a discount of seventy percent (70%) has been imputed. For database application licenses, a standard discount of fifty percent (50%) has been imputed. If a product has a mandatory annual maintenance agreement requirement, this cost is included as part of its software acquisition cost when determining first-year software costs. Inflationary rate of 10% per year and the exchange rate of \$1=PHP50 were used. Applicable Value Added Tax of 12% was also imputed.

Indicative recurring costs (for maintenance of software applications) were also imputed in the cost estimation. This covers maintenance cost for the anti-virus applications for all servers and workstations, database applications, packaged software and network infrastructure. No recurring cost is computed for hardware as this is assumed to have at least a 3 to 5 year warranty from the hardware vendor, as a standard for all server class hardware. For the data centers, it is also assumed that this is ready for use, thus no incidental costs (i.e. electricity, air conditioning cost) were considered.

For the purpose of standardizing the cost estimation, the hardware and software components needed by the various proposed information systems' deployment to the SC, Appellate Courts and the 3 Lower Courts (pilot sites) are taken from the following catalogs (discussed in detail in the EISP main document).

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4. TECHNOLOGY ARCHITECTURE

Technology architecture consists of two components:

1. Technical Infrastructure
 - These are the recommendations on infrastructure, network and system standards.
2. Systems Architecture
 - These are the general system functions and features, system-specific functional specifications, and technical requirements of each system proposed to be part of the 5-year Plan. After validation with the Judiciary, this was used as basis for cost estimation and timeline definition.

4.1 TECHNICAL INFRASTRUCTURE

In order to properly support the Judiciary's information systems, it is important that a good foundation be established upon which these information systems will be built.

This foundation consists of two major components:

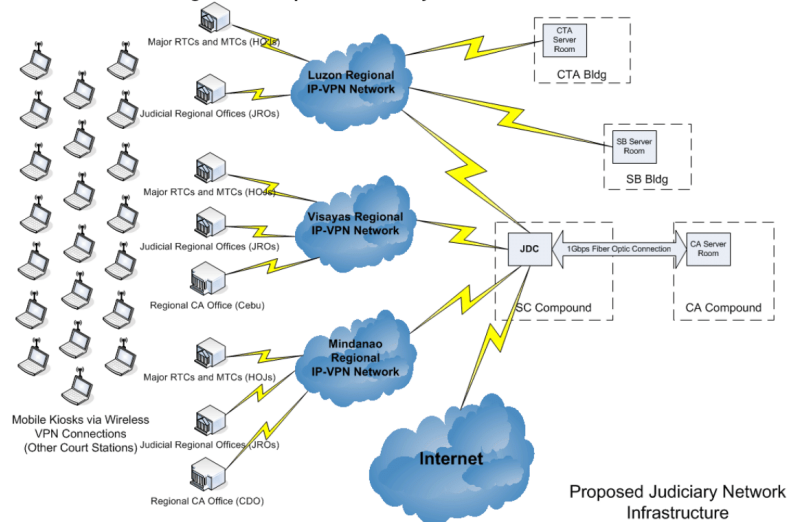
- A reliable yet cost-effective communications / network infrastructure.
- A set of system standards that will be used to provide a consistent development and operational environment.

The communications / network infrastructure would be needed to support the multiple office locations of the Judiciary, from the Supreme Court, to the various Appellate Courts, and to the various court stations spread throughout the country.

The system standards will serve as a guide to ensure that the information systems of the Judiciary will be developed using a common methodology and will use a common technological framework so that system integration and system maintenance would be easier to accomplish.

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Figure 4.1 Proposed Judiciary Network Infrastructure



The Judiciary Network is comprised of the following parts:

- Supreme Court Compound Campus Network
- Court of Appeals (Manila) Compound Campus Network
- Sandiganbayan Local Area Network (LAN)
- Court of Tax Appeals Local Area Network (LAN)
- Judicial Regional Office LANs
- Hall of Justice (HOJ) LANs
- Judiciary Wide Area Network (WAN)
- Remote Access Facility for non-HOJ Court Stations
- Judiciary Internet Gateway

A set of system standards common to all the information systems of the Judiciary is recommended in order to obtain the following benefits:

- Ensures that the different information systems of the Judiciary can be easily integrated with one another since the underlying technology use would be the same.
- Ensures that the different information systems of the Judiciary can be easily maintained or enhanced.
- Allows the Judiciary to optimize its MIS human resources by minimizing the range of skill sets that need to be maintained across the different MIS groups.
- Allows the Judiciary to aggregate its hardware and software requirements in order to negotiate better pricing from vendors.

Thus, it is highly recommended that the Judiciary employ a single development platform (and a common software development framework) that will be used across the systems of the EISP.

The following table summarizes the general recommendations for the technical infrastructure of the Judiciary. Any system-specific technical requirements will be included in the technical specifications for each system (see Technical Specifications for each system in Section 4 of the EISP Main document).

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Table 4.1 General Recommendations for Technical Infrastructure

Component	Features/Capabilities
Development Platform	<ul style="list-style-type: none"> ▪ Web-based application development platform ▪ Web application (software development) framework available ▪ Only one development platform to be used across all systems
Server-side platform (Hardware and Operating System)	<ul style="list-style-type: none"> ▪ Modern Multi-user, Multi-tasking, Multi-threading Operating System ▪ Support for 64-bit CPU/Memory architecture ▪ Support for multiple processors ▪ Support for commodity hardware (Intel x86 instruction set)
Database System	<ul style="list-style-type: none"> ▪ Enterprise-grade full-featured Relational Database Management System (RDBMS) for mission-critical applications ▪ Lightweight but powerful RDBMS for simpler or less-critical applications ▪ Support for Structured Query Language (SQL) ▪ Support for Stored Procedures and Database Triggers ▪ Support ACID properties for database transactions (Atomicity, Consistency, Isolation, Durability) ▪ Support for multiple hardware platforms
End-user Computing Platform	<ul style="list-style-type: none"> ▪ Intel x86 architecture desktop or notebook computer ▪ support for 32-bit and 64-bit operating systems ▪ CPU performance comparable or better than Intel Pentium IV 2.0GHz processor ▪ At least 1GB RAM ▪ At least 60GB hard drive ▪ 100Mbps LAN ▪ Multiple USB 2.0 ports ▪ AVR and UPS recommended
Data Center	<ul style="list-style-type: none"> ▪ Air conditioning with humidity control ▪ Backup power ▪ Redundant electrical systems ▪ Raised-flooring or Anti-static tiles ▪ Fire detection / suppression systems ▪ Physical security
Disaster Recovery Facility	<ul style="list-style-type: none"> ▪ Prepare Disaster Recovery Plan once the major information systems are in place (it is noted that disaster recovery planning can only be done after EISP systems have been implemented) ▪ Determine the Judiciary's recovery point objective (RPO) and recovery time objective (RTO) for each functional (business) process ▪ Determine the most suitable recovery strategy for each system ▪ Determine the type of backup site to be set up
Judiciary WAN	<ul style="list-style-type: none"> ▪ The regional sites will be connected to the Judiciary WAN depending on their class: <ul style="list-style-type: none"> ○ Class A sites will have at least two 1Mbps connections to their respective Regional IP-VPN networks using different telecommunications carriers. Class A sites are major sites like the CTA and Sandiganbayan network as well as HOJs housing JROs.



	<ul style="list-style-type: none">○ Class B sites will have at least one 512Kbps connection to their respective Regional IP-VPN network. Class B sites would cover the HOJs that do not house JROs.
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4.2 SYSTEMS ARCHITECTURE

Systems architecture is the second component to the technology architecture for the Judiciary. The general system features, system-specific functional specifications, as well as the technical requirements of each system proposed to be part of the 5-year Plan are detailed in Section 4 of the EISP document.

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5. IMPLEMENTING THE EISP

The following discussion is aimed at presenting strategies in the implementation of the EISP and a framework for managing change to guide the Judiciary in ensuring that the new systems are accepted throughout all levels and to gain buy-in with minimal difficulty.

Pre-Requisite Activities

Even before the start of Year 1, it is critical to set-up policies that shall govern the budget, acquisition and the bidding process necessary for the systems development and/or systems acquisition projects that the Judiciary will undertake. The actual execution of the EISP depends greatly on budget, financing options and the readiness of the Judiciary.

To target a Year 2010 commencement on the execution of the EISP initiatives, the timeline for the procurement process would have to be noted by the Judiciary. The table below shows that the Judiciary will need approximately and conservatively 213 days or approximately 7 months (in calendar days) to have the EISP initiatives kick in for every system procurement.

ESTIMATED DURATION	ACTIVITY
Funding and Approval (maximum of 69 days or 2.5 months)	
30 days	Sourcing of Funds
11 days	Project ID and preparation <ul style="list-style-type: none"> ▪ Securing and Issuance of Certification of Availability of Funds (CAF) ▪ Securing approval of procurement from approving authority
28 days	Preparation and approval of Bidding Documents / Invitation for Bid
Procurement (maximum of 89 days or 3 months)	
14 days	Advertising and posting of Invitation to Apply for Eligibility and to Bid
45 days	Issuance of Bidding Documents (Within 30 calendar days from the last day of the period of advertising and/or posting)
30 days	Evaluation Process <ul style="list-style-type: none"> ▪ Eligibility Screening ▪ Conduct of pre-bid conference ▪ Opening of Bids ▪ Bid evaluation ▪ Post-qualification
Contracting (maximum of 55 days or 1.5 months)	
55 days	Award of Contract <ul style="list-style-type: none"> ▪ Conduct of contract negotiation, if applicable ▪ Contract agreement ▪ Issuance of Notice of Award to winning bidder
213 days	Estimated Duration of Procurement Process for every System for Bidding

❖ Based on the Procurement Process Flow (National and International Competitive Bidding) and the RA 9184 Implementing Rules and Regulations

Each project that would have to be offered for bidding would have to provide for 213 days lead time for the procurement process to ensure timely start of project and the achievement of the 5-year plan.

One crucial point established in the JIDIF is the need to implement integrated systems for the Judiciary as a whole. Just like the construction of a building, the foundation is critical to the initial set-up of the operating procedures shared by multiple applications and disciplines. Included in the foundation are such items as the software development methodology (such as the Systems Development Life Cycle) and coding standards. In order to properly support the Judiciary's information systems, it is important that a good foundation be established upon which these

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information systems will be built. This foundation consists of two major components: (1) a reliable yet cost-effective communications / network infrastructure; (2) a set of system standards that will be used to provide a consistent development and operational environment. It is highly recommended that a study of a software development framework that best suits the Judiciary be taken. The use of a common software development framework would ensure that systems integration and systems maintenance would be easier to accomplish. A software development framework can also help the IT developers focus more attention on the specific functionalities required of the system. Developers can make use of the customizable, pre-built programming libraries and templates for common functions such as database access, session management, user authentication, user authorization, and standard web services which resulted from having a framework in place.

Other parts of the building shall follow. The walls, such as the network communications, databases and hardware platforms are built on top of the foundation and support all necessary controlling mechanisms for the application standards. The roof represents the application standards. By building on the well-designed foundation and walls, the roof will complete the integrated structure which will support the work processes required to execute the EISP.

The next discussions present the various proposed strategy that the Judiciary may take in the implementation of the systems under the EISP and the framework to manage change.

Phased Implementation

It is highly recommended that a phased approach be followed in the implementation of the EISP. This means that the systems will not be developed and/or acquired all at the same time, but following a strategically identified schedule, beginning with prioritized or core systems in order to meet primary goals and objectives, logically followed by the other systems or modules. This is recommended for the Judiciary because phased implementation considers the utmost priorities and needs of the Judiciary, balancing this with resource capabilities in order to obtain definite and tangible results while introducing change in increments. Adapting to change in increments is always recommended for huge organizations wherein change is not easily widely accepted. Aside from this, incremental change also allows adjustments to take a step at a time and this pace allows users to adapt with one major change after another as opposed to all changes happening at once.

In addition, there are information systems in the roadmap that are considered complex in terms of development and implementation. This poses a high degree of risk in completing the systems on time, on budget and in the quality desired. To reduce this risk, the phased implementation strategy is recommended as this entails the division of large systems into modular and scalable parts.

Joint Implementation Approach

It is also highly recommended that all projects that will be outsourced or offered for bidding to external resources be implemented (from the first stage of the project to the implementation to the pilot sites) using a joint implementation approach. This will require the creation of working teams from the Judiciary composed of personnel from the MIS group (composition detailed below) and key representatives from the user groups that will participate in the project implementation and work with the winning bidder. This approach will facilitate change management, knowledge transfer, and ownership of the system.

Transition Strategy

Aside from phasing the implementation of the systems under the EISP, it is also recommended that a strategy of transition from the old system to the new be employed.

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The issue that can confront the implementation team is whether to run the new system in parallel with the existing one or perform a cut-over. The parallel approach will help the implementation team easily back out to the original system if the new one runs into problems during transition, but for the users, they may need to do double entry and operate two systems at a time. A cut-over approach requires the identification of a cut-over date to totally decommission the old system and start using the new system. A plan for downtime (for when the cut-over occurs) and a de-installation script (crucial steps are outlined, go and no-go checklist is updated) will have to be prepared. This is on a case-to-case basis, depending on the approach that may be suitably decided upon by the implementation team.

As a strategy, it is also advisable to phase the implementation in such a way that there will be pilot site implementation before a full system roll-out. Basically, it is recommended that the following procedure be employed as the Judiciary transitions from the old to the new system. The analysis of requirements, gap analysis, design and development of the system will cover the processes of both the pilot as well as the roll-out sites to get a complete picture of the needs of the Judiciary. In this way, all intricacies and even exceptions will be addressed by the system. Once the system has been accepted in the pilot sites, a time is spent on parallel transition (for processes supported by existing information systems such as finance, payroll, and portion of case management). Users in the pilot sites would have to use the old system as well as input to the new system. Results expected to be the same between the two systems may be further validated before final system acceptance. For those processes that are manually supported (i.e. case management processes, document delivery and tracking, records and book keeping), a cut-over strategy may be employed. Data from the old system would then be synchronized with the new system to avoid multiple migration and conversion of data. The roll out sites would continue using the old system (their inputs would not yet be transferred to the new system), until such time that the system is deployed to them. Thus, the new system will only be updated by the pilot sites first, then the cut-over will pursue for each roll-out site, accordingly.

The implementation team may also create an integration code that temporarily works behind the scene to synchronize data between the systems in the pilot site and the roll out sites.

Conversion of data is then phased. It may still be less risky to do a phased conversion of data instead of a big bang approach. To illustrate this, case numbering in the pilot sites will undergo conversion (in format) first. The pilot site users will then be using the new numbering scheme with the new system. The roll out sites will continue using the old number format until such time that the system is deployed to them.

A guide to roll-out the systems to the rest of the Judiciary is presented in detail under *Annex C of the EISP main document: System Roll-out Guide*.

Aligning the EISP Initiatives with the Ongoing IT Projects and Planned Initiatives

It is also important that the execution of the EISP be aligned with the ongoing efforts and planned undertakings of the SC-MISO. The discussion below aims to identify these and provide an assessment of the undertakings vis-à-vis the EISP.

SC-MISO is currently developing a hybrid of eCFM and SC-CMIS, incorporating functionality changes requested by the pilot site end-users as well as integrating features from eCFM, SC-CMIS and ePayment. This hybrid of eCFM and SC-CMIS, currently called JCMS, is being developed using Oracle Forms and Reports 6i with Oracle Database Express Edition (XE) as its database. This system uses a client-server architecture, and is meant as an interim upgrade to eCFM and SC-CMIS. The development of the Financial Management System (FMS) is also one of the planned undertakings that will also be developed using Oracle Forms and Reports 6i.

SC-MISO is undertaking these activities in order to continue the computerization of the Lower Courts and provide an interim solution, while the EISP is being implemented over the next five

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years. These initiatives are dictated by the need to have the JCMS, FMS and ePayment in place quickly and deployed to limited sites soon.

The use of Oracle Forms and Reports as the development platform was motivated by the project's time constraints as well as the availability of training resources. SC-MISO had determined that re-training its current pool of developers from the text-based FoxPRO programming language to a client-server-based Rapid Application Development (RAD) tool like Oracle Forms and Reports would be a less difficult path by which they can be introduced to more modern development technologies and skills like relational databases, SQL, and GUI-based event-driven programming. SC-MISO judged that going straight to current technologies like web-based application development and object-oriented design and programming would be too broad a leap given the project schedule.

The use of Oracle Database Express Edition (XE) was primarily dictated by the development platform, since Oracle Forms and Reports work optimally with an Oracle database as the back-end. Since Oracle XE is available at no charge, it was the logical choice for the development database, even though it has limitations such as the maximum number of processors and maximum database size.

The version of Oracle Forms and Reports that is being used to develop SC-MISO's JCMS is already no longer being supported by Oracle. Even the newer web-based version of Forms and Reports will be de-supported soon by Oracle in favor of their Java-based JDeveloper platform.

The EISP recommends that the Judiciary use a single web-based application development platform as the foundation for its information systems. The resulting application, known as a web application, is an application that is accessed via web browser over a network such as the Internet or an Intranet. The use of the ubiquitous web browser as the interface allows system developers to update and maintain web applications without distributing and installing software (except for the web browser itself) on potentially thousands of client computers, making the system easier to maintain and enhance.

However, the effort SC-MISO has already put into this project need not go to waste. In the meantime, SC-MISO's JCMS can be used to introduce the Lower Courts to the benefits of information systems and to refine the user requirements (which can later on be used in the development of the JCMS as defined in the JIDIF and EISP) since SC-MISO is already currently considering the functions and features specified in the EISP for JCMS in their on-going efforts. As an added benefit, as long as the functional requirements of SC-MISO's JCMS are documented properly, these functional requirements can serve as the starting point for the analysis phase of the EISP JCMS, which would reduce the duration of data gathering (and its related cost) needed for Stage 1 by several months as reflected in the EISP.

In addition, for remote court station sites without adequate communications infrastructure, EISP JCMS implementation would not be practical or cost-effective. In these cases, SC-MISO's JCMS can be deployed in these sites as part of the standard applications suite in the mobile kiosk solution described in the EISP in order to provide a stand-alone case management system for these sites. By consciously limiting the functionality of SC-MISO's JCMS to the minimum feature set needed to operate small court stations and eliminating most of the bugs, the system can effectively be "productized", making it essentially equivalent to a COTS (common off-the-shelf) package which would be easy to deploy and maintain.

By adding a data extraction utility and batch upload facility together with a central repository, SC-MISO's JCMS can then be able to extract activity files at regular intervals, allowing remote court stations to upload these extracted files to a central repository (via wireless VPN, dial-up phone lines, or even via removable media sent via post or courier) for consolidation. This collection of stand-alone JCMS stations' data with its consolidated repository can then become a complementary system to the EISP JCMS, handling the less-technologically-prepared sites initially, and then migrating these sites to the EISP JCMS once it becomes practical to do so. In

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the meantime, the cases of these courts will now be electronically stored rather than just on paper. Even though the data stored is less comprehensive than that stored by EISP JCMS, it is useful nevertheless and certainly much better than having no electronic records at all.

Training

Also critical to the implementation plan and in managing change is the effective conduct of trainings. For every system in the roadmap, there is a stage for training (stage 4). This training is oriented towards two determined types of users and their different profiles -- End-Users and Technical Users.

The training for both the end-users and technical users will be provided using the “Train the Trainer” approach. This is recommended because of the large number of users and to avoid multiple training sessions that could delay system implementation. As such, training is to be given to identified users (representatives of each department) that will later on be tasked to train the rest of the end users of the system.

It is recommended that for every system, a training plan is to be developed to ensure an organized delivery of training. The training plan will present a comprehensive coverage of what is needed for users to appreciate the training and able to effectively use the system.

Migration & Conversion

Data found in existing systems will go through the process of data migration to transfer the data into the new systems and eliminate re-encoding of old data into the new system. This phase guarantees the availability and reliability of the information with which the new systems will work, ensuring correct implementation and operation. This is performed in parallel with the development phase of the system, involving the following activities:

- Development of the Conversion and Cutover Strategy and Plan
- Preparation for Conversion

A clear cut data conversion and migration plan must be prepared by the project teams to ensure the effective implementation of the systems.

Change Management Framework

Any project requires the design of a constructive implementation based on a solid strategy of awareness and change management to guarantee the acceptance and the commitment of all those concerned. As such, aside from the recommended roadmap and implementation strategies, a change management framework is presented in the EISP.

Change Management is the systematic process of applying knowledge, tools and resources to lead people through change with minimal distress. The process requires a balance between processes, human resources, structure and organizational culture.

This Change Management framework involves the following key aspects for the success of the project:

- 1) the involvement of the Judiciary’s employees (representatives) with the working project teams who will develop the project; and
- 2) the smooth transfer of knowledge across the Judiciary through the design and the implementation of a solid dissemination/communication plan.

It has to be understood that change is a process that requires a continuous evaluation and monitoring of a project through each phase to ensure its success.

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The framework begins with a foundation which is what the organization is currently composed of - the vision, values, experience, core processes and the structure. From this, an evaluation produces the need and rationale for change. When the organization decides to undergo the change, this change is slowly incorporated into the organization through leadership, communication and training. This may be delivered through various channels such as committees, seminars, presentations and workshops.

Generally, there are 3 stages that the organization will undergo throughout the process of change. The first stage is Preparation – this does not involve the entire organization yet, only the major stakeholders who are involved in the planning for the change to set the scenario for the change to occur. For the Judiciary, this will be the Project Management Office, MIS (if the change involves ICT), Justices and Judiciary officials championing the change. It is in this stage that most planning and conceptualizing of the change management plan is created. It is important that the objectives and goals for change are very clear and that facilitators and tools for change are identified. Aside from actually preparing for the change in terms of material and monetary resources, it is important for the people to be prepared as well. In this early stage, it is crucial for the expectations of the people to be managed. This could minimize surprises and misunderstanding of the changes to occur.

The second stage depends highly on the success in the Preparation stage. With people informed and expectations managed, the second major stage calls for Comprehension – wherein more people are involved and positively understand the reason for the change and the benefits this will bring to the organization.

The third stage is Commitment. Here, the change is barely recognized as something new but as something that is now part of the organization. Only when a change has been institutionalized can an organization be certain that change management is completely successful.

Throughout this process, it is essential that continuous evaluation, monitoring and measurement of the results are performed to ensure that the process is progressing smoothly, issues could be ironed out immediately and there will be minimal need to digress or repeat a step that has already been accomplished.

Critical Success Factors

When information systems come into the picture, a lot of changes (and resistance to it) would have to be anticipated. But, with the proper support from the officials of the Judiciary and communication to the people (especially those who will eventually use the systems), the whole process becomes easier and more manageable.

Critical success factors are key elements that need to be in place to facilitate successful achievement of project objectives. The following are factors that the Judiciary could undertake to manage and minimize resistance to change:

1. Establishment of clear and measurable project objectives, scope, and functional/technical/process requirements
2. Implementation and execution of project scope control procedures
3. Commitment of the officials of the Judiciary
4. Acceptance of ownership and accountability for the success and implementation of the system (involve your people early, openly and as fully as possible)
5. Emphasis on team approach
6. Establishment and implementation of a risk and issue management plan
7. Provision of ongoing progress monitoring and post evaluation

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6. REALIZING THE PLAN

The focus of the EISP is not just one information system, but the entire suite of information systems that may be realistically implemented in a five-year period. Once implemented, each identified information system is seen in context with all other information systems within the Judiciary. The attainment of these objectives shall be realized with a clear cut sponsorship at the highest level of authority, responsibility and accountability. This is not only an IT group initiative, but the realization of the implementation of this EISP lies on the championing of the users and major players of the Judiciary, as well. Commitments of budgetary support and financing are also necessary to ensure realization of this EISP.

A reflection, known but not less important, has to do with the role that technology plays in the process of institutional improvement and modernization in general, and in the Philippine Judiciary in particular. We must acknowledge and appreciate the fact that technology has moved from being a mere instrumental component that serves an organization, to become and constitute into a strategic reform element. So without the presence and collaboration of technology, it would not be possible, nowadays, to offer new and improved services to the people.

In addition, considering the pace (which is usually dynamic) that the market shows in the range of product offerings and technical tools, both in the field of the equipment (hardware) and programs that make it work (software), all of these oblige us to consider as very important, among others, the following points:

- The direction and the management of the technological function.
 - The strategic vision and the technology policy of the organization are of greater relevance, which, coherently, require an adequate assignment level of responsibility inside the Judiciary
- The grade of self-sufficiency that the institution should reserve, in the knowledge of the techniques and its application.
 - As part of the cited technology management, proper balance between the organization's human resources and the outsourced services/external consultants should be observed, to cover the needs of high technological specialization or, as current circumstances dictate, to execute projects that exceed the capacity of the organization.
- The unavoidable need of a permanent and continuous training of the MIS technical personnel.

Another factor to consider in the assignment of resources is the phasing in the implementation of the information systems included within the EISP. It is going to represent the existence of transition periods (predictably long) during which probably new and old systems will co-exist in parallel. The parallel use of the systems will require simultaneous attention to two different technological scenarios and the MIS group for the maintenance of the systems. This would define the quantification, qualification and training needs of the Judiciary personnel.

The EISP is a document that is characterized by its timeliness, usability, maintainability and quality. It is written with the intention that the Judiciary will utilize it for planning and actually executing the proposed ICT plans. Changes to technology, user requirements, emergence of new opportunities all affect the EISP. Thus, estimates may not be relevant if the timing of the execution of the EISP is delayed. It is then critical that the EISP be implemented on a timely basis and sustained accordingly.

The roadmap is presented in phases to guide the Judiciary in further prioritizing the systems for implementation. In the event that the Judiciary will find the plan too costly (once budget is defined) or too ambitious (if the MISO reengineering is not executed on time), then the Judiciary is able to further pace the systems so that systems of high priority can be offered for bidding and put in place.

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Approval of Updated Enterprise Information System Plan



SUPREME COURT OF THE PHILS.
MARIA LOURDES P. A. SERENO
CHIEF JUSTICE

RECEIVED
OCT 03 2014

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 16, 2014, which reads as follows:

“A.M. No.14-09-06-SC

*Approval of the Updated Enterprise Information Systems Plan
Work Plan and Budget*

Whereas, in a resolution dated 23 June 2009,¹ the Court approved the Enterprise Information Systems Plan (EISP), “which provides the Judiciary with the functional, technical and structural specifications for selected systems, which should be developed for the Judiciary’s ICT Capability.”²

Whereas, the work plan and the P2.9 billion budget of the 2009 EISP is based, on the following assumptions, among others:

- (i) the plan’s scope only considers its “implementation to the Supreme Court and Appellate Courts (Court of Appeals-Manila, Cebu and Cagayan de Oro, Sandiganbayan, Court of Tax Appeals), *plus three Lower Courts as pilot sites*”;³
- (ii) “the EISP estimation excludes the implementation services and hardware (servers and workstations) for the roll-out sites [i.e. the trial courts outside the 3 pilot sites]”;⁴ and
- (iii) that the needed data centers are ready for use.⁵

Whereas, due to these assumptions, the 2009 EISP does not include a budget for a judiciary-wide technical infrastructure (including a modern data center and disaster recovery site), nationwide connectivity and network security, which, however, are pre-requisites to the nationwide implementation of the EISP and on-going ICT projects like the eCourts.

¹ A. M. No. 08-11-09-SC (Management and Consultancy Services for the Development of the Philippine Judiciary’s ICT Capability Assessment Report Executive Summary [Final Report] – submitted by INDRA.)

² Id.

³ Executive Summary of the Enterprise Information Systems Plan, p. 19.

⁴ Id.

⁵ Id.

ATTY. EDEN T. CANDELARIA (x)
Deputy Clerk of Court and Chief
Administrative Officer, Supreme Court

ATTY. MA. CARINA M. CUNANAN (x)
Assistant Chief of Office, Office of the
Administrative Services and
Chairperson, Procurement Planning Committee
Supreme Court

ATTY. CORAZON G. FERRER-FLORES (x)
Deputy Clerk of Court & Chief
Fiscal Management & Budget Office
Supreme Court

Court Administrator

HON. JOSE MIDAS P. MARQUEZ (x)
Deputy Court Administrators
HON. RAUL B. VILLANUEVA (x)
HON. JENNY LIND R. ALDECOA-DELORINO (x)
HON. THELMA C. BAHIA (x)
Supreme Court

ATTY. CARIDAD A. PABELLO (x)
Chief, Office of Administrative Services
ATTY. LILIAN BARRIBAL-CO (x)
Chief, Financial Management Office
ATTY. MARINA B. CHING (x)
Chief, Court Management Office
ATTY. WILHELMINA D. GERONGA (x)
Chief, Legal Office
OCA, Supreme Court

MRS. ARACELI BAYUGA (x)
Chief, Cash and Disbursements Division
FMBO, Supreme Court

HON. TERESITA J. LEONARDO-DE CASTRO (x)
Associate Justice and Chairperson
Committee on Computerization and Library
Supreme Court

PRESIDING JUSTICE ANDRES B. REYES, JR. (x)
Court of Appeals, Manila

PRESIDING JUSTICE AMPARO CABOTAJE-TANG(x)
Sandiganbayan
Sandiganbayn Centennial Bldg.,
Commonwealth Avenue, Diliman 1121
Quezon City

PRESIDING JUSTICE ROMAN G. DEL ROSARIO (x)
Court of Tax Appeals
National Government Center
Agham Road, Diliman 1128 Quezon City

MR. EDILBERTO A. DAVIS (x)
Acting Chief, Management Information Systems
Office (MISO)
Supreme Court

MRS. MILAGROS ONG (x)
Chief Librarian
Supreme Court

COURT OF APPEALS (reg)
9000 Cagayan de Oro City

COURT OF APPEALS (reg)
Pablo U. Abella St.
Labangon, Cebu City
Court of Appeals, Cebu City

A. M. No. 14-09-06-SC
fam 9/16/14 (adv41) wo R



Judiciary Information Communications Technology (ICT) Work Plan and Budget							
Projects	2014	2015	2016	2017	2018	2019	Total Cost per Component
Judiciary Information Communications Technology (ICT) Infrastructure, Network Connectivity and Security							
1. Design, Build, Operate Disaster Site (Data Center Disaster Back-up Site in Angeles City)		70,000,000					70,000,000
2. Judiciary Data Center (Upgrade & Consolidation – CA, CTA, and Sandiganbayan)	25,000,000						25,000,000
3. Trial Courts Infrastructure (Wiring, Cabling, Servers)		350,000,000	300,000,000	300,000,000			950,000,000
4. Networks Security & Nationwide Connectivity (including recurring costs)		250,000,000		20,000,000	290,000,000		560,000,000
eCourts Counterpart Funding							
1. eCourts Counterpart (Applications: eFiling, eSubpoena, eNotary, ePayment, eForms, eCalendar)		80,000,000					80,000,000
2. eCourts Counterpart (Hardware: computers, printers, and other equipment)			80,000,000	55,000,000	50,000,000		185,000,000
3. Digitization of Court Records		245,000,000	155,000,000				400,000,000
4. Hearing Management (eTranscription, etc.) - Pilot		25,000,000					25,000,000
Small Claims Courts							
1. Computers and printers for small claims monitoring system		45,360,000					45,360,000

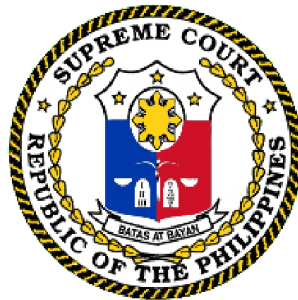
Judiciary Information Communications Technology (ICT) Work Plan and Budget							Total Cost per Component
Projects	2014	2015	2016	2017	2018	2019	
Implementation of the Enterprise Information Systems Plan							
1. ERP Systems Integration (Financial Management, Logistics Management, Integrated Human Resource Management, Payroll, Attendance and Leave, Biometrics, Personnel Viewing, MEDICS, FAMS)			650,000,000				650,000,000
2. Document/Records/Archive Management		200,000,000	120,000,000				320,000,000
3. Legal Resource Management System		80,000,000					80,000,000
4. PHILJA eLearning Management			50,000,000	50,000,000	50,000,000	50,000,000	200,000,000
5. Judiciary Messaging		95,000,000					95,000,000
6. Lawyer Information System		80,000,000					80,000,000
7. Judiciary Portal Implementation, websites, intranet, & content management				70,000,000			70,000,000
8. IT Systems (Help Desk, Version Control, Configuration Management, Capacity Planning, Performance Tools)		5,000,000	5,000,000	10,000,000	10,000,000	10,000,000	40,000,000
9. IT Training		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
10. Consultants		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
11. Change Management (SLAs)		5,000,000	5,000,000	10,000,000	10,000,000	10,000,000	40,000,000
Total Expenditures Per Year	25,000,000	1,540,360,000	1,375,000,000	525,000,000	420,000,000	80,000,000	
Grand Total (2014-2019)							3,965,360,000

**System Requirements Specification for Small Claims Courts Monitoring
System**



SC2MS

System Requirements Specification
for
Case Monitoring System
Supreme Court



Company Proprietary

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Filename: SA-01 SmallClaims CMS v 1.2.docx

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1 Overview

1.1 Purpose of this Document

The purpose of this document is divided into two (2):

- a. To set the grounds for a common understanding between the Supreme Court (SC), American Bar Association (ABA) and the Ideyatech project team regarding the specifications of the project requirements of the SC2MS (Small Claims Case Monitoring System); and,
- b. To serve as the basis for all specifications and assist the Ideyatech project team members in the development of the system.

