



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

OCA CIRCULAR NO. 16-2023

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

SUBJECT : REITERATION OF PARAGRAPH NO. 7 OF THE RESOLUTION DATED 8 JUNE 2004 IN A.M. NO. 04-5-19-SC (RE: RESOLUTION PROVIDING GUIDELINES IN THE INVENTORY AND ADJUDICATION OF CASES ASSIGNED TO JUDGES WHO ARE PROMOTED OR TRANSFERRED TO OTHER BRANCHES IN THE SAME COURT LEVEL OF THE JUDICIAL HIERARCHY)

In view of the several concerns raised relative to motions for reconsideration of decisions rendered by transferred judges, this Office reiterates and highlights paragraph 7 of OCA Circular No. 90-2004 dated 11 August 2004 (*A.M. No. 04-5-19-SC [Re: Guidelines in the Inventory and Adjudication of Cases Assigned to Judges Who Are Promoted or Transferred to Other Branches in the Same Court Level of the Judicial Hierarchy]*) which quoted the Resolution dated 8 June 2004 of the Court *En Banc*, thus:

Should a motion for reconsideration of the decision or for new trial be filed by any party, the transferred judge shall resolve the same. However, if a motion for new trial is granted by the transferred judge, the new judge shall preside over the same, resolve the motion, and see to its final disposition.

In view of the foregoing, all concerned are **REMINDED** to strictly observe the above-quoted paragraph of A.M. No. 04-5-19-SC. Accordingly, concerned judges are **DIRECTED** to immediately refer the motion for reconsideration of the decision or for new trial to the former judge who decided the subject decision, to the exclusion of other judges, unless the former judge who decided the case has died, retired, promoted, left the service, or has become disabled, disqualified, or otherwise incapacitated to resolve the motion. The records or parts of the records of the case shall be

delivered, either by personal service or registered mail, to the official court of the transferred judge at his own expense. Once resolved, the transferred judge shall return to the originating court the records of the case/s, together with his/her Order, that the originating court will serve or send to the parties in the subject cases.

For the information and guidance of all concerned.

19 January 2023



RAUL B. VILLANUEVA
Court Administrator