

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**

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 the 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 at each station also accumulated documents and records 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 judges, court personnel, the general public and the entire Hall of Justice 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 Section 6, Article VIII, 1987 Constitution, the Supreme Court hereby issues the following guidelines for full observance and compliance:

1. *Timelines and Procedure for Records Disposal.* All first and second level courts, except newly-organized courts which do not have terminated cases yet, or those courts whose records have been completely lost due to calamities, fire, etc., shall observe the following timelines in connection with the implementation of these guidelines:
 - a. *Submission and Inventory of Terminated Cases.* The first and second level courts shall conduct an inventory of their terminated cases based on their updated docket books and submit the same to the Supreme Court, through the Office of the Court Administrator, on or before 30 April 2016.
 - b. *Physical Segregation and Extraction of Records.* The first and second level courts shall observe the whole month of July 2016 as the official records disposal period during which the segregation of disposable or residual records and their physical extraction by the judges and court personnel shall take place. During this period:
 - i. Hearings in all first and second level courts shall be held during this period as far as practicable, more so for urgent matters and incidents including, but not limited to, applications for writs of *habeas corpus*, *amparo* or *habeas data*, temporary restraining orders, permanent protection orders, bails, and lifting of

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- warrants of arrest, as well as the need to arraign the detained accused;
- ii. The Executive Judges shall continue to raffle cases to the different branches;
 - iii. 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; and
 - iv. To focus on records disposal, the regular conduct of inventory of pending cases in July 2016 shall be dispensed with.
- c. *Retrieval of Residual Records.* The first and second level courts shall resume their regular business on 1 August 2016. They shall, however, observe the whole month of August 2016 as the period for retrieval of residual records by interested parties, as follows:
- i. Within the month of August 2016, any interested party may file an application to take possession of any residual record, file, or document subject of disposal under the Guidelines, on a "first-come, first-served" basis. This application shall be filed before the branch concerned, or if not known, before the Office of the Clerk of Court of the station. The attached application form shall be used for this purpose. No application shall be entertained after this period.
 - ii. The court shall approve the application once the documents are found, except when a compelling reason exists not to approve the same.
 - iii. An application fee of Five Hundred Pesos (P500.00) shall be collected and deposited in the JDF account before the residual records requested are released to the requesting party. This fee shall be waived for pauper litigants, as indicated in their respective pleadings, and for any interested party who qualifies as a pauper litigant, provided the same is
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indicated in the application and the documents supporting the claim are attached.

- d. *Actual Disposal of Remaining Residual Records.* After acting on the last request for residual records filed within the period for retrieval of residual records by interested parties, the first and second level courts shall observe September 2016 as the actual disposal of residual records period during which they shall forward such records to the concerned Regional Disposal Committee (RDC) or Metropolitan Trial Court Disposal Committee (MeTCDC), as the case may be, for proper disposal. The RDC or MeTCDC shall look for at least three (3) different individuals or entities interested in purchasing the residual records for recycling and award the same to the highest offer.

Should there be less than three (3) buyers or none at all, the Chairperson of the RDC or MeTCDC shall issue a certification attesting to this fact and how the residual records were disposed in accordance with law. The proceeds of the sale shall be deposited in the JDF.

2. *Notice and Publication by the Supreme Court.* The Supreme Court, through the Office of the Court Administrator (OCA), shall cause the publication of a notice to the general public, on or before 30 April 2016, that the first and second level courts shall observe the whole month of July 2016 as the period for records disposal, during which period hearings in all first and second level courts shall be held as far as practicable, more so for urgent matters and incidents including, but not limited to, applications for writs of *habeas corpus*, *amparo* or *habeas data*, temporary restraining orders, permanent protection orders, bails, and lifting of warrants of arrest, as well as the need to arraign the detained accused.

The notice shall also include an advisory to litigants, lawyers, and other interested persons who may want to obtain the disposable residual records of all terminated cases five (5) years and above in age, to apply for such records before the branch that decided the cases. The application for the retrieval of these records shall be in writing and filed during the month



of August 2016. Absent such application, the pertinent records shall be subject to disposal as herein provided.