Moreover, this document intends to convey to the interested parties the purpose, scope and requirements of the SC2MS.

1.2 Document Conventions

This document emphasizes the distinction between the use of “shall”, “must”, “will”, “should”, “may” and “can”, based on Section 5 of the 2007 IEEE Standards Style Manual (<http://standards.ieee.org/guides/style/section5.html>)

- a. The word “must” is used only in describing unavoidable situations.
- b. The word “will” is used only in statements of fact.
- c. The word “can” indicates possibility and capability, whether material, physical or causal.
- d. The word “shall” indicates mandatory requirements strictly to be followed in order to conform to the standard and from which no deviation is permitted.
- e. The word “should” indicates that among several possibilities, one is recommended as the best suitable, but not necessarily required.
- f. The word “may” indicates a course of action permissible within the limits of the standard.

1.3 Intended Audience and Reading Suggestions

This document contains three (3) major sections:

- a. An overview of the requirements, which includes a description of the current SC operations, assumptions, limitations and delimitations of the project;
- b. A description of the system, which includes a detailed explanation of the system’s scope, features, characteristics, and operational environment; and,
- c. A list of requirements, which contains information regarding each system requirement, such as the module and a description of each requirement.

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This document is intended for the following people:

- a. Client's Team – Composed of the OCA-CMO (Office of the Court Administrator – Court Management Office), MISO (Management Information Systems Office) and the PMO (Program Management Office), this team should read this document thoroughly to verify that the requirements previously discussed and what is written here are the same.
- b. ABA Team – ABA should read this document to ensure they understand the requirements for implementation and for acceptance of this deliverable.
- c. The Ideyatech Project Team – They shall use this document as basis for the development of the system, particularly Sections **Error! Reference source not found.** for a list of the users involved, Chapter **Error! Reference source not found.** for a graphical representation of the workflow of the SC, and Chapter 4 for a detailed listing of the requirements of the project.

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2 Requirements Overview

2.1 Current Operations

The Supreme Court of the Philippines has recently launched Small Claims Court to broaden access of justice to the poor. The Small Claims Court provides an inexpensive and expeditious means to settle actions before first-level courts for money claims not exceeding PhP 100,000.00. Since March 18, 2010, all 1,137 first-level courts are hearing small claims cases.

Currently, the different courts record case information individually. Encoders from each court use their workstations to input case information and create reports for submission to the Supreme Court.

Upon receipt of the reports from the first-level courts, the Supreme Court aggregates the reports by re-entering data and summarizing per region.

2.2 Objective

The aim of this project is to implement Small Claims Case Monitoring System (SC2MS) within the Philippine Supreme Court. The Supreme Court needs to monitor statistics of small claims cases for proper evaluation of its performance and effectiveness.

2.3 Limitations and Delimitations

The scope of the system does not include the following:

- a. Electronic raffling system. The system shall only support the encoding of the raffled name, not the actual raffling of the names. The current manual raffling process will still be used.
- b. Uploading of Decisions. The system shall only allow the entry of decision and decision date.
- c. Tracking of Documents. The system shall only include data entry, therefore there will be no document flow.
- d. Fixed Drop-down Options. The system shall only include a fixed list of available options for the drop-down fields.

2.4 Assumptions

The Ideyatech Project Team lists the assumptions below to ensure the successful deployment of the system:

- a. The client provides all the pertinent information needed by the Ideyatech project team for the Requirements Analysis and Prototyping.
- b. The client shall review the information presented in this document to ensure its applicability to actual operations.

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3 System Description

3.1 System Scope

The system to be developed involves two (2) main programs:

1. The Data Entry Application, which will be used by the first level courts, and
2. The Server Application, that aggregates all data from the first level courts.

Data encoders from the First-Level Courts enter case information on the Data Entry Application on their workstations. When data is ready for exporting, the system encrypts and authenticates the data. The exported file is sent to the Server Application for data import and aggregation. Once the data is collected, the system can generate summary reports across all trial courts.

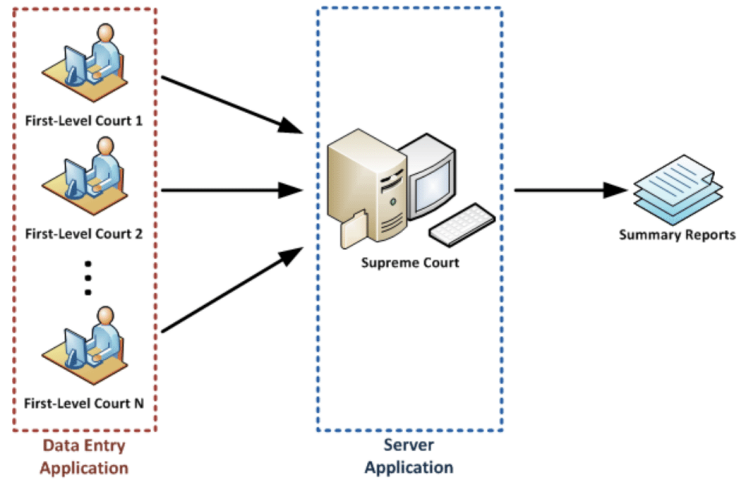


Figure 3.1: Overview of the SC2MS

3.2 System Features Description

The scope of the project, as defined in the Project Proposal, can be depicted in the figure below:

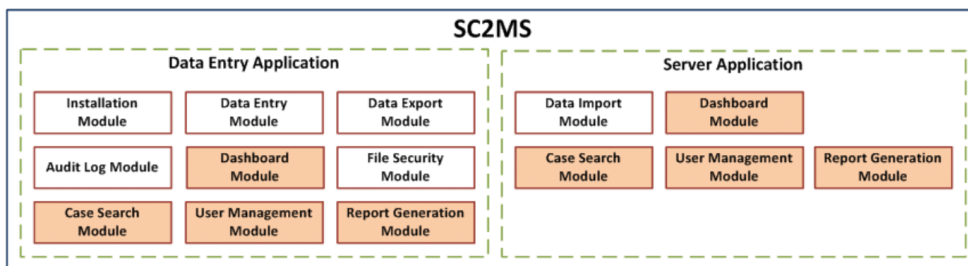


Figure 3.2: SC2MS Scope Modules/Features

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In the diagram above, the two (2) green dash-bordered boxes represent the two (2) applications mentioned in Section 3.1. The small solid-bordered boxes are the modules involved in the applications. Note that the shaded boxes are modules found in both applications. The table below provides a short description of these features.

Program	Module	General Description
Data Entry Application	Installation Module	This module offers a wizard-based, step-by-step installation and setup guide to all first-level court users.
	Data Export Module	This module enables the system to export entered data to a file that is transmittable to the Server Module.
	Data Entry Module	This module allows the adding, editing and deleting data on small claims cases.
	File Security Module	This module secures the transit of files between modules by using encryption and authentication processes.
	Audit Log Module	This module keeps track of any changes made to case information as well as in other sections of the application.
	Dashboard Module	This module provides a summary view of court activities including case summary statistics and hearing dates.
	Case Search Module	This module allows the searching of cases within the database of the first-level court.
	Report Generation Module	This module allows the first-level courts to generate pre-defined .pdf reports based on given criteria.
Server Application	User Management Module	This module provides a means to manage users, control their system login and access based on their given credentials.
	Data Import Module	This module allows the first-level courts to upload the date files exported from the Data Entry Module.
	Dashboard Module	This module provides a summary view of all trial court activities such as submission rate and breakdown by court.
	Case Search Module	This module allows the searching of cases within the database of the Supreme Court.
	Report Generation Module	This module offers the generation of various reports to show aggregated data on cases being filed.
User Management Module	This module provides a means to manage users, control their system login and access based on their given credentials.	

3.3 Operating Environment

3.3.1 Hardware and Network Configuration

The diagram below depicts the configuration of the hardware and network infrastructure of the SC2MS. The first-level courts and the Supreme Court are connected via the Internet. The Web Server connects to the Internet, and the Database Server connects directly to the Web Server only. This configuration ensures that the database server is not directly accessed and that the web server can manage the users and their access to the database.

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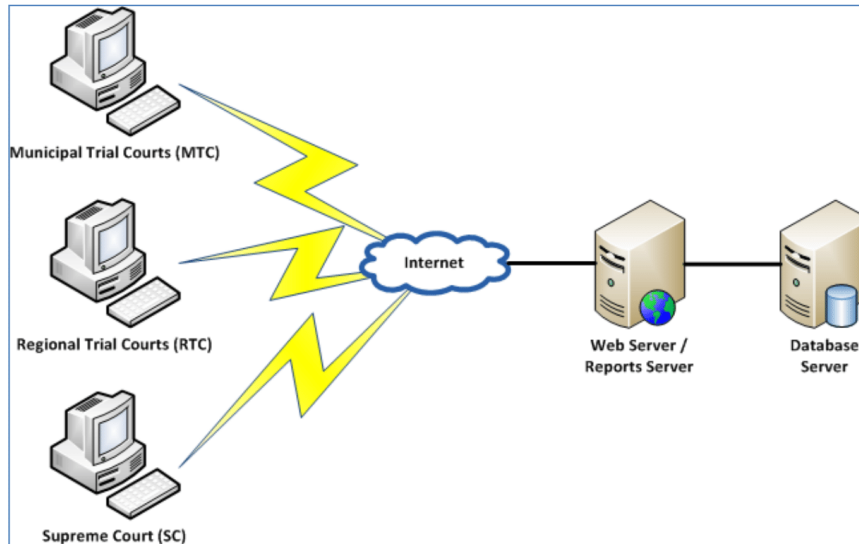


Figure 3.3: Hardware and Network Configuration

3.3.2 Software Configuration

Application development shall make use of the enterprise, open-source solution Java. The following technologies will be used to develop the application:

Category	Software Technology
Data Entry	<ul style="list-style-type: none"> • Firefox Browser • Apache Tomcat • MySQL 5.0
Web Server	<ul style="list-style-type: none"> • Apache Tomcat
Database Server	<ul style="list-style-type: none"> • MySQL 5.0
Development Environment	<ul style="list-style-type: none"> • Eclipse • Apache Tomcat • Subversion for version control

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4 Requirements List per Feature

4.1 Installation

Req #	Requirement Descriptions
1.01	The system shall provide a Setup Wizard for quick and easy installation.
1.02	This system shall configure the Client Module after initial installation by asking the user for user information, branch and court station information.
1.03	The system shall automatically configure and import data from the master file based on the initial user input (Refer to 1.02)

4.2 Data Entry

Req #	Requirement Descriptions
2.01	The system shall be able to display the Case Information page with case details as shown on the prototype.
2.02	The system shall allow the Client Module to add new case information.
2.03	The system shall allow the Client Module to edit case information.
2.04	The system shall not allow duplicate case numbers within a branch.
2.05	The system shall validate 'Case Title' to accept non-blank entries that contain the word "versus" or "vs."
2.06	The system shall validate 'Amount Involved' to accept only numeric values greater than 0.00 but less than or equal to 100,000.00.
2.07	The system shall validate 'Date Filed' to accept only non-blank input and only date entries on or before the current date.
2.08	The system shall validate 'Date Raffled' to accept only non-blank input and only date entries before 'Date Filed', and on or before the current date.
2.09	The system shall validate 'Date Received by the Branch Clerk' to accept only date entries after 'Date Filed', and on or before the current date.
2.10	The system shall display the 'Type of Court' label and dropdown field if the 'Transferred from other sala/branch' checkbox is ticked.
2.11	The system shall display the 'Region' label and dropdown field if a 'Type of Court' option is chosen.
2.12	The system shall display the 'Branch' label and dropdown field if a 'Region' option is chosen.
2.13	The system shall display the 'First Name', 'Middle Name' and 'Last Name' fields, the 'Sex' dropdown field, and the 'Indigent' checkbox if the 'Individual' option is chosen under 'Classification'.
2.14	The system shall display the 'Date of Judgment/Resolution' date field if the 'Outright Dismissal', 'Redocketed' or 'Revived' radio button is ticked.
2.15	The system shall display the 'Summons' and 'Hearing' sections if the 'Proceed with Summons and Hearing' radio button is ticked and the "Save" button was clicked.
2.16	The system shall validate 'Date Summons Issued' to accept only non-blank input and only date entries on or before the current date, or after 'Date Filed'.
2.17	The system shall validate 'Date Alias Summons Issued' to accept only non-blank input and only date entries after the 'Date Filed' or 'Date Summons Issued'.

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Filename: SA-01 SmallClaims CMS v 1.2.docx

Document Number	Version No.	Document Title	Effective Date	Page
SA-01	1.2	System Requirements Specification	03/08/2011	10 of 15

Req #	Requirement Descriptions
2.18	The system shall not allow the user to click 'Dismissed for failure of plaintiff to prosecute (due to unserved summons)' if 'Date Summons Issued' and 'Date Alias Issue Summons Issued' are blank.
2.19	The system shall not allow the user to click 'Counter claims filed' and 'Hearing' section if 'Dismissed for failure of plaintiff to prosecute (due to unserved summons)' is ticked.
2.20	The system shall display the 'Counter Claims' section if the 'Counter claims filed' checkbox is ticked.
2.21	The system shall validate 'Amount Involved' (under the 'Counter Claims' section) to accept only numeric values greater than 0.00 but less than or equal to 100,000.00.
2.22	The system shall validate 'Date Filed' (under the 'Counter Claims' section) to accept only non-blank input and only date entries on or before the current date, or after 'Small Claims Date Filed', 'Date Summons Issued' or 'Date Alias Summons Issued'.
2.23	The system shall validate 'Date of Hearing' to accept only non-blank input and only date entries after the 'Small Claims Date Filed', 'Date Summons Issued' or 'Date Alias Summons Issued'.
2.24	The system shall add another row under the Hearing table if the 'Reset Hearing' or 'Continuance' option was chosen under 'Action Taken' of the last row in the 'Hearing' section.
2.25	The system shall display the 'Manner of Disposal' section if the 'Decided / Disposed' option was chosen under 'Action Taken' and the 'Save' button was clicked.
2.26	The system shall validate 'Date of Disposal' to accept only non-blank input and only date entries on or before the current date, or after 'Small Claims Date Filed', 'Date Summons Issued', 'Date Alias Summons Issued' or any other dates found in the Hearing table.
2.27	The system shall validate 'Amount of Claim Adjudicated' 'For Plaintiff' and 'For Defendant' to accept only numeric values greater than 0.00 but less than or equal to 100,000.00.

4.3 Data Export

Req #	Requirement Descriptions
3.01	The system shall allow the Client Module to generate a report (confirmation page) on new or modified case records.
3.02	The system shall allow the creation of an output file, readable by the Server Module, containing the generated report on new or modified case records (for later printing).
3.03	The system shall be able to record the date of the last export action.
3.04	The system shall provide a color scheme to indicate which cases are newly filed cases and which are newly updated.

4.4 File Security

Req #	Requirement Descriptions
4.01	The system shall be able to encrypt the files to be exported to protect data from external sniffers.
4.02	The system shall provide authentication for the exported case records to ensure data is not corrupt.
4.03	The system shall be able to verify that the exported file is not corrupt.
4.04	The system shall provide a way to authenticate that the case records came from valid sources.

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Document Number	Version No.	Document Title	Effective Date	Page
SA-01	1.2	System Requirements Specification	03/08/2011	11 of 15

4.5 Data Import

Req #	Requirement Descriptions
5.01	The system shall verify the integrity of the data to be imported. If successful, the import shall proceed; otherwise, the system shall not proceed.
5.02	The system shall be able to display the case records that has been imported
5.03	The system shall be able to display to the Server Module a confirmation page containing the list of case records successfully imported.
5.04	The system shall be able to import new case records and merge changes to a case based on the imported file.

4.6 Audit Log

Req #	Requirement Descriptions
6.01	The system shall be able to display the audit trail of all case information. (Case History)
6.02	The system shall be able to extract the date and time details of the audit log for data exporting.

4.7 Dashboard

Req #	Requirement Descriptions
7.01	The system shall allow access to the Dashboard Page.
7.02	The system shall allow access to the Cases Page.
7.03	The system shall allow access to the Reports Page.
7.04	The system shall display in the Client Module a widget containing the Breakdown of Cases by Decision.
7.05	The system shall display in the Client Module a widget containing the overview of the Case Summary as well as a table containing weekly summaries.
7.06	The system shall display in the Client Module a widget containing the list of Hearings Today
7.07	The system shall display in the Client Module a widget containing the list of Upcoming Hearings.
7.08	The system shall display in the Server Module a widget containing the Summary of Case Records Submitted.
7.09	The system shall display in the Server Module a widget containing the Breakdown of Cases by Decision.
7.10	The system shall display in the Server Module a widget containing the Breakdown of Cases by Judicial Region.
7.11	The system shall display in the Server Module a widget containing the Breakdown of Cases by Court.
7.12	The system shall display in the Server Module a widget containing the Breakdown of Cases by Plaintiff.

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Document Number	Version No.	Document Title	Effective Date	Page
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Req #	Requirement Descriptions
7.13	The system shall display in the Server Module a widget containing the Case Summary.

4.8 Case Search

Req #	Requirement Descriptions
8.01	The system shall be able to search for cases in the database based on specified criteria, as shown in the prototype.
8.02	The system shall be able to display case search results based on specified criteria.
8.03	The system shall be able to sort the case search results based on any of the column headers.
8.04	The system shall use pagination in displaying case search results.

4.9 Report Generation

Req #	Requirement Descriptions
9.01	The system shall be able to generate a list of parties that frequently file for cases.
9.02	The system shall allow the Server Module to generate a report on the summary of case records submitted.

4.10 User Management

Req #	Requirement Descriptions
10.01	The system shall allow three (3) users per branch only (1 for admin, and 2 for encoders).
10.02	The system shall allow the Local Admin to assign a name and password to a local user.
10.03	The system shall allow users to modify their name and password.
10.04	The system shall allow users to view their account profile.
10.05	The system shall allow the logging in of a user using his username and password.
10.06	The system shall allow the logging out of a user.
10.07	The system shall not allow users to log-in more than once at any point in time.

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Document Number	Version No.	Document Title	Effective Date	Page
SA-01	1.2	System Requirements Specification	03/08/2011	13 of 15

4.11 User-Friendly Interface

Req #	Requirement Descriptions
11.01	The system shall allow access to the header.
11.02	The system shall allow access to the footer.
11.03	The system shall allow access to the user information side bar.
11.04	The system shall provide input prompts and error messages.
11.05	This feature shall provide easy-to-understand navigations using properly labeled fields and easy-access tabs among others.

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Document Number	Version No.	Document Title	Effective Date	Page
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5 Definition of Terms

Terms	Description
SRS	System Requirements Specification
ABA	American Bar Association
SC	Supreme Court
SC2MS	Supreme Court Case Monitoring System
OCA	Office of the Court Administrator
CMO	Court Management Office
MISO	Management Information Systems Office
PMO	Program Management Office
Client	Refers to Supreme Court
Company	Refers to Ideyatech

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Document Number	Version No.	Document Title	Effective Date	Page
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6 Revision History

Version No.	Date	Description of Changes	Author
1.0	02/22/2011	Finalized Draft	Philip Lim Allan Tan

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Filename: SA-01 SmallClaims CMS v 1.2.docx

Implementation of e-Library



Republic of the Philippines
Supreme Court
Manila

Gentlemen:

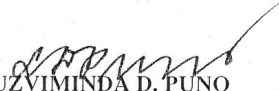
Quoted hereunder, for your information, is a resolution of the Court En Banc dated 16 November 2004

"A.M. No. 04-11-09-SC.- Re: Launching of Supreme Court Judicial E-Library and MOA Signing with E-Library Partners.- The Court Resolved to AUTHORIZE the launching of the Supreme Court Judicial E-Library and the signing of the Memorandum of Agreement with E-Library Partners at the Pan Pacific Hotel. As the E-Library Project is a sub-component of the Judicial Reform Support Project (JRSP), the expenses of the subject activity shall be charged to the JRSP Loan Proceeds (60%) and the GOP Counterpart Funds (40%).

The Court further Resolved to AUTHORIZE Ms. Milagros S. Ong, Chief, Library Services, to sign the above-mentioned MOA on behalf of the Court.

Aside from the launching, the signing of the Memorandum of Agreement between the Supreme Court and the UP College of Law shall be included as another activity." Corona, J., on leave.

Very truly yours,


LUZVIMINDA D. PUNO
Clerk of Court 11-23-04

Ms. Evelyn Toledo-Dumdum (x)
Program Director
Judicial Reform Program
Program Management Office
6th Supreme Court Centennial Building
P. Faura St., Ermita,
Manila

Mrs. Corazon Ordoñez (x)
Chief, Fiscal Management & Budget Office
Supreme Court

A.M. No. 04-11-09-SC
Nmr/1116 [adv 227]

Dean Raul C. Pangalangan (x)
Supervisor
University of the Philippines Law
Complex
U.P. Law Center, Bocobo Hall
University of the Philippines
Diliman, 1101 Quezon City

Mrs. Milagros S. Ong (x)
Chief, Library Services
Supreme Court



Republic of the Philippines
Supreme Court
Manila

Sirs/Mesdames:

Quoted hereunder, for your information, is a resolution of the Court En Banc dated

28 June 2005

"A.M. No. 04-11-09-SC.- Re: Launching of Supreme Court Judicial E-Library and MOA Signing with E-Library Partners.- The Court Resolved to

(a) **NOTE** the separate Letters, both dated 27 June 2005, of Associate Justice Antonio T. Carpio, Chairman, Committee on Library, Record Management, Legal Research and Printing, presenting to the Chief Justice, for approval, the proposed Memorandum of Agreement between the Supreme Court and the University of the Philippines College of Law, re: Philippine Law Journal, and requesting that the said Memorandum of Agreement be included in the En Banc agenda of 28 June 2005; and

(b) **APPROVE** the aforesaid Memorandum of Agreement, and **AUTHORIZE** Mrs. Milagros S. Ong, Chief, Library Services, to sign the same in behalf of the Supreme Court, thus:

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is executed this ____ day of _____ at the Supreme Court of the Philippines, between:

SUPREME COURT OF THE PHILIPPINES, with office address at Padre Faura St., Taft Avenue, Manila and represented by Chief, Supreme Court Library Services Milagros S. Ong ("Supreme Court");

-and-

UNIVERSITY OF THE PHILIPPINES, COLLEGE OF LAW with office address at Malcolm Hall, University of the Philippines Diliman, Quezon City, represented by its Dean, Raul C. Pangalangan ("College of Law), and

PHILIPPINE LAW JOURNAL, the official academic law journal of the University of the Philippines, with office address at Justice Alex Reyes Room, Third Floor, Malcolm Hall, University of the Philippines Diliman, Quezon City, represented by its Chair, Oscar Franklin B. Tan ("PLJ");

(The Supreme Court, College of Law and PLJ shall be collectively referred to as the "PARTIES".)

WITNESSETH:

WHEREAS, the Supreme Court has created an Electronic Judicial Library ("*E-Library*") to aid its Justices, Judges and Court Attorneys in legal research in connection with judicial proceedings;

WHEREAS the College of Law and PLJ desire to have the PHILIPPINE LAW JOURNAL included in the *E-Library* in order to promote the role of the academe and law studentry in shaping Philippine jurisprudence and catalyzing the growth of the legal profession, as expressed in the Foreword of the PLJ's 90th Anniversary issue (79 PHIL. L.J. 8 [2004]);

WHEREAS the PLJ and the College of Law, the publisher of the PLJ, are willing to make the entire PLJ collection available to the Judiciary for research related to judicial proceedings and similar non-commercial functions;

NOW, THEREFORE, the PARTIES have agreed as follows:

Section 1. Effectivity and Term

1.01 Effectivity

This MOA shall take effect upon its signing and shall remain in force until mutually terminated by the parties. The Supreme Court or the College of Law, the latter in consultation with the incumbent student PLJ Chair, may terminate this Agreement at anytime upon one hundred (120) days' prior written notice to the other Party.

Section 2. Responsibilities of the Parties

2.01 Responsibilities of the Supreme Court

- 2.01.1 The Supreme Court shall scan and digitize all issues of the PHILIPPINE LAW JOURNAL and provide the PLJ with a copy for proof-reading;
- 2.01.2 The Supreme Court shall provide the personnel, hardware and other technical means necessary to accomplish the task stated in Section 2.01.1;
- 2.01.3 The Supreme Court shall provide the PLJ editorial board with usernames and passwords to the *E-Library* for its members' use;
- 2.01.4 The Supreme Court shall integrate the digitized copy of the PHILIPPINE LAW JOURNAL into the *E-Library* for both subscription and non-subscription use.

2.02 Responsibilities of the PLJ

- 2.02.1 Upon signing of this MOA, the PLJ shall, at its expense, provide the Supreme Court with a copy of the entire collection of the PHILIPPINE LAW JOURNAL, with a certification that the collection is complete up to February 2005 or Volume 79, Issue No. 4;
- 2.02.2 The PLJ shall provide the Supreme Court with a copy of each succeeding issue of the PHILIPPINE LAW JOURNAL on a quarterly basis;
- 2.02.3 The PLJ shall facilitate all necessary arrangements required to address any copyright issues which individual authors of articles published in the PLJ may raise regarding the use of the PLJ in the *E-Library*;
- 2.02.4 The PLJ shall ensure that the “username” and “password” given to the PLJ shall be used exclusively by the PLJ Editorial Board members and staff only, and to immediately report any violation of this provision to the Supreme Court;
- 2.02.5 The PLJ shall recognize the right of the Supreme Court to monitor access to the *E-Library* and its right to terminate access in case of any violation of the conditions for the use of the username and password under this MOA;
- 2.02.6 The PLJ shall recognize the right of the Supreme Court to open the digitized copy of the PLJ for use by the Judiciary, its partner-agencies in the government for the *E-Library*, and to its subscribers;
- 2.02.7 The PLJ shall proofread and correct the digitized copy of PLJ issues given to it by the Supreme Court, as well as the copy found in the *E-Library* and shall issue a certification to the Supreme Court as to its correctness.

2.03 Responsibilities of the College of Law

- 2.03.1 The College of Law shall ensure that, upon signing of this MOA, the PLJ provides the Supreme Court with a copy of the entire collection of the PHILIPPINE LAW JOURNAL, with a certification that the collection is complete up to February 2005 or Volume 79, Issue No. 4, and that the PLJ thereafter provides the Supreme Court with a copy of each succeeding issue of the PHILIPPINE LAW JOURNAL on a quarterly basis;
- 2.03.2 The College of Law shall assist the PLJ in facilitating all necessary arrangements required to address any copyright issues which individual authors of articles published in the PLJ may raise regarding the use of the PLJ in the *E-Library*;
- 2.03.3 The College of Law shall ensure that the “username” and “password” given to the PLJ shall be used exclusively by the PLJ Editorial Board members and staff only, and that the PLJ immediately reports any violation of this provision to the Supreme Court;
- 2.03.4 The College of Law shall recognize the right of the Supreme Court to monitor access to the *E-Library* and its right to terminate access in case of any violation of the conditions for the use of the username and password under this MOA;

- 2.03.5 The College of Law shall recognize the right of the Supreme Court to open the digitized copy of the PLJ for use by the Judiciary, its partner-agencies in the government for the *E-Library*, and to its subscribers;
- 2.03.6 The College of Law shall ensure that the PLJ proofreads and corrects the digitized copy of PLJ issues given to it by the Supreme Court, as well as the copy found in the *E-Library* and shall issue a certification to the Supreme Court as to its correctness.

Section 3. Relationship of the Parties

- 3.01 The performance by each Party of its respective obligations under this MOA shall be as independent entities;
- 3.02 Unless otherwise expressly agreed upon, ownership over work produced by each Party using their respective resources shall be solely owned by the Party making the work;
- 3.03 The digitized copy of PLJ issues produced under this MOA shall be owned independently by each party, but the Supreme Court may only use its digitized copy as provided in this MOA.
- 3.04 Except as provided in this MOA, copyright to articles in the PLJ issues digitized under this MOA shall be retained by the PLJ.
- 3.05 The Parties shall form a joint working committee to implement this MOA, *provided* that the incumbent PLJ student Chair shall automatically be a member of this Committee;
- 3.06 Should this MOA be terminated, the Parties shall have the right to continue using materials that have been turned over by a Party to another Party under this MOA.

Section 4 Expenses and Future Implementation

- 4.01 Each Party shall bear its own expenses in carrying out its obligations under this MOA.
- 4.02 Upon completion of the digitized version of the PHILIPPINE LAW JOURNAL, the Parties shall negotiate in order to make it available to the students and faculty of the College of Law, through the College of Law Library;
- 4.03 Section 2 notwithstanding, should the *E-Library* be opened for commercial use and subscription, the Parties shall negotiate to grant the PLJ an equitable share of the proceeds arising from the integration of the PHILIPPINE LAW JOURNAL in the *E-Library* in order to support its operations and compensate for potential lost subscription income.

* Based on the number of subscribers visiting the PLJ site.

SIGNED on the date and at the place written above.

Supreme Court

UP College of Law and PLJ

By:

By:

Milagros S. Ong
Chief, Supreme Court
Library Services

Raul C. Pangalangan
Dean Raul C. Pangalangan
Dean, UP College of Law

Oscar Franklin B. Tan
Oscar Franklin B. Tan
Chair, Philippine Law Journal

SIGNED IN THE PRESENCE OF:

(97)

Very truly yours,

MA. LUISA D. VILLARAMA
MA. LUISA D. VILLARAMA
Acting Clerk of Court

Honorable Antonio T. Carpio (x)
Associate Justice and Chairman
Committee on Library, Record Management
Legal Research and Printing
Supreme Court

Chair Oscar Franklin B. Tan (x)
Philippine Law Journal
Justice Alex Reyes Room
Third Flr., Malcolm Hall
University of the Philippines
Diliman, 1104 Quezon City

Ms. Evelyn Toledo-Dumdum (x)
Program Director
Judicial Reform Program
Program Management Office
6th Supreme Court Centennial Building
P. Faura St., Ermita,
Manila

Dean Raul C. Pangalangan (x)
Supervisor
University of the Philippines Law
Complex
U.P. Law Center, Bocobo Hall
University of the Philippines
Diliman, 1101 Quezon City

Fiscal Management & Budget Office
Supreme Court
A.M. No. 04-11-09-SC
Nmr/0628 [97]

Mrs. Milagros S. Ong (x)
Chief, Library Services
Supreme Court

Supreme Court e-Library Report

SC E-LIBRARY REPORT 2015



The SC E-Library was conceived in April 2004 by Senior Associate Justice Antonio T. Carpio, then Chairperson of the Committee on Library and Printing to serve as a primary research tool in the speedy and effective administration of justice. The SC E-Library “puts all laws, decisions and rules and regulations in the Judge’s fingertips” (1900 to present)

The SC E-Library which was funded by the World Bank was launched twice: 1) CD version (1996- September 2004 decisions) in October 2004 during the Philippine Judges Convention in Iloilo and 2). the internet or Online version on November 19, 2004 at the Pan Pacific Hotel. Initially, it was open to the Justices of the Supreme Court, Court of Appeals, Court of Tax Appeals, Sandiganbayan and to all judges throughout the Philippines. Clerks of Court were allowed on June 13, 2012 and legal researchers of the lower courts were allowed access to the SC E-Library by the Hon. Chief Justice Maria Lourdes P. A. Sereno. The Supreme Court En Banc in its resolution dated January 24, 2006 (A.M. No. 06-1-06-SC) (**Annex A**) allowed law schools to access to the SC E-Library upon their request and through their libraries. Not all law schools have internet access. At present, there are sixty five (65) law schools who were allowed access. (**Annex B**) At times, problem in their access arises when the school changes the IP numbers. At this instance, they are required to register again.

