



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

OCA CIRCULAR NO. 106-2019


TO : ALL TRIAL COURTS

SUBJECT: APPROVED RESOLUTION NO. 01-2016 OF THE COMMITTEE ON FAMILY COURTS AND JUVENILE CONCERNS ENTITLED "PROPOSING GUIDELINES TO ADDRESS ISSUES AFFECTING FAMILY COURTS ARISING FROM THE 2015 FIRST NATIONAL SUMMIT FOR FAMILY COURT JUDGES" RELATIVE TO THE CASES FILED WITH THE FAMILY COURTS WHICH SHOULD INSTEAD BE FILED WITH REGULAR TRIAL COURTS FOR TRIAL AND ADJUDICATION

For the information, guidance and strict observance of all trial courts, appended herein as Annex "A" is the Resolution dated 18 October 2016 of the Honorable Court *En Banc* in A.M. No. 15-02-10-SC (Re: Report of the Committee on Family Courts and Juvenile Concerns on the Budget Proposal for the Formal Organization of Family Courts for 2016) which APPROVED Resolution No. 01-2016 of the Committee on Family Courts and Juvenile Concerns (CFCJC) entitled "Proposing Guidelines to Address Issues Affecting Family Courts Arising from the 2015 First National Summit for Family Court Judges."

In the 18 October 2016 Resolution, the Honorable Court approved the proposed guidelines of the CFCJC which address the specific concerns raised during the National Summit which will not require any amendment of the Rules of Court or existing laws, particularly to unclog the dockets of Family Courts, as there are cases filed with the Family Courts which, based on settled jurisprudence, should instead be filed with regular courts for trial and adjudication.

05 July 2019


JOSE MIDAS P. MARQUEZ
Court Administrator



Annex "A"

Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated OCTOBER 18, 2016, which reads as follows:

"A.M. No. 15-02-10-SC (Re: Report of the Committee on Family Courts and Juvenile Concerns on the Budget Proposal for the Formal Organization of Family Courts for 2016).- Acting on the Letter dated October 17, 2016 of Associate Justice Teresita J. Leonardo-De Castro, the Court Resolved to **APPROVE** Resolution No. 01-2016 of the Committee on Family Courts and Juvenile Concerns entitled 'Proposing Guidelines to Address Issues Affecting Family Courts Arising from the 2015 First National Summit for Family Court Judges,' to wit:

Resolution No. 01-2016

Proposing Guidelines to Address Issues Affecting Family Courts Arising from the 2015 National Summit for Family Court Judges

WHEREAS, the Supreme Court, by Memorandum Order No. 20-2014 dated August 13, 2014, created the Committee on Family Courts and Juvenile Concerns (CFCJC) with the mandate, among others, of "drafting a plan for the organization of the family courts," and "monitoring the implementation of the plan for the creation and organization of Family Courts including identification of procedural rules and guidelines;

WHEREAS, a National Summit for Family Court Judges: A Consultation-Workshop on the Effective Implementation of the Family Courts Act of 1997 (*National Summit*) was held on September 16 and 17, 2015 to address issues affecting Family Courts, particularly on the jurisdiction of Family

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Courts vis-a-vis first and second level regular courts, and the filing and raffling of certain cases to the courts, among others;

WHEREAS, during the 2015 National Summit, the participating Regional Trial Court Judges, designated as Family Court Judges, arrived at a consensus that there is an urgent need to revise or modify certain existing guidelines or propose clarificatory guidelines to the Honorable Supreme Court, to address specific concerns raised during the National Summit, **which will not require any amendment of the Rules of Court or existing laws, particularly to unclog the dockets of Family Courts, as there are cases filed with the Family Courts which, based on settled jurisprudence, should instead be filed with regular trial courts for trial and adjudication;**

NOW THEREFORE, the CFCJC hereby PROPOSES the following guidelines for the consideration and approval of the Honorable Supreme Court:

I. CIVIL CASES

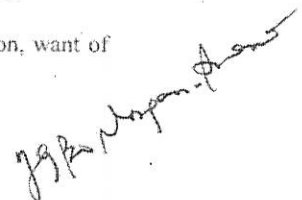
A. Recognition of Foreign Judgment, Order or Decree of Divorce

Pursuant to Rule 39, Section 48 of the Rules of Court¹ on "Effect of foreign judgments or final orders", the Regional Trial Courts shall hear and decide all petitions for Recognition of Foreign Judgment, Order or Decree of Divorce, regardless of any prayer by the petitioner for a court declaration of

¹ SECTION 48. *Effect of Foreign Judgments or Final Orders.* — The effect of a judgment or final order of a tribunal of a foreign country, having jurisdiction to render the judgment or final order is as follows:

- (a) In case of a judgment or final order upon a specific thing, the judgment or final order is conclusive upon the title to the thing; and
- (b) In case of a judgment or final order against a person, the judgment or final order is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title.

In either case, the judgment or final order may be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact.



his/her capacity to remarry under Article 26, paragraph 2 of the Family Code.

B. Recognition of Foreign Judgment, Order or Decree of Adoption

Pursuant to Rule 39, Section 48 of the Rules of Court on "Effect of foreign judgments or final orders", the Regional Trial Courts shall hear and decide all petitions for Recognition of Foreign Judgment, Order or Decree of Adoption.

C. Raffle of Cases and Rules of Procedure

The above-mentioned petitions shall be raffled to the regular Regional Trial Courts and not to the designated or regular Family Courts.

The Regional Trial Courts shall be guided by the procedure provided in (a) Rule 108 of the Rules of Court on the "Cancellation or Correction of Entries in the Civil Registry" and (b) as to proof Rule 39, Section 48 (b) on "Effect of foreign judgments or final orders" and Rule 132, Sections 24 and 25 on "Proof of official record" and "What attestation of copy must state," in accordance with *Fujiki v. Marinay* (G.R. No. 196049, June 26, 2013) and *Corpuz v. Sto. Tomas* (G.R. No. G.R. No. 185571, Aug. 11, 2010).

II. CRIMINAL CASES INVOLVING MINOR VICTIM/S WHO IS/ARE DECEASED AT THE TIME OF FILING OF THE INFORMATION

All criminal cases involving a minor victim/s who is/are deceased at the time of the filing of the Information/s shall be raffled to the regular court of competent jurisdiction.

If the minor victim dies after the information is filed but before arraignment, the case shall be transmitted to the Office of the Clerk of Court for re-raffle/assignment to a regular court of competent jurisdiction.

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THE COMMITTEE ON FAMILY COURTS AND JUVENILE CONCERNS

(Sgd.)

Justice Teresita J. Leonardo-de Castro
Chairperson

(Sgd.)

Justice Victoria Isabel A. Paredes
Co-Chairperson
Court of Appeals

(Sgd.)

Justice Maria Theresa V. Mendoza-Arcega
Sandiganbayan

(Sgd.)

Hon. Jenny Lind R. Aldecoa-Delorino
Deputy Court Administrator

(Sgd.)

Atty. Theodore O. Te
Assistant Court Administrator and
Chief, Public Information Office

(Sgd.)

Judge Angelene Mary W. Quimpo-Sale
RTC, Br. 106, Quezon City

(Sgd.)

Judge Lorifel Lacap Pahimna
RTC, Br. 69, Taguig City

(Sgd.)

Judge Amy A. Avellano
RTC, Br. 58, San Carlos City, Negros
Occidental

(Sgd.)

Atty. Corazon G. Ferrer-Flores
Deputy Clerk of Court and Chief of Office
Fiscal Management and Budget Office

(Sgd.)

Atty. Ma.Regina Adoracion Filomena M.
Ignacio
Acting Chief
Office of the Chief Attorney

(Sgd.)

Atty. Renelie B. Mayuga
Deputy Clerk of Court and Judicial Reform
Program Administrator, Program
Management Office

(Sgd.)

Prof. Myrna S. Feliciano
Philippine Judicial Academy
Executive Director, Mandatory Continuing
Legal Education (MCLE)

(Sgd.)

Atty. Carlos Garay
Acting Chief
Management Information Systems Office

Committee on Family Courts and Juvenile Concerns
Technical Working Group

(Sgd.)

Justice Geraldine C. Fiel-Macaraig
Court of Appeals

(Sgd.)

Judge Sita J. Clemente
RTC, Br. 16, Malolos City

(Sgd.)

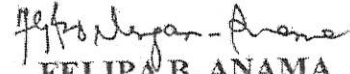

Judge Evelyn G. Nery
RTC, Br. 19, Cagayan De Oro City

Judge Rosalina L. Luna-Pison
Retired Family Court Judge, Quezon City

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(adv17)

Very truly yours,


FELIPA B. ANAMA
Clerk of Court 

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