



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

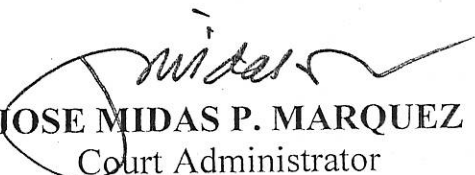
OCA CIRCULAR NO. 15-2016

TO : THE COURT OF APPEALS, THE SANDIGANBAYAN, THE COURT OF TAX APPEALS, THE REGIONAL TRIAL COURTS, THE SHARI'A DISTRICT COURTS, THE METROPOLITAN TRIAL COURTS, THE MUNICIPAL TRIAL COURTS IN CITIES, THE MUNICIPAL TRIAL COURTS, THE MUNICIPAL CIRCUIT TRIAL COURTS AND THE SHARI'A CIRCUIT COURTS

SUBJECT : A.M. NO. 15-11-12-SC DATED 16 DECEMBER 2015 (RE: REVISED IMPLEMENTING GUIDELINES FOR THE ADMINISTRATION AND ALLOCATION OF THE JUDICIARY DEVELOPMENT FUND [JDF] UNDER PRESIDENTIAL DECREE NO. 1949)

Appended herein as Annex "A", for the **information, guidance and strict compliance** of all justices, judges, officials and personnel of the Judiciary, is the copy A.M. No. 15-11-12-SC (*Re: Revised Implementing Guidelines for the Administration and Allocation of the Judiciary Development Fund (JDF) under Presidential Decree No. 1949*).

19 January 2016

  
JOSE MIDAS P. MARQUEZ  
Court Administrator



Republic of the Philippines  
Supreme Court  
Manila

REVISED IMPLEMENTING GUIDELINES FOR THE  
ADMINISTRATION AND ALLOCATION OF THE JUDICIARY  
DEVELOPMENT FUND (JDF)  
UNDER PRESIDENTIAL DECREE NO. 1949

A.M. No. 15-11-12-SC

*Whereas*, Section 1, Article II of the 1987 Constitution declares that the Philippines is a democratic and republican State;

*Whereas*, the Judiciary, as a separate branch of government, enjoys judicial independence;

*Whereas*, the 1987 Constitution guarantees the fiscal autonomy of the Judiciary under Section 3, Article VIII, to wit:

*The Judiciary shall enjoy fiscal autonomy. Appropriations for the Judiciary may not be reduced by the legislature below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released.*

*Whereas*, Presidential Decree No. 1949 (PD 1949), issued on 18 July 1984, established the Judiciary Development Fund (JDF) to preserve and enhance the independence of the Judiciary;

*Whereas*, PD 1949 mandates the use of at least eighty percent (80%) of the Fund to augment the allowances of the members and personnel of the Judiciary as cost of living allowances and not more than twenty percent (20%) of the Fund to finance the acquisition, maintenance and repair of office equipment and facilities of the Courts located where the legal fees are collected;

*Whereas*, "at least eighty percent (80%) of the Fund" (80% JDF) are regularly released as allowances for the benefit of the members and personnel of the Judiciary;

*Whereas*, to sustain the upkeep of office equipment and facilities of the Judiciary, there is a need to properly recognize that the "not more than twenty percent (20%) of the Fund" (20% JDF) portion is a supplement, rather than the main source of funding for these requisite expenditures;

*Whereas*, since its inception, various policies, procedures and guidelines have been issued in relation to the administration and allocation of the JDF which now need to be updated, consolidated and strengthened to make current in order to ensure consistency in policies and efficiency in procedures;

*Whereas*, to further ensure the efficient administration, allocation and utilization of the JDF as supplemental funding to the annual General Appropriations Act (GAA), the Court, in accordance with Section 1 and pursuant to Section 5 of PD 1949, hereby adopts the following revised implementing guidelines;

**NOW, THEREFORE**, premises considered, the Court hereby adopts the following **REVISED IMPLEMENTING GUIDELINES FOR THE ADMINISTRATION AND ALLOCATION OF THE JUDICIARY DEVELOPMENT FUND (JDF) UNDER PD 1949:**

**Section 1. PURPOSE OF THE JDF.** The JDF is established for the benefit of the members and personnel of the Judiciary to help ensure and guarantee the independence of the Judiciary as mandated by the Constitution and public policy and required by the impartial administration of justice.