Since then, the updates on line were made on real time and CDs were distributed quarterly. CD cover decisions from 1996 to present. The rationale for the CDs are for areas where there are no internet access and also serves as back-up. During its online launch on November 19, 2004, the SC E-Library contains decisions from 1996, Court of Appeals and Court of Tax Appeals decisions which enable a researcher to do a “judiciary search” for the Supreme Court and available Appellate Court decisions. This facility was however discontinued when the Management Information Systems Office (MISO) took over the SC E-Library from 2009-2011. As an evidence of the availability of decisions of the Appellate Courts then, in a Resolution of the Court En Banc dated November 11, 2008 (A.M. No. 08-10-15-S) (**Annex C**), the court approved the request of Ms. Espiritu for the removal of a Court of Appeals decision in the SC E-Library

website. A.M. No. 12-7-15-SC, September 4, 2012 (**Annex D**) was issued covering decisions of the Supreme Court.

In 2012, the management and update of the SC E-Library was returned to the Library Services. When Senior Associate Justice Antonio T. Carpio was the Acting chief Justice, the undersigned was instructed to upload all available digital sources of law that the Library Services has done. Starting this June 1, 2012, the On line version covers decision from 1901-present and Laws from Act 1 (1900) to present, Court issuances from 1973 to present and Treaties 1946-2010 and Executive Issuances. The SC E-Library at present is the only database which contains Minute Resolutions. Since the E-Library is complete as far as Supreme Court decisions from 1901 and laws from Act No. 1, Court Administrator Midas P. Marquez issued a circular (OCA Circular No. 51-2012, June 13, 2012) (**Annex E**) to all Judges and Clerks of Court of the First and Second Level Courts to register in the SC E-Library.

Executive Issuances were in the E-library were taken from the *Official Gazette*. To complete its Executive and Presidential Issuances, a Memorandum of Agreement was made with Malacanang on July 12, 2012. The compilation of treaties was a product of a Memorandum of Agreement with the Department of Foreign Affairs during the time of Chief Justice Artemio Panganiban.

Borrowing the words of the World Bank, the SC E-Library is a “winnable solution,” to legal research and judicial reform. This can be attested by the statistics of use (**Annex F**). One actual evidence of use in the decisions of the Court is found in the footnotes of *Romeo v. Luna*, A.M. No. RTJ-11-2301, March 12, 2012) (**Annex G**).

Reasonable suggestions and comments for the users have been incorporated if the software allows it. One improvement based on a suggestion of a court attorney from is to put the *Philippine Reports* citation in the decisions. Another is to include the source in the *Official Gazette* for laws : Republic Acts, Batas, Pambansa and Presidential Decrees. More improvement and upgrade can still be made attuned to the times. The improvement and upgrade of the E-Library were discussed with the MISO when the TOR for the Legal Resource Management System was discussed.

EN BANC

[A.M. No. 06-1-06-SC, January 24, 2006]

A.M. No. 06-1-06-SC Re: Request of Justice Antonio T. Carpio for Clearance to
Accept the Offer of Arellano Law Foundation to Offer to all Philippine Law
Schools Free Access to Our E-Library

Sirs/Mesdames:

Sirs/Mesdames:

Quoted hereunder, for your information, is a resolution of this Court dated **JAN 24 2006**.

"A.M. No. 06-1-06-SC.- Re: Request of Justice Antonio T. Carpio for Clearance to Accept the Offer of Arellano Law Foundation to Offer to all Philippine Law Schools Free Access to Our E-Library.- The Court Resolved, upon the recommendation of Associate Justice Antonio T. Carpio, Chair, Committee on Library, Record Management, Legal Research and Printing, to **AUTHORIZE** the said Committee to


























(a) Accept the offer of Arellano Law Foundation to allow the Court's E-Library to use, for free, their digitized copies of Philippine laws from 1901 to 1986; and

(b) Offer to all Philippine Law Schools free access to the Court's E-Library at the rate of one (1) access code per one hundred (100) law students, provided all the computers used are located in the law school libraries."

Very truly yours,

(SGD.) MA. LUISA D. VILLARAMA

Clerk of Court

- 41. Don Vicente Orestes Romualdez Educ Foundation  X
- 42. Centro Escolar University - School of Law and Jurisprudence  X
- 43. Polytechnica University of the Philippines  X
- 44. pamantasan lunsod ng pasay  X
- 45. San Beda College of Law  X
- 46. Jose Rizal University  X
- 47. Centro Escolar University  X
- 48. University of the Philippines  X
- 49. Xavier University (Ateneo de Cagayan)  X
- 50. silliman university  X
- 51. Misamis University  X
- 52. san beda college alabang  X
- 53. Bicol College  X
- 54. Arellano  X
- 55. University of Mindanao  X
- 56. University of Pangasinan-PHINMA  X
- 57. New York University School of Law  X
- 58. University of Perpetual Help System DALTA  X
- 59. UNIVERSITY OF NEGROS OCCIDENTAL-RECOLETOS  X
- 60. San Pablo Colleges  X
- 61. Far Eastern University JD Law Library  X
- 62. UP LAW LIBRARY  X
- 63. Mindanao State University  X
- 64. Lyceum of the Philippines College of Law  X
- 65. Western Leyte College of Ormoc  X

EN BANC

[A.M. No. 08-10-15-SC, November 11, 2008]

RE: REQUEST FOR REMOVAL OF A COURT OF APPEALS DECISION
POSTED ON THE SC E-LIBRARY WEBSITE.

Sirs/Mesdames:

Quoted hereunder, for your information, is a resolution of the Court En Banc dated November 11, 2008

"A.M. No. 08-10-15-SC.- Re: Request for Removal of a Court of Appeals Decision Posted on the SC E-Library Website.- The Court Resolved to

(a) **NOTE** the

(i) 1st Endorsement dated October 21, 2008 of Chief Justice Reynato S. Puno, referring the letter dated October 16, 2008 of Atty. Teresita R. Marigomen, Executive Assistant Clerk of Court IV, Court of Appeals (CA); and

(ii) Aforesaid Letter of Atty. Marigomen, regarding the request of Ms. Wrenelee Espiritu for permanent removal of the CA decision promulgated in her case and posted on the SC E-Library website; and

(b) **DENY** the aforesaid request for removal of the subject decision from the SC E-Library website." Ynares-Santiago, J., on leave

Very truly yours,

(Sgd.) MA. LUISA D. VILLARAMA
Clerk of Court

EN BANC

[A.M. No. 12-7-15-SC, September 04, 2012]

RE: RECOMMENDATION OF ATTY. MARIA VICTORIA GLEORESTY SP. GUERRA, DIRECTOR IV & ACTING CHIEF, PUBLIC INFORMATION OFFICE, TO REMOVE OR MODIFY THE DECISIONS POSTED IN THE SC WEBSITE INVOLVING CASES OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN.

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated SEPTEMBER 4, 2012, which reads as follows:

"A.M. No. 12-7-15-SC - RE: RECOMMENDATION OF ATTY. MARIA VICTORIA GLEORESTY SP. GUERRA, DIRECTOR IV & ACTING CHIEF, PUBLIC INFORMATION OFFICE, TO REMOVE OR MODIFY THE DECISIONS POSTED IN THE SC WEBSITE INVOLVING CASES OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN.

In a letter dated July 13, 2012, Atty. Maria Victoria Gleoresty Sp. Guerra, Director IV and Acting Chief, Public Information Office, requests the Court's guidance regarding the letters, endorsed to her office, from relatives and litigants-victims (*movants*)^[1] in sexually-related crimes; **they request the removal of decisions involving these crimes from the Court's website to make the victims' identities (and those of their relatives) confidential.**

According to Atty. Guerra, the decisions subject of these requests were promulgated prior to the effectivity on March 27, 2004 of Republic Act (*R.A.*) No. 9262 or the *Anti-Violence Against Women and Their Children Act of 2004*, which mandated the confidentiality of all records pertaining to cases of violence against women and their children. These decisions also came before the Court's ruling on September 19, 2006 in the case of *People v. Cabalquinto*,^[2] where the Court directed the withholding of the names of the victims of crimes of violence against women, children and their relatives, and of such other personal circumstances that would establish or compromise their identities. These decisions were also promulgated prior to the Court's Resolution^[3] in A.M. No. 99-7-06-SC, Re: *In Re Internet Web Page of the Supreme Court*, where we resolved "in the meantime" to refrain from posting in the internet web page the full text of decisions in cases involving child sexual abuse.

Atty. Guerra recommends that the letters-requests be granted in order to assist the movants in their recovery process, either by removing or modifying the decisions posted in the Court's website.

We agree with Atty. Guerra's recommendation under the terms of the *Guidelines* outlined below.

In addition to our ruling in *Cabalquinto* and the policy we laid down in A.M. No. 99-7-06-SC, we have adopted rules in *court proceedings* that ensure confidentiality of the identities of relatives and litigants in sexually-related crimes.^[4] However, with the increase in the public's access to information on court decisions, we also recognize that the protection to privacy afforded to these litigants must now extend *beyond court proceedings*.

The State's policy of affording special protection to women and children who are victims of violence and child abuse is unequivocal and is a policy that the Court fully supports. In line with this policy, the provisions on confidentiality under R.A. No. 9262 and other laws affecting women and children who are victims of violence and child abuse must be extended not only prospectively, but even retroactively in order to apply to previously resolved cases which have not benefited from the abovecited law and rulings. The cutoff date of retroactive application should be 1996, the year of the earliest SC decisions in the SC website. This approach will immeasurably help the victims-litigants and their relatives by limiting the aggravation of the trauma that may have resulted or that may result in the disclosure of their identities in Court decisions published in the Supreme Court's openly-accessible website.

ACCORDINGLY, the Court hereby resolves to:

(1) **NOTE** the letter dated July 13, 2012 of Atty. Maria Victoria Gleoresty Sp. Guerra, Director IV and Acting Chief, Public Information Office;

(2) **ESTABLISH** the following Guidelines for compliance:

a. These Guidelines shall cover decisions under **R.A. No. 9262** (*Anti-Violence Against Women and Their Children Act of 2004*), **R.A. No. 7610** (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*) and **R.A. No. 9208** (*Anti-Trafficking in Persons Act of 2003*); and **cases** where the confidentiality of the court proceedings and the identity of the parties involved are mandated by law and/or by the rules in order to protect the privacy and the dignity of the victims and their relatives.^[5]

b. Decisions rendered by lower courts are likewise covered if they are to be posted in the part of the Supreme Court's official website openly accessible to the public.

c. The modification of the decisions shall extend to: (a) the withholding of the names of the women and child victims in covered decisions and the use of fictitious initials instead; and (b) the non-disclosure of their personal circumstances or any other information tending to identify them or disclose their identities, including the names and information of their immediate family and household members, from which data the identities of the victims can be inferred.^[6]

d. The modification of covered decisions shall only be made in the part of the official website of the Supreme Court openly accessible to the public. Decisions subject to modification shall

extend only to those published in the Supreme Court website beginning 1996, the year of the earliest Supreme Court decisions uploaded and made publicly accessible in the SC website.

e. Modifications shall be made by the Public Information Office (*PIO*). The *PIO* shall furnish a monthly list of modified decisions to the SC Clerk of Court, the SC Library and the Office of the Reporter.

The Office of the Court Administrator, through its Legal Office, shall make the required modifications for lower court decisions to be uploaded in the Supreme Court's official website. Covered decisions of the Court of Appeals and the Sandiganbayan shall be modified by their respective Clerks of Court who shall furnish a monthly list of these modified decisions to their respective libraries, to the *PIO* and the SC Library.

f. Modification of covered decisions in the **SC E-Library** and other SC sites which are accessible only by using a "username" and "password" provided by the SC Library, shall be made by the SC Library.

g. The SC Library, the other court libraries, the Clerks of Court of the Court of Appeals and of the Sandiganbayan, and the Office of the Court Reporter shall duly take note of the *Guidelines* and the modified decisions, and shall not release to the public hard copies of the original or unmodified decisions that have been modified as provided under pars. (e) and (f) above;

(3) **GRANT** the letter-requests of the following *movants*: (1) Ronald Diaz; (2) Karen Campomanes-Reyes; (3) Mary Jane Calinagan; (4) Rizen Quijano; and (5) Geraldine Panique Takato; and

(4) **DIRECT** the *PIO* to submit a report, within fifteen (15) days, on the modifications it made on the uploaded decisions involving these *movants*.

The responsible court office and/or concerned court personnel are **STRICTLY ORDERED** to follow the *Guidelines*. The Court may impose administrative sanctions for non-compliance or for failure to adopt measures to comply with the provisions of the *Guidelines*."

Very truly yours,

(Sgd.) **ENRIQUETA E. VIDAL**
Clerk of Court

^[1] Except for Michael Alexius A. Sarte who requests for the removal of the decision in his annulment case, the other *movants* are relatives or victims of sexually-related crimes. They are: (1) Ronald Diaz; (2) Karen Campomanes-Reyes; (3) Mary Jane Calinagan; (4) Rizen Quijano; and (5) Geraldine Panique Takato.

^[2] 533 Phil. 703 (2006).

^[3] Dated February 14, 2006.

^[4] Re: Rule on Violence Against Women and Their Children, A.M. No. 04-10-11-SC, October 19, 2004.

^[5] The request in A.M. No. 11-8-8-SC, *Re: Recommendation of Court Administrator Jose Midas P. Marquez that in Decisions Regarding Petitions for Annulment of Marriage and Declaration of Marriage the Names and Identifying Particulars of the Parties Be Withheld and that Instead Fictitious Initials Be Used* is still pending with the Court.

^[6] See *People v. Cabalquinto*, *supra* note 2.

[OCA CIRCULAR NO. 51-2012, June 13, 2012]

TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST AND
SECOND LEVEL COURTS

SUBJECT : REGISTRATION WITH THE SC E-LIBRARY

The SC E-Library, the online web-based library of the Supreme Court is the research tool of the Judiciary in decision making. The E-Library now contains Supreme Court decisions from 1901 to present. It also contains all laws -Acts, Commonwealth Acts, Presidential Decrees, Batas Pambansa and Republic Acts - from 1901 to present. Also included are Supreme Court Circulars from 1973 to present.

In relation thereto, all Judges and Clerks of Court are hereby **ENJOINED** to **REGISTER** with the E-Library (<http://elibrary.judiciary.gov.ph>) and use it as a research tool.

Any concern in the registration or access may be addressed to the SC Library Services at sclib@sc.judiciary.gov.ph or telephone no. 524-2706.

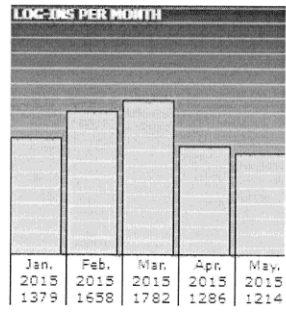
For strict compliance.

June 13,2012.

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

ANNEX "F"

LOC-TMS PER MONTH		LOC-TMS PER MONTH		LOC-TMS PER MONTH	
Jan. 2014	1492	Jan. 2013	1907	Jan. 2012	910
Feb. 2014	1640	Feb. 2013	1299	Feb. 2012	1121
Mar. 2014	1817	Mar. 2013	1294	Mar. 2012	1087
Apr. 2014	1427	Apr. 2013	1256	Apr. 2012	903
May. 2014	1626	May. 2013	1556	May. 2012	1099
Jun. 2014	1721	Jun. 2013	1539	Jun. 2012	1280
Jul. 2014	1818	Jul. 2013	1884	Jul. 2012	2108
Aug. 2014	1693	Aug. 2013	1357	Aug. 2012	1658
Sep. 2014	1809	Sep. 2013	1459	Sep. 2012	1577
Oct. 2014	1696	Oct. 2013	1490	Oct. 2012	1500
Nov. 2014	1543	Nov. 2013	1368	Nov. 2012	1470
Dec. 2014	934	Dec. 2013	1036	Dec. 2012	650



SECOND DIVISION

[A.M. No. RTJ-11-2303 (Formerly A.M. OCA IPI No. 10-3416-RTJ), March 12, 2012]

MARIO S. ROMERO, COMPLAINANT VS. MANUEL C. LUNA, JR.
EXECUTIVE JUDGE, REGIONAL TRIAL COURT, BR. 39, CALAPAN CITY,
ORIENTAL MINDORO, RESPONDENT.

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 12 March 2012 which reads as follows:

A.M. No. RTJ-11-2303 (Formerly A.M. OCA IPI No. 10-3416-RTJ) Mario S. Romero, *complainant* vs. Manuel C. Luna, Jr. Executive Judge, Regional Trial Court, Br. 39, Calapan City, Oriental Mindoro, *respondent*.

This treats of the Motion for Reconsideration of the Resolution^[1] dated 14 November 2011 finding respondent Executive Judge Manuel C. Luna, Jr. liable for violation of A.M. No. 01-1-07-SC for "prescribing a new rate and dimension of font sizes for the publication of legal and judicial notices."

A re-examination of the facts of the case and the alleged violation of the issuance of the Supreme Court would show that this Court is actually called to resolve two (2) interrelated issues, namely: (1) whether or not an executive judge has the power to adjust publication rates even after an application for accreditation has long been approved; and (2) whether or not the rates determined at the time of the approval of accreditation may be altered during the five-year validity of such approved accreditation, both of which are clearly judicial in nature.

A further study of existing jurisprudence likewise revealed that herein complainant also filed similar complaints^[2] against Judge Recto A. Calabocal, then Executive Judge of the Regional Trial Court, Pinamalayan, Oriental Mindoro, and Vice-Executive Judge Tomas C. Leynes, Regional Trial Court, Calapan City, Oriental Mindoro.

Perusal of the records of the administrative complaint against then Executive Judge Calabocal, which this Court DISMISSED for being judicial in nature,^[3] would disclose that, as in the present case, then Executive Judge Calabocal issued an Order prescribing new rates and printing formats to address concerns of litigants regarding the excessive and exorbitant fees that complainant charges in the publication of judicial and legal notices in the province of Oriental Mindoro.

Inasmuch as the aforesaid case clearly involved facts and issues identical to the case at bar, this Court is convinced that the Office of the Court Administrator should have disposed of the instant case in the same manner. Pertinent portions of its Report in the Calabocal case read:

EVALUATION: The complaint has no merit.

The complaint involves matters that are judicial in nature. Complainant Romero assails the wisdom underlying the questioned Order. Hence this Office refrains from resolving the following interrelated issues, to wit: (a) whether or not respondent Judge Calabocal has residual rate-fixing powers; (b) whether or not the previously approved rates [are] unalterable during its (five-year) period of effectivity. These issues should be threshed out in the proper judicial forum.

Further, the appellate jurisdiction of this Office can only be invoked in a grant/denial or suspension/revocation of the accreditation.^[4] The issues raised here are not those enumerated.

As a matter of policy "an administrative complaint is not the appropriate remedy for every act of a judge deemed aberrant or irregular." The administrative case cannot be used as a remedy to challenge the assailed order or decision rendered by the respondent judge nor cannot be used as a substitute for other judicial remedies.^[5] Errors committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies.^[6] It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened or closed.^[7]

All considered, the instant complaint against respondent Executive Judge Manuel C. Luna, Jr., Regional Trial Court, Calapan City, Oriental Mindoro, should similarly be **DISMISSED** for being judicial in nature.

WHEREFORE, the Resolution dated 14 November 2011 holding respondent Executive Judge Manuel C. Luna, Jr., Regional Trial Court, Calapan City, Oriental Mindoro liable for violation of A.M. No. 01-1-07-SC is hereby **REVERSED** and **SET ASIDE**. The instant complaint against respondent is **DISMISSED** for being judicial in nature.

SO ORDERED.

Very truly yours,

(Sgd.) **TERESITA AQUINO TUAZON**
Deputy Division Clerk of Court

^[1] *Rollo*, p. 70. The assailed Resolution reads:

A.M. NO. RTJ-11-2303 [Formerly A.M. OCA IPI No. 10-3416-RTJ] (Mario S. Romero vs. Executive Judge Manuel C. Luna, Jr. Regional Trial Court, Br. 39, Calapan City, Oriental

Mindoro). - The Court **NOTES** the: (1) verified affidavit-complaint dated 12 April 2010 filed by Mario S. Romero against Executive Judge Manuel C. Luna, Jr. Regional Trial Court (RTC), Br. 39, Calapan City, Oriental Mindoro, for violation of PD No. 1079 and A.M. No. 01-1-07-SC relative to the Order dated 9 July 2008 of respondent Executive Judge prescribing a new rate and dimension of font sizes for the publication of legal and judicial notices; and (2) comment dated 25 June 2010 of respondent Executive Judge.

The Court **RESOLVES** to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendation of the Office of the Court Administrator in the attached Report dated 29 June 2011. (Annex "A"). Accordingly, the Court **RE-DOCKETS** the instant complaint as a regular administrative matter, **HOLDS** Executive Judge Manuel C. Luna, Jr., RTC, Br. 39, Calapan City, Oriental Mindoro, **LIABLE** for violation of A.M. No. 01-1-07-SC and **ADMONISHES** him with a **WARNING** that a repetition of the same or similar act shall be dealt with more severely.

^[2] Comment dated 26 October 2010 of Judge Recto A. Calabocal, Regional Trial Court, Branch 42, Pinamalayan, Oriental Mindoro in A.M. OCA IPI No. 10-3517-RTJ (*Mario S. Romero vs. Judge Recto A. Calabocal*).

^[3] Resolution dated 21 September 2011 in A.M. OCA IPI No. 10-3517-RTJ (*Mario S. Romero vs. Judge Recto A. Calabocal*)

^[4] Report dated 22 August 2011 of the Office of the Court Administrator in OCA IPI No. 10-3517-RTJ (*Mario S. Romero v. Judge Recto A. Calabocal*), page 2 citing Sec. 17, Rule VI, A.M. No. 01-1-07-SC (*Re: Guidelines in the Accreditation of Newspapers and Periodicals and in the Distribution of Legal Notices and Advertisements for Publication*) dated 7 November 2001.

^[5] *Id.* citing *Cabelic v. Geronimo*, A.M. No. OCA IPI No. 00-948-MTJ, 27 May 2002, SC E-Library.

^[6] *Id.* at 3 citing *Maylas, Jr. v. Sese*, A.M. No. RTJ-06-2012, 4 August 2006, SC E-Library.

^[7] *Id.* citing *Bello v. Diaz*, A.M. No. MTJ-00-1311, 3 October 2003 further citing *Flores v. Abesamis*, A.M. No. SC-96-1, 10 July 1997, SC E-Library.

Supreme Court En Banc Approval of 635 Court Decongestion Officers

15-04-07-1



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **APRIL 21, 2015**, which reads as follows:*

“A.M. No. 15-04-07-SC (Re: Creation of 635 Contractual Court Decongestion Officer Positions for the First and Second Level Courts).- The Court Resolved, upon the recommendation of the Office of the Court Administrator, to **APPROVE** the creation of 635 contractual Court Decongestion Officers, as follows:

Summary	Number of Court Decongestion Officers
NCJR - First Level	87
NCJR - Second Level	83
Other Regions - First Level	23
Other Regions - Second Level	442
TOTAL	635

The Court Decongestion Officers shall be on a contractual basis for a period of two (2) years, with a salary grade level of 18. They will be under the Office of the Court Administrator and will be designated to the beneficiary stations as provided in the OCA Memorandum dated April 8, 2015 and as to be determined when the need arises. Furthermore, they shall be under the direct supervision of the judge of the branch or station where they are designated, following the guidelines as may be provided by the Court.

The Court further Resolved to **APPROVE** the proposed budget for the contractual Court Decongestion Officers.” (adv56)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

OFFICE OF THE CHIEF JUSTICE (x)
Supreme Court

FISCAL MANAGEMENT AND BUDGET OFFICE (x)
Supreme Court

Court Administrator
HON. JOSE MIDAS P. MARQUEZ (x)
Deputy Court Administrators
HON. RAUL B. VILLANUEVA (x)
HON. JENNY LIND R. ALDECOA-DELORINO (x)
HON. THELMA C. BAHIA (x)
Supreme Court

ATTY. CARIDAD A. PABELLO (x)
OCA Chief, Office of the Administrative Services
ATTY. LILIAN BARRIBAL-CO (x)
OCA Chief, Financial Management Office
ATTY. MARINA B. CHING (x)
OCA Chief, Court Management Office
ATTY. WILHELMINA D. GERONGA (x)
OCA Chief, Legal Office
Office of the Court Administrator



Results of Hustisyeah! Decongestion Program in OC

Results of *Hustisyeah!* Decongestion Program in Quezon City Courts
(Preliminary Results of Pilot Decongestion Program)

Court	Pending Cases (2012)	Cases Inventoried	% cases inventoried vs. pending cases	Pending cases (As of Dec.2014)	Decrease In pending Cases from	% Reduction of cases from Decrease In pending	% reduction of pending cases from inventoried
METC							
METC 31	1163	1231	105.85%	1209	-46	-3.96%	1.79%
METC 32	2180	1892	86.79%	473	1707	78.30%	75.00%
METC 33	1836	1795	97.77%	1014	822	44.77%	43.51%
METC 34	2308	2463	106.72%	1518	790	34.23%	38.37%
METC 35	1575	1626	103.24%	888	687	43.62%	45.39%
METC 36	1198	1345	112.27%	756	442	36.89%	43.79%
METC 37	1239	1437	115.98%	1473	-234	-18.89%	-2.51%
METC 38	776	1071	138.02%	690	86	11.08%	35.57%
METC 39	1740	1869	107.41%	1380	360	20.69%	26.16%
METC 40	1420	1212	85.35%	486	934	65.77%	59.90%
METC 41	1435	1456	101.46%	756	679	47.32%	48.08%
METC 42	1453	1406	96.77%	871	582	40.06%	38.05%
METC 43	805	1089	135.28%	627	178	22.11%	42.42%
RTC							
RTC 78	625	635	101.60%	485	140	22.40%	23.62%
RTC 79	536	501	93.47%	957	-421	-78.54%	-91.02%
RTC 82	1219	1338	109.76%	946	273	22.40%	29.30%
RTC 83	746	727	97.45%	488	258	34.58%	32.87%
RTC 86	604	487	80.63%	508	96	15.89%	-4.31%
RTC 87	654	410	62.69%	464	190	29.05%	-13.17%
RTC 89	545	501	91.93%	461	84	15.41%	7.98%
RTC 92	539	294	54.55%	357	182	33.77%	-21.43%

Results of *Hustisyeah!* Decongestion Program in Quezon City Courts
(Preliminary Results of Pilot Decongestion Program)

RTC 96	655	348	53.13%	498	157	23.97%	-150	-43.10%
RTC 98	580	506	87.24%	390	190	32.76%	116	22.92%
RTC 103	473	264	55.81%	464	9	1.90%	-200	-75.76%
RTC 104	468	963	205.77%	503	-35	-7.48%	460	47.77%
RTC 105	615	410	66.67%	518	97	15.77%	-108	-26.34%
RTC 106	559	524	93.74%	487	72	12.88%	37	7.06%
RTC 217	546	554	101.47%	546	0	0.00%	8	1.44%
RTC 218	718	603	83.98%	319	399	55.57%	284	47.10%
RTC 220	725	410	56.55%	619	106	14.62%	-209	-50.98%
RTC 222	796	551	69.22%	556	240	30.15%	-5	-0.91%
RTC 225	615	407	66.18%	289	326	53.01%	118	28.99%
RTC 227*	827	982	118.74%	757	70	8.46%	225	22.91%
TOTAL	32173	31307	97.31%	22753	9420	29.28%	8554	27.32%

Updates on Judicial Sector Reforms that Impact on Enforcement of Contracts

UPDATES ON JUDICIAL SECTOR REFORMS THAT IMPACT ON ENFORCEMENT OF CONTRACTS¹ May 2015

A. eCourts: Modernizing Case Management in the Trial Courts

The eCourts is an automated case management system developed for the Philippine trial courts. With the support of the USAID through the American Bar Association-Rule of Law Initiative, the eCourt system is part of the Philippine Supreme Court's initiative to increase court efficiency by providing a modern tool primarily for judges and court personnel to monitor, manage and process cases and for court officials to monitor performance. It transforms the way the courts do their tasks by facilitating better workflows. It also impacts how the public interacts with the court system by increasing transparency and access to information. Below are some of the major impacts of the eCourts:

1. **Speeds up decision-making through automated monitoring of cases.** Every hearing, a judge and her staff need to know the incidents that have transpired in the cases that are in the court calendar. Going through the pages of case files just to find out what has happened to a case eats up hours, if not days, which could have been utilized for research and decision-writing. By freeing more time for research and decision writing, the eCourts is expected to drive-up productivity and case disposition output.
2. **Cuts case backlogs.** The eCourts provides judges with a dashboard that **tracks the status of a case on the judge's docket** and **provides information like the aging of cases, deadlines, and case incidents that require court action.** The information gives the judges a more precise picture of the status of their dockets – they can prioritize cases that have been delayed and issue needed orders/action on or before deadlines.
3. **Increases public access to information.** The public can find out the status of cases through computers in public kiosks that are found at the entrance lobby of court houses. People who are not IT literate can go to the Office of the Clerk of Court and get assistance to access the information on the status of their cases within a few minutes.
4. **Bolsters transparency and serves as anti-corruption tool.** The raffling of cases is now done electronically. The electronic raffle is done immediately upon filing, which the litigants and lawyers can observe from computer monitors at the Office of the Clerk of Court. Removing human intervention in the raffle of cases removes the possibility of underhanded schemes, which compromise the raffle.
5. **Saves more time for making decisions.** Every semester, courts conduct a two-week manual inventory of cases in order to generate reports on caseloads. Hearings are

¹ The following contributed to this report: American Bar Association Rule of Law Initiative, Philippine Mediation Center Office, Court Management Office, and the Supreme Court Management Information Systems Office and Library Services.

suspended during these inventory periods. As soon as all case information is encoded in the eCourts system, courts will do away with such manual inventories as reports can be automatically generated and electronically submitted. That means an additional one month every year for decision-making.

6. **Adopts templates and forms for greater access and efficiency.** Following the innovation of the Small Claims Courts Project, eCourts will use templates of both court-bound and court-issued forms. These templates are ready for uploading on the eCourts system for ready access and use by litigants and lawyers, as well as by the judges and court personnel. The use of templates and ready forms will drastically reduce the time consumed by the courts to act on interlocutory and final case incidents. It will also be an access to justice tool for litigants unassisted by counsels.

7. **Adopts the Automated Hearing System.** The Automated Hearing System transforms the entire courtroom into an automated trial forum. This means that during trial, every activity is captured electronically, right there and then, including orders issued by the judge, minutes of the hearing conducted, judges' notes on testimony taken, markings of evidence, issuance of writs and other court processes. Piloted in Branch 85 in February 2014, all 58 Quezon City trial courts, both first level and second level courts, have been equipped with the infrastructure and the skills to conduct Automated Hearings. The system does away with the delay in the preparation of open court orders, which the parties now will be able to get prior to leaving the courtroom, the inevitable postponements due to our present reliance on the snail mail system, and most importantly, it frees up valuable time on the part of the judge and the court staff as they now no longer have to do these court orders after the hearing and can already devote themselves to the more important task of adjudication.

Functions Performed by the eCourts

Table 1 summarizes some of the functions of the eCourts system that contribute to enhancing efficiency in the courts.

