



Republic of the Philippines
Supreme Court
Manila

ADMINISTRATIVE CIRCULAR NO. 40 - 2020

- TO : ALL LITIGANTS, JUSTICES, JUDGES AND COURT PERSONNEL OF THE JUDICIARY, AND MEMBERS OF THE BAR**
- RE : COURTS IN AREAS PLACED UNDER GENERAL COMMUNITY QUARANTINE FROM 16 TO 31 MAY 2020**

Considering that A.C. 36 - 2020, which provides the parameters on how the courts in the areas under General Community Quarantine (GCQ) shall operate, covers only the period of 1-15 May 2020, and in view of the issuance of A.C. 39 - 2020 which provides the guidelines on how the courts in the areas under Modified Enhanced Community Quarantine (MECQ) shall operate during the period of 16 - 31 May 2020, there is a need to provide the guidelines on how the courts in the areas under GCQ shall operate during the period of 16 - 31 May 2020.

Accordingly, all the courts in the areas under GCQ shall operate during the period of 16 - 31 May 2020, as follows:

1. All the branches of the courts in the areas under GCQ shall be physically open from 18 to 29 May 2020, but shall function only with a skeleton-staff, by rotation, to be determined by the presiding judge.

However, all inquiries on cases and transactions, including requests for documents and services, shall initially be coursed and acted upon only through the hotline numbers, email addresses and/or Facebook accounts of the courts, as posted on the website of the Supreme Court.¹ No walk-in requests shall be entertained by any of the branches or offices of the courts in the GCQ areas.

2. Justices, judges and court personnel with medical conditions making them vulnerable to be easily infected by Covid-19 may work from home, provided court personnel who will do so will have the prior approval of the justice or judge.
3. All the branches of the courts in the GCQ areas shall operate from 9:00 a.m. to 4:00 p.m., Monday to Friday, until 29 May 2020. The Night

¹ Annex "A," A.C. 32 - 2020 dated 20 March 2020.

courts and Saturday courts however will remain suspended until 30 May 2020.

All electronic communications must be transmitted to and received by the courts from 8:30 a.m. to 3:30 p.m. for these transmissions to be acted upon on the same day.

4. All the courts in the GCQ areas shall receive all the petitions and pleadings filed by any party. The initiatory pleadings, in both civil and criminal cases, including criminal complaints, informations, and applications for bail,² together with all the required documents in relation thereto, may be filed electronically and shall be received by the courts through their respective email addresses, as posted on the website of the Supreme Court.³ Pleadings and other court submissions on pending cases may be electronically filed directly with the branch where the case is pending if the said branch has an official email address. Otherwise, the pleadings and other court submissions on pending cases may be filed electronically with the Office of the Clerk of Court, which shall forward the said transmissions to the branches where the cases are pending.
5. The raffle of cases in all the court stations in the areas under GCQ shall commence on 18 May 2020 and thereafter proceed regularly, either electronically in eCourt stations, or in accordance with the procedure laid down in A.M. No. 03-8-02-SC⁴ in non-eCourt stations, provided that only the members of the Raffle Committee will attend the raffle, excluding the private lawyers and the general public during this period of public health emergency. No raffle through videoconferencing shall be conducted in the court stations in the GCQ areas.
6. All the courts in the GCQ areas shall continue to resolve and decide all the cases pending before them. The hearings, either in-court or through videoconferencing, of all the matters pending before them, in both criminal and civil cases, whether newly-filed or pending, and regardless of the stage of the trial, are now herein authorized. The justices and judges shall see to it that the counsels and parties are duly notified of the in-court hearings to ensure their attendance.
7. In all the in-court hearings in the GCQ areas, the health hygiene protocols and other public medical standards, *e.g.*, wearing of face masks and face shields, subjecting everyone to a no-contact thermal scanning, and observance of social distancing, shall be strictly observed.
8. In all the videoconferencing hearings in the GCQ areas, the justices or judges shall preside from the courtrooms or chambers at all times,

² Pursuant to A.C. 33 - 2020, dated 31 March 2020, supplemented by OCA Circular No. 89 - 2020, dated 3 April 2020.

³ Annex "A," A.C. 32 - 2020, dated 20 March 2020.

⁴ Approved on 27 January 2004.

unless in exceptional circumstances where the justice or judge may preside from home. The videoconferencing hearings in both criminal and civil cases shall be upon joint motion of the parties, or upon orders of the court, which shall schedule the said videoconferencing hearings.

9. The taking of the testimony of a witness in a place other than where the court is, through videoconferencing, is akin to the taking of a deposition upon oral examination, pursuant to Sec. 1, Rule 23, as amended,⁵ and shall be allowed. If the witness will be testifying on (i) duly subscribed written statements given to law enforcement or peace officers, or (ii) affidavits or counter-affidavits submitted before the investigating prosecutor, or (iii) judicial affidavits, subject to additional direct and cross-examination questions,⁶ the said documents and affidavits may be received by the court and the parties through electronic transmission in accordance with the Rules on Electronic Evidence, at least three (3) days prior to the scheduled videoconferencing hearing.⁷
10. Civil weddings may be solemnized, provided the parties, witnesses and guests shall not exceed five (5), notwithstanding the Guidelines on the Phased Transition from ECQ to GCQ which allows a maximum of 10 (ten) individuals during mass gatherings in the GCQ areas.⁸ The health hygiene protocols and other public medical standards, *e.g.*, wearing of face masks and face shields, subjecting everyone to a no-contact thermal scanning, and observance of social distancing, shall be strictly observed during the ceremony.
11. The filing of petitions, appeals, complaints, motions, pleadings and other court submissions that fall due up to 31 May 2020 before the courts in the areas under GCQ is extended for 30 calendar days, counted from 1 June 2020, but the pleadings and the other court submissions may still be filed by the parties within the reglementary period on or before 31 May 2020 through electronic means, if preferred and able. In the same manner, the periods for court actions with prescribed periods of courts in areas under GCQ are likewise extended for 30 calendar days counted from 1 June 2020.
12. Decisions and orders drafted before or during the instant GCQ period may be promulgated and released during this period. Service of writs and other court processes within the GCQ areas may likewise proceed.
13. Flag raising and retreat ceremonies in the GCQ areas shall remain suspended until 31 May 2020.

⁵ Section 1, Rule 23, 2019 Proposed Amendments to the 1997 Rules of Civil Procedure, effective 1 May 2020.

⁶ 11(a)(b), Part III, Revised Guidelines for Continuous Trial of Criminal Cases, effective 1 September 2017.

⁷ Paragraph 3, OCA Circular No. 93-2020.

⁸ Released by the IATF on 13 May 2020.

14. All official meetings, seminars, trainings and other functions in the Judiciary within the GCQ areas, unless conducted through videoconferencing, are deferred until after 31 May 2020, except those allowed by this Circular, and those that may be called or authorized by the Chief Justice of by the Judiciary Task Force on COVID-19.

All previously issued circulars and their respective provisions which are not inconsistent herewith shall remain valid and in effect.

FOR THE GUIDANCE OF ALL CONCERNED

15 May 2020, Parañaque City.

(original signed)
DIOSDADO M. PERALTA
Chief Justice