

A.M. No. 02-6-13-CA

SPECIFIC AMENDMENTS TO THE
2002 INTERNAL RULES OF THE
COURT OF APPEALS

(NOTE: Amendments are in bold letters and underlined)

2002 INTERNAL RULES OF THE
COURT OF APPEALS
AS AMENDED

Pursuant to Section 12 of the Judiciary Reorganization Act of 1980 (Batas Pambansa Blg. 129), as amended, the Court of Appeals hereby adopts and promulgates these rules governing its internal operating procedures. These rules shall be known and may be cited as the 2002 INTERNAL RULES THE COURT OF APPEALS (IRCA), AMENDED.

RULE I

THE COURT, ITS ORGANIZATION AND OFFICIALS

SECTION. 1. *Composition of the Court of Appeals.*

X X X

X X X

X X X

[Delete this paragraph – Until the full implementation of Republic Act No. 8246, the Court shall sit in seventeen (17) Divisions of three (3) justices each in Manila, as presently constituted. (n)]

X X X

X X X

X X X

SEC. 2. *Station and Place of Holding Sessions. –*

(a) **[Delete this phrase – Upon full implementation of Republic Act No. 8246,]**
The Court X X X X X X X X X X

(b) X X X X X X X X X X

SEC. 4. *Court En Banc.* - The Court *en banc* X X X X X X

The Presiding Justice shall have control and supervision over the administrative affairs of the Court and towards this end, he may delegate such administrative functions as he may deem necessary in the Divisions of the Court stationed in the cities of Cebu and Cagayan De Oro to an Executive Justice in each

station, who shall be designated by the Supreme Court from among the recommendees of the Presiding Justice on the basis, among other things, of administrative qualifications, experience, ability, probity and seniority in the station. Unless restricted by the Presiding Justice, the powers of the Executive Justice shall include but not limited to: designation of acting members to fill up absence/s ; approval of applications for leave of absence ; authority for special raffle ; temporary detail of Court personnel within the station ; signing of vouchers, and such other acts as may be necessary for day-to-day operations of the Court in each station. (Per en banc Resolution dated 13 July 2004 in A.M. 03-05-03-SC)

SEC. 8. *Jurisdiction and Manner of Exercise of Adjudicative Powers of the Court by Divisions.* –

SEC. 9. *Reorganization of Divisions.* –

(a) Reorganization of Divisions shall be effected whenever a permanent vacancy occurs in the chairmanship of a Division, in which case assignment of Justices to the Divisions shall be in accordance with the order of seniority **unless a waiver is executed by the Justice concerned which waiver shall be effective until revoked by him in writing.** (n)

The Waiver shall be as follows:

WAIVER

Except in cases of temporary assignment, I hereby GIVE / DO NOT GIVE my consent to be transferred either as Chairman/Senior/Junior Member to any Division in any other station.

It is understood that this will not affect my seniority in the Court of Appeals.

It is further understood that this Waiver shall be effective until revoked in writing.

Associate Justice

Date

In the exigencies of the service, the Presiding Justice may temporarily assign any Associate Justice to any station, or defer the reorganization of the Divisions.

(b) Should appointments to the Court require the creation of a new Division or Divisions, the most ranking senior members shall be the Chairman or Chairmen of such new Division or Divisions, and the resulting vacancies in the senior membership shall be

filled by the most ranking junior members, **subject to the provisions of the preceding paragraph**. The new appointees shall be assigned to the resulting vacancies as junior members. (Sec. 5[a], Rule 1, RIRCA)

SEC. 10. *Other Court Officials and their Duties.* –

(c) *Division Clerks of Court.* –

X X X

X X X

X X X

The Division Clerks of Court shall be under the direct control and supervision of the Chairmen of the Divisions [**Delete this phrase:** *who shall see to it that all their duties and functions are strictly and promptly complied with*]. (Per *en banc* Resolution dated 13 July 2004 in A.M. 03-05-03-SC)

The Division Clerk of Court shall:

(1) Direct and supervise the staff of the Division; maintain the records of the Division in any manner; keep **track** of the status and progress of cases assigned to the Division; monitor pleadings, motions and papers filed with the Receiving Section of the Judicial Records Division; update the records of cases; examine the records of cases to be acted upon by the Division, such as but not limited to the payment of docket and other legal fees, filing of briefs, memoranda and other papers within the allowable periods; prepare the agenda of motions and other incidents for action by the Division; issue minute resolutions, notices of decisions, resolutions and hearings, summonses, subpoenas, writs and other processes under the authority of the Division; attend the hearings of the Division, supervise the stenographers in recording the proceedings and prepare the minutes thereof; receive the decisions and resolutions of the Division for promulgation; and **upon order of the Division**, make entries of judgment;

RULE III

PROCEDURE IN RECEIVING, ASSIGNMENT AND DISTRIBUTION OF CASES

(3) When a justice to whom a case is raffled for study and report inhibits himself, is suspended or is on leave of absence for at least six (6) months, the case shall be re-raffled [**Delete this word:** *courtwide*] to another Justice **in the same station**, with right of replacement of another case of similar nature and status. (Sec. 5(d), Rule 3, RIRCA [a])

(b) Raffle of cases [**Delete this phrase:** *for completion of records under paragraph (a)(1) of this section*] shall be open to the public and conducted in chronological order every working day at 10:30 A.M. [**Delete this sentence:** *Raffle of cases for study and report under paragraph (a)(1.1) or the re-raffle thereof under paragraph (a)(3) shall be confidential.*]

[Delete this paragraph: Petitions, actions and proceedings under paragraph (a) (2) shall be raffled to a Justice and shall be undisclosed to the parties to the case and the public (Sec. 6, Rule 3, RIRCA [a])]

(c) Raffle of cases shall be conducted by the Raffle Committee composed of all Justices of the Division chosen for the day which, in turn, shall choose by raffle the Raffle Committee for the following working day. The members of the Raffle Committee who are present shall be exempt from assignment of cases for the day. In the event that one or more members of the Raffle Committee is/are absent or not available, the Raffle Staff shall report the matter to Presiding Justice **or the Executive Justice, as the case may be**, who shall thereupon choose by raffle the members **who** shall constitute the Raffle Committee for the day.

X X X

X X X

X X X

(d) No special raffle shall be conducted except for urgent necessity thereof as determined and authorized in writing by the Presiding Justice **or the Executive Justice, as the case may be**, or in his absence or unavailability, the most senior Justice present. The special raffle **[Delete this phrase: shall be confidential and]** shall be conducted during office hours by the Raffle Committee for the day or any of its members. In their absence, the Presiding Justice **or the Executive Justice** may personally conduct the raffle or assign another Justice to do so. (Sec. 6(e), Rule 3, RIRCA [a])

(e) To ensure equality in the number and nature of the cases assigned to the Justices, the Raffle Staff shall prepare separate lists of cases under the following categories: (1) appealed civil cases; (2) appealed criminal cases; (3) appealed criminal cases involving detention prisoners; (4) appealed special civil actions; (5) appealed special proceedings; (6) *habeas corpus*; (7) annulment of judgments; (8) petitions for the review of the decisions of **[Delete this phrase: the Court of Tax Appeals and]** quasi-judicial agencies; (9) petitions for certiorari, prohibition and mandamus; (10) cases involving substitution of a *ponente* or designation of Justices to fill vacancies in a Division or to create a Special Division of Five; and (11) administrative cases referred by the Supreme Court to the Court. (Sec. 6(c), Rule 3, RIRCA [a]) **Justices who are assigned administrative cases directly by the Supreme Court shall report such assignment to the Raffle Staff for record and/or credit purposes.**

(f) The Raffle Staff shall furnish the Justices with the result of the raffle not later than the following day. **[Delete this sentence: The result of the raffle intended to be undisclosed shall be held in strictest confidence by everyone concerned]** (Sec. 6(f), Rule 3, RIRCA [a])

(g) Only **criminal cases not involving detention prisoners and civil cases** shall be raffled to the Presiding Justice in the ratio of 1:4. (n)

(j) X X X X X X X X X

[Delete this paragraph: *(k) Within three (3) months from retirement or cessation from office of a Justice, his pending cases shall be raffled to the other Justices, except those cases which must be raffled among the remaining members of the Division who participated therein, unless otherwise directed by the Presiding Justice (n).]*

(d)