Table 1. Summary of eCourts Functions

Description	Functionalities
1. Automatic generation of a hearing schedule for all cases on the judge's docket	<p>Hearings are scheduled in eCourt by encoding it into the system as Incoming Document needing a court action and by making entries through case incidents tab.</p> <p>The eCalendar function of eCourt allows a user to set a limit as to the number of hearings the trial court will schedule each day and can record in the calendar the</p>

	<p>Holidays and no-hearing days or recess period.</p> <p>The hearing schedule can then be generated automatically after the above information have been input into the system.</p>
2. Track status of a case on the judge's docket	<p>The judge can track the status of the case in the Case Incidents feature of eCourt.</p> <p>The Case incidents feature provides for a timeline of the events that occur in a case during a particular stage. Tasks to be performed by the Court or orders to be complied with by a party will appear on the Judge's dashboard. The dashboard reminds them that there is a task or order which due date is approaching or is overdue.</p>
3. View and manage case documents (briefs, motions, etc.)	<p>The Case Incidents feature of eCourt provides for a timeline of the events that occur in a case during a particular stage. Incidents which involve tasks to be performed by the Court or orders to be complied with by a party will appear on Judge's dashboard. This will remind them that there is a task or order which due date is approaching or is overdue. (The document management function, which allows the judge and court personnel to view case records online is <i>not</i> yet available for use. However, see discussion in Part B on plans to implement a Document, Records and Archive Management System.)</p>
4. Assistance with judgment writing	<p>In the evidence, calendar and case incidents features, the judge can view what transpired in the case, which can assist the judge in writing the judgment. Templates of orders/judgments are also available for the use of judges.</p>
5. Semi-automatic generation of court orders	<p>In the Outgoing Document module of eCourt there are templates that the Judge can use to write a draft and release court orders.</p> <p>The templates of court orders are uploaded in the</p>

	eCourts and can easily be replicated and issued while hearings are on-going under the Automated Hearing System.
6. View court orders and judgments in a particular case	The Court Decision function provides information of the decision, resolution and order rendered by the Judge. It is a transparency tool as well as a safeguard against corruption as once an order or decision is made, it is uploaded and "published" such that alterations, save those upon parties' motion or as allowed by the Rules of Court, may no longer be made, and any such alterations is automatically and electronically traced to the author.
7. Automated Hearing	<p>The issuance of orders in open court during the day of the hearing itself is facilitated by the eCourts through the templates of court orders, which are uploaded into the system.</p> <p>The automated hearings cut 2-4 weeks of waiting time, which is usually the amount of time it takes before the orders of the courts reach the parties through official mail. Since the orders are issued during the day of the hearing itself, the parties and their counsels are immediately notified of the courts' orders. Thus, the period within which to comply with the court orders begins on the date of the orders' issuance instead of the date of receipt by official mail under the old practice.</p>
8. Electronic Raffle System	The parties and their counsels can observe the electronic raffle of the cases through a computer monitor within minutes from completing the filing of the cases and payment of court fees. The absence of human intervention ensures that the assignment of cases is not manipulated to favor particular parties.
9. Additional features	<p>Judge can view :</p> <ul style="list-style-type: none"> • payment/fees details of the case • information of the evidence and sub-markings of the evidence presented

	<ul style="list-style-type: none"> • original jurisdiction of the case • Summary of the cases raffled to his branch
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Status of eCourts implementation

In 2013, the eCourts was piloted in the 58 courts of Quezon City, a major city in Metropolitan Manila that has the highest case load in the Philippines – about 7.5% of the total caseload in the country. Since then, it has been rolled out to 15 other courts in Angeles City north of Manila, and Lapu-Lapu City in Central Philippines. (The report on the status of eCourts implementation prepared by the American Bar Association-Rule of Law Initiative and supporting documents are attached as **Annexes A and A-1 to A-5**.)

This year eCourts will reach 94 more courts in Tacloban City, Davao City, Cebu City, and Makati City. Tacloban was the city ravaged by typhoon *Yolanda*, international code name *Hainan*, which destroyed court facilities and wiped out almost all their records. By implementing eCourts in Tacloban, we are, in a sense, building back better. Out of the rubble, we are building a modern court system for the people of Tacloban. Davao and Cebu Cities are main commercial hubs in Central and Southern Philippines, while Makati hosts the country’s main financial district. In implementing eCourts, the Judiciary is prioritizing not only the courts with the highest caseloads, but also courts which handle many commercial cases. We want to improve the investment climate in these key economic corridors by ensuring speedy dispute resolution using modern tools like eCourts.

In 2016, eCourts will be further rolled out to the 120 courts of the capital city of Manila, Pasig City and Mandaluyong City. By the end of 2016, eCourts will be in 287 trial courts handling about 30% of the total caseload of the Philippine court system.

But the Judiciary will move beyond these 287 identified courts. Court modernization must be complete and its benefits must reach all litigants, even outside the centers of population and commerce. Starting 2015, the Judiciary, with appropriations coming from the national government, is implementing its Enterprise Information Systems Plan (EISP), which is the Judiciary’s 5-year ICT master plan.

As part of EISP, the Judiciary is building two major data centers and around a dozen regional data centers and establishing network and connectivity in major locations, including all the courts where eCourts is targeted to be implemented. This will be the backbone of our ICT infrastructure, which will allow us to extend eCourts beyond the 287 courts already targeted. The opening of bids for the two major data centers is scheduled on 16 June 2015. The bidding for connectivity and network security is expected to start in June 2015.

B. Implementation of the Enterprise Information Systems Plan

The EISP, approved in 2009, identifies over 20 software application systems to speed-up the adjudication of cases, increase personnel productivity, and improve court management. (An Executive Summary of the EISP is attached as **Annex B-1**.) The EISP was reviewed and updated in 2013-2014 in order to ensure the readiness of the Judiciary to implement the EISP and identify project implementation gaps and risks that need to be addressed before embarking on big ticket ICT projects. The updated EISP was approved by the Supreme Court on 21 October 2014.² (The Supreme Court resolution approving the Updated EISP is attached as **Annex B-2**.) About ₱1.44 billion has been made available in 2015 to jumpstart the implementation of the EISP.

Aside from the ICT infrastructure mentioned in the preceding section, a number of EISP software components have been identified for prioritization in 2015 because they are complementary to the eCourts. For instance, the **digitization of court records** and the **Document, Records and Archive Management System** will pave the way for eFiling and the electronic storage and access of court documents, which will not only speed up court processes by allowing quick access to specific pleadings and documentary evidence, but also secure court records against disasters like *Hainan*, which destroyed almost all the court records in Tacloban City. The **Lawyer Information System** will also be integrated into the eCourts system, giving information to both courts and the public on lawyers authorized to practice law, thus eradicating fake practitioners from the system. This will also facilitate the security aspect of the eFiling System and regularly update the courts and litigants alike of a lawyer's current status whether suspended, disbarred, or in good standing.

Also included in the 2015 priority list is the **Legal Resource Management System**, which will **facilitate knowledge transfer and make legal materials (laws, regulations case, law) accessible** to judges, court researchers and other court personnel. Bidding for these projects is expected to start in the 3rd quarter of 2015. At present, there is already an **eLibrary**, <http://elibrary.judiciary.gov.ph/>, which all judges, court lawyers and legal researchers can access and use for research and decision writing. This web-based legal resource database has been in place since 2004. (The Supreme Court resolution³ approving the implementation of the eLibrary is **Annex B-3**.) Sixty-five law schools also access the system. (See the 2015 Report of the Supreme Court Library

² A.M. No. 14-09-06-SC. Approval of the Updated Enterprise Information Systems Work Plan and Budget.

³ A.M. No. 04-11-09-SC. Launching of Supreme Court Judicial E-Library and Memorandum of Agreement with e-Library Partners.

Services on the status of the eLibrary, which is **Annex B-4**.) The eLibrary contains the decisions of the Supreme Court, Court of Appeals (up to 2009, but subject to updating), Court of Tax Appeals (up to 2009, but subject to updating), Supreme Court issuances, executive issuances, laws and regulations, treaties and other legal references. The eLibrary will be integrated into the Legal Resource Management System.

Other application systems, including an upgraded financial system that is part of the integrated **Enterprise Resource Planning (ERP) System** are included in the priority list for 2016. An updated financial system will **pave the way for electronic payment of court fees**, which will cut red tape and protect the integrity of public funds by removing human intervention in the assessment and payment of court fees. The Judiciary expects that the national government will provide an additional ₱1.455 billion in the 2016 General Appropriations Act to support the sustained implementation of the EISP.

C. Hustisyeah! Case Decongestion Program: Nationwide, Targeted Implementation in 2016

For 2016, the Judiciary is planning the deployment of **635 specially-trained court decongestion officers** (who are, *at the minimum*, law graduates) to trial court branches and stations across the country with caseloads (or average caseloads, in the case of court stations) of 500 or more, which have been determined to be "overburdened" courts primed for assistance. The Supreme Court *en banc* approved the program in a 21 April 2015 resolution (see **Annex C-1**).

This targeted decongestion program follows the steps taken in *Hustisyeah!*, the court decongestion program piloted in Quezon City courts and is now being implemented in Angeles City, Makati, Pasig, Manila, Cebu City and Davao City. The program, at present, is supported by USAID through The Asia Foundation.

The Hustisyeah! Decongestion Program

The results of *Hustisyeah!* implementation in Quezon City support the expansion of this decongestion program.

In *Hustisyeah!*, volunteer paralegals and lawyers, and Court Management Office personnel go to target courts and do an intensive and methodical inventory of cases. They review the court records to accomplish several goals: to summarize the history of the case, identify grounds for preliminary or permanent dismissal that are apparent on record (e.g. non-prosecution of a case), identify cases that have been unduly delayed and recommend decongestion plans for the target courts.

According to the *Hustisyeah!* Program’s preliminary report, from its launch in July 2013, the caseload of 33 participating courts in Quezon City decreased from the baseline of 32,173 cases to 22,753. This means that almost 30% of the cases targeted were disposed as of December 2014, without considering the inflow of new cases during the same period. (For a breakdown of the results per court, see **Annex C-2**.)

In addition, the average clearance rate of these target courts went up from 113.72% in 2012 to 148% in 2014, which signifies that the number of cases disposed is greater than the number of cases that are filed with or received by the courts in the same period, with an almost 2:1 ratio. These results came in less than 12 months of implementation of *Hustisyeah!*

Nationwide, Targeted Intervention

These evidence of success support our plan to expand the *Hustisyeah!* program’s implementation to trial courts that are in urgent need of intervention to bring down their caseloads.

For the National Capital Region (NCR), the target courts are branches with 500 or bigger caseloads. The number of case decongestion officers (CDOs) is then determined by using the 1:500 CDO to case ratio. For courts outside the NCR, we target multiple-branch courts with *average* caseloads of 500 or above and single-branch stations with caseloads of 500 and up. The same 1:500 ratio is used to determine the number of CDOs to be deployed. Based on these criteria, we determined that 635 CDOs (see **Table 2**) need to be deployed in 119 branches in NCR and 116 branches in the rest of the country. Forty-two CDOs will be assigned in Quezon City alone.

Table 2. Number of Case Decongestion Officers

	Number of Court Decongestion Officers
NCJR -First Level Courts	87
NCJR -Second Level Courts	83
Rest of Philippines - First Level Courts	23
Rest of Philippines - Second Level Courts	442
Total	635

Deliverables of the CDOs

The CDOs will be deployed in a total of 235 trial courts, which together handle 54% of the total caseload in the Philippine trial courts. (See **Figure 1**.)

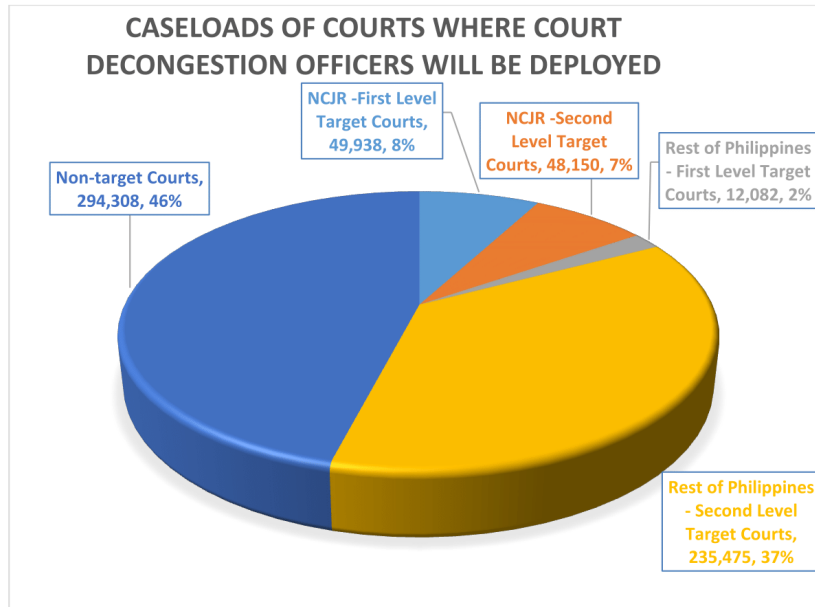


Figure 1

The deployment of CDOs aims to reduce by a minimum of 5% the caseload of the target courts within 12 months from start of deployment. This means that the ending balance after the 12-month period will be 5% less compared to the beginning balance at the start of the program, *even considering the additional cases filed with these courts during the same period.*

The CDOs, working with the judges and existing court staff, are expected to meet this target by performing, among others, the following tasks on which they will undergo special training by experts involved in the *Hustisyaah!* Program:

- organization of cases by typology (per batch) before starting physical inventory;

- conduct of physical inventory of cases;
- consolidation of all case inventories per court;
- preparation of report on delay for civil, criminal and special proceedings;
- preparation of case briefs for the cases;
- monitoring of cases that are for disposal from the dockets; and
- preparation of monthly reports (as to be determined) for submission to the Supreme Court.

**D. Guidelines for Litigation in Quezon City Trial
Courts: Drawing up Red Lines against Trial Delay**

Since 16 April 2012, the trial courts in Quezon City have been implementing stricter and innovative litigation guidelines (**Annex D-1**) for civil and criminal cases (the "Guidelines"). Intended to fast-track case flow and prevent delays, the Guidelines impose stricter rules on motions and pleadings, and postponements, which include among others:

1. **Limitations on pleadings.** Parties can only file pleadings subsequent to the complaint, answer (by respondent) and reply (by complainant), *with prior leave of court*. The Guidelines also limit the length of such subsequent pleadings.
2. **Limitations on motions.** Courts shall only require a comment/opposition to any motion which must be filed within a non-extendible period of five days. Subsequent pleadings like reply, rejoinder or sur-rejoinder are generally prohibited and may only be filed if allowed by the courts. Only one motion for inhibition per party is allowed. A non-compliant or defective motion is immediately denied. The filing of certain motions has been restricted to before pre-trial and is barred thereafter.
3. **Strict rules on and disincentives to postponements.** Courts shall not grant any postponement except for acts of God or *force majeure*. As disincentives against postponements, courts shall charge *escalating* postponement fees and the party responsible for the postponement shall pay the expenses of the other party. In the absence of counsel in a civil case, the court shall proceed with the hearing *ex parte* with no right to cross-examination. The absence of a witness will forfeit the right to present him/her as a witness.
4. **Judicial affidavits instead of oral testimonies on direct examination.** It has been reported that this rule results in cutting trial time by as much as half. It has thus been formalized and rolled out nationwide as the Judicial Affidavit Rule, effective January 1, 2013 (**Annex D-2**).⁴
5. **Clamp down on delay caused by courts themselves.** Lack of transcripts of stenographic notes is not a valid ground to interrupt the mandatory period within which to decide a case.

⁴ A.M. No. 12-8-8-SC *Judicial Affidavit Rule* (4 September 2012)

6. **Enhanced pre-trial process and alternative dispute resolutions.** Courts are required to strictly comply with *Guidelines to be Observed in the Conduct of Pre-Trial (Annex D-3)*. The order setting a case for pre-trial shall include a referral to mandatory mediation hearings, when applicable, or judicial dispute resolution.
7. **Service by private couriers.** Acknowledging the snail-pace of service by registered mail through the Philippine postal system, service through licensed private couriers has been permitted in Quezon City, speeding up service from the average 2-4 weeks to 1-2 days.
8. **Fast-paced Criminal Litigation.** From arraignment to promulgation of decision, the Guidelines impose shorter timelines and thus ensure speedier processing and adjudication of criminal cases which is also the main cause of jail congestion in the country.

In 2013-2014, the American Bar Association-Rule of Law Initiative (ABA-ROLI) conducted a study to gauge the results of the Guidelines in terms of improving case processing time. The study used a random sample of 2,423 disposed cases and 3,022 pending cases to determine the Guideline's impact.

The ABA-ROLI post-pilot study revealed many positive findings, including:

1. **Improvement of court productivity, particularly in 2012-2013, despite consistent or linear trends in workload.** The clearance rates⁵ of the Regional Trial Courts (RTCs) improved from 105% in 2008 to 132% in 2013. The Metropolitan Trial Courts' (MTCs) clearance rates also went up from 109% to 122%, which contributed to the reduction in pending caseload from 29,377 to 17,197 in 2013.
2. **Reduction in the age of disposed cases.** Data gathered by ABA-ROLI showed a significant reduction of 60-69% in the age of disposed cases in majority of case samples across various types of courts. In the case of RTCs, the age of disposed *civil cases* (in terms of number of days) went down from 365 prior to the Guidelines' implementation to 141 days during implementation. For MTCs, it went down from 524 to 194. In RTCs designated as Special Commercial Courts, the age of disposed cases went down from 1013 to 224.

The study found that there is a direct correlation between the age reduction of disposed cases and the reduction in the number of postponements, motions filed, and reduced duration of the pre-trial.

3. **Reduction in the number of postponements.** In the MTCs, the number of postponements in *civil cases* decreased from 1,049 prior to the Guidelines' implementation to 363 during implementation. In RTCs, the postponements went down from 580 to 90. In RTCs designated as Special Commercial Courts, the figure also went down to 41 from 161.
4. **Reduction in the number of motions given due course.** A comparison of the number of motions given due course before and during the Guidelines' implementation also showed a

⁵ Outflow over inflow of cases.

downward trend. In civil cases, the number went down from 220 to 157 in MTCs and from 71 to 60 in RTCs.

5. **Reduction in the time for resolving motions.** It also took less number of days to resolve motions, from 53 to 25 in the MTCs, 36 to 23 in the RTCs and 53 to 36 in RTCs designated as Special Commercial Courts.

Because of the success of the Practice Guidelines in Quezon City, its roll-out nationwide is now being planned in partnership with the Integrated Bar of the Philippines.

E. Small Claims Courts and Small Claims Courts Monitoring System

The Rule of Procedure for Small Claims (the “Rule”) was implemented to provide a speedy, simple and inexpensive means of dispute settlement in cases purely civil in nature, including the civil aspect of criminal actions, where the money claims do not exceed ₱100,000. “To hasten case processes...the [Rule] provides simple forms, dispute settlement procedures and one-hearing rule. The [Rule] simplifies court procedures by not allowing lawyers to represent parties, permitting a more informal hearing akin to a settlement conference, and providing ‘layman-oriented’ forms throughout the process [from filing of an accomplished Statement of Claim form by the plaintiff to the use of forms by the judge in rendering a decision and ordering execution of the judgment]. The [Rule] also feature filing fees which were reduced to the barest minimum and are viewed to be cheaper than any other court filing fees. Further, the Rule prioritizes in-court settlement among parties...”⁶ The Rule is applied by all first-level courts.

In 2014, the ABA-ROLI also conducted a study on the impact of the Rule's implementation. The study involved the use of litigant perception surveys, analysis of 2010-2013 caseload statistics from 51 sample courts and analysis of 2010-2013 data extracted from the **Small Claims Courts Monitoring System (SC2MS)⁷ – an automated reporting tool installed in all first level courts to measure the productivity and utility of the application of the Rule.** (The System Requirement Specifications of the SC2MS is Annex E.)

⁶ American Bar Association Rule of Law Initiative. (2015) *Limited Study on the Application of the Rules of Procedure for Small Claims Cases, as amended, in the Republic of the Philippines.*

⁷ The Small Claims Case Monitoring System (SC2MS) was developed to facilitate the monitoring of the disposition of small claims cases and as a reporting tool to evaluate the effectiveness of the small claims rules and the performance of the first level courts in handling small claims cases. Its development was funded by the USAID through American Bar Association-Rule of Law Initiative. It was initially implemented in pilot courts in the NCJR and Antipolo City and was approved for nationwide roll-out in all first level courts on 06 May 2011. Now installed in first level courts, the SC2MS primarily functions as a repository of small claims case information and statistical data and as a facility to transmit these data from the first level courts to the Office of the Court Administrator.

According to the study, **the Rule has effectively reduced the age of disposed cases from an average of 4-6 months or 120-180 days to a mere 2.1 months or 75 days.** “The use of court-overseen settlement procedures in small claims cases have shortened overall case duration and increased settlement of cases [with 49%⁸ or almost half of disposed small cases resolved through amicable settlement]. Moreover, 94.4% of small claims cases do not have continuances, and 78.2% of cases do not go through hearing re-settings, and hearings do not continue to more than 2 days. The reduction in continuances and resetting may be largely due to the 1-day hearing rule, stricter provisions on postponements...”⁹ The 51 courts sampled were able to dispose as many small claims cases as entered their dockets, “boasting an **overall clearance rate of 104% and a disposition rate of 97% in 2013 based on median caseload figures.**”¹⁰

These positive findings are echoed by the satisfaction level of litigants. Ninety-four percent (94%) of plaintiffs surveyed reported that they were very satisfied or fairly satisfied with the efficiency and effectiveness of small claims procedures; 96% stated that they will use small claims courts again; and 90% will recommend small claims courts to others for settlement of disputes.¹¹

The success of the Rule has resulted in calls to increase the threshold of small claims courts’ jurisdiction to ₱250,000 so that more cases can be covered. However, the ABA-ROLI study cautioned against an abrupt increase in the jurisdictional threshold as this may cause an unmanageable inflow of additional cases, resulting in case docket congestion that may negate the positive impact of the Rule.¹² The study recommended an incremental approach to increasing the jurisdictional value of small claims cases to allow the courts to assess their case carrying capacity.¹³ To cover for inflation from 2009¹⁴ to 2015 and for possible increases in inflation in the next two years after 2015, the study recommended that the threshold be increased to ₱130,000.¹⁵ This proposal is now being deliberated in the Supreme Court.

F. Alternative Dispute Resolution in Courts

Court-Annexed Mediation (CAM)

CAM is conducted under the auspices of the court, where the judge refer the parties to the Philippine Mediation Center Unit (PMCU) for the mandatory mediation of their dispute by

⁸ American Bar Association Rule of Law Initiative. (2015) *Limited Study on the Application of the Rules of Procedure for Small Claims Cases, as amended, in the Republic of the Philippines*, pp.19, 51.

⁹Id., p. 25.

¹⁰Id., p. 50.

¹¹ Id., p. 53

¹² Id., p. 55.

¹³ Id., pp.55-59.

¹⁴ Start of Small Claims Courts implementation.

¹⁵ Id., p. 60.

trained and accredited mediators. If full settlement of the dispute is reached, the parties, assisted by their counsels, draft the compromise agreement which is submitted to the court for judgment upon compromise or other appropriate action.

From 2002 up to February 2015, a total of 305,569 cases were mediated with 192,239 cases settled amicably for a success rate of 63%. (See **Table 3**) The number of cases that go through mediation has been steadily increasing from an annual average of 14,963 in 2002-2008 to an annual average of 28,347 in 2009-2014, an increase of 89%. The number of successfully mediated cases has moved in the same direction – the annual average went up from 9,982 cases in 2002-2008 to 17,252 in 2009-2014, an increase of 73%.

Table 3. CAM Nationwide Statistical Report as of February 2015

YEAR	NO. OF PMC UNITS	NO. OF COURTS COVERED	NO. OF ACCREDITED MEDIATORS	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF BACK TO COURT CASES*	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	SUCCESS RATE
2002	26	442	360	4,118	559	3,559	3,000	84.29%
2003	26	442	360	4,246	1,149	3,097	2,410	77.82%
2004	30	601	309	20,277	12,787	7,490	5,899	78.76%
2005	37	675	483	25,745	14,028	11,717	7,626	65.08%
2006	40	730	524	21,211	8,161	13,050	8,159	62.52%
2007	53	931	628	38,816	18,671	20,145	13,633	67.67%
2008	70	1105	717	62,678	16,994	45,684	29,148	63.80%
2009	97	1380	571	49,702	18,477	31,225	19,406	62.15%
2010	97	1380	571	50,558	16,748	33,810	20,304	60.05%
2011	106	1496	706	49,497	19,777	29,720	18,029	60.66%
2012	107	1540	680	56,498	24,218	32,280	19,266	59.68%
2013	115	1623	704	58,786	18,638	33,556	20,525	61.17%
2014	119	1641	657	64,356	15,082	37,843	23,236	61.40%
2015	119	1641	661	6,704	964	2,393	1,598	66.78%
TOTAL	119	1641	657	513,192	186,253	305,569	192,239	62.91%

Source: Philippine Mediation Center Office, Philippine Judicial Academy

* BACK TO COURT CASES - NO MEDIATION TRANSPIRED FOR THE FOLLOWING REASONS: NON-APPEARANCE OF PARTY/PARTIES; REFUSAL OF PARTY/PARTIES; LACK OF AUTHORITY OF THE PARTIES' REPRESENTATIVES TO ENTER INTO COMPROMISE AGREEMENT; REFERRED CASE NOT MEDIATABLE; AND, NON-PAYMENT OF MEDIATION FEE.

The PMCU in Quezon City has also shown positive performance. From 2007-2015, 62% of all cases that went through mediation were settled amicably. (See **Table 4.**) The success rate has even averaged 67% in the last 5 years (2010-2014).

**Table 4. CAM Statistical Report for Philippine
Mediation Center Unit in Quezon City (as of April 2015)**

YEAR	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	TOTAL NUMBER OF UNSUCCESSFUL MEDIATION	SUCCESS RATE
2007	4,727	3,303	1,539	1,764	46.59%
2008	3,985	1,928	767	1,161	39.78%
2009	4,966	2,805	1,909	896	68.06%
2010	5,012	3,455	2,295	1,160	66.43%
2011	4,018	2,502	1,704	798	68.11%
2012	5,504	2,666	1,693	973	63.50%
2013	4,953	2,406	1,723	683	71.61%
2014	4,550	2,330	1,520	810	65.24%
2015*	769	231	170	61	73.59%
Total	38,484	21,626	13,320	8,306	61.59%

Judicial Dispute Resolution (JDR)

JDR is a process whereby the judge (called the JDR Judge) employs conciliation, mediation or early neutral evaluation in order to settle a case at the pre-trial stage AFTER mediation has failed. In effect, JDR is a second-level of mediation which the Supreme Court saw as an attractive option for litigants versus the norm of protracted trial. In the event the JDR fails, then another judge (called the trial judge) shall proceed to hear and decide the case. From 2004-2015 (see **Table 5**), JDR has been successful in 37% of the failed mediation cases. We expect this figure to go up with the continuous training of judges on JDR.

Table 5. JDR STATISTICAL REPORT AS OF FEBRUARY 2015

YEAR	NO. OF JDR SITES (CLUSTERS)	NO. OF COURTS COVERED	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF BACK TO COURT CASES*	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	SUCCESS RATE
2004	2	101	22		22	15	68.18%
2005	2	101	487		487	205	42.09%
2006	4	166	1,437		1,171	454	38.77%
2007	5	195	6,370	2,388	3,982	1,660	41.69%
2008	6	232	8,569	3,122	5,447	2,010	36.90%
2009	6	232	5,727	2,257	3,470	1,487	42.85%
2010	8	377	6,032	2,298	3,734	1,320	35.35%
2011	9	421	8,140	3,487	4,653	1,924	41.35%
2012	13	636	9,218	4,840	4,378	1,513	34.56%
2013	18	836	15,275	1,088	7,636	2,853	37.36%
2014	40	977	18,091	995	9,672	3,395	35.10%
2015	41	1038	887	36	305	137	44.92%
TOTAL	41	1038	80,255	20,511	44,957	16,973	37.75%

* BACK TO COURT CASES - NO JDR TRANSPIRED DUE TO THE FOLLOWING REASONS: PARTY/PARTIES REFUSED JDR; AND, LACK OF AUTHORITY OF PARTIES' REPRESENTATIVES TO ENTER INTO COMPROMISE AGREEMENT

Appeals Court Mediation (ACM)

The ACM was introduced in 2002, pursuant to an Court *En Banc* Resolution in Administrative Matter No. 02-2-17 PHILJA. The program provided an alternative to costly and long drawn litigation in the appellate courts. The parties on appeal were provided an option to refer the resolution of their dispute to mediation. From 2005-2015, ACM has shown a success rate of 33%, which is a good figure considering that these cases are already in the appeal stage.

Table 6. ACM STATISTICAL REPORT AS OF FEBRUARY 2015

YEAR	NO. OF ACM UNITS	NO. OF DIVISIONS COVERED	NO. OF ACM MEDIATORS	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF BACK TO COURT CASES*	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	SUCCESS RATE
2005	1	17	81	1		0	0	0
2006	1	17	81	3		2	1	50.00%
2007	1	17	81	23		18	7	38.89%
2008	1	17	81	161	79	82	30	36.59%
2009	2	20	81	391	183	208	70	33.65%
2010	2	20	71	748	356	392	141	35.97%
2011	2	20	77	1,106	765	341	111	32.55%
2012	3	23	79	1,238	491	747	231	30.92%
2013	3	23	93	1,400	600	606	213	35.15%
2014	3	23	93	1,171	437	494	154	31.17%
2015	3	23	93	164	7	8	3	37.50%
TOTAL	3	23	93	6,406	2,918	2,898	961	33.16%

* BACK TO COURT CASES - NO MEDIATION TRANSPIRED FOR THE FOLLOWING REASONS: NON-APPEARANCE OF PARTY/PARTIES; REFUSAL OF PARTY/PARTIES; LACK OF AUTHORITY OF THE PARTIES' REPRESENTATIVES TO ENTER INTO COMPROMISE AGREEMENT; REFERRED CASE NOT MEDIATABLE; AND, NON-PAYMENT OF MEDIATION FEE.

Mobile Court-Annexed Mediation (MCAM)

MCAM is an innovation in line with the objectives of the Action Program for Judicial Reform (APJR) and the Enhanced Justice on Wheels Project (EJOW), particularly, the decongestion of court dockets and the enhancement of access to justice. In line with the aim of the program to spread the benefits of mediation and improve the physical access to court services, especially by the marginalized citizens, buses were transformed into mediation rooms. Under this set up, each bus was considered as a mobile PMC Unit where the mediators conducted the mediation proceedings whenever the buses were deployed in areas where there are no mediation centers. From 2007-2015, the MCAM has shown an average success rate of over 90% (see Table 7).

Table 7. MCAM STATISTICAL REPORT AS OF FEBRUARY 2015

YEAR	NO. OF COURTS COVERED	NO. OF MCAM MEDIATORS	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF BACK TO COURT CASES*	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	SUCCESS RATE
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YEAR	NO. OF COURTS COVERED	NO. OF MCAM MEDIATORS	TOTAL NUMBER OF CASES REFERRED	TOTAL NUMBER OF BACK TO COURT CASES*	TOTAL NUMBER OF CASES MEDIATED	TOTAL NUMBER OF SUCCESSFUL MEDIATION	SUCCESS RATE
2007	3	7	1,107	347	760	667	87.76%
2008	26	5	7,408	2,813	4,595	4,187	91.12%
2009	34	5	3,364	1,159	2,205	2,023	91.75%
2010	22	5	1,380	548	832	773	92.91%
2011	22	5	1,890	938	952	886	93.07%
2012	22	7	2,119	958	1,161	993	85.53%
2013	18	7	1,445	599	512	473	92.38%
2014	18	7	1,584	449	684	625	91.37%
2015	18	7	184	40	77	74	96.10%
TOTAL	18	7	20,481	7,851	11,778	10,701	90.86%

Litigation Guidelines in QC



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **FEBRUARY 21, 2012**, which reads as follows:

"A.M. No. 11-6-10-SC (Re: Guidelines for Litigation in Quezon City Trial Courts).- The Court Resolved to **APPROVE** the Guidelines for Litigation in Quezon City Trial Courts, to wit:

GUIDELINES FOR LITIGATION IN QUEZON CITY TRIAL COURTS

To test the practicability and feasibility of the proposed guidelines, the Quezon City Trial Courts shall uniformly and consistently apply and enforce these Guidelines from their date of effectivity, and all who practice before Quezon City Trial Courts shall observe and comply with them.

A. Guidelines Common to Criminal and Civil Cases, including Special Proceedings and Land Registration Cases

1. *Limitation on pleadings.* – Parties may file pleadings subsequent to the complaint, answer and reply, regarding any incident in a pending case, only upon prior leave of court, and in no case to exceed 40 pages in length, double-spaced, using size 14 font.

2. *Motions.* – (a) Motions that do not conform with the requirements of Rule 15 of the Rules of Court are scraps of paper that do not merit the court's consideration. The branch clerk of court shall inform the judge of non-compliant motions. The court shall then immediately issue a final order declaring the motion a mere scrap of paper unworthy of any further court action, without necessity of a hearing or comment from the adverse party.

(b) Courts shall require only a comment or opposition to any motion, which shall be filed within an inextendible period of 5 days. Thereafter, the

Go

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motion shall be submitted for resolution by the court. Unless allowed, the filing of a reply, rejoinder, or sur-rejoinder is hereby prohibited.

3. *Notice and service of processes through private couriers.* – (a) There shall be presumptive notice to a party of a court setting if such notice appears on the record to have been mailed at least 20 days prior to the scheduled date of hearing if the addressee is from within the National Capital Region, or at least 30 days if the addressee is from outside the National Capital Region.