This notice shall be published in two (2) newspapers of general circulation in the Philippines.

3. *Notice by the Trial Courts.* To supplement the newspaper publication, the first and second level courts shall also post notices to the general public that the first and second level courts shall observe the whole month of July 2016 as the period for records disposal, during which period hearings in all first and second level courts shall be held as far as practicable, more so for urgent matters and incidents including, but not limited to, applications for writs of *habeas corpus*, *amparo* or *habeas data*, temporary restraining orders, permanent protection orders, bails, and lifting of warrants of arrest, as well as the need to arraign the detained accused.

The notice shall also include an advisory to litigants, lawyers, and other interested persons who may want to obtain the disposable residual records of all terminated cases five (5) years and above in age, to apply for such records before the branch that decided the cases. The application for these records shall be in writing and filed during the month of August 2016. Absent such application, the pertinent record shall be subject to disposal as provided below.

This shall be done by posting the Guidelines and notices outside courtrooms and in other conspicuous areas (e.g., entrances of Halls of Justice, City or Municipal Halls, and the Post Office) on or before 30 April 2016.

4. *Case Files Subject to Selective Disposal.* The first and second level courts shall dispose of most or some of the contents of terminated cases as follows:
 - a. *Files of Terminated Cases that are twenty (20) years and above in age.* In cases twenty (20) years and above in age, the courts shall extract the following from the records of each case:


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- i. The final decisions, orders, or resolutions, including those of the appellate courts, if any;
- ii. The proof of identity of the accused in criminal cases; and
- iii. The corresponding entry of judgment, if any.


The above shall be saved and compiled according to the year they were issued and 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. The compilation shall be accompanied by a table of contents to facilitate search, and kept for storage. The rest of the records shall be disposed as provided below.

- b. *Files of Terminated Cases that are five (5) years and above in age.* In cases that are five (5) years and above but less than twenty (20) years in age, the courts shall extract the following from the records of each case:
 - i. The decision, final order, or resolution, including those of the appellate courts, if any;
 - ii. The corresponding entry of judgment, if there be any;
 - iii. The complaint and answer if it is a civil case;
 - iv. The information and proof of identity of the accused in criminal cases;
 - v. The exhibits of the parties; and
 - vi. Portions of the records needed for the execution of the judgment.


The above shall also be compiled according to the year they were issued and 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. The compilation shall be accompanied by a table of contents to facilitate search, and kept for storage. The rest of the records shall be disposed.



- c. *Files of Terminated Cases To Be Retained Regardless of Age.* The following case records shall be kept in office storage regardless of age:
- i. Land registration cases, including those covered by the Comprehensive Agrarian Reform Program Law, with respect to the following records:
 - 1) The petition and answer;
 - 2) The decision, final order, or resolution, including those of the appellate courts, if any;
 - 3) The entry of judgment, if any; and
 - 4) The Original Certificate of Title, if any.
 - ii. Estate cases, provided that their fully litigated incidents, which have been decided with finality, shall be dealt with in the manner provided in paragraph 4 (a) and (b) above.
 - iii. Support cases where support has not been legally terminated, except records pertaining to non-adversarial matters; and
 - iv. Cases that may have historical or academic value, as determined by the judge.
5. ***Determining Case Age.*** The age of a case 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.
6. 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. Records of terminated cases that have been forwarded to the Office of the Clerk of Court for storage shall be disposed by the branch concerned. Records of terminated cases decided by courts that have ceased to exist shall be disposed by the Office of the Clerk of Court.
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7. *Records in the Office of the Clerk of Court.* For the Office of the Clerk of Court, 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, except for the certificate of sale which shall be kept for twenty (20) years and thereafter disposed, provided that they have been audited and cleared for disposal by the Fiscal Monitoring Division, Court Management Office (FMD-CMO), OCA;
 - b. Notarized documents covering the transfer of real property on file with the Office of the Clerk of Court shall be kept for twenty (20) years and disposed of after that period. Other notarized documents shall be kept for ten (10) 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;
 - c. Clearances and certifications issued by the Clerk of Court that are five (5) years in age or older;
 - d. File copies of monthly financial reports on the Fiduciary Fund (FF), Sheriff's Trust Fund (STF), Judiciary Development Fund (JDF), Special Allowances for the Judiciary Fund (SAJF), General Fund (GF), Legal Research Fund (LRF), Victims Compensation Fund (VCF), and Mediation Fund (MF) that have been audited and cleared for disposal by the FMD-CMO, OCA;
 - e. File copies of receipts of official receipts of trust funds and non-withdrawable legal fees (FF, STF, JDF, SAJF, GF, LRF, VCF, and MF) that have been audited and cleared for disposal by the FMD-CMO, OCA;
 - f. Bank confirmation records that have been audited and cleared for disposal by the FMD-CMO, OCA;
 - g. Logbooks of raffled cases transmitted to the branches that are five (5) years in age or older, provided that these have
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been audited and cleared for disposal by the FMD-CMO, OCA;

