

# [ THE 2002 REVISED MANUAL FOR CLERKS OF COURT, March 08, 2002 ]

## THE 2002 REVISED MANUAL FOR CLERKS OF COURT

### B. JURISDICTION<sup>[1]</sup>

#### 1. ORIGINAL

##### 1.1. Exclusive

1.1.1. Petitions for issuance of writs of certiorari, prohibition and mandamus against the following:

- 1.1.1.1. Court of Appeals
- 1.1.1.2. Commission on Elections
- 1.1.1.3. Commission on Audit
- 1.1.1.4. *Sandiganbayan*

##### 1.2. Concurrent

###### 1.2.1 With Court of Appeals

Petitions for issuance of writs of certiorari, prohibition and mandamus against the following:

- 1.2.1.1. National Labor Relations Commission under Labor Code; (Sec. 9 of Batas Blg. 129 as amended by Rep. Act No. 7902; *St. Martin Funeral Homes vs. NLRC*, 356 Phil. 811 [1998]). Under the principle of hierarchy of courts, the petitions should first be filed with the Court of Appeals.
- 1.2.1.2. Civil Service Commission (Rep. Act No. 7902)
- 1.2.1.3. Central Board of Assessment Appeals. (Pres. Decree No. 464; Sec. 9 of Batas Blg. 129 as amended by Rep. Act No. 7902)
- 1.2.1.4. Court of Tax Appeals and Quasi-Judicial Agencies (Rule 43, Rules of Civil Procedure [ 1997]).
- 1.2.1.5. Regional Trial Courts and lower courts

###### 1.2.2. With Court of Appeals and Regional Trial Courts

- 1.2.2.1. Petitions for *habeas corpus* and *quo warranto*
- 1.2.2.2. Petitions for issuance of writs of certiorari, prohibition and mandamus against the lower courts or bodies. (Sec. 9[1] and Sec. 21 [1] of Batas Blg. 129; *Vergara vs. Suelto*, 156 SCRA 763 [1987])

###### 1.2.3. With Regional Trial Courts

- 1.2.3.1. Actions affecting ambassadors and other public ministers and consuls (Sec. 5[1] Article VIII, Constitution,

## 2. APPELLATE

### 2.1. By Notice of Appeal

From Regional Trial Courts or the Sandiganbayan in all criminal cases involving offenses for which the penalty imposed is *reclusion perpetua*, life imprisonment or *reclusion perpetua* to death, and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion. (Sec. 17 of Judiciary Act of 1948: Sec. 9[3] of Batas Blg. 129; Sec. 5[2-d], Article VIII, Constitution; Sec. 3[c] of Rule 122; Sec. 5 of Rep. Act No. 8249) Exception: See *People vs. Plateros*, 83 SCRA 401 [1978]).

### 2.2. By Automatic Review

From Regional Trial Courts or the *Sandiganbayan* in criminal cases where the death penalty is imposed. (Rep. Acts Nos. 7659 and 8249; See Sec. 10 of Rule 122, Rev. Rules of Criminal Procedure (2000))

### 2.3. Petition for Review on Certiorari

2.3.1. Appeals from the Court of Appeals (Sec. 17 of Judiciary Act of 1948 as amended by Rep. Act No. 5440; Sec. 5[2] Article VIII, Constitution; Rule 45 of Rules of Civil Procedure [1997]).

2.3.2. Appeals from the Sandiganbayan on pure questions of law, except cases where the penalty imposed is *reclusion perpetua*, life imprisonment or death. (Sec. 7 of Pres. Decree No. 1606 as amended by Rep. Act No. 8249; *Nunez vs. Sandiganbayan*, 111 SCRA 433 [1982]; Rule 45 Id.)

2.3.3. Appeals from Regional Trial Court exercising original jurisdiction in the following cases:

2.3.3.1. If no question of fact is involved and the case involves:

- a. Constitutionality or validity of treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance or regulation;
- b. Legality of tax, impost, assessments, or toll, or penalty in relation thereto; and
- c. Jurisdiction of lower court.

2.3.3.2. All cases in which only errors or questions of law are involved. (Sec. 5[2-a,b,c, and e], Article VIII, Constitution, Sec. 9 [3] of Batas Blg. 129); Rule 45 and Sec. 2[c] of Rule 41 of the Rules of Civil Procedure (1997), Sec. 3[d] of Rule 122, Rev. Rules of Criminal Procedure (2000).

2.4. Special Civil Action on Certiorari filed within thirty days: (Rule 64, Rules of Civil Procedure [1997])

2.4.1. Commission on Elections (Sec. 7, Article IX-A Constitution; *Aratuc vs. Comelec*, 88 SCRA 251 [1979])

2.4.2. Commission on Audit (Id. Constitution)

## **C. PROCEDURE IN THE ASSIGNMENT OF CASES<sup>[2]</sup>**

### 1. IN GENERAL

The Chief Justice, after determining which are en banc cases, assigns such a case to a member of the Court. Thereafter, the rest, which are Division cases, shall be assigned to a member thereof by raffle as hereinafter provided. In the raffling of new petitions, a Chairman of a Division is assigned a case only once for every two petitions raffled.

