



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

**OCA CIRCULAR NO. 90-2004**

**TO : ALL TRIAL JUDGES**

**SUBJECT : A.M. NO. 04-5-19-SC RE: GUIDELINES IN THE INVENTORY AND ADJUDICATION OF CASES ASSIGNED TO JUDGES WHO ARE PROMOTED OR TRANSFERRED TO OTHER BRANCHES IN THE SAME COURT LEVEL OF THE JUDICIAL HIERARCHY**

Quoted hereunder for your information and guidance, is the resolution of the Court En Banc dated June 8, 2004 in A.M. No. 04-5-19-SC, to wit:

*"WHEREAS, Administrative Circular No. 3-94, issued on 26 January 1994 to amend Administrative Circular No. 1-94 dated 14 January 1994, provides for the guidelines in the distribution of cases among reassigned judges and those of newly created branches, and Administrative Circular No. 5-98 issued on 18 February 1998 in turn amends paragraph A of Administrative Circular No. 3.-94;*

*WHEREAS, the said amended guidelines were further amended by the Resolution in A.M. No. 98-3-114-RTC entitled "Re: Cases Left Undecided by Judge Sergio D. Mabunay, RTC, Branch 24, Manila" (354 Phil. 698 [1998]); and*

*WHEREAS, notwithstanding said issuances, it has been observed that judges, who are promoted or transferred to other stations, leave many undecided cases thereby unfairly creating additional workload for judges who are subsequently appointed thereto.*

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby Resolved, that in accordance with Section 5 (3), Article VIII of the Constitution, vesting this Court with the power to assign temporarily judges of lower courts to other stations as public interest may require, and with Section 6 of the same article mandating that this Court shall have administrative supervision over all courts and personnel thereof, cases assigned to judges who have been transferred, detailed or assigned to any branch within or outside the judicial region of the same court or promoted to a higher court shall be managed and decided under the following guidelines:

1. All judges are enjoined to exercise judicial functions and responsibilities in accordance with the constitutional mandate of speedy disposition of cases, the Code of Judicial Conduct, and the need to prevent clogging of court dockets, always keeping in mind that, in the event of their transfer, detail or assignment to other branches of the same court within or outside the judicial region to which they have been appointed, or of other promotion to a higher court, they shall have decided all cases raffled to them that are submitted for decision.
2. Except as herein provided, all cases shall remain in the branch to which these have been raffled and assigned. Only cases that have been submitted for decision or those past the trial stage, i.e., where all the parties have finished presenting their evidence, prior to the transfer or promotion of the judge to which these are raffled/assigned shall be resolved or disposed by him/her in accordance with the guidelines herein set forth.
3. A judge transferred, detailed or assigned to another branch shall be considered as Assisting Judge of the branch to which he was previously assigned. However, except as hereinbelow provided, the records of cases formerly assigned to him/her shall remain in his/her former branch.
4. The judge who takes over the branch vacated by a transferred/detailed/assigned judge shall, upon assumption of duty and within one (1) week, conduct an inventory of all pending cases in the branch. The inventory shall state the docket number, title and status of each case. The inventory shall be submitted to the Office of the Court Administrator within five (5) working days from completion thereof.
5. Should any case be left undecided by the transferred/detailed/assigned judge, the judge conducting the inventory shall cause the issuance to the parties of a notice of transfer/detail/assignment of the judge to which the case had been assigned, with a directive for the plaintiff/s to manifest, within five (5) days from receipt of such notice, whether or not he/she desires that the transferred judge should decide the case. The desire of the plaintiff, who may opt to have the case decided by the new judge, shall be respected. However, should the defendant oppose the manifestation of the plaintiff, the new judge shall resolve the matter in accordance with these Guidelines. Should the plaintiff fail to submit such manifestation within the said 5-day period, the presumption is that he/she desires that the case be decided by the transferred judge.
6. The manifestation of the plaintiff that the case should be decided by the transferred judge shall be forwarded to the Office of the Court Administrator which, upon receipt thereof, shall issue the proper directive. A directive requiring the transferred judge to decide the case immediately shall state any of these conditions:

- (a) If the new station of the transferred judge is within the province of the judicial region of his/her former station, the case shall be decided in such station by the transferred judge who shall adjust his/her calendar to enable him/her to dispose the undecided case at his/her own expense without sacrificing efficiency in the performance of his/her duties in his/her new station.
- (b) If the new station of the transferred judge is outside of the province in the judicial region of his/her former station, the records of the undecided case shall be delivered either by personal service or by registered mail, to the transferred judge and at his/her own expense.

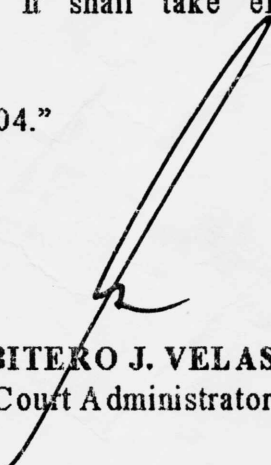
In either case, the Office of the Court Administrator shall furnish the parties to the case with a copy of such directive and the transferred judge shall return to his former branch the records of the case with the decision that the new judge shall promulgate in his stead.

- 7. Should a motion for reconsideration of the decision or for new trial be filed by any party, the transferred judge shall resolve the same. However if a motion for new trial is granted by the transferred judge, the new judge shall preside over the same, resolve the motion, and see to its final disposition.
- 8. A judge who applies for transfer to another branch or for promotion shall submit to the Judicial and Bar Council a certification that he/she has no pending undecided case submitted for decision at the time of the filing of his/her application. In no case shall a promoted judge be allowed to take his oath of office and assume his/her new responsibilities unless and until he shall have issued another certification manifesting that he has decided or disposed all cases assigned to him in his previous position.

This Resolution, which shall supersede all Resolutions, circulars and other issuances relative to the same subject matter, shall be circularized to all courts. It shall take effect immediately.

Promulgated this 8<sup>th</sup> day of June 2004."

August 11, 2004

  
PRESBITERO J. VELASCO, JR.  
Court Administrator