SEC. 5. ***Distribution of Cases Upon*** **[Delete this phrase:** *Appointment of a New]* ***the Assumption of a Newly Appointed or Transferred Justice.*** – **[Delete this paragraph:** *Upon appointment and assumption to office of a new Justice, he shall be assigned an initial caseload equal to the average caseload of an incumbent Justice as shown in the latest report of the Information and Statistical Data Division. The initial caseload shall first be taken from the unre-assigned cases submitted for decision left behind by a Justice who retired from the service or otherwise ceased to be a member of the Court, and then from those unloaded by the incumbent Justices of such number and nature as determined by the Presiding Justice. (n) to be replaced by the following paragraph:]* **Upon the assumption of a newly appointed or transferred Justice, he shall inherit as his initial caseload, all cases at whatever stage, left by the Justice who retired, was transferred, promoted or otherwise ceased to be a member of the Court; provided, that the Presiding Justice shall have the discretion to make adjustments as may be necessary in the exigencies of the service.**

SEC. 6. ***Disposition of Pending Cases When a Justice Ceases to be a Member of the Court.*** –

[Delete: *(a)]* When a Justice retires, is **transferred**, promoted or otherwise ceases to be a member of the Court, he shall, within thirty (30) days therefrom, submit to the Presiding Justice a complete inventory of **his pending** cases **[Delete this phrase:** *assigned to him]* copy furnish the Clerk of Court, the Judicial Records Division and the Raffle Staff. Within the same period, the records of the said cases shall be forwarded to the Judicial Records Division. (n)

[Delete this paragraph: *(b) Cases submitted for decision and other pending cases which are left behind by a Justice who retires, is promoted or otherwise ceases to be a member of the Court, but are not included in the initial caseload of a newly appointed Justice, shall be re-raffled courtwide among all the sitting Justices. (n)]*

RULE IV

PROCESSING OF CASES AND ACTION ON INTERLOCUTORY MATTERS

SEC. 2. ***Action by the Presiding Justice or Executive Justice.*** – When a petition involves an urgent matter, such as an application for writ of *habeas corpus* or temporary restraining order, and there is no way of convening the Raffle Committee or calling any of its members, the Presiding Justice **or the Executive Justice, as the case may be, or in**

their absence, the most senior Justice present, may conduct the raffle or act on the petition, subject to raffle on the next working day in accordance with Rule III hereof. (n)

SEC. 3. *Action by the Division Clerk of Court.* – (a) Unless disauthorized by the Chairman in consultation with members of the Division, the Division Clerk of Court may, within three (3) days of date of receipt of motions, pleadings, Judicial Records Division reports and other communications by his office, without need of an agenda, perform the following:

Require proof of receipt of copies of briefs, pleadings, motions, and other papers by the parties;

[Delete: *Enter judgment upon finality of a decision or final resolution;*]

X X X

X X X

X X X

Require the stenographic reporter concerned, in case of unsigned transcripts of stenographic notes, to sign the same in the Court, if he is within Metro Manila, **Metro Cebu or Cagayan De Oro, as the case may be;** or to furnish the stenographic reporter concerned with a copy of the unsigned transcripts and to require him to submit a certification attesting to the authenticity and correctness of said unsigned transcripts within five (5) days of notice, if he is outside **[Delete: Metro Manila] those areas;**

X X X

X X X

X X X

Cause personal service of temporary restraining orders and writs of preliminary injunction on counsel and parties, if within Metro Manila, **Metro Cebu or Cagayan De Oro, as the case may be,** and by telegram, to be followed by either special registered speed mail or airmail, if outside **[Delete: Metro Manila] those areas.** (Rule 3, Sec. 8, RIRCA[a])

(b) Within five (5) days after having verified the finality of a decision or resolution, the Division Clerk of Court shall report in writing such fact to the Division, which shall direct the issuance of the entry of judgment by minute resolution. Said entry shall be effected within three (3) working days from promulgation of the resolution.

