



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

OCA CIRCULAR NO. 162-2022A

TO : ALL EXECUTIVE JUDGES, PRESIDING JUDGES, CLERKS OF COURT AND BRANCH CLERKS OF COURT OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT : TRANSFER OF VENUE OF CASES

At present, all requests, motions or petitions for transfer of venue of cases are processed by the Office of the Court Administrator (OCA). Upon receipt of the request, motion or petition, the OCA sends an indorsement to the judge concerned directing the latter to submit a comment with the additional directive to secure the comments of the parties. Upon receipt of the comments, the OCA will then prepare its report and recommendation for the consideration of the Supreme Court. This procedure takes a lot of time, specifically with respect to the period while the indorsement are in transit to the Presiding Judge and while the comments are in transit to the OCA. The delay is even greater in cases wherein the court concerned is located in the far-flung corners of the country.

There is a need to simplify this procedure in order to facilitate the resolution of the requests, motions or petitions for transfer of venue. Henceforth, the following procedure shall be observed:

1. the request, motion or petition for transfer of venue of cases shall be filed before the court where the case/s is/are pending;
2. upon receipt of the request, motion or petition, the Presiding Judge, or in his absence, the Pairing, Assisting or Acting Judge of the court concerned, or the Executive Judge shall:
 - a. comment on the request, motion or petition; and
 - b. within 2 days therefrom, issue an order directing the parties to be affected by the

transfer of the venue of the case/s to submit to him/her their comments within 5 days from receipt of the order;

3. within 5 days upon receipt of the comments of the parties or the lapse of the period to submit the comment, the Presiding Judge, the Pairing, Assisting, Acting Judge or the Executive Judge, as the case may be, shall forward to the OCA the request, motion or petition, together with the parties' comments; and,
4. if no comments are filed by the concerned parties within the allowed period, the Presiding, Pairing, Assisting, Acting Judge or Executive shall submit also a manifestation regarding such fact.

The Presiding, Pairing, Assisting, Acting Judge or Executive Judge shall see to it that the parties to a case are properly informed of this new procedure. Executive Judges and Judges of single sala stations shall ensure that a copy of this circular is posted in a conspicuous place within the court premises.

Pursuant to the decision in Churchille V. Mari, et al. vs. Hon. Rolando L. Gonzales¹, pending the resolution by the Supreme Court of the instant matter, the court shall defer from suspending the proceedings and continue to hear and try the case on its merits.

Significantly, it bears stressing that the Court's ruling clearly implies that the pendency of a petition for transfer of venue before the Supreme Court shall not suspend the proceedings before the trial court, irrespective of the accused's custodial status. The Court explained that said petition is analogous to a petition for certiorari under Rule 65 which should not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction is issued.

This Circular supersedes OCA Circular No. 162-2022 dated 01 July 2022.

20 July 2023



RAUL B. VILLANUEVA
Court Administrator

¹ G.R. No. 187728, 12 September 2011, citing *People v. Hernandez*, G.R. Nos. 154218 and 154372, 28 August 2006.