



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

OCA CIRCULAR NO. 42-2019

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

SUBJECT: 2ND REITERATION OF ADMINISTRATIVE CIRCULAR NO. 28-2008 DATED 11 MARCH 2008 (RE: GUIDELINES IN THE DETAIL OF LOCALLY-FUNDED EMPLOYEES TO THE LOWER COURTS)

Reports have reached the Office of the Court Administrator that despite the issuance of OCA Circular No. 89-2012 dated 18 September 2012 (Re: Reiteration of Administrative Circular No. 28-2008 dated 11 March 2008 [Re: Guidelines in the Detail of Locally-Funded Employees to the Lower Courts]), only few courts with locally-funded employees comply with the directives and requirements set forth in Administrative Circular No. 28-2008.

Considering the confidentiality of court records and proceedings, there is a need to **again** (a) remind all judges and court personnel throughout the country to strictly comply with the provisions of Administrative Circular No. 28-2008; and (b) emphasize item 11 thereof which provides that "[n]on-compliance and/or violation of this circular by the judge, court personnel or locally-funded employee shall be a ground for disciplinary action."

Accordingly, Administrative Circular No. 28-2008 dated 11 March 2008 is hereby reiterated and all judges and court personnel of the first and second level courts are **REMINDED** to strictly comply with the pertinent provisions of the circular:

ADMINISTRATIVE CIRCULAR NO. 28-2008

TO : ALL JUDGES AND COURT PERSONNEL

SUBJECT : GUIDELINES IN THE DETAIL OF LOCALLY-FUNDED EMPLOYEES TO THE LOWER COURTS

In the interest of the service, the following guidelines shall be observed in the detail of locally-funded employees to the lower courts:

1. No detail of locally-funded employees to the lower courts shall be allowed without first obtaining permission from

the Supreme Court (SC) through the Office of the Court Administrator (OCA).

2. The request for the detail of locally-funded employees shall be made by the Presiding Judge for those in the court branches and the Executive Judge for those in the Office of the Clerk of Court (OCC) and shall be submitted to the Supreme Court through the Office of the Court Administrator for approval. The request shall contain the following information:
 - a. Court caseload
 - b. Reason or necessity for the detail
 - c. Name, position title and duties to be assigned
 - d. Duration of the detail
3. Considering the confidentiality of court records and proceedings, locally-funded employees shall simply assist in the performance of clerical works, such as, receiving of letters and other communications for the office concerned, typing of address in envelopes for mailing, typing of certificate of appearance, and typing of monthly reports. They shall not be given duties involving custody of court records, implementation of judicial processes, and such other duties involving court proceedings. However, they may perform functions appertaining to that of a messenger, janitor and driver if these positions are provided in the plantilla of the Local Government Unit (LGU).
4. The detail shall be allowed only for a maximum period of one (1) year. Details beyond one year may be allowed provided it is with the consent of the detailed employee.
5. Request for renewal or extension of the period of the detail shall be submitted to and received by the SC through the OCA fifteen (15) days before the expiration of the original/previous period of detail and must contain the information stated in paragraph 2 hereof.
6. During the period of the detail, the concerned LGU relinquishes its administrative supervision over the locally-funded employees to the SC. Administrative supervision refers to the authority to direct the performance of duties; restrain the commission of acts; and review, approve, reverse or modify acts or decisions of the detailed employee. In this regard, the SC through the lower court has the responsibility to monitor the punctuality and attendance of the detailed locally-funded employees, approve request for leave, evaluate their performance, grant authority to travel and exercise other acts necessary to effectively supervise the employees.

Prior to the effectivity of the detail, and insofar as those already detailed before the issuance of this administrative circular, the Presiding Judge/Executive Judge shall request the concerned LGU to furnish the

lower court with a certification of the available sick and vacation leave credits of the detailed locally-funded employee. In the event the Presiding Judge/Executive Judge approves the request for leave by the detailed employee, a copy of the same shall be submitted by the Clerk of Court to the concerned LGU.

7. With respect to the personnel actions such as promotion, transfer, renewal, demotion, upgrading and reclassification of positions and the like, which requires the issuance of an appointment, and other personnel movement such as reassignment, detail, secondment, job rotation and designation which do not necessarily require the issuance of an appointment, including salary adjustment, step-increment and monetization of leave credits concerning the detailed locally-funded employee, the same shall still be under the jurisdiction of the concerned LGU.
8. Inasmuch as the locally-funded employee is detailed to an office which carries with it duties and functions related to the administration of justice, such employee has the status of an officer of the court, and as such can be held accountable, short of being dismissed or suspended from office, to the court he serves as well as to the Supreme Court for any negligence or conduct which impedes the efficient and speedy administration of justice, following the Supreme Court ruling in *Esperanza Malanyon vs. Rufino Galang*, AM. No. P-133, July 20, 1978.

Complaints against locally-funded employee shall be filed before the Supreme Court through the Office of the Court Administrator, except for offenses classified under Civil Service Rules as light offenses which shall be filed with the Office of the Executive Judge, who shall conduct an investigation pursuant to A.M. No. 03-8-02-SC otherwise known as Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties. This is without prejudice to the authority of the concerned LGU to discipline locally-funded employee.

9. The Presiding Judge/Executive Judge shall submit to the SC through the OCA, within one (1) month from receipt of this administrative circular, an inventory of all locally-funded employees detailed in their respective court branches including the OCC, specifying the names, position titles, assigned duties and duration of the detail. In addition, the Presiding Judge/Executive Judge shall regularly review the necessity for such details as well as the performance of the locally-funded employees, and recommend to the SC through the OCA the revocation of the detail for those whose services are no longer necessary in the lower courts or those with unsatisfactory or poor performance.
10. The Court Administrator is authorized to act on requests for detail of locally-funded employees and the revocation of such details.

11. Non-compliance and/or violation of this circular by the judge, court personnel or locally-funded employee shall be a ground for disciplinary action.
(emphasis supplied)

All other existing issuances that are inconsistent herewith are deemed superseded or modified accordingly."

13 March 2019


JOSE MIDAS P. MARQUEZ
Court Administrator