



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

**OCA CIRCULAR NO. 176-2016**

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

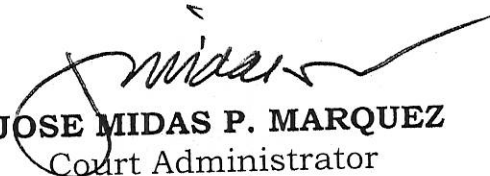
**SUBJECT : RESOLUTION DATED 21 JUNE 2016 IN A.M. NO. 03-03-03-SC (AMENDMENT OF A.M. 03-03-03-SC DATED JUNE 17, 2003, FOR THE EXPANSION OF THE COVERAGE OF CASES COGNIZABLE BY SPECIAL COMMERCIAL COURTS TO INCLUDE ALL CASES GOVERNED BY THE FRIA, LIQUIDATION CASES EMANATING FROM ADMINISTRATIVE PROCEEDINGS, AND DISSOLUTION AND LIQUIDATION OF PARTNERSHIPS UNDER THE CIVIL CODE)**

Pursuant to the Resolution dated 21 June 2016 in A.M. No. 03-03-03-SC, the Court *En Banc*, among other matters, expanded the coverage of cases cognizable by the special commercial courts by including all cases governed by the Financial Rehabilitation and Insolvency Act of 2010 (FRIA), liquidation cases emanating from administrative proceedings, and dissolution and liquidation of partnerships under the Civil Code.

The Resolution dated 21 June 2016, appended herein as Annex "A", was published in the *Philippine Daily Inquirer* and *Philippine Star* on 22 July 2016 and shall take effect on 06 August 2016.

Strict compliance is hereby enjoined.

July 28, 2016

  
**JOSE MIDAS P. MARQUEZ**  
Court Administrator



ANNEX "A"

Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

A.M. NO. 03-03-03-SC

AMENDMENT OF A.M. NO. 03-03-03-SC DATED JUNE 17, 2003,  
FOR THE EXPANSION OF THE COVERAGE OF CASES COGNIZABLE BY  
SPECIAL COMMERCIAL COURTS TO INCLUDE ALL CASES  
GOVERNED BY THE FRIA, LIQUIDATION CASES EMANATING FROM  
ADMINISTRATIVE PROCEEDINGS, AND DISSOLUTION AND LIQUIDATION OF  
PARTNERSHIPS UNDER THE CIVIL CODE

**RESOLUTION**

*Whereas*, Section 6 of Republic Act (R.A.) 10142, otherwise known as the Financial Rehabilitation and Insolvency Act of 2010 (the FRIA) empowers the Supreme Court to designate the courts that will hear and resolve cases brought thereunder and to promulgate the rules of pleading, practice and procedure that will govern such proceedings;

*Whereas*, in view of the passage of R.A. 8799, which transferred the jurisdiction of the Securities and Exchange Commission over all cases enumerated under Section 5 of Presidential Decree No. 902-A, including cases involving rehabilitation of corporations, partnerships and other associations, to the Regional Trial Courts, A.M. No. 03-03-03-SC dated June 17, 2003 designated Special Commercial Courts to handle these cases and other cases of commercial nature, including intellectual property cases;

*Whereas*, A.M. No. 03-03-03-SC needs to be further strengthened in order to address the gaps in venue caused by the limited number of designated Special Commercial Courts per judicial region;

*Whereas*, Sections 18 and 23 of Batas Pambansa Bilang 129 (The Judiciary Reorganization Act of 1980) authorize the Supreme Court to define the territorial authority of the branches of the Regional Trial Court to allow better access to justice;

*Whereas*, cases governed by the FRIA for (1) the rehabilitation of sole proprietorships, in addition to partnerships and corporations which already fall under the jurisdiction of Special Commercial Courts, (2) insolvency and liquidation of corporations, partnerships and other associations, and (3) insolvency and suspension of payments/discharge of individuals, liquidation cases emanating from administrative proceedings, as well as dissolution and liquidation of partnerships under Articles 1830 and 1831 of the Civil Code are commercial in nature;

*Whereas*, to streamline the court structure and promote expediency and efficiency in handling special commercial cases, the exercise of jurisdiction to hear and decide all rehabilitation, insolvency and liquidation cases brought under the FRIA and those

emanating from administrative proceedings, as well as dissolution and liquidation of partnerships under Articles 1830 and 1831 of the Civil Code are best consolidated under the Special Commercial Courts;