**Section 2. SOURCES OF THE JDF.** The JDF shall be derived from the following:

- a) Increases in legal fees prescribed in the amendments to Rule 141 of the Rules of Court as promulgated by the Supreme Court of the Philippines, subject to Section 3 of Republic Act No. 9227;
- b) Interests on deposits of the JDF; and
- c) Other sources as determined by the Supreme Court, pursuant to Section 1 of PD 1949, such as, but not limited to the following:
  1. Sales of unserviceable equipment and pieces of furniture (such as vehicles, computers, typewriters, chairs, tables, etc), the acquisition cost of which was charged against the 20% JDF, to be returned to the 20% JDF;
  2. The balance of fees collected from bar candidates after deducting bar-related expenses;
  3. Fees now authorized to be paid or collected by sheriffs, such as sheriff's commission.

**Section 3. AUTHORIZED DEPOSITORY BANK FOR THE JDF.** Unless otherwise directed by the Chief Justice or the Supreme Court, all the amounts

accruing to the JDF shall be deposited in a savings account with the Land Bank of the Philippines.

**Section 4. ALLOCATION OF THE JDF.** The JDF shall be allocated pursuant to Section 1 of PD 1949, as follows:

- a) At least eighty percent (80%) of the JDF shall be used for cost of living allowances of the members and personnel of the Judiciary and shall be distributed in inverse proportion to their basic salaries: higher allowances being granted to those with lower salaries and lower allowances granted to those receiving higher salaries; and
- b) Not more than twenty percent (20%) of the JDF shall be used to finance the acquisition, maintenance and repair of office equipment and facilities of the courts located (*in locations*) where the fees are collected.

The allocation of the 20% JDF for the Supreme Court, the Court of Appeals including its stations in the Cities of Cebu and Cagayan De Oro, the *Sandiganbayan* and the Court of Tax Appeals shall be based on their respective JDF collections.

For the Lower Courts, the allocation of the 20% JDF shall be based on the collections by judicial regions, unless otherwise directed by the Chief Justice or the Supreme Court.

The Chief Justice, in exercising the sole exclusive power and duty to approve and authorize disbursements and expenditures of the 20% JDF, and pursuant to Section 5 of PD 1949, may allow the disbursement and expenditure of amounts exceeding the allocation of a particular court or judicial region, if and when it is deemed necessary as the exigencies of the service may require.

**Section 5. UTILIZATION OF THE 80% JDF.** The release and distribution of the 80% JDF shall be covered by separate memorandum orders issued by the Chief Justice authorizing the release of the additional cost of living allowance under the JDF.

The disbursement of the 80% JDF collection deposited in the JDF shall not, in any way, be reduced by reason of its use for office equipment or facilities, and shall continue to be periodically released, as soon as the periodic reports of collections and deposits and the actual bank balance are available; *Provided*, that it shall be the responsibility of the finance offices of the courts to ensure that timely reporting, recording and reconciliations are made for the JDF.

**Section 6. UTILIZATION OF THE 20% JDF.** In the utilization and disbursement of the 20% JDF, the following shall be observed:

A. The items of expenditures that may be charged to the 20% JDF include the following:

1. Court equipment, such as but not limited to:

- a. Computers, printers, media storage devices, fax machines, typewriters, photocopiers, telephone units, stenographic machines and printing machines;
- b. Safety and safekeeping tools and equipment such as fire extinguishers, alarm systems, safety vaults for evidence and records;
- c. Security equipment such as bundy clocks, biometric equipment, closed circuit television (CCTV) monitors, firearms and the like to ensure the safety and security of each court station;
- d. Transportation equipment for members of the courts and court officials in the make and kind appropriate to the stature of their office and for the use of the personnel; and
- e. Such other equipment necessary or useful for the efficient and effective performance of the work of the courts and its members, officials and personnel.

