



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

DEPARTMENT CIRCULAR NO. 034

TO : ALL UNDERSECRETARIES
ALL ASSISTANT SECRETARIES
ALL PROSECUTORS
OFFICE OF THE SECRETARY APPEALS DIVISION
NATIONAL PROSECUTION SERVICE DOCKET
ALL CONCERNED

SUBJECT : GUIDELINES ON THE DISPOSITION OF PETITIONS FOR REVIEW AND CASES UNDER AUTOMATIC REVIEW

DATE : AUG 31 2019

In the interest of expeditious and efficient administration of justice, pursuant to the provisions of existing laws, the following Guidelines are hereby made for the disposition of: (i) Petitions for Review filed before the Office of the Secretary of Justice (OSEC); (ii) Automatic Review of cases involving, among others, violations of the Comprehensive Dangerous Drugs Act of 2002, as amended, and anti-smuggling laws; and (iii) Motions for Reconsideration thereof. This serves as the over-all guidelines in the disposition of the foregoing and the following instructions are made to guide all concerned, viz:

1. COVERAGE AND GENERAL PROVISIONS

- 1.1 These Implementing Guidelines (hereinafter referred to as the Guidelines) shall cover all Petitions for Review filed before the Office of the Secretary, Automatic Review cases, and Motions for Reconsideration thereof.
- 1.1.1 Nonetheless, all Petitions for Review, Automatic Review cases, and Motions for Reconsideration thereof, already pending with the offices of the Undersecretaries and Assistant Secretaries, shall remain with them for resolution and they shall be authorized to resolve such cases already pending with or raffled to them.
- 1.1.2 The initial disposition of all cases filed **prior to 01 July 2016** which are not pending with any of the offices of the Undersecretaries and Assistant Secretaries shall be done through a separate Department Circular before the same are processed in accordance with this Guidelines.
- 1.1.2.1 However, in order to address follow-ups of previously filed cases, cases filed **prior to 01 July 2016** which are subject of a follow-up request or any similar motion from party-litigants shall be immediately processed in accordance with this Guidelines.

- 1.2 All Undersecretaries and Assistant Secretaries of this Department are hereby authorized to sign or approve resolutions/decisions on Petitions for Review filed before the Office of the Secretary, Automatic Review cases, and Motions for Reconsideration thereof, for and on behalf of the Secretary of Justice, subject to the provisions of this Guidelines.
- 1.3 Nonetheless, nothing in this Guidelines shall be construed to deprive the Secretary of Justice of his power to directly act upon any case, at any time or level of review, at his discretion.
- 1.4 The foregoing notwithstanding, existing Department Orders and other assignments made by the Secretary shall remain applicable insofar as these are not inconsistent with this Guidelines.

2. OSEC APPEALS MANAGEMENT OFFICE (SAMO)

- 2.1 The Office of the Secretary Appeals Division (OSAD) created under D.C. No. 005 (s. 2018) is hereby reorganized as the **OFFICE OF THE SECRETARY APPEALS MANAGEMENT OFFICE (SAMO)**.
- 2.2 The functions of the SAMO shall be limited to: (i) the receiving and docketing of Petitions for Review filed before the Office of the Secretary (OSEC), Automatic Review cases, Motions for Reconsideration thereof, and all documents in relation thereto; (ii) the raffle of Petitions for Review filed before the OSEC, Automatic Review cases, and Motions for Reconsideration thereof, as applicable; (iii) the internal routing of the records thereof within the Department's compound and only between or among the concerned offices; (iv) the keeping and maintenance of the relevant information and databases in relation thereto; (v) the transmittal and mailing of resolutions and other order, pleadings, or documents related to the foregoing; as well as (vi) other support functions necessary for the foregoing.
- 2.3 The Secretary of Justice shall have direct control and supervision over the SAMO.
 - 2.3.1 The head of the SAMO shall be designated by the Secretary of Justice. The SAMO shall have sufficient number of support staff as the exigencies of the circumstances may warrant.
 - 2.3.2 The Head Executive Assistant of the Secretary of Justice is hereby designated as the alternate head of the SAMO, in the absence of the latter, and is authorized to render assistance to the SAMO as the exigencies of the circumstances may warrant.

3. PETITION FOR REVIEW INFORMATION SYSTEM (PRIS)

- 3.1 The use of the PRIS currently existing shall be continued. The same shall be under the joint management and responsibility of the SAMO and the Management Information System Division (MISD).

- 3.2 Only the Secretary of Justice, Head Executive Assistant, the Undersecretary in charge of Administration, Finance and Personnel Services, and the Head of the SAMO shall have full administrator access to the PRIS.