**NOW, THEREFORE, the Court Resolves:**

1. That (1) cases governed by the FRIA for (a) the rehabilitation of sole proprietorships, in addition to partnerships and corporations which already fall under the jurisdiction of Special Commercial Courts, (b) the insolvency and liquidation of corporations, partnerships and other associations, and (c) the insolvency and suspension of payments/discharge of individuals, (2) liquidation cases emanating from administrative proceedings, and (3) dissolution and liquidation of partnerships under Articles 1830 and 1831 of the Civil Code shall be heard and decided by the designated Special Commercial Courts;
2. That, for clarity, the exercise of jurisdiction of Special Commercial Courts shall now cover the following cases:
  - (a) Intra-corporate cases and other cases enumerated under Section 5 of Presidential Decree (P.D.) No. 902-A, as amended, that were formerly cognizable by the Securities and Exchange Commission (A.M. No. 01-2-04-SC, 13 March 2001);
  - (b) Intellectual Property Cases (A.M. No. 03-03-03-SC, 17 June 2003);
    - i. All civil actions for violations of intellectual property rights provided for in Republic Act 8293 or the Intellectual Property Code ("IP Code"), as amended (Section 1, Rule 2 of A.M. No. 10-3-10-SC, 18 October 2011);
    - ii. All criminal actions for violations of intellectual property rights provided for in the IP Code, as amended (Section 1, Rule 10 of A.M. No. 10-3-10-SC, 18 October 2011);
    - iii. Applications for *ex parte* issuance of a writ of search and seizure in civil actions for infringement of intellectual property rights (A.M. No. 02-1-06-SC, 15 February 2002 and Sec. 2, Rule 2 of A.M. No. 10-3-10-SC, 18 October 2011);
    - iv. Applications for the issuance of search warrants involving violations of the Intellectual Property Code (Sec. 2, Rule 10 of A.M. No. 10-3-10-SC, 18 October 2011);
  - (c) Cases involving admiralty and maritime laws (A.M. No. 05-4-05-SC, 12 April 2005);
  - (d) Petitions for dissolution involving partnerships under Articles 1830 and 1831 of the Civil Code, including liquidation emanating therefrom;
  - (e) Financial Rehabilitation Cases
    - i. Petitions for rehabilitation of corporations, partnerships, and sole proprietorships, filed pursuant to the FRIA (A.M. No. 12-12-11-SC, 27 August 2013); and
    - ii. Liquidation of insolvent juridical and individual debtors and suspension of payments of insolvent debtors pursuant to the FRIA (A.M. No. 15-04-06-SC, 21 April 2015); and


- (f) Liquidation Cases
- i. Those emanating from administrative proceedings and from expiration of corporate term (Sections 118, 119 and 120 of the Corporation Code); and
  - ii. Court-assisted liquidation under Special Laws.
3. Upon the effectivity of this Resolution, all filed and pending cases mentioned in the immediately preceding paragraph shall be assigned or transferred to the designated Special Commercial Courts having territorial jurisdiction over them;
  4. When there is no Special Commercial Court designated to hear and decide a case filed within a specific territory in accordance with the existing rules on venue, the case shall be filed in the nearest designated Special Commercial Court within the judicial region of said territory; and
  5. In order to ensure a just and equitable distribution of cases, the designated Special Commercial Courts shall continue to participate in the raffle of other cases. Provided, however, that the Executive Judge concerned shall adopt a procedure whereby every rehabilitation, insolvency or liquidation case assigned or transferred to a Special Commercial Court shall be duly credited to such court.

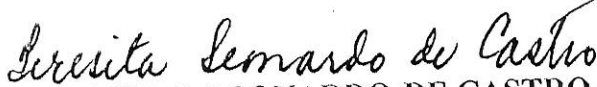
This Resolution shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of national circulation. The Office of the Court Administrator (OCA) is directed to circularize the same upon its effectivity.


June 21, 2016

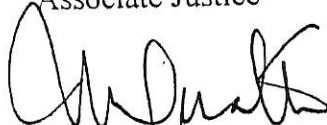
  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice


  
**ANTONIO T. CARPIO**  
 Associate Justice

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


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

  
**ARTURO D. BRION**  
 Associate Justice

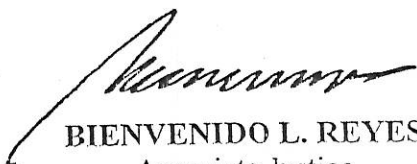
  
**DIOSDADO M. PERALTA**  
 Associate Justice


  
**LUCAS P. BERSAMIN**  
 Associate Justice


On Official Leave  
**MARIANO C. DEL CASTILLO**  
 Associate Justice


  
**JOSE PORTUGAL PEREZ**  
 Associate Justice

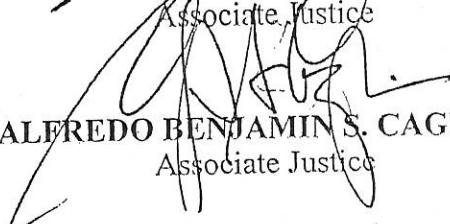
  
JOSE CATRAL MENDOZA  
Associate Justice

  
BIENVENIDO L. REYES  
Associate Justice

  
ESTELA M. PERLAS-BERNABE  
Associate Justice

  
MARVIC M.V.F. LEONEN  
Associate Justice

  
FRANCIS H. JARDELEZA  
Associate Justice

  
ALFREDO BENJAMIN S. CAGUIOA  
Associate Justice