(b) A party may opt to avail of private couriers for the service of pleadings, motions and other submissions. Proof of service in such case shall either be a sworn certification or affidavit of service from the courier specifically referring to the date of service and the corresponding tracking number for the mail matter.

4. *Postponements.* – (a) Judges shall not grant any postponement except for acts of God or *force majeure*.

(b) No motion for postponement, whether written or oral, shall be acted upon by the court unless accompanied by the original official receipt from the Office of the Clerk of Court of Quezon City evidencing payment of the postponement fee.

(c) In civil cases, in the absence of counsel, the court shall proceed with the hearing *ex parte* with no right to cross-examination. If it is the witness who is absent, the presentation of such witness shall be declared waived.

In criminal cases, in the absence of counsel *de parte*, the hearing shall proceed upon appointment by the court of a counsel *de officio*. If it is the witness who is absent, the presentation of such witness shall be declared waived.

In either case, if the scheduled hearing is unable to proceed due to such absence, the court shall require the absent counsel and/or party to pay the expenses of the present party or witness for appearing in court on that date.

5. *Calendar call.* – Courts shall call the calendar at exactly 8:30 a.m. or 2:00 p.m., as the case may be, to determine which cases are ready to proceed. No second call shall be made except only of those cases where both parties have manifested their readiness to proceed. The remaining time after the first call shall be divided equally among the ready cases to ensure that all will be heard on that day.

Oral offer of evidence. – The offer of evidence, the comment thereon, and the court ruling shall be made orally. A party is required to make his oral offer of evidence on the same as the presentation of his last witness, and the opposing party is required to immediately interpose his objection thereto. Thereafter, the judge shall make the ruling on the offer of evidence in open court.

In making the offer, the counsel shall cite the specific page numbers of the court record where the exhibits being offered are found if attached thereto. The court shall always ensure that all exhibits offered are submitted to the court on the same day.

If the exhibits are not attached to the record, the party making the offer must submit the same during the offer of evidence in open court.

Lack of transcripts of stenographic notes. – Incomplete or missing transcripts of stenographic notes is not a valid reason to interrupt or suspend the mandatory period for deciding a case. Judges who conducted the trial in a case and heard the testimonies of some or all of the witnesses shall not defer the submission of the case for judgment on this ground. In cases where the case was heard completely by another judge, the new judge tasked to write the decision shall be given 60 days from assumption to office to require the completion of transcripts before the case is deemed submitted for decision.

Consolidations. – (a) Consolidation of cases shall only be allowed if both or all of the cases sought to be consolidated have not yet passed the pre-trial or preliminary conference stage.

(b) In cases involving multiple accused where a later information is filed involving an accused who was subjected to further investigation by the Office of the City Prosecutor of Quezon City, over an incident which has the same subject matter as a prior Information/s against different accused, the later case when filed under cover of a motion for consolidation from the OCP-QC shall no longer be raffled, but shall be assigned directly to the court where the earlier cases are pending. If the earlier cases are already at the trial stage and witnesses have been presented by the prosecution, the prosecution shall be allowed to merely adopt the evidence so far presented against the new accused, subject to the latter's right to cross-examine the said witnesses.

(c) In civil cases, consolidation shall be granted only if there is identity of parties and issues in the affected cases.

Inhibitions. – Each party shall only be allowed to file one motion for inhibition in any case strictly on grounds provided for under Rule 137 of the Rules of Court.

10. *Memoranda.* – (a) After completion of trial, the court shall require the parties to submit their memoranda which shall not exceed 25 pages in length, single-spaced, on legal size paper, using size 14 font.

11. *Free legal assistance.* – If a party fails to qualify for the services of the Public Attorney's Office, the Integrated Bar of the Philippines Quezon City Chapter shall provide free legal assistance to the said party. For this purpose, the IBP-QC Chapter shall submit to the Executive Judges of the Quezon City trial courts, a list of IBP-QC lawyers who may be appointed by the courts to act as counsel *de officio* in such cases. The lists shall be disseminated among all the trial courts in the station.

B. Guidelines for Civil Cases

Mediation, judicial dispute resolution, preliminary conference as mandatory parts of pre-trial. – The order setting the case for pre-trial shall also include (a) a referral to the PMC for mandatory mediation proceedings in cases covered by the rule, and/or (b) a setting for judicial dispute resolution, as well as (c) a preliminary conference before the Branch Clerk of Court. The pre-trial proper before the court must take place only after all the foregoing shall have been completed.

The court shall strictly impose sanctions for non-appearance during mediation, judicial dispute resolution, and/or preliminary conference before the Branch Clerk as these are mandatory parts of pre-trial.

Courts must strictly comply with the Guidelines to be Observed in the Conduct of Pre-Trial under A.M. No. 03-1-09-SC.

12. *Motions relating to pre-trial matters.* – (a) Motions relating to the following pre-trial matters shall be filed before the scheduled date of pre-trial, otherwise they shall be barred:

- i. Summary judgment and judgment on the pleadings
- ii. Amendments to pleadings, including the adding or dropping of parties
- iii. Suspension of proceedings
- iv. Dismissals under Rule 16, save for lack of jurisdiction over the subject matter of the case

(b) The courts must resolve said motions not later than 30 days after submission. Pre-trial proper shall only be conducted after such resolution.

13. *Affidavits in lieu of direct testimony.* – (a) The direct examination of all witnesses shall be presented through Affidavits, preferably in question-

and-answer format. Paragraphs shall be consecutively numbered for facility of reference.

(b) The Affidavits shall take the place of the witness' direct examination and no additional oral direct testimony shall be allowed by the court save for the witness' identification and confirmation of his Affidavit and its marking. The failure to submit such Affidavits on the date they are required to be submitted shall amount to a waiver of such submission and of the presentation of the witness/es concerned.

(c) The party presenting the Affidavit shall serve a copy of the same on the adverse counsel and the court not later than five days before the scheduled pre-trial. He shall also attach thereto copies of all documents identified and referred to by the witness in the Affidavit which are intended to be marked in evidence.

(d) Cross-examination shall be conducted immediately after the confirmation of the Affidavit, and the testimony of the witness shall be completed on the same setting.

Execution in appealed ejectment cases. – In ejectment cases brought to the Regional Trial Court on appeal, where the latter's decision has already become final and executory, a motion for execution of said decision shall be filed only with and resolved by the Metropolitan Trial Court which originally heard the case.

C. Guidelines for Criminal Cases

Schedule of arraignment. – (a) The arraignment shall be set within seven days from receipt by the court of the case, for detained accused, and within 20 days from receipt by the court of the case, for non-detained accused.

(b) The court must set the arraignment of the accused in the commitment order, in the case of detained accused, or in the order of approval of bail, in any other case.

For this purpose, where the Executive Judges and Pairing Judges act on bail applications of cases assigned to other courts, they shall coordinate with the courts to which the cases are actually assigned for scheduling purposes.

(c) Notice of arraignment shall be sent to the private complainant or complaining law enforcement agent for purposes of plea bargaining, pursuant to Rule 116, Section 1 (f) of the Rules of Court.

2. *Suspension of arraignment.* – Courts shall strictly observe the general rule that there shall be no suspension of arraignment except for any of the three grounds stated in Rule 116, Section 11 of the Rules of Court.

(a) In case of suspension of arraignment by reason of a pending petition for review with the DOJ, no court shall allow a suspension beyond 60 days. In granting motions on this ground, the court shall already set the arraignment on the 61st day from the date of filing of the petition with the DOJ, or the nearest available trial date thereafter.

(b) A motion for preliminary investigation shall only be granted where the accused was made subject to inquest proceedings, pursuant to Rule 112, Section 7 of the Rules of Court.

(c) In cases where a motion for preliminary investigation or re-investigation is granted by the court, the Office of the City Prosecutor of Quezon City shall complete the preliminary investigation or re-investigation, as the case may be, and submit its resolution to the court within 60 days from receipt of the order granting the motion for preliminary investigation or re-investigation. Upon lapse of the 60-day period without a resolution on the preliminary investigation or re-investigation, the court shall proceed with the arraignment of the accused. In the order granting the motion for preliminary investigation or re-investigation, the court shall already set the arraignment of the accused.

(d) The court shall not allow the deferment of arraignment on ground of absence of counsel *de parte* for the accused if a prior postponement for the same reason has been granted and both accused and counsel are duly notified of the arraignment. In such instances, the court shall appoint a counsel *de officio* to assist the accused for arraignment purposes only.

3. *Waiver of reading of the information.* – The court, upon personal examination of the accused, may allow a waiver of the reading of the information upon the express understanding and intelligent consent of the accused and his counsel, which consent shall be evidenced in both the minutes/certificate of arraignment and the order of arraignment. The court shall ensure the accused's full understanding of the consequences of the waiver before approving the same.

4. *Petitions for bail.* – Except in complex cases involving multiple accused and multiple offended parties, an application for bail shall be heard and resolved within 60 days from the date of the first hearing, and consistent with the rules, summary in nature, preferably requiring the submission by the prosecution of the affidavits of its witnesses with right of cross-examination by the defense.

Pre-trial. – (a) The court shall schedule the arraignment and pre-trial on the same date in all cases, except in cases which require mediation and/or judicial dispute resolution. The pre-trial proper in the latter cases must be scheduled immediately upon conclusion of mediation and/or judicial dispute resolution.

(b) If the arraignment and pre-trial will be conducted on separate dates, the setting of pre-trial and trial dates must be made during the arraignment.

(c) The order setting the case for pre-trial shall also include (a) a referral to the PMC for mandatory mediation proceedings in cases covered by the rule, and/or (b) a setting for judicial dispute resolution, as well as (c) a preliminary conference before the Branch Clerk of Court, pursuant to A.M. No. 03-1-09-SC. The pre-trial proper before the court must take place only after all the foregoing shall have been completed.

(d) The court shall proceed with pre-trial despite the absence of the accused and/or private complainant provided they were duly notified of the same.

(e) Courts must strictly comply with the Guidelines to be Observed in the Conduct of Pre-Trial under A.M. No. 03-1-09-SC.

6. *Affidavits in lieu of direct testimony.* – (a) As a rule, testimony of witnesses in criminal cases shall be given orally in open court, except (a.1) when the parties agree to submit affidavits in lieu of oral testimony; and (a.2) to prove the civil liability.

(b) The Affidavits so submitted shall take the place of the witness' direct examination and additional oral direct testimony shall be allowed only upon the court's sound discretion. The failure to submit Affidavits on the date they are required to be submitted shall amount to a waiver of such submission and of the presentation of the witness/es concerned.

(c) The party presenting the Affidavit shall serve a copy of the same on the adverse counsel and the court not later than five days before the scheduled pre-trial. He shall also attach thereto copies of all documents identified and referred to by the witness in the Affidavit which are intended to be marked in evidence.

(d) Cross-examination shall be conducted immediately after the confirmation of the Affidavit, and the testimony of the witness shall be completed on the same setting.

(e) Expert testimony shall always be given orally.

Demurrer and submission of case for decision. – (a) Once the prosecution rests its case, the court must inquire from the accused whether he will file a demurrer to evidence or he will no longer present evidence, and then act accordingly.

(b) When the defense rests its case, unless the prosecution expressly moves to present rebuttal evidence, the court shall require the parties to submit their memoranda and in the same order, schedule the date of promulgation of the judgment, within the period required by the law or the rules.

Private prosecutors. – In cases where the civil liability is being prosecuted by a private counsel, a written authority from the Office of the City Prosecutor of Quezon City in favor of the Private Prosecutor, to try the case even in the absence of the Public Prosecutor, must be submitted to the court no later than the pre-trial stage.

With this authority on record, the court may set trial in this case and other cases being tried by Private Prosecutors with delegated authority, on a separate day when the presence of the Public Prosecutor may be dispensed with.

D. Applicability of the Guidelines

These Guidelines shall apply to all newly filed cases, as well as pending cases where trial has not started yet, whether or not the pre-trial has been concluded.

For pending cases where trial has already commenced, where the parties consent to the application of the Guidelines for the remainder of the case proceedings, the Guidelines shall be applied by the court to that case as well.

E. Monitoring and Evaluation

(a) The application of and adherence to these Guidelines shall be subject to periodic monitoring by the Committee and its technical support staff.

For this purpose, Quezon City Trial Courts shall accomplish and submit a periodic report of data on a form to be generated and distributed by the Committee. Training in the use of the form shall be done by the Committee's technical support staff.


(b) The project shall be subject to quarterly reviews by the Committee. At the end of the 6th month from such date of effectivity, the Committee shall prepare a Mid-Term Report on the project for submission to the Supreme Court, and at the end of the 12th month from such date of effectivity, the Committee shall prepare and submit a Final Report on the project to the Supreme Court.

Effectivity

These Guidelines shall take effect on April 16, 2012, after its publication for two consecutive weeks in two newspapers of general circulation in the country and after posting for one month at all floors of the Hall of Justice of Quezon City, including at the Offices of the Clerks of Court of the Regional Trial Court and the Metropolitan Trial Court.”

Velasco, Jr., J., on official business. Brion and Del Castillo, JJ., on leave. (adv41)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

Hon. Jose Midas P. Marquez (x)
Court Administrator and Chairperson
The Ad Hoc Committee
Supreme Court

Deputy Court Administrators
Hon. Raul B. Villanueva (x)
Hon. Antonio M. Eugenio, Jr. (x)
Assistant Court Administrators
Hon. Thelma C. Bahia (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Supreme Court

The Executive Judge (reg)
Regional Trial Court, Quezon City

The Executive Judge (reg)
Metropolitan Trial Court, Quezon City

A.M. No. 11-6-10-SC
022112 [adv41] 30112 woR

Hon. Lucas P. Bersamin (x)
Associate Justice and Working Chairperson
Committee on Revision of the Rules of Court (x)
Office of the Chief Justice
Supreme Court

Atty. Caridad A. Pabello (x)
Chief, Office of Administrative Services
Atty. Lilian Barribal-Co (x)
Chief, Financial Management Office
Atty. Marina B. Ching (x)
Chief, Court Management Office
Atty. Wilhelmina D. Geronga (x)
Chief, Legal Office
OCA, Supreme Court

Office of the Court Administrator (x)
Supreme Court
(for circulation)

Judicial Affidavit Rule (A.M. NO. 12-8-8-SC)



Republic of the Philippines Supreme Court Manila

A.M. No. 12-8-8-SC JUDICIAL AFFIDAVIT RULE

Whereas, case congestion and delays plague most courts in cities, given the huge volume of cases filed each year and the slow and cumbersome adversarial system that the judiciary has in place;

Whereas, about 40% of criminal cases are dismissed annually owing to the fact that complainants simply give up coming to court after repeated postponements;

Whereas, few foreign businessmen make long-term investments in the Philippines because its courts are unable to provide ample and speedy protection to their investments, keeping its people poor;

Whereas, in order to reduce the time needed for completing the testimonies of witnesses in cases under litigation, on February 21, 2012 the Supreme Court approved for piloting by trial courts in Quezon City the compulsory use of judicial affidavits in place of the direct testimonies of witnesses;

Whereas, it is reported that such piloting has quickly resulted in reducing by about two-thirds the time used for presenting the testimonies of witnesses, thus speeding up the hearing and adjudication of cases;

Whereas, the Supreme Court Committee on the Revision of the Rules of Court, headed by Senior Associate Justice Antonio T. Carpio, and the Sub-Committee on the Revision of the Rules on Civil Procedure, headed by Associate Justice Roberto A. Abad, have recommended for adoption a Judicial Affidavit Rule that will replicate nationwide the success of the Quezon City experience in the use of judicial affidavits; and

Whereas, the Supreme Court En Banc finds merit in the recommendation;

NOW, THEREFORE, the Supreme Court En Banc hereby issues and promulgates the following:

Section 1. *Scope.* - (a) This Rule shall apply to all actions, proceedings, and incidents requiring the reception of evidence before:

(1) The Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, the Municipal Circuit Trial Courts, and the Shari'a Circuit Courts but shall not apply to small claims cases under A.M. 08-8-7-SC;

(2) The Regional Trial Courts and the Shari'a District Courts;

(3) The Sandiganbayan, the Court of Tax Appeals, the Court of Appeals, and the Shari'a Appellate Courts;

(4) The investigating officers and bodies authorized by the Supreme Court to receive evidence, including the Integrated Bar of the Philippine (IBP); and

(5) The special courts and quasi-judicial bodies, whose rules of procedure are subject to disapproval of the Supreme Court, insofar as their existing rules of procedure contravene the provisions of this Rule.¹

(b) For the purpose of brevity, the above courts, quasi-judicial bodies, or investigating officers shall be uniformly referred to here as the "court."

Sec. 2. *Submission of Judicial Affidavits and Exhibits in lieu of direct testimonies.* - (a) The parties shall file with the court and serve on the adverse party, personally or by licensed courier service, not later than five days before pre-trial or preliminary conference or the scheduled hearing with respect to motions and incidents, the following:

(1) The judicial affidavits of their witnesses, which shall take the place of such witnesses' direct testimonies; and

(2) The parties' documentary or object evidence, if any, which shall be attached to the judicial affidavits and marked as Exhibits A, B, C, and so on in the case of the complainant or the plaintiff, and as Exhibits 1, 2, 3, and so on in the case of the respondent or the defendant.

(b) Should a party or a witness desire to keep the original document or object evidence in his possession, he may, after the same has been identified, marked as exhibit, and authenticated, warrant in his judicial affidavit that the copy or reproduction attached to such affidavit is a faithful copy or reproduction of that original. In addition, the party or witness shall bring the original document or object evidence for comparison during the preliminary conference with the attached copy, reproduction, or pictures, failing which the latter shall not be admitted.

¹ By virtue of the Supreme Court's authority under Section 5 (5), Article VIII, of the 1987 Constitution to disapprove rules of procedure of special courts and quasi-judicial bodies.

This is without prejudice to the introduction of secondary evidence in place of the original when allowed by existing rules.

Sec. 3. *Contents of Judicial Affidavit.* - A judicial affidavit shall be prepared in the language known to the witness and, if not in English or Filipino, accompanied by a translation in English or Filipino, and shall contain the following:

(a) The name, age, residence or business address, and occupation of the witness;

(b) The name and address of the lawyer who conducts or supervises the examination of the witness and the place where the examination is being held;

(c) A statement that the witness is answering the questions asked of him, fully conscious that he does so under oath, and that he may face criminal liability for false testimony or perjury;

(d) Questions asked of the witness and his corresponding answers, consecutively numbered, that:

(1) Show the circumstances under which the witness acquired the facts upon which he testifies;

(2) Elicit from him those facts which are relevant to the issues that the case presents; and

(3) Identify the attached documentary and object evidence and establish their authenticity in accordance with the Rules of Court;

(e) The signature of the witness over his printed name; and

(f) A jurat with the signature of the notary public who administers the oath or an officer who is authorized by law to administer the same.

Sec. 4. *Sworn attestation of the lawyer.* - (a) The judicial affidavit shall contain a sworn attestation at the end, executed by the lawyer who conducted or supervised the examination of the witness, to the effect that:

(1) He faithfully recorded or caused to be recorded the questions he asked and the corresponding answers that the witness gave; and

(2) Neither he nor any other person then present or assisting him coached the witness regarding the latter's answers.

(b) A false attestation shall subject the lawyer mentioned to disciplinary action, including disbarment.

Sec. 5. *Subpoena.* – If the government employee or official, or the requested witness, who is neither the witness of the adverse party nor a hostile witness, unjustifiably declines to execute a judicial affidavit or refuses without just cause to make the relevant books, documents, or other things under his control available for copying, authentication, and eventual production in court, the requesting party may avail himself of the issuance of a subpoena *ad testificandum* or *duces tecum* under Rule 21 of the Rules of Court. The rules governing the issuance of a subpoena to the witness in this case shall be the same as when taking his deposition except that the taking of a judicial affidavit shall be understood to be *ex parte*.

Sec. 6. *Offer of and objections to testimony in judicial affidavit.* – The party presenting the judicial affidavit of his witness in place of direct testimony shall state the purpose of such testimony at the start of the presentation of the witness. The adverse party may move to disqualify the witness or to strike out his affidavit or any of the answers found in it on ground of inadmissibility. The court shall promptly rule on the motion and, if granted, shall cause the marking of any excluded answer by placing it in brackets under the initials of an authorized court personnel, without prejudice to a tender of excluded evidence under Section 40 of Rule 132 of the Rules of Court.

Sec. 7. *Examination of the witness on his judicial affidavit.* – The adverse party shall have the right to cross-examine the witness on his judicial affidavit and on the exhibits attached to the same. The party who presents the witness may also examine him as on re-direct. In every case, the court shall take active part in examining the witness to determine his credibility as well as the truth of his testimony and to elicit the answers that it needs for resolving the issues.

Sec. 8. *Oral offer of and objections to exhibits.* – (a) Upon the termination of the testimony of his last witness, a party shall immediately make an oral offer of evidence of his documentary or object exhibits, piece by piece, in their chronological order, stating the purpose or purposes for which he offers the particular exhibit.

(b) After each piece of exhibit is offered, the adverse party shall state the legal ground for his objection, if any, to its admission, and the court shall immediately make its ruling respecting that exhibit.

(c) Since the documentary or object exhibits form part of the judicial affidavits that describe and authenticate them, it is sufficient that such exhibits are simply cited by their markings during the offers, the objections, and the rulings, dispensing with the description of each exhibit.

Sec. 9. *Application of rule to criminal actions.* - (a) This rule shall apply to all criminal actions:

- (1) Where the maximum of the imposable penalty does not exceed six years;
- (2) Where the accused agrees to the use of judicial affidavits, irrespective of the penalty involved; or
- (3) With respect to the civil aspect of the actions, whatever the penalties involved are.

(b) The prosecution shall submit the judicial affidavits of its witnesses not later than five days before the pre-trial, serving copies of the same upon the accused. The complainant or public prosecutor shall attach to the affidavits such documentary or object evidence as he may have, marking them as Exhibits A, B, C, and so on. No further judicial affidavit, documentary, or object evidence shall be admitted at the trial.

(c) If the accused desires to be heard on his defense after receipt of the judicial affidavits of the prosecution, he shall have the option to submit his judicial affidavit as well as those of his witnesses to the court within ten days from receipt of such affidavits and serve a copy of each on the public and private prosecutor, including his documentary and object evidence previously marked as Exhibits 1, 2, 3, and so on. These affidavits shall serve as direct testimonies of the accused and his witnesses when they appear before the court to testify.

Sec. 10. *Effect of non-compliance with the Judicial Affidavit Rule.* - (a) A party who fails to submit the required judicial affidavits and exhibits on time shall be deemed to have waived their submission. The court may, however, allow only once the late submission of the same provided, the delay is for a valid reason, would not unduly prejudice the opposing party, and the defaulting party pays a fine of not less than P1,000.00 nor more than P5,000.00, at the discretion of the court.

(b) The court shall not consider the affidavit of any witness who fails to appear at the scheduled hearing of the case as required. Counsel who fails to appear without valid cause despite notice shall be deemed to have waived his client's right to confront by cross-examination the witnesses there present.

(c) The court shall not admit as evidence judicial affidavits that do not conform to the content requirements of Section 3 and the attestation requirement of Section 4 above. The court may, however, allow only once the subsequent submission of the compliant replacement affidavits before the hearing or trial provided the delay is for a valid reason and

would not unduly prejudice the opposing party and provided further, that public or private counsel responsible for their preparation and submission pays a fine of not less than P1,000.00 nor more than P5,000.00, at the discretion of the court.

Sec. 11. *Repeal or modification of inconsistent rules.* – The provisions of the Rules of Court and the rules of procedure governing investigating officers and bodies authorized by the Supreme Court to receive evidence are repealed or modified insofar as these are inconsistent with the provisions of this Rule.

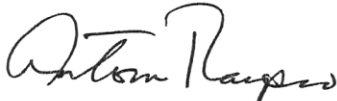
The rules of procedure governing quasi-judicial bodies inconsistent herewith are hereby disapproved.

Sec. 12. *Effectivity.* – This rule shall take effect on January 1, 2013 following its publication in two newspapers of general circulation not later than September 15, 2012. It shall also apply to existing cases.

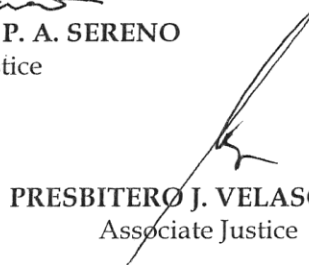
Manila, September 4, 2012.




MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice




PRESBITERO J. VELASCO, JR.
Associate Justice



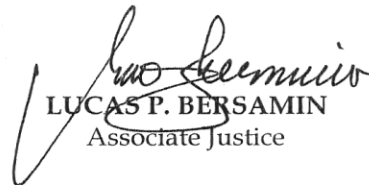
TERESITA J. LEONARDO-
DE CASTRO
Associate Justice




ARTURO D. BRION
Associate Justice



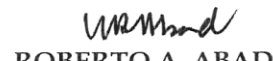
DIOSDADO M. PERALTA
Associate Justice




LUCAS P. BERSAMIN
Associate Justice

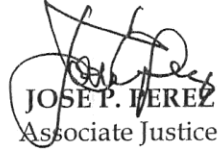


MARIANO C. DEL CASTILLO
Associate Justice

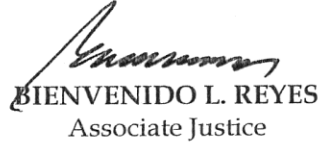


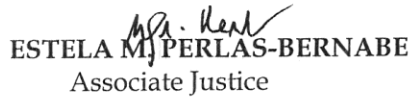
ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE P. PEREZ
Associate Justice


JOSE C. MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

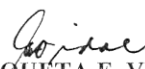
Sirs/Mesdames:

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

“A.M. No. 12-8-8-SC (Judicial Affidavit Rule). – Acting on the recommendation of the Chairman of the Chief Justice Committee to Address Case Congestion and Delays, the Court resolves to **EXTEND** for another year, ending on 31 December 2014, the modified public prosecutors’ compliance with the provisions of the Judicial Affidavit Rule insofar as the prosecution of criminal cases is concerned. The Court enjoins the National Prosecution Service of the Department of Justice and the Prosecutors’ League of the Philippines to work closely with the Supreme Court Sub-Committee on the Revision of the Rules of Criminal Procedure, headed by Associate Justice Diosdado M. Peralta, in developing comprehensive and truly meaningful changes that will minimize the problems of delay in the criminal justice system.

Let the Office of the Court Administrator and the Public Information Office be furnished with copy of this resolution for circulation.” (adv46)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court *mqr*

46

Court Administrator
Hon. Jose Midas P. Marquez (x)
Deputy Court Administrators
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Thelma C. Bahia (x)
Supreme Court

Atty. Caridad A. Pabello (x)
Chief, Office of the Administrative Services
Atty. Lilian Barribal-Co (x)
Chief, Financial Management Office
Atty. Marina B. Ching (x)
Chief, Court Management Office
Atty. Wilhelmina D. Geronga (x)
Chief, Legal Office
OCA, Supreme Court

Hon. Theodore Te (x)
Assistant Court Administrator and
Chief, Public Information Office

Honorable Maria Lourdes P.A. Sereno (x)
Chief Justice & Chairperson
Committee on the Revision of the Rules of Court
Supreme Court

Hon. Disodado M. Peralta (x)
Associate Justice and Chairperson
Sub-Committee on the Revision of the Rules
on Criminal Procedure
Supreme Court

Hon. Roberto A. Abad (x)
Associate Justice and Chairperson
Sub-Committee on the Revision of the Rules
on Civil Procedure
Supreme Court

Honorable Leila M. De Lima (x)
Secretary
Department of Justice
Manila

Prosecutors' League of the Philippines (x)
Department of Justice
Room 132, Ground Floor, Mezzanine
P. Faura St., Ermita, Manila

Prosecutor Jaime L. Umpa (x)
Regional Prosecutor, Region X
and President
Prosecutors' League of the Philippines
Department of Justice
Room 132, Ground Floor, Mezzanine
P. Faura St., Ermita, Manila

A.M. No. 12-8-8-SC
wmd 12/10/13 (adv46) 12/26/13





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 8, 2013, which reads as follows:

“A.M. No. 12-8-8-SC (Judicial Affidavit Rule). – Acting on the petition of the Prosecutors’ League of the Philippines dated 12 December 2012 for the deferment of the effectivity of the Judicial Affidavit Rule insofar as the prosecution of criminal cases is concerned, the Court resolves not to defer the effectivity of the Rule in such cases but instead to modify the public prosecutors’ compliance with its provisions for a period of one year, from 1 January to 31 December 2013; as follows:

1. The public prosecutors shall use, for the purpose of complying with the Judicial Affidavit Rule in the first and second level courts during the one-year period, the sworn statements that the complainant and his or her witnesses submit during the initiation of the criminal action before the office of the public prosecutor or directly before the trial court. In such cases, the attending public prosecutor shall, when presenting the witness, require him or her to affirm the truth of what the sworn statement contains and ask the witness only those additional direct examination questions that have not been amply covered by the sworn statement.

2. The one-year modified compliance here granted shall not apply where the complainant is represented by private prosecutor duly empowered in accordance with the Rules of Court to appear in court and prosecute the case. The private prosecutor shall be charged in the applicable cases with the duty to prepare the required judicial affidavits of the complainant and his or her witnesses and cause the service of copies of the same upon the accused.

3. The Court expects the public prosecutors in both the first and second level courts to take steps during the one-year modified compliance period (i) to seek the needed augmentation of their ranks; and (ii) to develop


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methods and systems that would enable them to fully comply with the requirements of the Judicial Affidavit Rule when the modified compliance period ends. The Court notes that 80% of the backlog in the first and second level courts involve criminal cases, and that delays in those cases are caused mainly by lack of prosecutors, absence of prosecution witnesses, and lack of PAO lawyers.

4. The judicial affidavit rule shall remain in full force and effect in all other cases and situations not covered by this resolution.

This resolution shall take effect immediately.”

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

Resolution

-3-

A.M. No 12-8-8-SC
January 8, 2013

Court Administrator
Hon. Jose Midas P. Marquez (x)
Deputy Court Administrators
Hon. Raul B. Villanueva (x)
Hon. Antonio M. Eugenio, Jr. (x)
Assistant Court Administrators
Hon. Thelma C. Bahia (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Supreme Court

Atty. Caridad A. Pabello (x)
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Atty. Marina B. Ching (x)
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Chief, Legal Office
OCA, Supreme Court

Honorable Leila M. De Lima (x)
Secretary
Department of Justice
Manila

Prosecutors' League of the Philippines (x)
Department of Justice
Room 132, Ground Floor, Mezzanine
P. Faura St., Ermita, Manila

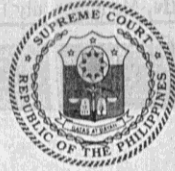
Prosecutor Jaime L. Umpa (x)
Regional Prosecutor, Region X
and President
Prosecutors' League of the Philippines
Department of Justice
Room 132, Ground Floor, Mezzanine
P. Faura St., Ermita, Manila

A.M. No. 12-8-8-SC
nmr/1813[SEE RES]



Guidelines to be Observed in Pre-Trial (A.M. NO. 03-1-09-SC)

Manila Bulletin, Monday, July 19, 2004, p.4



Republic of the Philippines Supreme Court Manila

A.M. No. 03-1-09-SC

RE: PROPOSED RULE ON GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF DEPOSITION-DISCOVERY MEASURES

RESOLUTION

Acting on the recommendation of the Chairman of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures, the Court Resolved to **APPROVE** the same. The said Rule is hereto attached as an integral part of this Resolution.

The Rule shall take effect on August 16, 2004 following its publication in a newspaper of general circulation not later than July 30, 2004.

H. G. Davide, Jr.
HILARIO G. DAVIDE, JR.
Chief Justice

Reynato S. Puno
REYNATO S. PUNO
Associate Justice

Jose C. Vitug
JOSE C. VITUG
Associate Justice

Artemio V. Panganiban
ARTEMIO V. PANGANIBAN
Associate Justice

Leonardo A. Quisumbing
LEONARDO A. QUISUMBING
Associate Justice

Consuelo Ynares-Santiago
CONSUELO YNARES-SANTIAGO
Associate Justice

Angelina Sandoval-Gutierrez
ANGELINA SANDOVAL-GUTIERREZ
Associate Justice

Antonio T. Carpio
ANTONIO T. CARPIO
Associate Justice

Ma. Alicia Austria-Martinez
MA. ALICIA AUSTRIA-MARTINEZ
Associate Justice

Benato C. Corona
BENATO C. CORONA
Associate Justice

Conchita Carpio Morales
CONCHITA CARPIO MORALES
Associate Justice

Romeo J. Callejo, Sr.
ROMEO J. CALLEJO, SR.
Associate Justice

Adolfo S. Azcuna
ADOLFO S. AZCUNA
Associate Justice

Dante Tinga
DANTE TINGA
Associate Justice

GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF DEPOSITION-DISCOVERY MEASURES

The use of pre-trial and the deposition-discovery measures are undeniably important and vital components of case management in trial courts. To abbreviate court proceedings, ensure prompt disposition of cases and decongest court dockets, and to further implement the pre-trial guidelines laid down in Administrative Circular No. 3-99 dated January 15, 1999 and except as otherwise specifically provided for in other special rules, the following guidelines are issued for the observance and guidance of trial judges and clerks of court:

- I. PRE-TRIAL
 - A. Civil Cases
 1. Within one day from receipt of the complaint.

