



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

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