RULE VI

PROCESS OF ADJUDICATION

SEC. 1. *Justice Assigned For Study and Report.* – Every case, whether appealed or original, assigned to a Justice for study and report shall be retained by him even if he is transferred to another Division **in the same station.** (Sec. 2, Rule 8, RIRCA [a])

SEC. 2. *Justices Who May Participate in the Adjudication of Cases.* – X X X

X X X

X X X

(a) x x x x x x x x x

(b) If the Justice to whom the case is assigned for study and report is disqualified, his replacement shall be chosen by raffle **from among the Justices in the same station**;

(c) If one or both of the other members of the Division is/are on leave of absence, disqualified, **transferred** or no longer members of the Court, his/their replacement shall be chosen by raffle **from among the Justices in the same station**. The Division shall be called Special (No.) Division;

(d) When, in an original action or petition for review, any of these actions or proceedings, namely: (1) giving due course; (2) granting writ of preliminary injunction; (3) granting new trial; and (4) granting execution pending appeal have been taken, the case shall remain with the Justice to whom the case is assigned for study and report and the Justices who participated therein, regardless of their transfer to other Divisions **in the same station**.

[paragraphs (f) and (g) are interchanged]

(f) **In situations under paragraph (d) hereof, and** if the *ponente* is no longer a member of the Court **or has transferred to another station** but at least one member of his Division remains, the Division Clerk of Court of the former shall request the Raffle Committee for substitution of said *ponente*. However, if all the members of said Division are no longer with the Court **or in the same station**, the Judicial Records Division shall make said request. (n)

(g) Where the composition of a Division which decided a case has changed, the Division which shall subsequently act on the case shall be called the Former (No.) Division; and (Sec. 2, Rule 8, RIRCA [a])

SEC. 7. *The Justices Who Shall Act on Motions.* –

(b) A motion for reconsideration of a decision or resolution shall be acted upon by the *ponente* and the other members of the Division, whether of three or five, and whether regular or acting, who participated in the rendition of the decision or resolution sought to be reconsidered, irrespective of whether such members are already in other Divisions at the time of the motion for reconsideration is filed or acted upon, **provided that they are still in the same station; otherwise Sec. 2, Rule VI shall apply.** (n)

(c) If the *ponente* is no longer a member of the Court or has inhibited himself from acting on the motion **or has transferred to another station**, he shall be replaced by another Justice chosen by raffle from among the remaining members of the Division **in the same station**, whether regular or acting, who participated in the rendition of the decision or resolution, and the resulting vacancy therein shall be filled by raffle from among the other **[Delete: members of the Court] Justices in the same station.**

(d) If the *ponente* and all members of the Division, whether regular or acting, who rendered the decision or resolution are no longer a members of the Court **or no longer in the same station**, the case shall be raffled to any ~~[Delete: member of the Court]~~ **Justice in the same station** and the motion shall be acted upon by him with the participation of the other members of his Division. (n)

SEC. 10. *Procedure in Case of Dissent.* –

(a) Within fifteen (15) days from the date of the deliberation, the dissenting Justice shall furnish a copy of his written dissent to the two other members of his Division. The written dissenting opinion shall not be attached to the *rollo*. The Chairman of the Division shall then in writing refer the case, together with the *rollo*, to the Raffle Committee which shall designate two Justices by raffle from among the ~~[Delete: other members of the Court]~~ **Justices in the same station** to sit temporarily with them, forming a Special Division of Five.

(b) The Special Division of Five shall retain the case until its final disposition regardless of reorganization **provided that all the members thereof remain in the same station**. Any member of the Division of Five may write a separate concurring or dissenting opinion. (Sec. 4, Rule 8, RIRCA [a])

(c) After the member of the Division has expressed his dissent in writing and the Special Division of Five is thus constituted, it shall retain the case until its final disposition despite changes in its membership caused by reorganization or other causes, **provided that they remain in the same station**. (Supreme Court Resolution date May 25, 1993)

RULE VIII

MISCELLANEOUS PROVISIONS

SEC. 1. *Erroneous Transmittal of Records.* – If it clearly appears from the notice of appeal that the appellant has directed his appeal to another court, but the lower court erroneously transmitted the records of the case to the Court of Appeals, the Judicial Records Division shall refer the case to the Presiding Justice **or the Executive Justice, as the case may be**, for proper disposition. (Sec. 1, Rule 12, RIRCA)

SEC. 13. *Effectivity Clause.* – These Rules shall become effective on FEBRUARY 28, 2005 after publication in an newspaper of general circulation. (n)