- 1.1 Summons shall be prepared and shall contain a reminder to defendant to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer, in conformity with IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002. A copy of the summons is hereto attached as Annex "A;" and
- 1.2 The court shall issue an order requiring the parties to avail of interrogatories to parties under Rule 25 and request for admission by adverse party under Rule 26 or at their discretion make use of dispositions under Rule 23 or other measures under Rules 27 and 28 within five days from the filing of the answer.¹ A copy of the order shall be served upon the defendant together with the summons and upon the plaintiff.

Within five (5) days from date of filing of the reply,² the plaintiff must promptly move ex parte that the case be set for pre-trial conference.³ If the plaintiff fails to file said motion within the given period, the Branch COC shall issue a notice of pre-trial.

2. The parties shall submit, at least three (3) days before the pre-trial, pre-trial briefs containing the following⁴:
 - a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
 - b. A summary of admitted facts and proposed stipulation of facts;
 - c. The issues to be tried or resolved;
 - d. The documents or exhibits to be presented, stating the purpose thereof. (No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);
 - e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
 - f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

A copy of the Notice of Pre-trial Conference is hereto attached as Annex "B."

The rule on the contents of the pre-trial brief must strictly be complied with.

The parties are bound by the representations and statements in their respective pre-trial briefs.

3. At the start of the pre-trial conference, the judge shall immediately refer the parties and/or their counsel if authorized by their client to the PMC mediation unit for purposes of mediation if available. If mediation fails, the judge will schedule the continuance of the pre-trial conference. Before then, the Judge may refer the case to the Branch COC for a preliminary conference to assist the parties in reaching a settlement, to mark the documents and exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider such other matters as may aid in its prompt disposition.⁵

During the preliminary conference, the Branch COC shall ascertain from the parties the undisputed facts and admission on the genuineness and due execution of the documents marked as exhibits. The proceedings during the preliminary conference shall be recorded in the "Minutes of Preliminary Conference" to be signed by both parties and/or counsel, the form of which is hereto attached as Annex "C".

The minutes of preliminary conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

4. Before the continuation of the pre-trial conference, the judge must study all the pleadings of the case, and determine the issues thereof and the respective positions of the parties thereon to enable him to intelligently steer the parties toward a possible amicable settlement of the case, or, at the very least, to help reduce and limit the issues. The judge should not allow termination of pre-trial simply because of the manifestation of the parties that they cannot settle the case. He should expose the parties to the advantages of pre-trial. He must also be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.⁶

The Judge with all tact, patience, impartiality and with due regard to the rights of the parties shall endeavor to persuade them to arrive at a settlement of the dispute.⁸ The court shall initially attempt to settle the case and the parties and their lawyers if an amicable settlement of the case



Republic of the Philippines
Supreme Court
Manila

A.M. No. 03-1-09-SC

RE: PROPOSED RULE ON
GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND
CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF
DEPOSITION-DISCOVERY MEASURES

RESOLUTION

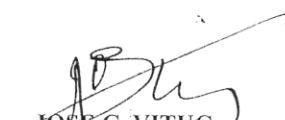
Acting on the recommendation of the Chairman of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures, the Court Resolved to **APPROVE** the same. The said Rule is hereto attached as an integral part of this Resolution.

The Rule shall take effect on August 16, 2004 following its publication in a newspaper of general circulation not later than July 30, 2004.

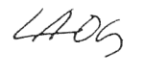
July 13, 2004.


HILARIO G. DAVIDE, JR.
Chief Justice


REYNATO S. PUNO
Associate Justice

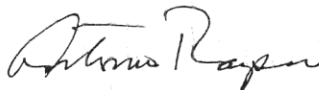

JOSE C. VITUG
Associate Justice


ARTEMIO V. PANGANIBAN
Associate Justice

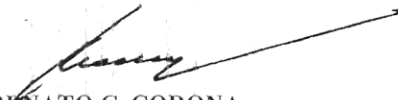

LEONARDO A. QUISUMBING
Associate Justice


CONSUELO YNARES-SANTIAGO Associate Justice



ANGELINA SANDOVAL-GUTIERREZ Associate Justice

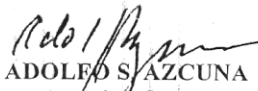

ANTONIO T. CARPIO Associate Justice


MA. ALICIA AUSTRIA-MARTINEZ Associate Justice


RENATO C. CORONA Associate Justice


CONCHITA CARPIO MORALES Associate Justice


ROMEO J. CALLEJO, SR. Associate Justice


ADOLFO S. AZCUNA Associate Justice


DANTE O. TINGA Associate Justice

**GUIDELINES TO BE OBSERVED BY TRIAL COURT
JUDGES AND CLERKS OF COURT IN THE CONDUCT OF
PRE-TRIAL AND USE OF DEPOSITION-DISCOVERY
MEASURES**

The use of pre-trial and the deposition-discovery measures are undeniably important and vital components of case management in trial courts. To abbreviate court proceedings, ensure prompt disposition of cases and decongest court dockets, and to further implement the pre-trial guidelines laid down in Administrative Circular No. 3-99 dated January 15, 1999 and except as otherwise specifically provided for in other special rules, the following guidelines are issued for the observance and guidance of trial judges and clerks of court:

I. PRE-TRIAL

A. Civil Cases

1. Within one day from receipt of the complaint:

1.1 Summons shall be prepared and shall contain a reminder to defendant to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer, in conformity with IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002. A copy of the summons is hereto attached as Annex "A," and

1.2 The court shall issue an order requiring the parties to avail of interrogatories to parties under Rule 25 and request for admission by adverse party under Rule 26 or at their discretion make use of dispositions under Rule 23 or other measures under Rules 27 and 28 within five days from the filing of the answer.¹ A copy of the order shall be served upon the defendant together with the summons and upon the plaintiff.

Within five (5) days from date of filing of the reply,² the plaintiff must promptly move ex parte that the case be set for pre-trial conference.³ If the plaintiff fails to file said motion within the given period, the Branch COC shall issue a notice of pre-trial.

¹ According to Justice Jose Y. Feria, Co-Chairman of the Revision of the Rules of Court Committee, Rules 25 and 26 require the parties to avail of said rules. (1997 Rules of Civil Procedure, p. 88 and p. 89, Philippine Legal Studies, Series No. 5, 1998)

² Administrative Circular No. 3-99 dated 15 January 1999.

³ Sec.1, Rule 18 of the 1997 Rules of Civil Procedure.

2. The parties shall submit, at least three (3) days before the pre-trial, pre-trial briefs containing the following:⁴
 - a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
 - b. A summary of admitted facts and proposed stipulation of facts;
 - c. The issues to be tried or resolved;
 - d. The documents or exhibits to be presented, stating the purpose thereof. **(No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);**
 - e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
 - f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

A copy of the Notice of Pre-trial Conference is hereto attached as Annex "B."

The rule on the contents of the pre-trial brief must strictly be complied with.

The parties are bound by the representations and statements in their respective pre-trial briefs.

3. At the start of the pre-trial conference, the judge shall immediately refer the parties and/or their counsel if authorized by their clients to the PMC mediation unit for purposes of mediation if available.⁵ If mediation fails, the judge will schedule the continuance of the pre-trial conference. Before then, the Judge may refer the case to the Branch COC for a preliminary conference to assist the parties in reaching a settlement, to mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider such other matters as may aid in its prompt disposition.⁶

During the preliminary conference, the Branch COC shall also ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of the

⁴ Sec. 6, Rule 18 of the 1997 Rules of Civil Procedure.

⁵ Issuances of the Court in A.M. No. 01-10-5-SC-PHILJA dated October 16, 2001, Administrative Circular No. 20-2002 dated April 24, 2002 and A.M. No. 04-3-15-SC-PHILJA dated March 23, 2004 relative to the use of Alternative Dispute Resolution in Pre-Trial, particularly, on court-annexed mediation shall continue to apply in proceedings before pilot courts in Metro Manila, Cebu and Davao.

⁶ Vol. I, 2002 Revised Manual for Clerks of Court, pp. 234-244.

documents marked as exhibits. The proceedings during the preliminary conference shall be recorded in the "Minutes of Preliminary Conference" to be signed by both parties and/or counsel, the form of which is hereto attached as Annex "C".

The minutes of preliminary conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

4. Before the continuation of the pre-trial conference, the judge must study all the pleadings of the case, and determine the issues thereof and the respective positions of the parties thereon to enable him to intelligently steer the parties toward a possible amicable settlement of the case, or, at the very least, to help reduce and limit the issues. The judge should not allow the termination of pre-trial simply because of the manifestation of the parties that they cannot settle the case. He should expose the parties to the advantages of pre-trial. He must also be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.⁷

The Judge with all tact, patience, impartiality and with due regard to the rights of the parties shall endeavor to persuade them to arrive at a settlement of the dispute.⁸ The court shall initially ask the parties and their lawyers if an amicable settlement of the case is possible. If not, the judge may confer with the parties with the opposing counsel to consider the following:

- a. Given the evidence of the plaintiff presented in his pre-trial brief to support his claim, what manner of compromise is considered acceptable to the defendant at the present stage?
- b. Given the evidence of the defendant described in his pre-trial brief to support his defense, what manner of compromise is considered acceptable to the plaintiff at the present stage?

If not successful, the court shall confer with the party and his counsel separately.

If the manner of compromise is not acceptable, the judge shall confer with the parties without their counsel for the same purpose of settlement.

5. If all efforts to settle fail, the trial judge shall:
 - a. Adopt the minutes of preliminary conference as part of the pre-trial proceedings and confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents;

⁷ Administrative Circular No. 3-99 dated 15 January 1999.

⁸ *Ibid.*

- b. Inquire if there are cases arising out of the same facts pending before other courts and order its consolidation if warranted;
- c. Inquire if the pleadings are in order. If not, order the amendments if necessary;
- d. Inquire if interlocutory issues are involved and resolve the same;
- e. Consider the adding or dropping of parties;
- f. Scrutinize every single allegation of the complaint, answer and other pleadings and attachments thereto and the contents of documents and all other evidence identified and pre-marked during pre-trial in determining further admissions of facts and documents. To obtain admissions, the Court shall ask the parties to submit the depositions taken under Rule 23, the answers to written interrogatories under Rule 25 and the answers to request for admissions by the adverse party under Rule 26. It may also require the production of documents or things requested by a party under Rule 27 and the results of the physical and mental examination of persons under Rule 28;
- g. Define and simplify the factual and legal issues arising from the pleadings. Uncontroverted issues and frivolous claims or defenses should be eliminated. For each factual issue, the parties/counsel shall state all the evidence to support their positions thereon. For each legal issue, parties/counsel shall state the applicable law and jurisprudence supporting their respective positions thereon. If only legal issues are presented, the judge shall require the parties to submit their respective memoranda and the court can proceed to render judgment;⁹
- h. Determine the propriety of rendering a summary judgment dismissing the case based on the disclosures made at the pre-trial or a judgment based on the pleadings, evidence identified and admissions made during pre-trial;¹⁰
- i. Ask parties to agree on the specific trial dates for continuous trial in accordance with Circular No. 1-89 dated January 19, 1989; adhere to the case flow chart determined by the court, which shall contain the different stages of the proceedings up to the promulgation of the decision and use the time frame for each stage in setting the trial dates. The One-Day Examination of Witness Rule, that is, a witness has to be fully examined in one (1) day only, shall be strictly adhered to subject to the courts' discretion during trial on whether or not to extend the direct and/or cross-examination for justifiable reasons. On the last hearing day allotted for each party, he is required to make his formal offer of evidence after the presentation of his last witness and the opposing party is required

⁹ Administrative Circular No. 3-99 dated 15 January 1999.

¹⁰ *Ibid.*

to immediately interpose his objection thereto. Thereafter, the Judge shall make the ruling on the offer of evidence in open court. However the judge has the discretion to allow the offer of evidence in writing in conformity with Section 35, Rule 132;

- j. Determine the most important witnesses to be heard and limit the number of witnesses (Most Important Witness Rule). The facts to be proven by each witness and the approximate number of hours per witness shall be fixed;
- k. At his discretion, order the parties to use the affidavits of witnesses as direct testimonies subject to the right to object to inadmissible portions thereof and to the right of cross-examination by the other party. The affidavits shall be based on personal knowledge, shall set forth facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. The affidavits shall be in question and answer form, and shall comply with the rules on admissibility of evidence;
- l. Require the parties and/or counsel to submit to the Branch COC the names, addresses and contact numbers of the witnesses to be summoned by subpoena;
- m. Order the delegation of the reception of evidence to the Branch COC under Rule 30; and
- n. Refer the case to a trial by commissioner under Rule 32.

During the pre-trial, the judge shall be the one to ask questions on issues raised therein and all questions or comments by counsel or parties must be directed to the judge to avoid hostilities between the parties.

- 6. The trial judge shall schedule the pre-trial in the afternoon sessions and set as many pre-trial conferences as may be necessary.
- 7. All proceedings during the pre-trial shall be recorded. The minutes of each pre-trial conference shall contain matters taken up therein more particularly admissions of facts and exhibits and shall be signed by the parties and their counsel.
- 8. The judge shall issue the required Pre-Trial Order within ten (10) days after the termination of the pre-trial. Said Order shall bind the parties, limit the trial to matters not disposed of and control the course of the action during the trial. A sample Pre-Trial Order is hereto attached as Annex "D."

However, the Court may opt to dictate the Pre-Trial Order in open court in the presence of the parties and their counsel and with the use of a computer, shall have the same immediately finalized and printed. Once finished, the parties and/or their counsel shall sign the same to manifest their conformity thereto.

9. The court shall endeavor to make the parties agree to an equitable compromise or settlement at any stage of the proceedings before rendition of judgment.

B. Criminal Cases

1. Before arraignment, the Court shall issue an order directing the public prosecutor to submit the record of the preliminary investigation to the Branch COC for the latter to attach the same to the record of the criminal case.

Where the accused is under preventive detention, his case shall be raffled and its records transmitted to the judge to whom the case was raffled within three days from the filing of the complaint or information. The accused shall be arraigned within ten days from the date of the raffle. The pre-trial of his case shall be held within ten days after arraignment unless a shorter period is provided for by law.¹¹

2. After the arraignment, the court shall forthwith set the pre-trial conference within thirty days from the date of arraignment, and issue an order: (a) requiring the private offended party to appear thereat for purposes of plea-bargaining except for violations of the Comprehensive Dangerous Drugs Act of 2002, and for other matters requiring his presence;¹² (b) referring the case to the Branch COC, if warranted, for a preliminary conference to be set at least three days prior to the pre-trial to mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider other matters as may aid in its prompt disposition; and (c) informing the parties that no evidence shall be allowed to be presented and offered during the trial other than those identified and marked during the pre-trial except when allowed by the court for good cause shown. A copy of the order is hereto attached as Annex "E". In mediatable cases, the judge shall refer the parties and their counsel to the PMC unit for purposes of mediation if available.
3. During the preliminary conference, the Branch COC shall assist the parties in reaching a settlement of the civil aspect of the case, mark the documents to be presented as exhibits and copies thereof attached to the records after comparison, ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of documents marked as exhibits and consider such other matters as may aid in the prompt disposition of the case. The proceedings during the preliminary conference shall be recorded in the Minutes of Preliminary Conference to be signed by both parties and counsel. (Please see Annex "B")

¹¹ Sec. 1, Rule 116, Revised Rules of Criminal Procedure, as amended.

¹² Sec. 1, Rule 118, *Id.*

The Minutes of Preliminary Conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

4. Before the pre-trial conference the judge must study the allegations of the information, the statements in the affidavits of witnesses and other documentary evidence which form part of the record of the preliminary investigation.
5. During the pre-trial, except for violations of the Comprehensive Dangerous Drugs Act of 2002, the trial judge shall consider plea-bargaining arrangements.¹³ Where the prosecution and the offended party agree to the plea offered by the accused, the court shall:
 - a. Issue an order which contains the plea bargaining arrived at;
 - b. Proceed to receive evidence on the civil aspect of the case; and
 - c. Render and promulgate judgment of conviction, including the civil liability or damages duly established by the evidence.¹⁴
6. When plea bargaining fails, the Court shall:
 - a. Adopt the minutes of preliminary conference as part of the pre-trial proceedings, confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents and list object and testimonial evidence;
 - b. Scrutinize every allegation of the information and the statements in the affidavits and other documents which form part of the record of the preliminary investigation and other documents identified and marked as exhibits in determining further admissions of facts, documents and in particular as to the following:¹⁵
 1. the identity of the accused;
 2. court's territorial jurisdiction relative to the offense/s charged;
 3. qualification of expert witness/es;
 4. amount of damages;
 5. genuineness and due execution of documents;
 6. the cause of death or injury, in proper cases;
 7. adoption of any evidence presented during the preliminary investigation;
 8. disclosure of defenses of alibi, insanity, self-defense, exercise of public authority and justifying or exempting circumstances; and

¹³ Bellosillo, J., *Effective Pre-trial Technique*, pp. 4-42.

¹⁴ *Id.*, pp. 4-43.

¹⁵ *Id.*, pp. 4-44.

9. such other matters that would limit the facts in issue.
 - c. Define factual and legal issues;
 - d. Ask parties to agree on the specific trial dates and adhere to the flow chart determined by the court which shall contain the time frames for the different stages of the proceeding up to promulgation of decision and use the time frame for each stage in setting the trial dates;
 - e. Require the parties to submit to the Branch COC the names, addresses and contact numbers of witnesses that need to be summoned by *subpoena*;¹⁶ and
 - f. Consider modification of order of trial if the accused admits the charge but interposes a lawful defense.
7. During the pre-trial, the judge shall be the one to ask questions on issues raised therein and all questions must be directed to him to avoid hostilities between parties.
8. All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot be used against the accused. The agreements covering the matters referred to in Section 1 of Rule 118 shall be approved by the court. (Section 2, Rule 118)
9. All proceedings during the pre-trial shall be recorded, the transcripts prepared and the minutes signed by the parties and/or their counsels.
10. The trial judge shall issue a Pre-trial Order within ten (10) days after the termination of the pre-trial setting forth the actions taken during the pre-trial conference, the facts stipulated, the admissions made, evidence marked, the number of witnesses to be presented and the schedule of trial. Said Order shall bind the parties, limit the trial to matters not disposed of and control the course of the action during the trial.¹⁷

Encl:

Annex "A" – Summons
Annex "B" – Notice of Pre-trial Conference in Civil Cases
Annex "C" – Minutes of Preliminary Conference
Annex "D" – Pre-trial Order in Civil Cases
Annex "E" – Notice of Pre-trial Conference in Criminal Cases

¹⁶ *Id.*, pp. 4-45.

¹⁷ Bellosillo, *Effective Pre-trial Technique*, 1990, p. 622; Sec. 7, Rule 18, 1997 Rules of Civil Procedure; Sec. 4, Rule 118, Revised Rules of Criminal Procedure.

ANNEX "A"

Republic of the Philippines
_____ COURT
_____ Judicial Region
Branch _____

Plaintiff/s,

- versus -

Civil Case No. _____

SUMMONS

Defendant/s.

x ----- x

TO: _____

GREETINGS:

You are hereby required, within fifteen (15) days after service of this summons upon you, to file with this Court and serve on the plaintiff your answer to the complaint, copy of which is attached, together with the annexes. You are reminded of the provision in the IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002 to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer. If you fail to answer within the time fixed, the plaintiff will take judgment by default and may be granted the relief applied for in the complaint.

WITNESS my hand under the seal of the Court, this ____ day of _____, 20__.

Clerk of Court

ANNEX "B"

Republic of the Philippines

COURT

Judicial Region
Branch _____

- versus -

X-----X

CASE NO. _____
FOR: _____

NOTICE OF PRE-TRIAL CONFERENCE

Pursuant to the Order dated _____, this case is set for pre-trial conference on _____ at _____ o'clock A.M./P.M.

The parties and their counsels are required to be present at the pre-trial and to file with the Court and serve on the adverse party at least three (3) days before the date of the pre-trial their respective pre-trial briefs which shall contain, among others:

- a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
- b. A summary of admitted facts and proposed stipulation of facts;
- c. The issues to be tried or resolved;
- d. The documents or exhibits to be presented, stating the purpose thereof. **(No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);**
- e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
- f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.

WITNESS, the HON. _____, Presiding Judge of this Court, this _____ day of _____, 20____ at _____.

Branch Clerk of Court

ANNEX "C"

People of the Philippines

vs.

Civil/Criminal Case No. _____

MINUTES OF PRELIMINARY CONFERENCE

For the Prosecution:

For the Defense:

Assisted by:

Assisted by:

Marking of Documentary Evidence:

For the Plaintiff/Prosecution:
1.
2.
3.
4.

For the Defendant/Accused:
1.
2.
3.
4.

Genuineness and Due Execution Admitted:

For the Plaintiff/Prosecution:
1.
2.
3.
4.

For the Defendant/Accused:
1.
2.
3.
4.

Listing of Witnesses and Object Evidence:

For the Plaintiff/Prosecution:

For the Defendant/Accused:

Witnesses:
1.
2.
3.
4.

Witnesses:
1.
2.
3.
4.

Object Evidence:

For the Plaintiff/Prosecution:

For the Defendant/Accused:

1.
2.
3.
4.

1.
2.
3.
4.

Possibility of Settlement:

Stipulation of Facts:

Other Matters:

CONFORME:

Plaintiff/Prosecution

Defendant/Accused

Assisted by:

Assisted by:

ANNEX "D"

Republic of the Philippines
_____ Judicial Region
Regional Trial Court
Branch ____

NAMES(s) OF PLAINTIFF/S,
Plaintiff/s,

- versus -

Case No. _____

NAME(s) OF DEFENDANT/S,
Defendant/s.

x ----- x

PRE-TRIAL ORDER

- I. Summary of the Case
- II. Preliminary Matters
 - A. Amendments allowed in the pleadings
 - B. Rulings on all objections to or comments on admissibility of any documentary or other evidence
 - C. Other matters taken up in conference not covered by the subsequent items and actions taken thereon
- III. Statement of the Facts
 - A. Admitted
 - B. Disputed
 - 1. Version of the Plaintiff
 - 2. Version of the Defendant
- IV. Issues to be Resolved
 - A. Factual
 - B. Legal
- V. Applicable Laws
- VI. Evidence for the Parties

No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been identified below and pre-marked during the pre-trial. Any other evidence not indicated or listed below shall be considered waived by the parties. However, the Court, in its discretion, may allow introduction of additional evidence in the following cases: (a) those to be used on cross-examination or re-cross-examination for impeachment purposes; (b) those presented

on re-direct examination to explain or supplement the answers of a witness during the cross-examination; (c) those to be utilized for rebuttal or sur-rebuttal purposes; and (d) those not available during the pre-trial proceedings despite due diligence on the part of the party offering the same.

All documentary evidence have already been pre-marked and copies thereof, after comparison with the original, have been given the other party or such party has been given an opportunity to examine the same in cases when generating copies proves impractical.

A. Evidence of the Plaintiff

1. Documentary Evidence

- a) Exhibit _____
 - (1) Title
 - (2) Brief Description
 - (3) Purpose
- (b) Exhibit _____
 - (1) Title
 - (2) Brief Description
 - (3) Purpose

(Additional documentary evidence shall be similarly presented)

2. Testimonial Evidence

- (a) Name of First Witness
 - (1) Purpose of the testimony
 - (2) Estimated length of testimony
- (b) Name of Second Witness
 - (1) Purpose of the testimony
 - (2) Estimated length of testimony

(Additional witnesses shall be similarly presented)

3. Other Evidence

B. Evidence of the Defendant

1. Documentary Evidence

- a) Exhibit _____
 - (1) Title
 - (2) Brief Description
 - (3) Purpose

(b) Exhibit _____

- (1) Title
- (2) Brief Description
- (3) Purpose

(Additional documentary evidence shall be similarly presented)

2. Testimonial Evidence

(a) Name of First Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(b) Name of Second Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(Additional witnesses shall be similarly presented)

3. Other Evidence

VII. Hearing Dates

(These hearing dates, from the completion at the pre-trial, shall be strictly followed and all postponements by either party shall be deducted from such party's allotted time to present evidence.)

A. Schedule of Plaintiff's Presentation of Evidence

	Hearing Dates
1. Testimony of Plaintiff -	_____
2. Testimony of Mr. _____ -	_____
3. Testimony of Mr. _____ -	_____
4. Offer of Evidence of Plaintiff & Ruling -	_____

B. Schedule of Defendant's Presentation of Evidence

	Hearing Dates
1. Testimony of Defendant -	_____
2. Testimony of Mr. _____ -	_____
3. Testimony of Mr. _____ -	_____
4. Offer of Evidence of Defendant & Ruling -	_____

C. Schedule of Rebuttal Evidence

1. Testimony of Mr. _____ -	_____
2. Offer of Additional Evidence & Ruling -	_____

D. Schedule of Sur-rebuttal Evidence

1. Testimony of Mr. _____ - _____
2. Offer of Additional Evidence & Ruling - _____

E. Filing of Memoranda - _____

F. Decision - _____

It is understood that the testimony of the witness should be completed on the scheduled date of hearing allotted to said witness under the One-Day Examination of Witness Rule. The Court however has the discretion on whether or not to extend the direct and/or cross-examination of witnesses for good cause shown.

- V. Failure of the party or his counsel to comply with the aforementioned schedule of hearings and deadlines may be a ground for the imposition of fines and other sanctions by the court.

JUDGE

ORDER

Upon arraignment, the accused pleaded not guilty.

The pre-trial of this case is set on _____ at _____ . The public prosecutor, the private complainant, the accused and their counsels are required to attend the same.

The parties and their counsels are ordered to attend a preliminary conference before the Branch COC on _____ at _____ to mark the documents and substituted copies to be attached to the records after comparison, list exhibits to be presented and to consider other matters as may aid in its prompt disposition. Such pre-marking shall be adopted during the pre-trial.

The parties are reminded that no evidence shall be allowed and offered during the trial other than those identified and pre-marked during the pre-trial except when allowed by the court for good cause shown.

SO ORDERED.

JUDGE

RESOLVING INSOLVENCY

RESOLVING INSOLVENCY – 2 REFORMS

- Improved Strength of Insolvency Framework through:

REFORM:

1. Court en banc approval of A.M. No. 15-04-06 – SC Financial Liquidation and Suspension of Payments Rules of Procedure for Insolvent Debtors – last April 21, 2015 which promulgates the rules of pleading, practice, and procedure to govern the proceedings for the liquidation of insolvent juridical and Individual Debtors, and suspension of payments of insolvent individual debtors.
2. Amendment of A.M. NO. 03-03-03-SC Dated June 17, 2003, for the expansion of the Coverage of Cases cognizable by the Special Commercial Courts to include all cases On Insolvency and Liquidation under FRIA. This was amended so the special commercial courts may take cognizance of financial rehabilitation and insolvency cases.

RESOLVING INSOLVENCY REFORM REFERENCES

Financial Liquidation Rules A.M. No. 15-04-06 SC



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. NO. 15-04-06-SC

FINANCIAL LIQUIDATION AND SUSPENSION OF PAYMENTS RULES OF
PROCEDURE FOR INSOLVENT DEBTORS (2015)

RESOLUTION

Whereas, under Republic Act No. 10142, otherwise known as the Financial Rehabilitation and Insolvency Act of 2010 (FRIA), the Supreme Court shall “promulgate the rules of pleading, practice and procedure to govern the proceedings brought under [the] Act¹”;

Whereas, the Supreme Court, through Memorandum No. 46-2010 dated September 30, 2010 (as amended by Memorandum Order No. 17-2013 dated May 9, 2013), tasked the Sub-Committee on Commercial Courts to revise and/or amend A.M. No. 00-8-10-SC or the Rules of Procedure on Corporate Rehabilitation (2008) to incorporate the significant changes brought about by the enactment of Republic Act No. 10142 on the aspects of financial rehabilitation, insolvency and liquidation;

Whereas, the Supreme Court, through A.M. No. 12-12-11-SC dated August 27, 2013, approved the Financial Rehabilitation Rules of Procedure (2013), otherwise known as the *FR Rules*, which incorporated changes pertaining to financial rehabilitation;

NOW, THEREFORE, acting on the recommendation of the Sub-Committee on Special Commercial Courts, the Court resolved to **APPROVE** the **Financial Liquidation and Suspension of Payments Rules of Procedure for Insolvent Debtors (2015)**, otherwise known as the “FLSP Rules”.

The FLSP Rules shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of national circulation.

April 21, 2015.


Handwritten signature of Maria Lourdes P. A. Sereno in black ink.

MARIA LOURDES P. A. SERENO
Chief Justice

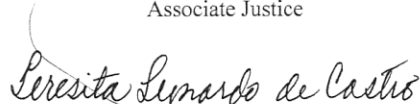
¹ Section 6. *Designation of Courts and Promulgation of Procedural Rules.* – The Supreme Court shall designate the court or courts that will hear and resolve cases brought under this Act and shall promulgate the rules of pleading, practice and procedure to govern the proceedings brought under this Act.



ANTONIO T. CARPIO
Associate Justice



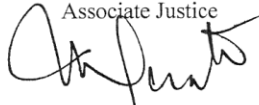
PRESBITERO J. VELASCO, JR.
Associate Justice



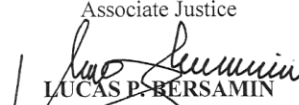
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



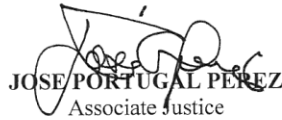
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



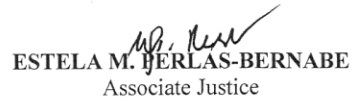
JOSE PORTUGAL PEREZ
Associate Justice



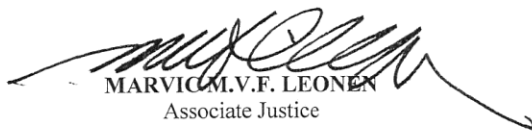
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. BERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



Republic of the Philippines
Supreme Court
Manila

**FINANCIAL LIQUIDATION AND SUSPENSION OF PAYMENTS RULES OF
PROCEDURE FOR INSOLVENT DEBTORS (2015)**

Pursuant to Section 6, Chapter I of Republic Act No. 10142, otherwise known as the “Financial Rehabilitation and Insolvency Act (FRIA) of 2010,” the Court hereby adopts and promulgates the following Rules of Procedure for the Liquidation of Insolvent Juridical and Individual Debtors, and Suspension of Payments of Insolvent Individual Debtors:

RULE 1
COVERAGE AND GENERAL PROVISIONS

SEC. 1. TITLE. – These Rules shall be known and cited as the “Financial Liquidation and Suspension of Payments Rules of Procedure for Insolvent Debtors” or the “FLSP Rules.”

SEC. 2. SCOPE. – These Rules shall govern the practice, pleading, and procedure for the liquidation of insolvent juridical and individual debtors, and suspension of payments of insolvent individual debtors pursuant to the FRIA.

They shall similarly govern all further proceedings in insolvency cases already pending, except to the extent that, in the opinion of the court, its application would not be feasible or would work injustice, in which event the procedures originally applicable shall continue to govern.

These Rules shall have suppletory application to the liquidation of entities expressly excluded from the coverage of the FRIA under Section 5, Chapter I thereof.

SEC. 3. NATURE OF PROCEEDINGS. – The proceedings under these Rules shall be *in rem*.

In voluntary liquidation proceedings of both juridical and individual debtors, jurisdiction over all persons affected by the proceedings is acquired upon publication of the Liquidation Order as provided in these Rules.

In involuntary liquidation proceedings of juridical debtors, jurisdiction over all persons affected by the proceedings is acquired upon publication of the petition or motion under Section 7, Rule 2 (B) of these Rules.

In involuntary liquidation proceedings of individual debtors, jurisdiction over the person of the debtor is acquired upon service of summons in accordance with Section 15, Rule 3 (C) of these Rules; whereas jurisdiction over all other persons affected by the proceedings is acquired upon publication of the Liquidation Order under Section 2, Rule 4 (A) of these Rules.