2. Facilities, such as but not limited to:

- a. Halls of justice, offices and buildings requiring upkeep to ensure safe, habitable and serviceable conditions;
- b. Furniture and fixtures for use in the chambers of judges and justices, courtrooms, libraries, archiving and storage areas, holding areas and cafeterias; and
- c. Other facilities considered essential in aiding and increasing the well-being of the members of the courts, its officials and personnel.

Any item not listed herein, but which may be found necessary or useful in the efficient discharge of the duties and/or functions of the courts, may be recommended for acquisition, subject to the favorable endorsements of the Clerk of Court *En Banc* for the Supreme Court, the respective Presiding Justices

for the Court of Appeals, the *Sandiganbayan*, and the Court of Tax Appeals, or the respective Executive Judges for the lower courts through the Court Administrator, when appropriate, for approval of the Chief Justice.

B. The procedures for the utilization of the 20% JDF shall be as follows:

1. Before approval by the Chief Justice of any disbursement against the 20% JDF, a certificate of availability of funds (CAF) shall be issued by the Fiscal Management and Budget Office (FMBO) against the corresponding collections of the concerned court or judicial region deposited in the JDF;
2. After the issuance of the CAF and the approval by the Chief Justice of an expenditure on the basis of that particular CAF, the amount shall be considered earmarked and not available for any other expenditure, until the purpose of the expenditure so approved has been completed, duly cancelled or intentionally re-purposed by the Chief Justice, in which case any unused balance thereof shall again become available funds in the 20% JDF of the concerned court or judicial region; and
3. The FMBO shall implement a monitoring system to ensure that the disbursements against the 20% JDF for the courts or judicial regions shall not exceed their respective collections deposited in the JDF at any given time, unless otherwise authorized by the Chief Justice or the Supreme Court as provided in these guidelines.

**Section 7. SUBMISSION OF ANNUAL PROCUREMENT PLAN AND BUDGET PLANNING.** The Clerk of Court *En Banc* for the Supreme Court, the respective Presiding Justices of the Court of Appeals, the *Sandiganbayan*, and the Court of Tax Appeals, and the Court Administrator, with the assistance of the concerned Deputy Court Administrators for the lower courts within their respective assigned judicial regions, shall submit an annual procurement, maintenance, and upgrading plan for the offices and courts under their jurisdiction, considering the source of funding thereof, whether from the General Fund to be included in the Budget Proposal for Appropriations or from the 20% JDF; *Provided*, that the proposals for the use of the 20% JDF shall be submitted to and consolidated by the Supreme Court Procurement Planning Committee (SC-PPC) which shall determine the total amount of the proposed requirements per court or judicial region as against the estimated available balance of the allocation for the court or judicial region, as shall be certified to by the FMBO; *Provided, further*, that should the proposed requirements be more than the estimated available balance of the respective allocation of the court or judicial region, the requirements not covered shall be included in the Annual Procurement Plan of each of the Supreme Court, the Court of Appeals, the *Sandiganbayan*, and the Court of Tax Appeals, and the Lower Courts which

in turn shall become a basis for the Budget Proposal for the ensuing year. The dates and schedules for the preparation of the above described plans shall be synchronized with the National Budget Call, unless otherwise directed by the Chief Justice.

**Section 8. PREVIOUSLY AUTHORIZED EXPENDITURES.** Expenditures previously authorized to be charged against the 20% JDF in amounts exceeding the collections of the concerned court or judicial region deposited in the JDF may continue to be charged in full against the JDF unless re-purposed by the Chief Justice.

