



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

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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.

6. *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.

7. *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.

8. *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.

9. *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

1. *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.

2. *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.

3. *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.

4. *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

1. *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.

5. *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.

7. *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.

8. *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.

F. 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

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The Ad Hoc Committee
Supreme Court

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