- h. Logbooks of the bonds received by the Office of the Clerk of Court and transmitted to the branches that are five (5) years in age or older, provided that these have been audited and cleared for disposal by the FMD-CMO, OCA;
 - i. Logbooks of received mail matters that are five (5) years in age or older;
 - j. Logbooks of mailed letters and orders that are five (5) years in age or older; and
 - k. Duplicate Copies of Marriage Certificates of marriages solemnized by the court, provided that these have been audited and cleared for disposal by the FMD-CMO, OCA.
8. **Exhibits in Terminated Cases.** Exhibits in terminated cases shall likewise be disposed in accordance with existing laws, together with the disposable records of said cases as provided in these Guidelines.
9. ***Lost or Destroyed Records.*** For records that are lost or destroyed, a certification to that effect shall be made by the Presiding Judge or the Clerk of Court, as the case may be.
10. ***Disposal of Records of Family Court Cases and Other Confidential Cases.*** The Chair of the RDC or MeTCDC shall ensure that records of family court cases and other confidential cases are disposed through shredding.
11. ***Scanning of Retained Records.*** Should the courts acquire the capacity to scan or electronically copy court records, they shall have the preserved records of cases five (5) years and above and twenty (20) years and above in age scanned and electronically copied. After scanning, the physical records shall be disposed of through recycling, as provided in paragraph 1 (d) herein. The retained records of land registration cases, including those covered by the Comprehensive Agrarian Reform Program, estate
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cases, support cases, and cases which have historical or academic value, shall likewise be scanned but will not be disposed. 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.

12. *Expenses for Records Disposal.* As provided in the General Provisions of the General Appropriations Act, the monthly allowance for Extraordinary and Miscellaneous Expenses (EME) released to judges may be used to purchase equipment and supplies needed, if any, for the conduct of Records Disposal.
13. *Annual Records Disposal Period.* A Records Disposal Period shall henceforth be conducted annually during the first week of January where the segregation of disposable or residual records and their physical extraction by judges and court personnel shall take place. Thereafter, the retrieval of residual records and actual disposal of records shall follow in accordance with the procedure herein provided.
14. *Repeal of Past Issuances.* Administrative Order No. 103-2011 dated 11 July 2011, and all other prior court issuances on the subject of records disposal that are inconsistent with these guidelines shall be deemed superseded.
15. *Effectivity.* These guidelines shall take effect immediately.

Manila, 16 December 2015.



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Chief Justice



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Associate Justice




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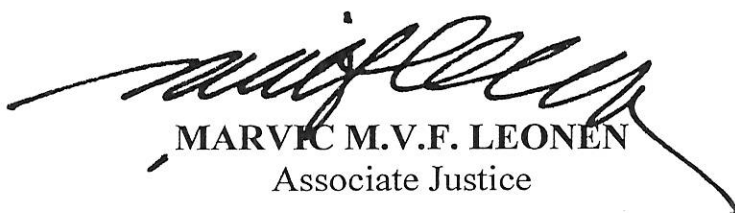
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