



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 89-2004**

TO : THE REGIONAL TRIAL COURTS, SHARI'A  
DISTRICT COURTS, METROPOLITAN TRIAL  
COURTS, MUNICIPAL TRIAL COURTS IN  
CITIES, MUNICIPAL TRIAL COURTS,  
MUNICIPAL CIRCUIT TRIAL COURTS, AND  
SHARI'A CIRCUIT COURTS

SUBJECT : **REITERATION OF THE GUIDELINES IN THE  
ARCHIVING OF CASES**

It has come to the attention of the Office of the Court Administrator that some judges are unfamiliar with, or even unaware of, Administrative Circular No. 7-A-92, dated 21 June 1993, pertaining to the guidelines in the archiving of cases.

For the guidance of all concerned, the following guidelines established in the said Administrative Circular are hereby restated:

**I. CRIMINAL CASES**

a) A criminal case may be archived only if after the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer. An order archiving the case shall require the peace officer to explain why the accused was not apprehended. The Court shall issue an alias warrant if the original warrant of arrest is returned by the peace officer together with the report.

b) The Court, *motu proprio* or upon motion of any party, may likewise archive a criminal case when proceedings therein are ordered suspended for an indefinite period because:

1) the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully

understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;

2) a valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and the criminal cases are consolidated; and

3) an interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction; and

4) when the accused has jumped bail before arraignment and can not be arrested by the bondsman.

## **II. CIVIL CASES**

In civil cases, the court may, *motu proprio* or upon motion, order that a civil case be archived only in the following instances:

(a) When the parties are in the process of settlement, in which case the proceedings may be suspended and the case archived for a period not exceeding ninety (90) days. The case shall be included in the trial calendar on the day immediately following the lapse of the suspension period.

(b) When an interlocutory order or incident in the civil case is elevated to and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction.

(c) When defendant without fault or neglect of plaintiff, can not be served with summons within six (6) months from issuance of original summons.

## **GENERAL PROVISIONS**

a) Copies of the order archiving the case shall be furnished the parties.

(b) A special docket shall be maintained to record the cases, both criminal and civil, that have been archived.

(c) A periodic review of the archived cases shall be made by the Presiding Judge.

(d) The Presiding Judge shall, *motu proprio* or upon motion of any party, order the reinstatement/revival of an archived case and its withdrawal from the archives whenever the same is ready for trial or further proceedings.

(e) The Branch Clerk of Court shall submit to the Office of the Court Administrator, a list of archived cases (stating the reason/s for archiving the case) which shall be attached to the Monthly Reports of Cases (SC Form No. 1-2004), submitted monthly by each court (A. C. No. 1-2001 dated January 2, 2001).

Judges are directed to comply with the provisions of this Circular and, accordingly, to archive cases which are covered by the guidelines herein stated. In doing so, there will be less number of pending cases in the active docket which is, needless to state, presently clogged.

Judges are likewise reminded that in accomplishing the Monthly Report of Cases (SC Form No. 1-2004), the archived cases are to be deducted from the total number of cases pending at the end of the month. However, they are not considered in the computation of the disposition rate of the judges.

Strict compliance with this Circular is hereby enjoined.

12 August 2004.

**PRESBITERO J. VELASCO, Jr.**  
Court Administrator