



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

OCA CIRCULAR NO. 253-2023

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

**SUBJECT : CLARIFICATION OF THE TERM  
'TRANSFERRED JUDGE' IN OCA  
CIRCULAR NOS. 16-2023 AND 149A-2018**

On 19 January 2023, this Office issued OCA Circular No. 16-2023 to reiterate and highlight Paragraph No. 7 of the Court's 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*)<sup>1</sup>, 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.**

Previously, this Office issued OCA Circular No. 149A-2018 relative to the Amendment of Paragraph No. 5 of the same Resolution, thus:

**5. Should any case be left undecided by the transferred/ detailed/ assigned judge, the incumbent judge shall automatically refer the said case to the previous judge for decision-making UNLESS the latter who substantially heard the case and before whom it was submitted for decision has in the meantime died, retired or for any reason has left the service, or has become disabled, disqualified, or otherwise incapacitated to decide the case.**

**Since the primary responsibility over a case belongs to the presiding judge of the branch to which it has been raffled or assigned, he may also decide the case to the exclusion of any other judge provided that all the parties agree in writing that the incumbent presiding judge should decide the same.**

**If the new station of the transferred judge is within the province of the judicial region of his/her former station, the case shall be decided in such station by the transferred judge who shall adjust his/her calendar to enable him/her to dispose of the undecided case at his/her**

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<sup>1</sup> Circularized in OCA Circular No. 90-2004 dated 11 August 2004

**own expense without sacrificing efficiency in the performance of his/her duties in his/her new station.**

**If the new station of the transferred judge is outside of the province in the judicial region of his/her former station, the records of the undecided case shall be delivered, either by personal service of (sic) by registered mail, to the transferred judge at his/her own expense.**

**In either case, the transferred judge shall return to his former branch the records of the case with the decision that the new judge shall promulgate in his stead.** (amendments in bold)

It appears that confusion from these issuances arose among the lower courts, and has been the subject of several inquiries/referrals for advice to the OCA, specifically on what does “transferred judge” mean and what is included in the definition thereof. As such, for clarification, a transferred judge is any of the following:

(1) An **Acting Presiding Judge** whose designation has been revoked following the appointment and assumption of judicial functions of the regular judge of the court;

(2) An **Acting Presiding Judge** whose designation has been revoked by virtue of his/her designation as Acting Presiding Judge in another court or for any other cause; and

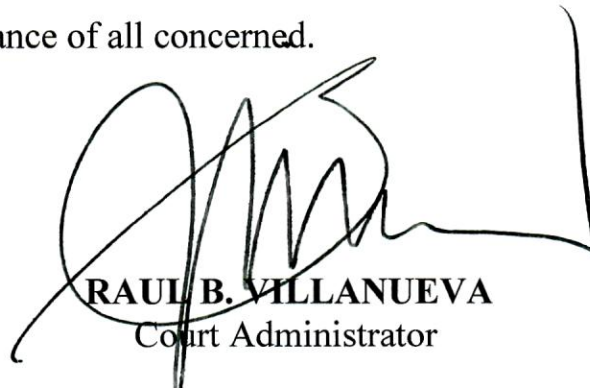
(3) An **Assisting Judge** temporarily designated in a particular court who:

(a) may already conduct proceedings in his/her official court after it has been declared fully operational by this Office; or

(b) for any other reason had his/her designation as such changed, amended or revoked.

For the information and guidance of all concerned.

07 July 2023



**RAUL B. VILLANUEVA**  
Court Administrator