



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

OCA CIRCULAR NO. 184-2016

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : UNIFORM GUIDELINES FOR THE TEMPORARY TRANSFER OF RECORDS PURSUANT TO A.M. NO. 15-08-07-SC

Quoted hereunder, for the **information, guidance and strict compliance** of all judges of the first and second level courts, is the Court En Banc Resolution dated April 5, 2016 in A.M. No. 15-08-07-SC (*Re: Administrative Matter for Agenda Requesting the Transfer of Venue of Pending Case/s Wherein the Accused is Currently Detained at the National Penitentiary by Virtue of a Conviction in Another Case*):

“A.M. No. 15-08-07-SC (Re: Administrative Matter for Agenda Requesting the Transfer of Venue of Pending Case/s Wherein the Accused is Currently Detained at the National Penitentiary by Virtue of a Conviction in Another Case).— The Court Resolved, upon the recommendation of the Office of the Court Administrator, to **AMEND** the uniform guidelines for the temporary transfer of records, as provided in the resolution dated November 10, 2015, to read as follows:

For uniformity **as far as practicable**, the following guidelines for temporary transfer of records shall likewise be adopted:

a. Within three (3) days from notice, **Presiding Judge [NAME OF JUDGE, COURT STATION] or his/her successor** shall cause the transmittal of the case records to the **[COURT STATION OF ACCOMMODATING COURT]**, specifying the proceedings to be conducted thereat;

b. Within three (3) days from receipt of the case records, the Executive Judge of the court where the **required proceeding(s) is/are to be conducted** shall immediately cause the raffle of the case(s) among the judges in the station;

c. The judge to whom the case is assigned or raffled shall immediately calendar the **requested proceeding**;

d. **In case the national prisoner is one of the accused, subsequent to arraignment**, the judge concerned shall inquire from the accused, who will be assisted by counsel, (i) whether he/she was properly informed by counsel that the case records will be forwarded to the present court for **the specific proceeding(s)**; and (ii) whether he/she **waives the right to be present at the proceedings to be conducted at the requesting court**, in recognition of **the right to be present at any stage of trial**.

If the accused refuses to waive his/her right to be present at any stage of trial, the case shall be archived and the proceedings suspended until the Court shall have adopted the appropriate rules governing the continuation of proceedings where the accused refuses to waive his/her right to be present;

e. **Whenever in the exercise of sound discretion, the judge of the court trying the case deems the presence of the national prisoner to be indispensable to the proceedings, the said court shall again transmit the case records to the incumbent judge of the court to whom the case was previously assigned, likewise specifying the necessary proceedings requested to be undertaken therein, and upon conclusion thereof, the incumbent judge shall cause the immediate return of the case records to the requesting court for continuation of trial until the case shall have been submitted for decision;**

f. After the judge of the **previously requesting court** shall have written and signed the decision in the case, he/she shall cause the transmittal thereof for its promulgation by the **incumbent judge of the court** to whom the case was previously assigned; and

g. The **incumbent judge** shall immediately calendar the decision for promulgation, and once the promulgation has been completed, issue the Certificate of Promulgation and cause the immediate **return of the case records to the requesting court**. [Amendments in bold]"

August 9, 2016


JOSE MIDAS P. MARQUEZ
Court Administrator