In suspension of payments proceedings, jurisdiction over all persons affected by the proceedings is acquired upon publication of the Suspension of Payments Order as provided in these Rules.

The proceedings shall be summary and non-adversarial in nature. The following pleadings are prohibited:

- (a) motion to dismiss;
- (b) motion for a bill of particulars;
- (c) petition for relief;
- (d) motion for extension;
- (e) motion for postponement and other motions of similar intent;
- (f) reply;
- (g) rejoinder;
- (h) intervention; and
- (i) any pleading or motion similar to, or of like effect as, any of the foregoing.

For stated and fully supported compelling reasons, the court may allow the filing of motions for extension or postponement, provided, the same shall be verified and under oath.

Any pleading, motion, or other submission by any interested party shall be supported by verified statements that the affiant has read the submission and its factual allegations are true and correct of his personal knowledge or based on authentic records, and shall contain supporting annexes, which the submitting party shall attest as faithful reproductions of the originals. An unverified submission shall be considered as not filed. An improperly verified submission may be considered as not filed, at the discretion of the judge. Upon motion, the court may order that the originals of the annexes to a submission be produced in court for examination or comparison by a party to the proceedings.

All pleadings or motions shall be filed simultaneously in three (3) printed and two (2) digitized copies in compact discs, flash drives, or other compatible Information and Communications Technology (ICT) media, in PDF format.

The court may decide matters on the basis of the pleadings and other documentary evidence, and conduct clarificatory hearings when necessary.

Any order issued by the court under these Rules is immediately executory. Review of any order of the court shall be in accordance with Rule 5 of these Rules. Provided, however, that the reliefs ordered by the trial or appellate courts shall take into account the need for resolution of the proceedings in a just, equitable, and speedy manner.

SEC. 4. CONSTRUCTION OF RULES. – These Rules shall be liberally construed to promote a timely, fair, transparent, effective, and efficient liquidation and suspension of payments of debtors, in accordance with the declared policy of the FRIA.

SEC. 5. DEFINITION OF TERMS. – Terms used but not defined herein shall have the same meanings ascribed to them in the FRIA:

(a) *Administrative expenses* shall refer to those reasonable and necessary expenses

- 1) incurred in connection with the filing of a petition under these Rules, including filing and professional fees in preparing the petition;
- 2) arising from, or in connection with the proceedings under these Rules;
- 3) incurred in the ordinary course of business of the debtor after the commencement date;
- 4) incurred for the fees of the liquidator/commissioner and/or of the professionals he may engage; and
- 5) those otherwise authorized or mandated under the FRIA or such other expenses authorized under these Rules.

(b) *Asset* is anything of value, which may be either tangible or intangible. Tangible assets can be current assets or fixed assets. Current assets may include cash on hand, money in banks or inventory, while fixed assets may include plant, building, property and equipment. Intangible assets may include intellectual property (such as copyrights, patents, and trademarks) and financial assets (such as accounts receivables, subscriptions receivables, and bonds and stocks).

The value of these assets must appear in the latest audited financial statements immediately preceding the filing of the petition. In case the debtor is less than three (3) years in operation, it is sufficient that the book value is based on the audited financial statement/s for the two (2) years or year immediately preceding the filing of the petition, as the case may be.

(c) *Commencement date* shall refer to the date on which the court issues a commencement order in a rehabilitation case.

(d) *Court/s* shall refer to the Regional Trial Court/s designated by the Supreme Court as special commercial court/s.

(e) *Insolvency* shall refer to the financial incapacity of the debtors to pay their liabilities as they fall due in the ordinary course of business or whenever their liabilities are greater than their assets.

(f) *Liquidation* shall refer to the proceedings under Chapters V, VI (B) and (C), and VII of the FRIA.

- (g) *Liquidation Order* shall refer to the order issued by the court pursuant to Section 2, Rule 4 (A) of these Rules.
- (h) *Liquidator* shall refer to the natural person or juridical entity appointed as such by the court pursuant to these Rules and entrusted with such powers and duties as set forth herein; Provided, that if the liquidator is a juridical entity, it must designate a natural person who possesses all the qualifications and none of the disqualifications as its representative, it being understood that the juridical entity and the representative are solidarily liable for all obligations and responsibilities of the liquidator.
- (i) *Proceedings*, unless the term is used in a different context, shall refer to liquidation proceedings or suspension of payments proceedings, as the case may be, under these Rules.
- (j) *Suspension of Payments Order* shall refer to the order issued by the court pursuant to Section 2, Rule 3 (A) of these Rules.
- (k) *Working day* shall have the same meaning as business day.

SEC. 6. DEBTOR SPOUSES AS PARTIES. – A married individual debtor shall sue or be sued jointly with his or her spouse, except as provided by law.

SEC. 7. APPLICABILITY OF RULE 5 OF THE FR RULES. – Rule 5 of the FR Rules on Cross-Border Insolvency Proceedings is hereby made applicable to liquidation proceedings and, for this purpose, is adopted as part of these Rules.

SEC. 8. LIABILITY OF INDIVIDUAL DEBTOR, OWNER OF A SOLE PROPRIETORSHIP, PARTNERS IN A PARTNERSHIP, OR DIRECTORS AND OFFICERS. – The individual debtor, owner of a sole proprietorship, the partners in a partnership, or the directors and officers of a corporate debtor shall be liable for double the value of the property sold, embezzled or disposed of, or double the amount of the transaction involved, whichever is higher, to be recovered for the benefit of the debtor and the creditors, if they, having notice of the commencement of the proceedings, or having reason to believe that the proceedings are about to be commenced, or in contemplation thereof, willfully commit the following acts:

- (a) dispose or cause to be disposed any property of the debtor other than in the ordinary course of business or authorize or approve any transaction in fraud of creditors or in a manner grossly disadvantageous to the debtor and/or creditors; or
- (b) conceal, authorize or approve the concealment from the creditors, or embezzle or misappropriate, any property of the debtor.

The court shall determine the extent of the liability of an owner, partner, director or officer under this section. In this connection, in case of partnerships and corporations, the court shall consider

the amount of the shareholding or partnership or equity interest of such partner, director or officer, the degree of control of such partner, director or officer over the debtor, and the extent of the involvement of such partner, director or debtor in the actual management of the operations of the debtor.

RULE 2
LIQUIDATION OF INSOLVENT JURIDICAL DEBTORS

A. VOLUNTARY LIQUIDATION

SEC. 1. WHO MAY FILE PETITION; VENUE; CONTENTS. – An insolvent juridical debtor may file a verified petition for liquidation in the Regional Trial Court which has jurisdiction over its principal office as specified in its articles of incorporation or partnership. Where the principal office of the corporation or partnership as registered with the Securities and Exchange Commission (SEC) is in Metro Manila, the petition must be filed in the Regional Trial Court of the city or municipality where the head office is located. The petition shall indicate the names of at least three (3) nominees to the position of liquidator and shall include, as minimum attachments, the following:

- (a) a certificate attesting to the holding of a meeting of the Board of Directors of a stock corporation or the Board of Trustees of a non-stock corporation, as the case may be, called for the purpose and the approval during the meeting of a resolution to file the petition, signed by the secretary of the meeting and at least a majority of the members of the Board present during the meeting;
- (b) a certificate attesting to the holding of a meeting of the stockholders, members or partners comprising the debtor, as the case may be, called for the purpose and the approval during the meeting of a resolution to file the petition by the stockholders holding at least two-thirds (2/3) of the outstanding capital stock of the stock corporation, or two-thirds (2/3) of the members or partners in case of a non-stock corporation, association or partnership, as the case may be, signed by the chairman and the secretary of the meeting;
- (c) a schedule of debts and liabilities, which lists all the creditors of the debtor, indicating the name and last address of record of each creditor; the amount of each claim as to principal, interest, or penalties due thirty (30) days prior to the date of filing; the nature of the claim; and any pledge, lien, mortgage, judgment or other security given for the payment thereof;
- (d) an inventory of assets, which must list with reasonable particularity all the assets of the debtor, whether in the possession of the debtor or third parties, stating the nature of each asset; the location and condition thereof; the book value and market value of the asset, attaching the corresponding certified copy of the certificate of title thereof in case of real property, or the evidence of title or ownership in case of movable property; the

encumbrances, liens or claims thereon, if any, and the identities and addresses of the lien holders and claimants;

- (e) a schedule of current income and expenditures within three (3) months prior to the filing of the petition;
- (f) a list of all properties acquired by the debtor in the immediately preceding two (2) years;
- (g) a list of all properties sold, disposed of, or donated by the debtor in the immediately preceding two (2) years;
- (h) a schedule of the debtor's executory contracts and unexpired leases;
- (i) the audited financial statements of the debtor for the immediately preceding three (3) years; and
- (j) the income tax return of the debtor for the immediately preceding year.

All attachments to the petition shall be deemed part and parcel of the verified petition.

SEC. 2. FILING OF A MOTION TO CONVERT REHABILITATION PROCEEDINGS INTO LIQUIDATION PROCEEDINGS. – When there is a pending court-supervised or pre-negotiated rehabilitation proceeding, the debtor may file a motion in the same court where the rehabilitation proceedings are pending to convert the rehabilitation proceedings into liquidation proceedings. The motion shall be verified and shall contain or set forth the same matters mentioned in the preceding section and the grounds relied upon as provided under the FRIA.

SEC 3. ACTION ON THE PETITION OR MOTION. – If the court finds the petition or motion, as the case may be, to be sufficient in form and substance, it shall issue the Liquidation Order mentioned in Section 2, Rule 4 (A) of these Rules. Otherwise, the court shall dismiss the petition or deny the motion. The court may take any action necessary for the foregoing purposes but it shall have a maximum period of ten (10) working days from the date of the filing of the petition or motion to issue the Liquidation Order, dismiss the petition, or deny the motion.

B. INVOLUNTARY LIQUIDATION

SEC. 4. WHO MAY FILE PETITION; VENUE; CONTENTS. – Three (3) or more creditors the aggregate of whose claims is at least either One Million Pesos (₱1,000,000.00) or at least twenty-five percent (25%) of the subscribed capital stock or partners' contributions of the insolvent juridical debtor, whichever is higher, may file a petition for the liquidation of an insolvent juridical debtor in the Regional Trial Court which has jurisdiction over the principal office of the debtor as specified in its articles of incorporation or partnership. Where the principal office of the corporation or partnership as

registered with the SEC is in Metro Manila, the petition must be filed in the Regional Trial Court of the city or municipality where the head office is located. The petition must be verified by each of the petitioners or, if the petitioners or any of them is a corporation, partnership, or association, then by any of their duly authorized officer/s or representative/s. The petition shall indicate the names of at least three (3) nominees to the position of liquidator, and must show that:

- (a) there is no genuine issue of fact or law on the claim/s of the petitioner/s, and that the due and demandable payments thereon have not been made for at least one hundred eighty (180) days or that the debtor has failed generally to meet its liabilities as they fall due; and
- (b) there is no substantial likelihood that the debtor may be rehabilitated.

The petition shall also include information to the best knowledge of the petitioners on:

- (a) the schedule of debts and liabilities, including a list of its known creditors with their addresses, amounts of claims and collaterals, or securities, if any;
- (b) the debtor's assets, including receivables and claims against third parties; and
- (c) the audited financial statements of the debtor for the immediately preceding three (3) years.

SEC. 5. BOND. – The petitioners shall post a bond in an amount at least equal in value to the aggregate of their claims, conditioned upon payment to the debtor of all expenses and damages it may incur by reason of the filing of the petition if the same is later denied or dismissed by the court, or withdrawn by the petitioners without the consent of the debtor.

SEC. 6. FILING OF A MOTION TO CONVERT REHABILITATION PROCEEDINGS INTO LIQUIDATION PROCEEDINGS. – When there is a pending court-supervised or pre-negotiated rehabilitation proceedings, three (3) or more creditors the aggregate of whose claims is at least either One Million Pesos (₱1,000,000.00) or at least twenty-five percent (25%) of the subscribed capital, or partners' contributions, of the debtor, whichever is higher, may file a motion in the same court where the rehabilitation proceedings are pending to convert the rehabilitation proceedings into liquidation proceedings. The motion shall be verified and shall contain or set forth the same matters mentioned in Section 4 of this Rule.

SEC. 7. ACTION ON THE PETITION OR MOTION. – If the court finds the petition or motion sufficient in form and substance, it shall issue an order:

- (a) directing the publication of the petition or motion in a newspaper of general circulation in the Philippines once a week for two (2) consecutive weeks;
- (b) directing the debtor, all known creditors, and any other interested party, to file their comment on the petition or motion within fifteen (15) days from notice of the order; and

- (c) directing that a copy of the petition or motion be served on the debtor and on all known creditors, unless they exceed twenty (20) in number, in which case, service shall be made on at least the first twenty (20) largest known creditors of the debtor in terms of credits held. However, if there are more than twenty (20) known creditors (who are not petitioners) and one or more of them acquired their credit/s within the six (6)-month period immediately preceding the filing of the petition, the number of creditors to be served copies of the petition shall be increased by the same number.

SEC. 8. HEARING ON THE PETITION OR MOTION. – The court shall conduct a hearing if the petition or motion, as well as the comments thereto raise issues of facts.

On the basis of the pleadings and the hearing conducted, if any, the court shall determine whether the evidence is sufficient to warrant the issuance of a Liquidation Order mentioned in Section 2, Rule 4 (A) of these Rules. Otherwise, the court shall dismiss the petition or deny the motion.

SEC. 9. CONVERSION BY THE COURT OF REHABILITATION PROCEEDINGS INTO LIQUIDATION PROCEEDINGS. – After notice and hearing, the court where rehabilitation proceedings are pending may also order the conversion of rehabilitation proceedings into liquidation proceedings in those cases authorized by law, or at any other time upon the recommendation of the rehabilitation receiver or management committee that the rehabilitation of the debtor is no longer feasible. In such case, the FLSP Rules shall apply.

RULE 3 INSOLVENCY OF INDIVIDUAL DEBTORS

A. SUSPENSION OF PAYMENTS

SEC. 1. WHO MAY FILE PETITION; VENUE; CONTENTS. – An individual debtor who has assets that exceed his liabilities but foresees the impossibility of paying his debts when they respectively fall due may file a verified petition for suspension of payments in the court having jurisdiction over the province or city where he has resided for six (6) months prior to the filing of the petition.

The petition shall indicate the names of at least three (3) nominees to the position of commissioner and shall include, as minimum attachments, the following:

- (a) a schedule of debts and liabilities, including a list of creditors with their addresses, amount of claims and collaterals, if any;
- (b) an inventory of all the debtor's assets, including receivables and claims against third parties;

- (c) a schedule of current income and expenditures within three (3) months prior to the filing of the petition;
- (d) the income tax return of the debtor for the immediately preceding year;
- (e) a list of all properties acquired by the debtor in the immediately preceding two (2) years;
- (f) a list of all properties sold, disposed of, or donated by the debtor in the immediately preceding two (2) years;
- (g) a schedule of the debtor's executory contracts and unexpired leases; and
- (h) a proposed agreement with the creditors.

All attachments to the petition shall be deemed part and parcel of the verified petition.

SEC. 2. ACTION ON THE PETITION. – If the Court finds the petition sufficient in form and substance, it shall, within five (5) working days from the filing of the petition, issue a Suspension of Payments Order:

- (a) prohibiting creditors from suing or instituting proceedings for collection against the debtor, except: (i) creditors having claims for personal labor, maintenance, expense of last illness and funeral of the wife or children of the debtor incurred within sixty (60) days immediately prior to the filing of the petition; and (ii) secured creditors;
- (b) calling a meeting of all the creditors named in the schedule of debts and liabilities at a time not less than fifteen (15) days nor more than forty (40) days from the date of such order and designating the date, time, and place of the meeting;
- (c) directing such creditors to present written evidence of their claims before the scheduled creditors' meeting;
- (d) directing the publication of the said order in a newspaper of general circulation in the Philippines once a week for two (2) consecutive weeks, with the first publication to be made within seven (7) days from the time of the issuance of the order;
- (e) directing the clerk of court to send or cause the sending of a copy of the order by registered mail, postage prepaid, to all creditors named in the schedule of debts and liabilities;
- (f) prohibiting the petitioner from selling, transferring, encumbering or disposing his property, except those used in the ordinary operations of commerce or of industry in which the petitioner is engaged as long as the proceedings are pending;

- (g) prohibiting the petitioner from making any payment outside of the necessary or legitimate expenses of his business or industry, as long as the proceedings are pending; and
- (h) appointing a commissioner to preside over the creditors' meeting, who may or may not be from among the nominees of the debtor.

SEC. 3. MOTION TO SUSPEND PENDING EXECUTION. – Upon motion of the petitioner, the court may also issue an order suspending any pending execution against the debtor. Property held as security by secured creditors shall not be subject to such suspension order.

The order suspending execution shall lapse when three (3) months shall have passed without the proposed agreement being accepted by the creditors or as soon as such proposed agreement is rejected.

SEC. 4. PERSONS WHO MAY REFRAIN FROM ATTENDING AND VOTING DURING THE CREDITORS' MEETING. – Secured creditors and creditors having claims for personal labor, maintenance, expense of last illness and funeral of the wife or children of the debtor incurred within sixty (60) days immediately prior to the filing of the petition may refrain from attending the creditors' meeting and from voting therein. Such persons shall not be bound by any agreement arrived at in such meeting, unless, being aware of this right, they attend the meeting, participate in the discussions and vote therein.

SEC. 5. WHO MAY BE APPOINTED COMMISSIONER. – The commissioner, who shall preside over the creditors' meeting in connection with the proceedings, shall be a natural person who shall have the following minimum qualifications:

- (a) a citizen of the Philippines or a resident thereof for six (6) months immediately preceding his appointment;
- (b) of good moral character and with acknowledged integrity, impartiality and independence;
- (c) has the requisite knowledge of insolvency laws, rules and procedures; and
- (d) has no conflict of interest; Provided, that such conflict of interest may be waived, expressly or impliedly, by a party who may be prejudiced thereby. An individual shall be deemed to have a conflict of interest if he is so situated as to be materially influenced in the exercise of his judgment for or against any party to the proceedings.

The debtor or any creditor may file a written objection to the commissioner appointed by the court on the ground that he does not meet the foregoing minimum requirements. If the court finds merit in the objection, it shall appoint a new commissioner.

SEC. 6. CREDITORS' MEETING. – The presence of creditors, either in person or through a representative duly authorized in writing, holding claims amounting to at least three-fifths (3/5) of the liabilities of the petitioner, excluding liabilities unaffected by the Suspension of Payments Order listed as exceptions under Section 2 (a) of this Rule, shall be necessary to hold a creditors' meeting under this Rule. The court-appointed commissioner shall preside over the meeting and the clerk of court shall act as meeting secretary, subject to the following rules:

- (a) The clerk of court shall record the creditors present and the amount of their respective claims;
- (b) The commissioner shall examine the written evidence of the claims. If the creditors present hold at least three-fifths (3/5) of the liabilities of the debtor as above-qualified, he shall declare a quorum;
- (c) The creditors and the debtor shall discuss the proposed agreement and any amendment thereto, and put it to a vote. No creditor who incurred his credit within ninety (90) days prior to the filing of the petition shall be allowed to vote;
- (d) To form a majority, it is necessary:
 - 1) that two-thirds (2/3) of the creditors voting unite upon the matter on the table; and
 - 2) that the claims represented by said majority vote amount to at least three-fifths (3/5) of the total liabilities of the debtor as above-qualified; and
- (e) After the announcement of the results, all the protests against the majority vote shall be drawn up, and the commissioner, the debtor and all creditors who took part in the voting shall sign the affirmed propositions.

The commissioner shall prepare a report of the proceedings that shall include the voting results, the affirmed propositions mentioned in paragraph (e) above, if any, and submit the report to the court not later than three (3) days after the last creditors' meeting.

SEC. 7. REJECTION OF THE DEBTOR'S PROPOSAL AND DISMISSAL OF THE PETITION. – If no creditors' meeting with the required quorum is held within ninety (90) days from the date of the last publication mentioned in Section 2 (d) of this Rule, or, there being such meeting or meetings, the debtor's proposal is not approved within the said period, the same shall be deemed rejected. In such a case, the court, within five (5) days from the lapse of the ninety (90)-day period, or from receiving the report of the commissioner mentioned in the preceding section that the debtor's proposal has been rejected, shall issue an order dismissing the petition.

SEC. 8. OBJECTIONS TO THE APPROVAL OF THE DEBTOR'S PROPOSAL OR ANY AMENDMENT THERETO. – If the proposal of the debtor, or any amendment thereto, made during

the creditors' meeting, is approved by the majority of creditors in accordance with Section 6 of this Rule, any creditor who attended the meeting and who dissented from and protested against the vote of the majority may file an objection with the court within ten (10) days from the date of the meeting on any of the following grounds:

- (a) defects in the call for the meeting, in the holding thereof, and in the deliberations had thereat which prejudice the rights of the creditors;
- (b) fraudulent connivance between one or more creditors and the individual debtor to vote in favor of the proposed agreement, or any amendment thereto; or
- (c) fraudulent conveyance of claims for the purpose of obtaining a majority.

The court shall hear and pass upon such objection in a summary manner, within thirty (30) days from the filing of the objection. If the decision of the majority of creditors to approve the debtor's proposal, or any amendment thereto, is annulled by the court, the petition shall be dismissed.

SEC. 9. EFFECTS OF THE APPROVAL OF THE DEBTOR'S PROPOSAL OR ANY AMENDMENT THERETO. – If the decision of the majority of the creditors to approve the proposed agreement, or any amendment thereto, made during the creditors' meeting is upheld by the court, or when no opposition or objection to said decision has been presented, the court shall issue an order confirming the approval of the proposed agreement, or any amendment thereto, and directing all parties bound thereby to comply with its terms.

SEC. 10. RESIDUAL POWER OF THE COURT. – The court, upon motion of any affected party, may issue any order which may be necessary or proper to enforce the agreement. If the debtor fails, wholly or in part, to perform his obligations under the agreement, or to comply with any order of the court, the court, upon motion of any creditor, shall declare the agreement terminated, and all the rights which the creditors had against the debtor before the agreement shall revert in them.

B. VOLUNTARY LIQUIDATION

SEC. 11. WHO MAY FILE PETITION; VENUE; CONTENTS. – An individual debtor whose liabilities exceed his assets and whose debts exceed Five Hundred Thousand Pesos (P500,000.00) may file a verified petition for liquidation in the court having jurisdiction over the province or city where he has resided for six (6) months prior to the filing of the petition.

The petition shall indicate the names of at least three (3) nominees to the position of liquidator and shall include, as minimum attachments, the following:

- (a) a schedule of debts and liabilities, including a list of creditors with their addresses, amount of claims and collaterals, if any;
- (b) an inventory of all the debtor's assets, including receivables and claims against third parties;
- (c) a schedule of current income and expenditures within three (3) months prior to the filing of the petition;
- (d) the income tax return of the debtor for the immediately preceding year;
- (e) a list of all properties acquired by the debtor in the immediately preceding two (2) years;
- (f) a list of all properties sold, disposed of, or donated by the debtor in the immediately preceding two (2) years; and
- (g) a schedule of the debtor's executory contracts and unexpired leases.

All attachments to the petition shall be deemed part and parcel of the verified petition.

SEC 3. ACTION ON THE PETITION. – If the court finds the petition sufficient in form and substance, it shall issue the Liquidation Order mentioned in Section 2, Rule 4 (A) of these Rules. Otherwise, the court shall dismiss the petition. The court may take any action necessary for the foregoing purposes but it shall have a maximum period of ten (10) working days from the date of the filing of the petition to issue the Liquidation Order or dismiss the petition.

C. INVOLUNTARY LIQUIDATION

SEC. 13. WHO MAY FILE PETITION; VENUE; CONTENTS. – Any creditor or creditors with a claim of, or the aggregate of whose claims is, at least Five Hundred Thousand Pesos (P500,000.00) may file a verified petition for liquidation of an individual debtor with the court of the province or city where the debtor resides.

The petition shall state the particulars of at least one of the following acts of insolvency of the debtor:

- (a) that the debtor is about to depart or has departed from the Philippines, with intent to defraud his creditors;
- (b) that being absent from the Philippines, with intent to defraud his creditors, he remains absent;

- (c) that the debtor conceals himself to avoid the service of legal process for the purpose of hindering or delaying the liquidation or of defrauding his creditors;
- (d) that the debtor conceals, or is removing, any of his property to avoid its being attached or taken on legal process;
- (e) that the debtor has allowed his property to remain under attachment or legal process for three (3) days for the purpose of hindering or delaying the liquidation or of defrauding his creditors;
- (f) that the debtor has confessed or offered to allow judgment in favor of any creditor for the purpose of hindering or delaying the liquidation or of defrauding any creditor;
- (g) that the debtor has wilfully allowed judgment to be taken against him by default for the purpose of hindering or delaying the liquidation or of defrauding his creditors;
- (h) that the debtor has suffered or procured his property to be taken on legal process with intent to give a preference to one or more of his creditors and thereby hinder or delay the liquidation or defraud any one of his creditors;
- (i) that the debtor has made any assignment, gift, sale, conveyance or transfer of his estate, property, rights or credits with intent to hinder or delay the liquidation or defraud his creditors;
- (j) that the debtor has, in contemplation of insolvency, made any payment, gift, grant, sale, conveyance or transfer of his estate, property, rights or credits;
- (k) that being a merchant or tradesman, the debtor has generally defaulted in the payment of his current obligations for a period of thirty (30) days;
- (l) that for a period of thirty (30) days, the debtor has failed, after demand, to pay any moneys deposited with him or received by him in a fiduciary capacity; or
- (m) that an execution having been issued against him on final judgment for money, the debtor shall have been found to be without sufficient property subject to execution to satisfy the judgment.

SEC. 14. BOND FOR FILING OF PETITION. – The petitioner/s shall post a bond in an amount at least equal in value to the aggregate of his/their claims, conditioned upon payment to the debtor of all expenses and damages the debtor may incur by reason of the filing of the petition if the petition is later dismissed or withdrawn by the petitioner/s without the consent of the debtor, or if it is finally determined that the debtor is not insolvent.

SEC. 15. ORDER FOR DEBTOR TO SHOW CAUSE. – If the petition is sufficient in form and substance, the court, within five working (5) days from the filing of the petition, shall issue summons to the debtor requiring him, by way of comment on or opposition to the petition within an inextendible period of fifteen (15) days from service of the summons, to show cause why he should not be declared insolvent.

SEC. 16. ORDER FOR DEBTOR TO REFRAIN FROM PAYING DEBTS OR TRANSFERRING PROPERTY. – Upon motion of any creditor and after hearing, the court may, upon good cause shown, issue an order prohibiting the debtor from paying any of his debts, or from transferring any property belonging to him, until the court issues a Liquidation Order or dismisses the petition, whichever is earlier. However, nothing contained herein shall affect or impair the rights of a secured creditor to enforce his lien in accordance with its terms.

SEC. 17. HEARING ON THE PETITION. – After the issues are joined, the court shall set the petition for hearing in order to determine whether the evidence is sufficient to warrant the issuance of a Liquidation Order.

SEC. 18. ISSUANCE OF THE LIQUIDATION ORDER. – If the debtor on whom summons is properly served fails to file a comment on or opposition to the petition within the period given by the court, or if the evidence given during the hearing mentioned in the preceding section warrant it, the court shall issue the Liquidation Order mentioned in Section 2, Rule 4 (A) of these Rules.

SEC. 19. ABSENT DEBTOR. – When the debtor resides out of the Philippines, or when his residence is unknown, or he has departed from the Philippines with intent to defraud his creditors, or cannot, after due diligence, be found therein, or conceals himself to avoid service of summons, or any other related preliminary process or orders, then the court, upon motion of the petitioning creditors duly supported by an affidavit or affidavit/s narrating and substantiating any of the foregoing allegations and a bond approved by the court in double the amount of the aggregate sum of their claims against the debtor, shall issue an order directing:

- (a) the sheriff of the province or city in which the matter is pending to take into custody, within thirty (30) days from the date of the order, a sufficient amount of property of the debtor, not exempt from execution and not subject of a secured creditor's lien, to satisfy the claims of the petitioning creditors and the costs of the proceedings;
- (b) the publication of the summons and the said order in a newspaper of general circulation in the Philippines once a week for two (2) consecutive weeks;
- (c) the mailing of the petition, the summons and the order to the debtor's last known address;
- (d) the sending of an electronic mail to the debtor's last known electronic mail address, if any, attaching thereto copies of the petition, the summons and the order; and

- (e) the posting of copies of the petition and the summons on at least three (3) conspicuous places on any real property owned by the debtor.

If the debtor fails to file a comment, opposition or other responsive pleading to the petition or order within fifteen (15) days after the last publication of the summons and order, or within any other period given by the court, then the court shall issue a Liquidation Order mentioned in Section 2, Rule 4 (A) of these Rules.

SEC. 20. DUTY OF SHERIFF. – Upon receiving the order for him to take into custody property of the debtor, the sheriff shall take custody of such property of the debtor not exempt from execution and not subject of any secured creditor's lien sufficient to cover the amount provided for. He shall make a return to the court within two (2) days every time he takes property of the debtor pursuant to the order, and as soon as he has taken sufficient amount of the debtor's property to cover the amount provided for in the order, he shall make a return to the court of an inventory of all the property taken within three (3) days from the time of the last taking. Upon motion and for good cause shown, the time for making an inventory, or any return may be extended. The sheriff shall also prepare a schedule of the names and residences of the creditors, and the amount due each, from the books of the debtor, or from such other papers or data of the individual debtor available as may come to his possession, and shall file such schedule or list of creditors and inventory with the clerk of court.

SEC. 21. ALL PROPERTY TAKEN TO BE HELD FOR ALL CREDITORS; APPEAL BONDS; EXEMPTIONS TO SURETIES. – If after the taking mentioned in the preceding section, there still remains property of the debtor not exempt from execution and not subject of a secured creditor's lien, any other creditor or creditors, upon giving bond approved by the court in double the amount of his/their claim/s, singly or jointly, shall be entitled to similar orders and to like action, by the sheriff, until all claims are provided for, and as long as the debtor has sufficient property. All such property taken into custody by the sheriff shall be held by him for the benefit of all creditors whose claims shall be duly established in the proceedings.

SEC. 22. BONDS FOR CUSTODY OF PROPERTY AND APPEAL. – The bonds provided for in Sections 19 and 21 of this Rule to procure the order for custody of the property and effects of the debtor shall be conditioned upon payment to the debtor, his heirs, administrators, executors or assigns of all damages he may sustain by reason of the order for which the bonds were procured if, after hearing of the petition, the court shall find in favor of the debtor and the petition is dismissed. Such damages, which shall not exceed the amount of the bond, shall be determined and fixed by the court. If either the petitioners or the debtor shall appeal from the decision of the court, upon final hearing of the petition, the appellant shall be required to give bond to the successful party in a sum double the amount of the value of the property in controversy, and for the costs of the proceedings.

Any person interested in the estate may object to the sufficiency of the surety or sureties on such bond or bonds. The court shall direct the surety or sureties to justify their sufficiency. If the court

finds that the sureties or any of them are insufficient, the court shall issue an order dismissing the petition or vacating the order to take into the custody of the sheriff the property of the individual debtor, or denying the appeal, as the case may be.

SEC. 23. SALE OF DEBTOR'S PROPERTY UNDER SHERIFF'S CUSTODY. – If the property of the debtor taken into custody by the sheriff under Sections 19, 20 and 21 of this Rule is perishable, costly to maintain, subject to or in danger of rapid obsolescence, depreciation, or diminution in value, or when the interests of the debtor and the creditors will be better served by the sale thereof, the court, upon motion of any creditor, duly supported by affidavit/s narrating facts supporting the application and a bond equivalent to the estimated value of the property approved by the court, shall issue an order directing: (a) the sale of the property in the same manner as property is sold under execution, the proceeds to be deposited in the court to abide by the result of the proceedings; and (b) the publication of the order once a week for two consecutive weeks in a newspaper of general circulation in the city or province where the court exercises jurisdiction.

RULE 4
PROVISIONS COMMON TO LIQUIDATION IN INSOLVENCY OF INDIVIDUAL AND JURIDICAL DEBTORS

SEC. 1. USE OF TERM DEBTOR. – The term debtor used in this Rule shall refer to an individual debtor and/or a juridical debtor whenever appropriate.

