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

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ARTURO D. BRION
Associate Justice

On official leave
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. PERLAS-BERNABE
Associate Justice

On official leave
MARVIC M.V.F. LEONEN
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice