



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

OCA CIRCULAR NO. 142-2015

TO : ALL PRESIDING JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS


SUBJECT : A.M. NO. 07-3-09-SC (RE: PROPOSED GUIDELINES IN THE DISPOSITION AND/OR DESTRUCTION OF COURT RECORDS, PAPERS AND EXHIBITS [RE: SIMPLIFIED GUIDELINES FOR DISPOSING OF RECORDS OF LONG-DECIDED CASES AND UNNEEDED DOCUMENTS AND PAPERS])

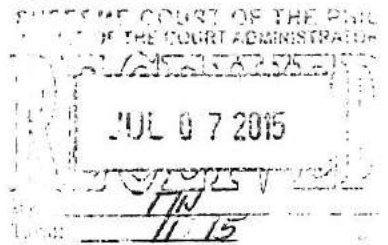
In the Resolution dated 30 June 2015 in A.M. No. 07-3-09-SC, the Court *En Banc*, among other matters, considered 1 to 31 July 2015 "as a preparatory period for the implementation" of the proposed guidelines in the disposition/destruction of court records, papers and exhibits. Said resolution is appended herein as Annex "A" and shall take effect immediately.

Accordingly, this Circular amends OCA Circular No. 122-2015 dated 23 June 2015.

For your information, guidance and strict compliance.

July 9, 2015


JOSE MIDAS P. MARQUEZ
Court Administrator



Republic of the Philippines
Supreme Court
Manila

A.M. No. 07-3-09-SC

**RE: PROPOSED GUIDELINES IN THE DISPOSITION AND/OR
DESTRUCTION OF COURT RECORDS, PAPERS, AND EXHIBITS**

**RE: SIMPLIFIED GUIDELINES FOR DISPOSING OF RECORDS
OF LONG-DECIDED CASES AND UNNEEDED DOCUMENTS AND
PAPERS**

RESOLVED, that the Simplified Guidelines for Disposing of Records of Long-Decided Cases and Unneeded Documents and Papers issued on November 25, 2014 shall read as follows:

WHEREAS, the First and Second Level Courts have over the years accumulated voluminous records of long-decided cases and unneeded documents and files;

WHEREAS, parties and lawyers involved in cases that were already decided or completely terminated have the primary responsibility of keeping and preserving copies of court documents and records affecting their rights and obligations;

WHEREAS, even though the duty of courts is to keep and maintain only records of active and properly archived cases, the courts continue to hold records of cases that were decided or completely terminated, but only for a reasonable length of time to enable interested parties to secure copies before these records are disposed of with the exception of the decisions and proofs of their finality;

WHEREAS, the Office of the Clerk of Court in Second Level Courts at each station also accumulated certificates of sale and notarial documents that have long ceased to be of practical use and whose copies are presumably kept by the parties and by their notaries or are stored in dedicated government repositories;

WHEREAS, overstaying records and files 1) expose court personnel and persons attending to their cases to dust and allergens that imperil their health; 2) place the Halls of Justice, employees, and visitors under the risk of fires; 3) impede passage along the corridors, stairways, and fire exits where some of these records are stored; and 4) are an eyesore in the Halls of Justice;

NOW, THEREFORE, in consideration of the above and pursuant to its powers under Article VIII, Section 6 of the 1987 Constitution, the Supreme Court hereby issues the following guidelines for full observance and compliance:

1. All courts shall observe July 1 to July 31, 2015 as a preparatory period for the implementation of these guidelines. During this period, the Office of the Court Administrator shall conduct orientations and consultations with the Judges of the First and Second Level Courts per region on the implementation of these guidelines. The Court Administrator shall then recommend to the Supreme Court any revision to these guidelines and a workable timeline for their implementation. The proposed revisions and timeline for implementation should reflect the feedback, comments, and personnel and material restrictions of the First and Second Level Courts, and the lessons learned from the records disposal program conducted by the pilot courts.

2. The Supreme Court will set an official records disposal period upon the recommendation of and based on the timeline proposed by the Court Administrator. During this new period, the First and Second Level Courts shall hold no hearing except for urgent matters and incidents like applications for writs of habeas corpus, amparo or habeas data, temporary restraining orders, permanent protection orders, bails, and lifting of warrants or arrest as well as the need to arraign detained accused.

3. During the new period set as the official records disposal period, no application for leave by judges and all court personnel shall be approved, except for the most compelling reasons, to be determined by the Court Administrator.

4. The court records, papers, and exhibits subject of the disposal and/or destruction must pertain to cases terminated for at least five (5) years, EXCEPT the following:

- a. Land registration or big land cases, which include those covered by the Comprehensive Agrarian Reform Program law;
- b. Naturalization cases;

- c. Cases with penalties of death, reclusion perpetua, and life imprisonment; and
- d. All special proceedings, except for the issuance of the writ of amparo and habeas corpus.

All records, papers, and exhibits on these cases shall remain in the office storage of every court regardless of age.

5. The Office of the Court Administrator shall give notice to all litigants, lawyers, and other interested persons who wish to obtain the residual records and files of all decided cases five (5) years and above in age and where all the proceedings have been terminated, to apply for such records before the court where the cases were decided. This shall be done through the a) publication in two (2) newspapers of general circulation in the Philippines; and b) posting of the guidelines in conspicuous areas (i.e., entrances of Halls of Justice, City or Municipal Halls, and Post Office). The application for the records shall be in writing and filed within thirty (30) days from the date of publication or posting of the guidelines, whichever is later. Absent such application, the records shall be subject to disposal after the lapse of the period provided in these guidelines.