A. THE LIQUIDATION ORDER

SEC. 2. LIQUIDATION ORDER. – The Liquidation Order shall:

- (a) declare the debtor insolvent;
- (b) order the liquidation of the debtor and, in the case of a juridical debtor, declare it as dissolved;
- (c) order the sheriff to take possession and control of all the property of the debtor, except those that may be exempt from execution;
- (d) order the publication of the Liquidation Order, together with the petition, or motion to convert the rehabilitation proceedings into liquidation proceedings, if any, in a newspaper of general circulation in the Philippines once a week for two (2) consecutive weeks;
- (e) direct payments of any claims and conveyance of any property due the debtor to the liquidator;
- (f) prohibit payments and the transfer of any property by the debtor;

- (g) direct all creditors to file their claims with the liquidator not later than five (5) days from the time the liquidator takes his oath of office, furnishing a copy thereof to the court;
- (h) authorize the payment of administrative expenses as they become due;
- (i) state that the debtor and creditors who are not petitioner/s may submit the names of other nominees to the position of liquidator; and
- (j) set the case for hearing for the election and appointment of the liquidator, which date shall not be less than thirty (30) days nor more than forty-five (45) days from the date of the last publication.

SEC. 3. EFFECTS OF THE LIQUIDATION ORDER. – Upon the issuance of the Liquidation Order:

- (a) the juridical debtor shall be deemed dissolved and its corporate or juridical existence terminated;
- (b) legal title to and control of all the assets of the debtor, except those that may be exempt from execution, shall be deemed vested in the liquidator or, pending his election or appointment, with the court;
- (c) all contracts of the debtor shall be deemed terminated and/or breached, unless the liquidator, within ninety (90) days from the time he takes his oath of office, declares otherwise and the contract counter-party agrees;
- (d) no separate action for the collection of an unsecured claim shall be allowed. Actions already pending will be transferred to the liquidator for him to accept and settle or contest. If the liquidator contests or disputes the claim, the court shall allow, hear, and resolve such contest, except when the case is already on appeal. In such a case, the suit may proceed to judgment, and any final and executory judgment therein for a claim against the debtor shall be filed and allowed in court; and
- (e) no foreclosure proceeding shall be allowed for a period of one hundred eighty (180) days from the date of the order.

B. SECURED CREDITORS

SEC. 4. RIGHTS OF SECURED CREDITORS. – The Liquidation Order shall not affect the right of a secured creditor to enforce his lien in accordance with the applicable contract or law, unless he waives his right.

SEC. 5. DUTY OF SECURED CREDITORS. – At any time prior to the election of the liquidator, a secured creditor shall manifest in writing to the court whether he is:

- (a) waiving his right under the security or lien in accordance with Section 6 of this Rule; or
- (b) maintaining his right under the security or lien.

If a secured creditor fails to file such a manifestation, he shall be deemed to have opted to maintain his right under the security or lien.

SEC. 6. WAIVER OF SECURITY OR LIEN. – A secured creditor shall not be deemed to have waived his right under the security or lien unless the waiver is made in a public document, in unequivocal language, and with full knowledge of the consequences of his action. If a secured creditor waives his right, he shall be entitled to participate in the liquidation proceedings as an unsecured creditor.

SEC. 7. WHEN A SECURED CREDITOR MAINTAINS HIS SECURITY OR LIEN. – If a secured creditor elects to enforce or maintain his right under the security or lien, at his option:

- (a) the value of the property may be fixed in a manner agreed upon by the creditor and the liquidator, and approved by the court.

When the value of the property is less than the claim it secures, the liquidator may convey the property to the secured creditor and the latter will be admitted in the liquidation proceedings as an unsecured creditor for the balance. If the value of the property exceeds the claim secured, the liquidator may convey the property to the secured creditor and waive the debtor's right of redemption upon receiving the excess from the creditor. In any case, any other creditor or interested party may, upon a *prima facie* showing that the valuation is too low, contest the valuation and propose another mode by which to dispose of the property, or to otherwise convert it to cash or its equivalent, to ensure that the true maximum value of the property under the circumstances is obtained. A dissenting creditor or any other creditor or interested party may also offer to purchase the property at the price it is valued by the secured creditor and the liquidator, as approved by the court. At all times, it shall be the duty of the court to ensure that the property is valued at its maximum under the circumstances. In case there is conflict on the valuation of the property, the court may appoint an independent third party appraiser to assist in determining the proper valuation of the property;

- (b) the liquidator may sell the property and satisfy the secured creditor's entire claim from the proceeds of the sale. The sale shall be made under such terms and conditions as the liquidator and the secured creditor may agree upon, as approved by the court, provided, that the costs of the sale, if any, shall be for the account of the secured creditor; or

- (c) the secured creditor may enforce the lien or foreclose on the property pursuant to applicable laws.

C. THE LIQUIDATOR

SEC. 8. QUALIFICATIONS OF THE LIQUIDATOR. – The liquidator shall:

- (a) be a citizen of the Philippines or a resident thereof for six (6) months immediately preceding his nomination;
- (b) be of good moral character and with acknowledged integrity, impartiality and independence;
- (c) have the requisite knowledge of insolvency and other relevant commercial laws, rules and procedures, as well as the relevant training and/or experience that may be necessary to enable him to properly discharge the duties and obligations of a liquidator; and
- (d) have no conflict of interest: Provided, that such conflict of interest may be waived, expressly or impliedly, by a party who may be prejudiced thereby.

An individual shall be deemed to have a conflict of interest if he is so situated as to be materially influenced in the exercise of his judgment for or against any party to the proceedings. Without limiting the generality of the foregoing, an individual shall be deemed to have a conflict of interest if:

- (a) he is a creditor, owner, partner or stockholder of the debtor;
- (b) he is a creditor, owner, partner or stockholder of a creditor of the debtor;
- (c) he is engaged in a line of business which competes with that of the debtor;
- (d) he is, or was, within five (5) years from the filing of the petition or motion for conversion, a director, officer, owner, partner or employee of the debtor or any of the creditors, or acted as legal counsel or auditor or accountant of the debtor or any of the creditors;
- (e) he is, or was, within two (2) years from the filing of the petition or motion for conversion, an underwriter of the outstanding securities of the debtor;
- (f) he is related by consanguinity or affinity within the fourth civil degree to any individual creditor, owner of a sole proprietorship-debtor, partner in a partnership-debtor or stockholder, director, officer, employee or underwriter of a corporate-debtor;
- (g) he has any other direct or indirect material interest in the debtor or any of the creditors; or

- (h) he was the receiver or member of the management committee, the counsel or an employee of either, when there is a showing that the financial distress of the debtor was not arrested or its fiscal condition deteriorated and resulted in its liquidation by reason of his lack of diligence or foresight.

A nominee or an elected or appointed liquidator and their personnel shall immediately disclose to the court any ground that may give rise to an actual or potential conflict of interest, regardless of his personal assessment of its sufficiency, as soon as he becomes aware of it.

If the liquidator is a juridical entity, it must designate a natural person who possesses all the qualifications and none of the disqualifications as its representative, it being understood that the juridical entity and the representative are solidarily liable for all obligations and responsibilities of the liquidator.

SEC. 9. ELECTION OF LIQUIDATOR. – The creditors entitled to vote will elect the liquidator in open court. To constitute a quorum for the election of the liquidator, creditors representing or holding at least a majority of the total claims entitled to vote must be present either in person or by proxy. Only creditors who were included in the schedule of debts and liabilities or registry of claims, or have filed their claims within the period set by the court, and whose claims are not barred by the statute of limitations, are entitled to vote. A secured creditor shall not be entitled to vote, unless: (a) he waives his right under the security or lien; and (b) has the value of the property subject of his security or lien fixed and approved by the court, and is admitted for the balance of his claim. The nominee receiving the highest number of votes cast in terms of the amount of claim held or represented, and who is qualified pursuant to Section 8 of this Rule, shall be appointed as the liquidator.

SEC. 10. COURT-APPOINTED LIQUIDATOR. – The court may appoint the liquidator if:

- (a) on the date set for the election of the liquidator, there is no quorum;
- (b) the creditors who attend either fail or refuse to elect a liquidator;
- (c) after being elected, the liquidator fails to qualify; or
- (d) a vacancy occurs for any reason whatsoever.

In any of these cases, the court, upon motion or *motu proprio*, and for good cause shown, may set another date or hearing for the election of the liquidator. Any person appointed by the court to administer the debtor as a rehabilitation receiver prior to the commencement of the liquidation may subsequently be appointed as its liquidator.

SEC. 11. OATH AND BOND OF THE LIQUIDATOR. – Prior to assuming his office, the liquidator shall take an oath and file a bond, in such amount to be fixed by the court, conditioned upon the proper and faithful discharge of his powers, duties and responsibilities.

SEC. 12. POWERS, DUTIES AND RESPONSIBILITIES OF THE LIQUIDATOR. – The liquidator shall be deemed an officer of the court with the principal duty of preserving and maximizing the value and recovering the assets of the debtor, with the end in view of liquidating them and discharging to the extent possible all the claims against the debtor. The powers, duties and responsibilities of the liquidator shall include, but not be limited to, the following:

- (a) to sue and recover all the assets, debts and claims, belonging or due to the debtor;
- (b) to take possession of all the property of the debtor, except property exempt by law from execution;
- (c) to sell, with the approval of the court, any property of the debtor under his possession or control;
- (d) to redeem all mortgages and pledges, and satisfy any judgment which may constitute an encumbrance on any property sold by him;
- (e) to settle all accounts between the debtor and his creditors, subject to the approval of the court;
- (f) to recover any property, or its value, fraudulently conveyed by the debtor;
- (g) to recommend to the court the creation of a creditors' committee which will assist him in the discharge of his functions and which shall be vested with powers as the court deems just, reasonable and necessary; and
- (h) upon approval of the court, to engage the services of persons with specialized skills or training as may be necessary and reasonable to assist him in the discharge of his duties. Such persons or professionals shall be deemed employees or independent contractors of the liquidator and shall possess the same qualifications as the liquidator.

In addition to the rights and duties of a rehabilitation receiver under Section 31, Chapter II (C) of the FRIA, insofar as they are applicable to liquidation proceedings, the liquidator, shall have the right and duty to take all reasonable steps to manage and dispose of the debtor's assets with a view towards maximizing the proceeds therefrom, to pay creditors and stockholders, and to terminate the debtor's legal existence.

SEC. 13. REMOVAL OF THE LIQUIDATOR. – The liquidator may be removed at any time by the court either *motu proprio* or upon motion by the debtor or any creditor or creditors on any of the following grounds:

- (a) he did not actually receive the highest number of votes during the election for liquidator;
- (b) incompetence, gross negligence, failure to perform or exercise the proper degree of care in the performance of his duties and powers;
- (c) lack of a particular or specialized competency required by the specific case;
- (d) illegal acts or conduct in the performance of his duties and powers;
- (e) lack of any of the qualifications stated under Section 8 of this Rule or presence of any disqualification;
- (f) conflict of interest, unless, waived, expressly or impliedly, by a party who may be prejudiced thereby;
- (g) partiality or lack of independence; or
- (h) any other ground analogous to the foregoing.

SEC. 14. COMPENSATION OF THE LIQUIDATOR. – The liquidator and the persons engaged or employed by him to assist in the discharge of his powers and duties shall be entitled to such reasonable compensation as may be determined by the court, after consultation with the creditors.

SEC. 15. REPORTING REQUIREMENTS. – The liquidator shall make and keep a record of all property received and all disbursements made by him or under his authority as liquidator. He shall render a quarterly report thereof to the court, which report shall be made available to all interested parties. The liquidator shall also submit such reports as may be required by the court from time to time as well as a final report at the end of the liquidation proceedings.

SEC. 16. DISCHARGE OF LIQUIDATOR. – Upon the filing of his final report, and in preparation for the final settlement of all the claims against the debtor, the liquidator will notify all the creditors, either by publication in a newspaper of general circulation or such other mode as the court may direct or allow, that he will apply with the court for the settlement of his account and his discharge from liability as liquidator. The liquidator will file a final accounting with the court, with proof of notice to all creditors. The accounting will be set for hearing. If the court finds the same in order, the court will discharge the liquidator.

SEC. 17. REGISTRY OF CLAIMS. – Within twenty (20) days from his assumption into office, the liquidator shall submit to the court a preliminary registry of claims of secured and unsecured creditors indicating, among others, the amount and nature of each claim, the documentary or other basis for each claim, and a description of the nature and location of every security or lien, if any. Secured creditors who have waived their rights under their security or lien, or have fixed the value of the property subject of their security or lien by agreement with the liquidator and are admitted as creditors for the balance, shall be considered as unsecured creditors. The liquidator shall make the registry available for public inspection, give notice to all the creditors and other interested parties that

the registry is available for inspection and copying, and publish said notice in a newspaper of general circulation in the province or city where the debtor's principal office is located.

D. DETERMINATION OF CLAIMS

SEC. 18. RIGHT OF SET-OFF. – If the debtor and creditor are mutually debtor and creditor of each other, one debt shall be set off against the other and only the balance, if any, shall be allowed in the liquidation proceedings.

SEC. 19. OPPOSITION OR CHALLENGE TO CLAIMS. – Within thirty (30) days from the expiration of the period for the filing of claims, a creditor, debtor, or other interested party may submit to the court an opposition or challenge to any claim or claims, serving a certified copy on the liquidator and the creditor holding the challenged claim. Upon the expiration of the period, the liquidator shall submit to the court the registry of claims containing the undisputed claims that have not been subject to challenge. Such claims shall become final upon the filing of the register and may be subsequently set aside only on grounds of fraud, accident, mistake or excusable neglect.

SEC. 20. SUBMISSION OF DISPUTED CLAIMS TO THE COURT. – The liquidator shall resolve disputed claims and submit his findings thereon to the court for final approval. The liquidator may disallow claims, subject to final approval of the court.

E. AVOIDANCE PROCEEDINGS

SEC. 21. RESCISSION OR NULLITY OF CERTAIN TRANSACTIONS. – Any transaction occurring prior to the issuance of the Liquidation Order or, in the case of conversion of rehabilitation proceedings to liquidation proceedings, prior to the commencement date, entered into by the debtor or involving its assets, may be rescinded or declared null and void on the ground that the same was executed with intent to defraud a creditor or creditors or constitutes an undue preference of creditors. The presumptions set forth in Section 58, Chapter II of the FRIA shall apply.

SEC. 22. ACTIONS FOR RESCISSION OR NULLITY. –

- (a) The liquidator or, with his conformity, a creditor, may initiate and prosecute any action to rescind, or declare null and void, any transaction described in the immediately preceding paragraph. If the liquidator does not consent to the filing or prosecution of such action, any creditor may seek leave of the court to commence and prosecute said action.

The court shall have five working (5) days to act on the motion for leave to commence or prosecute an action.

- (b) If leave of court is granted under subsection (a) hereof, the liquidator shall assign and transfer to the creditor all rights, title and interest in the chose in action or subject matter of the proceeding, including any document in support thereof.
- (c) Any benefit derived from a proceeding taken pursuant to subsection (a) hereof shall belong exclusively to the creditor instituting the proceeding to the extent of his claim and the costs, and the surplus, if any, shall belong to the estate.
- (d) Where, before an order is made under subsection (a) hereof, the liquidator signifies to the court his readiness to institute the proceeding for the benefit of the creditors, the order shall fix the time within which he shall do so and, in that case the benefit derived from the proceedings, if instituted within the time limits so fixed, shall belong to the estate.

In any case, the liquidator shall make provisions for any action for rescission or nullity in the Liquidation Plan.

F. THE LIQUIDATION PLAN

SEC. 23. THE LIQUIDATION PLAN. – Within three (3) months from his assumption into office, the liquidator shall submit a Liquidation Plan to the court. The Liquidation Plan shall, as a minimum, enumerate all the assets of the debtor not exempt from execution, a list of all creditors and their claims which have been duly proved as shown in the final registry of claims, and a proposed mode and schedule of liquidation of the assets and payment of the claims. The Liquidation Plan shall make provisions for, among others, disputed claims and any action for rescission or nullity of certain transactions.

SEC. 24. EXEMPT PROPERTY TO BE SET APART. – Upon motion, and after notice and hearing, the court shall set apart property of the individual debtor exempt from execution. The motion shall be heard and granted only after it is shown that the clerk of court has posted or caused notice of the motion and hearing in at least three (3) public places in the province or city where the court exercises jurisdiction at least ten (10) days prior to the time of such hearing, which notice shall set forth the name of the debtor, and the time and place appointed for the hearing of such motion, and shall briefly indicate the homestead sought to be exempted or the property sought to be set aside.

SEC. 25. CONCURRENCE AND PREFERENCE OF CREDITS. – The Liquidation Plan and its implementation shall ensure that the concurrence and preference of credits as enumerated in the Civil Code of the Philippines, and other relevant laws, shall be observed, unless a preferred creditor voluntarily waives his preferred right. For purposes of this Rule, credits for services rendered by employees or laborers to the debtor shall enjoy first preference under Article 2244 of the Civil Code, unless the claims constitute legal liens under Articles 2241 and 2242 thereof.

SEC. 26. SALE OF ASSETS IN LIQUIDATION. – With the approval of the court, the liquidator may sell, transfer or otherwise dispose of the unencumbered assets of the debtor and convert the same into money. The sale, transfer or disposition shall be made at public auction. However, a private sale, transfer or disposition may be allowed with the approval of the court if (a) the goods to be sold are of a perishable nature, or are liable to quickly deteriorate in value, or are disproportionately expensive to keep or maintain; or (b) the private sale, transfer or disposition is for the best interest of the debtor and his creditors. With the approval of the court, unencumbered property of the debtor may also be conveyed to a creditor in satisfaction of his claim or part thereof. In all cases, the liquidator and the court shall ensure that the manner of sale, transfer or disposition is in the best interest of the debtor and his creditors.

SEC. 27. MANNER OF IMPLEMENTING THE LIQUIDATION PLAN. – The liquidator shall implement the Liquidation Plan as approved by the court in an order duly issued therefor. Payments shall be made to creditors only in accordance with the provisions of the Plan.

SEC. 28. FINAL REPORT OF THE LIQUIDATOR. – When all the property of the debtor not exempt from execution have been realized and their proceeds distributed to the creditors in accordance with the Liquidation Plan, the liquidator shall submit his final report to the court, together with the final accounting of his administration and a recommendation for the termination of the proceedings, furnishing all the creditors and other interested parties with copies thereof.

SEC. 29. TERMINATION OF PROCEEDINGS. – If, after notice and hearing, the court is satisfied with the final report, it shall issue an order approving the same and directing the removal of the name of the juridical debtor from the register of legal entities of the SEC and other government agencies, or discharging the individual debtor from his liabilities included in the Liquidation Plan, as the case may be.

In the same order discharging the individual debtor from his liabilities, the court shall state that the proceedings are terminated. However, in the case of a juridical debtor registered with the SEC, the court shall issue an order terminating the proceedings only upon receipt of evidence showing that the debtor has been removed from the registry of legal entities at the SEC.

SEC. 30. LIQUIDATION OF A SECURITIES MARKET PARTICIPANT. – The foregoing provisions shall be without prejudice to the power of a regulatory agency or self-regulatory organization to liquidate trade-related claims of clients or customers of a securities market participant which, for purposes of investor protection, are hereby deemed to have absolute priority over other claims of whatever nature or kind insofar as trade-related assets are concerned.

For purposes of this section, trade-related assets include cash, securities, trading right, and other assets owned and used by the securities market participant in the ordinary course of its business.

**RULE 5
PROCEDURAL REMEDIES**

SEC. 1. MOTION FOR RECONSIDERATION IN SUSPENSION OF PAYMENTS PROCEEDINGS. – A party may file a motion for reconsideration of a Suspension of Payments Order, or any order issued by the court prior to its order confirming or disapproving the proposed agreement mentioned in Section 9, Rule 3 (A) of these Rules. No relief can be extended to the party aggrieved by the court's order on the motion through a special civil action for *certiorari* under Rule 65 of the Rules of Court.

SEC. 2. REVIEW OF DECISION OR ORDER IN SUSPENSION OF PAYMENTS PROCEEDINGS. – The court's dismissal of the petition for suspension of payments on the ground of insufficiency in form and substance resulting in the non-issuance of a Suspension of Payments Order, and its order confirming or disapproving the proposed agreement mentioned in Section 9, Rule 3 (A) of these Rules can only be reviewed through a petition for *certiorari* to the Court of Appeals under Rule 65 of the Rules of Court within fifteen (15) days from notice of the decision or order.

SEC. 3. MOTION FOR RECONSIDERATION IN LIQUIDATION PROCEEDINGS. – A party may file a motion for reconsideration of any order issued by the court prior to the issuance of the Liquidation Order. No relief can be extended to the party aggrieved by the court's order on the motion through a special civil action for *certiorari* under Rule 65 of the Rules of Court.

SEC. 4. REVIEW OF DECISION OR ORDER IN LIQUIDATION PROCEEDINGS. – The Liquidation Order, and the order approving or disapproving the Liquidation Plan under Section 27, Rule 4 (F) of these Rules can only be reviewed through a petition for *certiorari* to the Court of Appeals under Rule 65 of the Rules of Court within fifteen (15) days from notice of the decision or order.

**RULE 6
EFFECTIVITY**

SEC. 1. EFFECTIVITY. – These Rules shall take effect fifteen (15) days after their complete publication in the Official Gazette or in at least two (2) newspapers of national circulation in the Philippines.



**Republic of the Philippines
Supreme Court
Manila**

Gentlemen:

Quoted hereunder, for your information, is a resolution of the Court En Banc dated 17 June 2003

"A.M. No. 03-03-03-SC.- Re: Proposal to Consolidate Intellectual Property Courts with Commercial Courts.- The Court Resolved to (a) NOTE the Memorandum, dated 22 April 2003 of Court Administrator Presbitero J. Velasco, Jr., in compliance with the resolution dated 05 March 2003, stating that the OCA finds no cogent reason to deviate from the proposal to consolidate Intellectual Property Courts with Commercial Courts (SEC Courts), as contained in Recommendation No. C-20 of the Consultants Group, Judicial Reforms Office, PHILJA, and recommends its approval and, upon recommendation of the Office of the Court Administrator, (b) **APPROVE** the draft resolution of the Consultants Group, Judicial Reforms Office and PHILJA thereon, and (c) **ADOPT** the same as its own to read as follows:

RESOLUTION

WHEREAS, to implement the provisions of Sec. 5.2 of Republic Act No. 8799 (The Securities Regulation Code), and in the interest of a speedy and efficient administration of justice, the Supreme Court *en banc*, in the (a) Resolutions dated 21 November 2000 (Annex 1), 4 July 2001 (Annex 1-a), 12 November 2002 (Annex 1-b), and 9 July 2002 (Annex 1-c), all issued in A.M. No. 00-11-03-SC; (b) Resolution dated 27 August 2001 in A.M. No. 01-5-298-RTC (Annex 2); and (c) Resolution dated 8 July 2002 in A.M. No. 01-12-656-RTC (Annex 3), resolved to designate certain branches of the Regional Trial Courts to try and decide cases formerly cognizable by the Securities and Exchange Commission;

WHEREAS, pursuant to the same Resolutions, sixty-five (65) Regional Trial Courts, distributed in all regions (NCJR and Regions I-XII), were designated as SEC courts ("SEC Courts"), which courts have presently a total of 812 pending SEC cases (see Annex 6, Table);

WHEREAS, in A.O. No. 113-95, dated 2 October 1995, as amended by A.O. No. 104-96, dated 21 October 1996, the Regional Trial Courts in the National Capital Region and Regions 3, 4, 6, 7, 9, 10, and, 11, with twenty-seven (27) judges, were specially designated to try and decide cases for violations of Intellectual Property Rights (Annex 4), and to ensure the speedy disposition of cases involving violations of intellectual property rights under the Intellectual Property Code (Rep. Act No. 8293), the Supreme Court *en banc*, in A.M. No. 02-1-11-SC, dated February 19, 2002, designated the Regional Trial Courts in Regions 1, 2, 5, 8, and 12, with a total of seven (7) judges, and Branch 24 of the Regional Trial Court of Manila with one (1) judge, as Special Intellectual Property Courts ("Special IP Courts") (Annex 5);

WHEREAS, pursuant to A.M. No. 02-1-11-SC and A.O. No. 113-95, these Special IP Courts have a total caseload of 503 cases. Of this number, 434 IP cases are pending in the NCJR (Annex 6, Table);

WHEREAS, since the establishment of Special IP Courts (except for the Special IP Court in Manila), 15 designated courts, in Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12 have *zero (0)* IP cases, and do not warrant their continued designations as Intellectual Property Courts (Annex 7, Table);

WHEREAS, intellectual property cases are commercial in nature;

WHEREAS, to streamline the court structure and to promote expediency and efficiency in handling such special cases, the jurisdiction to hear and decide IPC and SEC cases are best consolidated in one court;

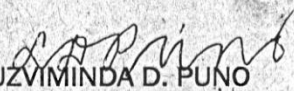
NOW, THEREFORE, the Court Resolves:

1. The Regional Trial Courts previously designated as SEC Courts through the: (a) Resolutions of this Court dated 21 November 2000, 4 July 2001, 12 November 2002, and 9 July 2002, all issued in A.M. No. 00-11-03-SC, (b) Resolution dated 27 August 2001 in A.M. No. 01-5-298-RTC; and (c) Resolution dated 8 July 2002 in A.M. No. 01-12-656-RTC are hereby **DESIGNATED** and shall be **CALLED** as Special Commercial Courts to try and decide cases involving violations of Intellectual Property Rights which fall within their jurisdiction and those cases formerly cognizable by the Securities and Exchange Commission;
2. The designation of Intellectual Property Courts under Administrative Order No. 113-95 dated 2 October 1995 as amended by Administrative Order No. 104-96 dated 21 October 1996 and Resolution dated 19 February 2002 in A.M. No. 02-1-11-SC, is hereby revoked. However, the Regional Trial Court, Branch 24, Manila is hereby designated as an additional Special Commercial Court in the City of Manila;

3. Upon the effectivity of this Resolution, all IP cases shall be transferred to the designated Special Commercial Courts except those which have undergone the pretrial stage in civil cases or those where any of the accused has been arraigned in criminal cases which shall be retained by the court previously assigned to try them;
4. The Special Commercial Courts shall have jurisdiction over cases arising within their respective territorial jurisdiction with respect to the National Capital Judicial Region and within the respective provinces with respect to the First to Twelfth Judicial Regions. Thus, cases shall be filed in the Office of the Clerk of Court in the official station of the designated Special Commercial Court;
5. In the event of inhibition of the judge of a designated Special Commercial Court, the following guidelines shall be observed: (a) where there is only one (1) Special Commercial Court, the case shall be raffled among the other judges in the station; (b) where there are two (2) Special Commercial Courts in the station, the Executive Judge shall immediately assign the case to the other Special Commercial Court; and (c) in case of inhibition of both judges of the Special Commercial Courts, the Executive Judge shall raffle the case among the judges in the station.
6. In order to ensure a just and equitable distribution of cases, the designated Special Commercial Courts shall continue to participate in the raffles of other cases. *Provided, however,* that the Executive Judge concerned shall adopt a procedure whereby every IP and SEC case assigned to a Special Commercial Court should be considered a case raffled to it and be duly credited to such court.

The Court further Resolved that this Resolution shall take effect on the first day of July 2003 after its publication in the newspaper of general circulation not later than 25 June 2003." Martinez, J., is on leave

Very truly yours,


LUZVIMINDA D. PUNO
Clerk of Court

Hon. Ameurfina A. Melencio-Herrera (x)
Chancellor
Philippine Judicial Academy
3rd Flr., Supreme Court Centennial Building
Taft Avenue cor. P. Faura Sts., Manila

The Consultants Group (x)
Judicial Reform Office
PHILJA
3rd Flr., SC Centennial Bldg., Manila

Court Administrator
Hon. Presbitero J. Velasco, Jr (x)
Deputy Court Administrators
Hon. Zenaida N. Elepaño (x)
Hon. Jose P. Perez (x)
Hon. Christopher O. Lock (x)

Amendment of A.M. NO. 03-03-03-SC For the Expansion of the Coverage of Cases Cognizable by the Special Commercial Courts to Include All Cases on Insolvency and Liquidation under the FRIA



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. NO. 03-03-03-SC

AMENDMENT OF A.M. NO. 03-03-03-SC DATED JUNE 17, 2003,
FOR THE EXPANSION OF THE COVERAGE OF CASES COGNIZABLE BY
THE SPECIAL COMMERCIAL COURTS TO INCLUDE ALL CASES
ON INSOLVENCY AND LIQUIDATION UNDER THE FRIA

RESOLUTION

Whereas, Section 6 of Republic Act (R.A.) No. 10142, otherwise known as the Financial Rehabilitation and Insolvency Act of 2010 (the FRIA) empowers the Supreme Court to designate the courts that will hear and resolve cases brought thereunder and to promulgate the rules of pleading, practice, and procedure that will govern such proceedings;

Whereas, in view of the passage of R.A. No. 8799, which transferred the jurisdiction of the Securities and Exchange Commission over all cases enumerated under Section 5 of Presidential Decree No. 902-A, including cases involving rehabilitation of corporations, partnerships, and other associations, to the Regional Trial Courts, A.M. No. 03-03-03-SC dated June 17, 2003 designated Special Commercial Courts to handle these cases, as well as intellectual property cases;

Whereas, A.M. No. 03-03-03-SC needs to be further strengthened in order to address the gaps in venue caused by the limited number of designated Special Commercial Courts per judicial region;

Whereas, Sections 18 and 23 of Batas Pambansa Bilang 129 (The Judiciary Reorganization Act of 1980) authorize the Supreme Court to define the territorial authority of the branches of the Regional Trial Court to allow better access to justice;

Whereas, cases governed by the FRIA for (1) the rehabilitation of sole proprietorships, (2) insolvency and liquidation of corporations, partnerships and other associations, and (3) insolvency and suspension of payments/discharge of individuals, are likewise special cases that are commercial in nature;

Whereas, liquidation cases emanating, not from the FRIA but, from administrative proceedings are likewise commercial in nature;

Whereas, to streamline the court structure and promote expediency and efficiency in handling special commercial cases, the exercise of jurisdiction to hear and decide all rehabilitation, insolvency and liquidation cases brought under the FRIA and those emanating from administrative proceedings are best consolidated under the Special Commercial Courts;

NOW, THEREFORE, the Court Resolves:

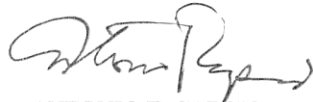
1. That (1) cases governed by the FRIA for (a) the rehabilitation of sole proprietorships, (b) the insolvency and liquidation cases of corporations, partnerships and other associations, and (c) insolvency and suspension of payments/discharge of individuals, and (2) those liquidation cases emanating from administrative proceedings shall be heard and decided by the designated Special Commercial Courts;
2. Upon the effectivity of this Resolution, all newly filed and pending cases mentioned in the immediately preceding paragraph shall be assigned or transferred to the designated Special Commercial Courts having territorial jurisdiction over them;
3. When there is no Special Commercial Court designated to hear and decide a case filed within a specific territory in accordance with the existing rules on venue, the case may be filed in any designated Special Commercial Court within the judicial region of said territory; and
4. In order to ensure a just and equitable distribution of cases, the designated Special Commercial Courts shall continue to participate in the raffle of other cases. Provided, however, that the Executive Judge concerned shall adopt a procedure whereby every rehabilitation, insolvency or liquidation case assigned or transferred to a Special Commercial Court shall be duly credited to such court.

This Resolution shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of national circulation.

June 16, 2015



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

Terisita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

On official leave
DIOSDADO M. PERALTA
Associate Justice

Mariano C. del Castillo
MARIANO C. DEL CASTILLO
Associate Justice

Jose Portugal Perez
JOSE PORTUGAL PEREZ
Associate Justice

Bienvenido L. Reyes
BIENVENIDO L. REYES
Associate Justice

On official leave
MARVIC M.V.F. LEONEN
Associate Justice

Presbitero J. Velasco, Jr.
PRESBITERO J. VELASCO, JR.
Associate Justice

Arturo D. Brion
ARTURO D. BRION
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Martin S. Villarama, Jr.
MARTIN S. VILLARAMA, JR.
Associate Justice

Jose Catral Mendoza
JOSE CATRAL MENDOZA
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Francis H. Jardeleza
FRANCIS H. JARDELEZA
Associate Justice



3rd floor, Tara Building,
389 Sen. Gil Puyat Avenue, Makati City, 1200 Philippines
TeleFax. Nos. (63)2 890.4861
E-mail: admin@competitive.org.ph
URL: www.competitive.org.ph
Facebook: [fb.com/Compete.Philippines](https://www.facebook.com/Compete.Philippines)
Twitter/Instagram: @NCC_ph