**Section 9. SUBMISSION OF JDF REPORTS.** A periodic report on the collections, deposits, expenditures, and disbursements of the JDF, both for the 80% and the 20% portions shall be submitted by the FMBO to the Office of the Chief Justice and posted at the Supreme Court website within a reasonable time thereafter through the Public Information Office. Once posted, it shall be deemed as faithful compliance with the publication/reporting requirements under Section 3 of PD 1949.

All Executive Judges of the Lower Courts, Presiding Justices of the Court of Appeals, the *Sandiganbayan*, and the Court of Tax Appeals, as well as the Court Administrator and the Clerk of Court *En Banc*, are hereby encouraged to periodically peruse such posted reports and to bring to the attention of the Office of the Chief Justice any query, concern or recommendation they may have pertaining to any of the matters reported thereat.

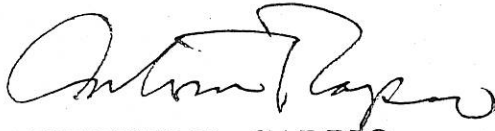
The concerned offices shall ensure timely and faithful compliance with pertinent accounting and auditing rules and regulations.

**Section 10. EFFECTIVITY.** This Revised Implementing Guidelines shall be effective immediately upon its approval.

All circulars, orders, resolutions and issuances inconsistent with the provisions of this Revised Implementing Guidelines shall be deemed modified, amended or repealed.

16 December 2015.

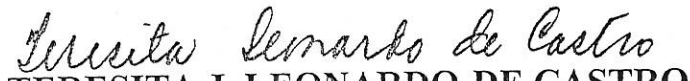
  
MARIA LOURDES P. A. SERENO  
Chief Justice



**ANTONIO T. CARPIO**  
Associate Justice



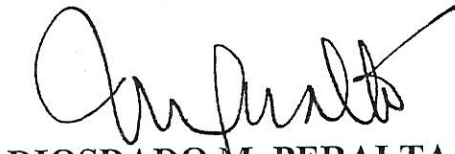
**PRESBITERO J. VELASCO, JR.**  
Associate Justice



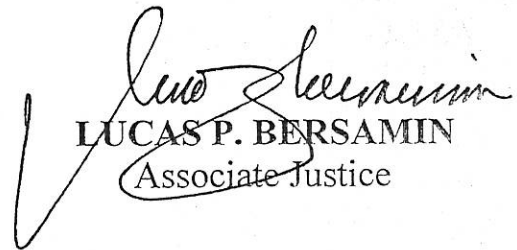
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



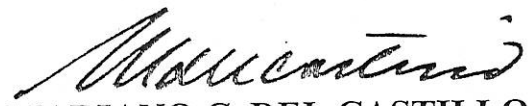
**ARTURO D. BRION**  
Associate Justice



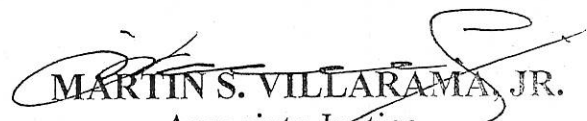
**DIOSDADO M. PERALTA**  
Associate Justice



**LUCAS P. BERSAMIN**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**MARTIN S. VILLARAMA, JR.**  
Associate Justice



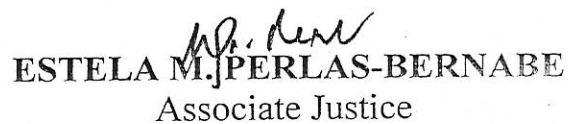
**JOSE PORTUGAL PEREZ**  
Associate Justice



**JOSE CATRAL MENDOZA**  
Associate Justice



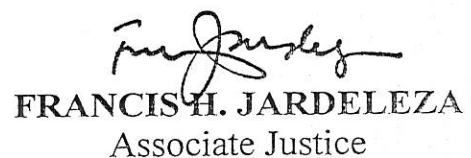
**BIENVENIDO L. REYES**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



**FRANCIS H. JARDELEZA**  
Associate Justice