6. The disposal of the records and files mentioned above shall be subject to the following:

- a. The age of records and files shall be based on the date when the decision, final order, or resolution disposing the case became final and executory. If this is not ascertainable, the 60th day counted from the date of the decision, final order, or resolution shall be the basis.
- b. The final decisions, orders, or resolutions in all cases twenty (20) years and above in age, and the corresponding entry of judgment, if there be any, shall be i) extracted from the records of each case; ii) compiled according to the year they were issued; iii) arranged alphabetically according to the surname of the first plaintiff, except in criminal cases where the surnames are to be arranged according to the surname of the first accused; and iv) accompanied by a table of contents to facilitate search. In criminal cases, the document evidencing the identity of the accused shall be retained with the decision.
- c. In cases five (5) years and above but less than twenty (20) years in age, the following shall be extracted from the records of each case and saved: i) the decision, final order, or resolution; ii) the corresponding entry of judgment, if there be any; iii) the complaint

and answer if it is a civil case, and the information and proof of identity of the accused if it is a criminal case; iv) the exhibits of the parties; and v) portions of the records needed for execution of the judgment. These shall be kept and stored in the same manner as those in 6(b). All other papers, documents, and files in the records shall be disposed of.

- d. All other records of terminated cases that are less than five (5) years in age shall be kept and maintained as they are.
- e. During the yearly inventory period, records of cases that turned twenty (20) or five (5) years in age shall be processed as provided in 6(b) or 6(c).
- f. The Presiding Judge and the Branch Clerk of Court shall plan and supervise the works, assign the tasks to court personnel, and ensure their accomplishment.

7. For the Office of the Clerk of Courts in the Second Level Courts, old records shall be disposed of as follows:

- a. In extrajudicial foreclosure of mortgage, the corresponding records shall be disposed of after ten (10) years, counted from the date of issuance of the certificate of sale. The certificate of sale, however, shall be compiled and kept for twenty (20) years and thereafter disposed of.
- b. Notarized documents on file with the Office of the Clerk of Court shall be kept for twenty (20) years and disposed of after that period. Notarial commissions and the corresponding signature cards shall be retained for ten (10) years from the dates of their issuance and disposed of after that period.

8. The procedure for disposal shall be as follows:

- a. Within thirty (30) days from the date of publication of the notice from the Office of the Court Administrator, or the posting of the guidelines in conspicuous places (i.e., entrances of Halls of Justice, City or Municipal Halls, Post Office), whichever is later, any interested party may file an application to take possession of any residual record, file, or document subject of disposal under the guidelines. This application shall be filed before the branch concerned, or if not known, before the Office of the Clerk of Court of the station. No application shall be entertained after this period.

- b. An application fee of ₱500.00 shall be collected and deposited in the Fiduciary Fund of the court. This fee shall be refunded upon order of the Executive Judge in the event that the requested record can no longer be retrieved.
- c. The ₱500.00 fee shall be waived for pauper litigants, as indicated in their respective pleadings. The same waiver shall be extended to any interested party who qualifies as a pauper litigant, provided the same is indicated in the application and the documentary evidence supporting the claim is attached.
- d. Upon receipt and approval of the application, the court concerned shall draw up a "hold list" enumerating the case details covered by the application, and set aside the documents or files covered by the disposal for delivery to the applicant. The court shall approve the application once the documents are found, except when a compelling reason exists not to approve the same.

9. If the concerned courts are able to acquire the capacity to scan or electronically copy court records, they shall have the preserved documents five (5) years and above and twenty (20) years and above in age scanned and electronically copied. The actual documents shall be disposed of through recycling. The scanned/electronic copy shall be stored in a central information facility at the Office of the Clerk of Court in each station concerned, out of which certified copies may be issued.

10. Administrative Order No. 103-2011 dated July 11, 2011 and all other relevant prior court issuances on the subject of records disposal that are inconsistent with these guidelines shall be deemed superseded.

11. Where there is a specific law governing the disposal of certain court records, files, and documents, these guidelines shall not apply.

12. These guidelines shall take effect immediately.

Manila, Philippines, June 30, 2015.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

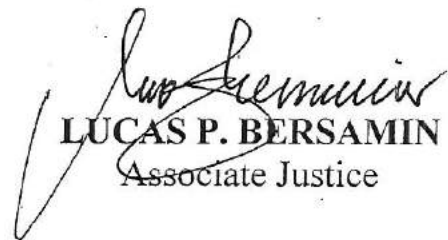
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PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

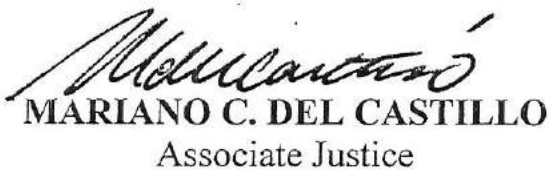
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ARTURO D. BRION
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DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice

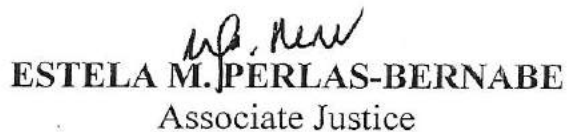


JOSE PORTUGAL PEREZ
Associate Justice

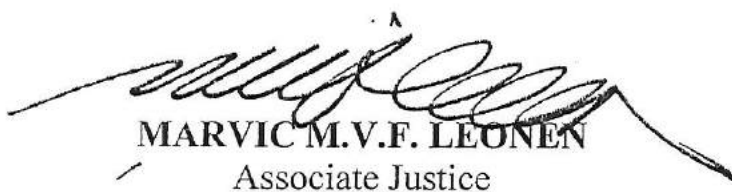


JOSE CATRAL MENDOZA
Associate Justice

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BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice