



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

OCA CIRCULAR NO. 2-2002

TO: COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TAIL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: MEMORANDUM ON POLICY GUIDELINES

The Office of the Court Administrator and the Integrated Bar of the Philippines have jointly formulated a memorandum on Policy Guidelines. The following are the policy guidelines:

I. The OCA and IBP shall endeavor to have members of the bench and bar assist in the improvement of court proceedings.

II. The IBP shall see to it that its members undertake the following:

1. To make use of available Alternative Dispute Resolution (ADR) methods prior to resort to courts.
2. To encourage parties to include in their contracts a stipulation on compulsory resort to arbitration in any dispute arising therefrom;
3. To make full use of Pre-trial and avail of court referred mediation in appropriate cases, in order to obviate prolonged trial;
4. To resort to the modes of discovery under Rules 23 to 29 of the 1997 Rules of Civil procedure;
5. To agree to the delegation of the reception of evidence to the clerk of court under Section 9, Rule 30 of the 1997 Rules of Civil Procedure;
6. To refer an issue of fact to commissioners in accordance with Rule 32 of the 1997 Rules of Civil Procedure;

7. To agree to the use of affidavits of witnesses in the direct examination in appropriate cases subject to the right of the opposing counsel to object to inadmissible evidence and the right to cross-examination.
8. To utilize Sections 14 and 15 of Rule 119 to ensure the appearance or examination of material witnesses for the prosecution in criminal cases;
9. To observe restraint in filing motions to dismiss but instead allege the grounds thereof in the answer as defenses;
10. To discourage the filing of motions of postponements, extensions of time to file pleadings, suspensions of proceedings and like motions; and
11. To submit well-prepared and well-researched memoranda to assist the judge in rendering decisions.

III. The OCA and IBP shall coordinate with the Philippine Judicial Academy and the Mandatory Continuing Legal Education Committee in their projects, programs and activities for the implementation of these policy guidelines.

This Memorandum on Policy Guidelines was signed on March 12, 2002 by the undersigned and the President of the Integrated Bar of the Philippines.

For the information of all concerned.

30 April 2002



PRESBITERO V. VELASCO, JR.
Court Administrator



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

MEMORANDUM ON POLICY GUIDELINES

KNOW ALL PERSONS BY THESE PRESENTS:

This Memorandum on Policy Guidelines jointly formulated by and between:

OFFICE OF THE COURT ADMINISTRATOR, represented by the Hon. Presbitero J. Velasco, Jr., the Court Administrator, hereinafter referred to as the OCA;

And

THE INTEGRATED BAR OF THE PHILIPPINES, represented by its President Atty. Teofilo S. Pilando, Jr., hereinafter referred to as the IBP;

WITNESSETH THAT:

WHEREAS, the OCA was created as an office in the Supreme Court to assist the Court in the exercise of its power of administrative supervision over all courts as provided in Sec. 6, Article VIII of the Constitution;

WHEREAS, the OCA, in accordance with its mandate seeks to assist the judges and court personnel to enable them to discharge their functions efficiently and effectively for the purpose of improving the administration of justice;

WHEREAS, the Supreme Court has ordained the integration of the Philippine Bar into the IBP for the fundamental purpose of elevating the standards of the legal profession, improving the administration of justice and enabling the Bar to discharge its public responsibility more effectively;

WHEREAS, the filing of frivolous pleadings causes inordinate delays in the trial and disposition of cases and the congestion of court dockets;

WHEREAS, it is the mission of the OCA and the IBP to help promote the efficient administration of justice;

NOW THEREFORE, to attain the foregoing objectives, the OCA and the IBP hereby formulated the following policy guidelines:

- I. The OCA and IBP shall endeavor to have the members of the bench and the bar assist in the improvement of court proceedings.
- II. The IBP shall see to it that its members undertake the following:
 1. To make use of available Alternative Dispute Resolution (ADR) methods prior to resort to courts.
 2. To encourage parties to include in their contracts a stipulation on compulsory resort to arbitration in any dispute arising therefrom;
 3. To make full use of pre-trial and avail of court referred mediation in appropriate cases, in order to obviate prolonged trial;
 4. To resort to the modes of discovery under Rules 23 to 29 of the 1997 Rules of Civil Procedure;
 5. To agree to the delegation of the reception of evidence to the clerk of court under Section 9, Rule 30 of the 1997 Rules of Civil Procedure;
 6. To refer an issue of fact to commissioners in accordance with Rule 32 of the 1997 Rules of Civil Procedure;
 7. To agree to the use of affidavits of witnesses in the direct examination in appropriate cases subject to the right of the opposing counsel to object to inadmissible evidence and the right to cross-examination;
 8. To utilize Sections 14 and 15 of Rule 119 to ensure the appearance or examination of material witnesses for the prosecution in criminal cases;
 9. To observe restraint in filing motions to dismiss but instead allege the grounds thereof in the answer as defenses;

10. To discourage the filing of motions for postponements, extensions of time to file pleadings, suspensions of proceedings and like motions; and
11. To submit well-prepared and well-researched memoranda to assist the judge in rendering decisions.

III. The OCA and the IBP shall coordinate with the Philippine Judicial Academy and the Mandatory Continuing Legal Education Committee in their projects, programs and activities for the implementation of these policy guidelines.

IN WITNESS WHEREOF, the OCA and the IBP, through their respective representatives, sign this Memorandum this 12th day of March, 2002 at Manila, Philippines.

OFFICE OF THE COURT ADMINISTRATOR
(OCA)

INTEGRATED BAR OF THE PHILIPPINES
(IBP)

By:

J. Presbitero J. Velasco, Jr.
J. PRESBITERO J. VELASCO, Jr.
Court Administrator

By:

Atty. Teofilo S. Pilando, Jr.
ATTY. TEOFILO S. PILANDO, Jr.
President

ATTEST:

J. Ameurфина A. Melencio-Herrera
J. AMEURFINA A. MELENCIO-HERRERA
Chancellor
Philippine Judicial Academy

J. Carolina C. Grino-Aquino
J. CAROLINA C. GRINO-AQUINO
Chairman
Mandatory Continuing Legal
Education Committee