### 2. *En Banc* cases<sup>[3]</sup>

2.1. Cases in which the constitutionality or validity of any treaty, international or executive agreement, law, executive order or presidential decree, proclamation, order, instruction, ordinance or regulation is in question;

2.2. Criminal cases in which the appealed decision imposes the death penalty;

2.3. Cases raising novel questions of law;

2.4. Cases affecting ambassadors, other public ministers, and consuls;

2.5. Cases involving decisions, resolutions or orders of the Civil Service Commission, Commission on Elections, and Commission on Audit;

2.6. Cases where the penalty to be imposed is the dismissal of a judge, officer or employee of the Judiciary, disbarment of a lawyer, or either the suspension of any of them for a period of more than one (1) year or a fine exceeding P10,000.00, or both;

2.7. Cases where a doctrine or principle laid down by the Court *en banc* or in division may be modified or reversed;

2.8. Cases assigned to a division which in the opinion of at least three (3) members thereof merit the attention of the Court *en banc* and are acceptable to a majority of the actual membership of the Court *en banc*; and

2.9. All other cases as the Court *en banc*, by a majority of its actual membership, may deem of sufficient importance to merit its attention.

### 3. Raffle Committee

3.1. A Raffle Committee is created composed of a Chairman and two Members elected by the Justices from among themselves. They serve for one (1) year or until their successors are elected. When any member is absent, the Committee may call on any Justice to act temporarily in place of the absent member.

3.2. The raffle shall be held in the *en banc* Conference Room at 10:00 a.m. every Tuesday and Friday, or on any other day or time as circumstances may require in the opinion of the Committee.

3.3. The assignment of all cases shall be furnished each member of the Court, and shall be held in the strictest confidence by everyone concerned.

3.4. Petitions hereafter filed shall be assigned by raffle.

3.5. For record purposes, the Clerk of Court should act as recorder of the

raffles conducted by the Raffle Committee with the corresponding record book; any member of the Court may send his representative to be present at the raffle to be conducted at the scheduled day and time; and one hour's notice to all the other Justices should be given of any special raffle to be conducted.

#### 4. Minute Resolution

The Supreme Court is not compelled to adopt a definite and stringent rule on how its judgment shall be framed. The Supreme Court has discretion to decide whether a "minute resolution" should be used in lieu of a full-blown decision in any particular case. A minute resolution of dismissal of a petition for review on certiorari constitutes an adjudication on the merits of the controversy or subject matter of the position.<sup>[4]</sup> It is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court.<sup>[5]</sup>

### **D. QUALIFICATIONS OF OFFICERS**

The following officials are appointed by the Court en banc without the need of publication as required by Rep. Act No. 7041:

1. Executive of Clerk of Court V (Clerk of Court)
2. Executive Clerk of Court IV (Asst. Clerk of Court)
3. Executive Clerk of Court IV (Division Clerk of Court)
4. Executive Clerk of Court III (Asst. Division Clerk of Court)

Education - Bachelor of Laws

Experience - Ten (10) years or more in the practice of law or has been Clerk of Court or Deputy Clerk of Court of a Regional Trial Court or its equivalent for the same period of time

Training - Thirty-two (32) hours of relevant training in management and supervision

Eligibility - Rep. Act No. 1080 (Bar)

#### 5. Chiefs of Offices

- 5.1. Director IV (Deputy Clerk of Court and Reporter)
- 5.2. Director IV (Deputy Clerk of Court and Chief Attorney)
- 5.3. Director IV (Deputy Clerk of Court and Chief, Judicial Records Office)
- 5.4. Director IV (Deputy Clerk of Court and Chief Administrative Officer)
- 5.5. Director IV (Deputy Clerk of Court and Bar Confidant)
- 5.6. Director IV (Deputy Clerk of Court and Chief, Management Information Systems Office)
- 5.7. Director IV (Deputy Clerk of Court and Executive Officer with the rank of a Chief of Office)

Education - Bachelor of Laws

Experience - Ten (10) years or more of relevant supervisory work experience acquired under career service positions in the Supreme Court, three (3) years of which were rendered under position/s requiring the qualifications of a lawyer

Training - Thirty-two (32) hours of relevant training in management and

supervision  
Eligibility - Rep. Act No. 1080 (Bar)

5.8. Chief, Fiscal Management and Budget Office (Director V) Education - Bachelor of Commerce major in Accounting or Bachelor of Science in Accountancy

Experience - Ten (10) years or more of progressively responsible experience in planning, directing and coordinating all phases of budget and accounting operations and activities, three (3) years of which must be in a supervising capacity  
Training - Thirty-two (32) hours of relevant training in management and supervision  
Eligibility - Rep. Act No. 1080 (CPA)

## 6. Chiefs of Services

6.1. SC Senior Chief Staff Officer (Director III), Medical and Dental Services

6.2. SC Senior Chief Staff Officer (Director III), Library Services

Education - Bachelor's Degree relevant to the job  
Experience - Five (5) years of relevant experience  
Training - Thirty-two (32) hours of relevant training  
Eligibility - Rep. Act No. 1080 (relevant course)

6.3. SC Senior Chief Staff Officer (Director III), Printing Service

Education - Bachelor's Degree relevant to the job  
Experience - Five (5) years of relevant experience  
Training - Thirty-two (32) hours of relevant training  
Eligibility - Career Service Professional/Second Level Eligibility

## E. FUNCTIONS AND DUTIES OF OFFICERS

1. Executive Clerk of Court V (Clerk of Court)

1.1. Adjudicative Support Functions:

- 1.1.1. Records the proceedings of the Court en banc;
- 1.1.2. Prepares the agenda and minutes of the Court's sessions;
- 1.1.3. Signs notices of all Court resolutions and facilitates the service thereof to parties or their counsels;
- 1.1.4. Enters and promulgates judgments and orders;
- 1.1.5. Certifies copies from the records; and
- 1.1.6. Issues processes.

1.2. Non-adjudicative Functions:

- 1.2.1. Exercises general supervision over all offices and services under the Office of the Clerk of Court;
- 1.2.2. Keeps the records and seal of the Court;
- 1.2.3. Acts as recorder of raffles of cases conducted by the Raffle