The MISD shall provide technical assistance to these officials. However, as far as practicable, it shall not have access to the contents of the PRIS.

- 3.3 Employees assigned with the SAMO, or whose duties involve the functions of the SAMO, shall have access to the PRIS only insofar as they are required to make entries therein, as will be provided hereunder. Limited access shall be granted to specific persons falling under this item only upon the approval of the Undersecretary in charge of Administration, Finance and Personnel Services.
- 3.4 Subject to laws on secrecy, privacy, and data protection/security, the SAMO and MISD shall ensure that no other person shall have access to the PRIS outside of the foregoing, and they shall be the persons primarily responsible and liable therefor.

4. FILING AND RECEIVING

- 4.1 The duty to receive all **Petitions for Review** assailing resolutions of prosecutors filed before the OSEC, cases elevated for **Automatic Review** of the OSEC, **Motions for Reconsideration** of the Resolutions thereof, and all pleadings and other documents related thereto, shall be performed by the SAMO. The SAMO shall receive the foregoing in compliance with this Guidelines, DC No. 70 (s.2000), DC No. 018 (s. 2017), otherwise known as the Rule on Electronic Filing of Petitions for Review, and all other applicable Department Circulars.
- 4.2 The documents above-mentioned shall be stamped "**RECEIVED**" upon receipt thereof, indicating therein the **date and time of receipt** of the document, as well as the name of the SAMO personnel who received the same. The same shall be the date of its filing. In case of petitions **filed through registered mail**, the **date of mailing shall be considered their filing date**.
- 4.3 The SAMO shall transmit the case docket of Petitions for Review to the Case Screening Committee (CSC), as will be defined hereunder. The SAMO shall encode in the PRIS the date of such transmittal.
- 4.4 The SAMO shall receive/accept all **follow-up of cases, requests for certification of status, requests for certified true copies, and other similar transactions**. All final actions, however, shall be acted upon by the Head of the SAMO.

For this purpose, the Head of the SAMO is hereby authorized to issue such certifications and to refer to the person concerned any follow-up of cases made.

5. CASE SCREENING COMMITTEE (CSC) AND ITS DUTIES

5.1 A Case Screening Committee is hereby established which shall be under the direct control and supervision of the SAMO. The CSC shall have as members thereof such number of prosecutors from the NPS to be designated by the Undersecretary in charge of the Prosecution Staff, upon consultation with the Prosecutor General, as the circumstances may warrant.

5.1.1 The Undersecretary in charge of the Prosecution Staff, upon consultation with the Prosecutor General, shall determine the members of the CSC and shall submit the composition of the same to the SAMO and the OSEC within five (5) days from the promulgation of this Guidelines.

5.2 The members of the CSC shall examine all Petitions for Review to determine whether or not the same complies with the timely filing and formal requirements of DC No. 70 and 70-A (s. 2000), and DC No. 018 (s. 2017).

Members of the CSC shall evaluate and return the Petitions for Review to the SAMO, in accordance with the following instructions.

5.2.1 If the Petition for Review is compliant with the applicable rules, the evaluating prosecutor shall indorse the same for resolution.

5.2.2 If the Petition for Review is not compliant with the applicable rules, the evaluating prosecutor shall prepare a draft Resolution for outright dismissal indicating all the defects thereof, and shall recommend the dismissal of the same.

5.2.3 If the Petition for Review is not compliant as to jurisdiction in accordance with Section 7(d) of R.A. No. 10071, and in relation to Department Circular No. 70-A, s. 2000, the evaluating prosecutor shall prepare a draft referral of the same.

5.3 The evaluating prosecutors of the CSC shall be given a non-extendible period of seven (7) days from receipt of the entire case docket to process the same accordingly.

6. RAFFLE OF PETITIONS FOR REVIEW AND AUTOMATIC REVIEW CASES

6.1 The SAMO shall raffle cases referred to it using a device which shall ensure that: (i) the assignment of cases shall be random; and (ii) a fair and equitable distribution of case load among all concerned persons is achieved.

6.2 Until such time that such a device is put in place, the Head of the SAMO, the Head Executive Assistant of the Secretary of Justice, or a duly designated representative of the OSEC shall conduct the raffle of cases referred to it by the evaluating prosecutors of the CSC in accordance with the following instructions:

6.2.1 The cases referred to the SAMO by the evaluating prosecutors of the CSC shall be grouped together and raffled as follows:

6.2.1.1 A one-stage raffle shall be done with respect to Cases for outright dismissal and for referral to Regional Prosecution Offices; and

6.2.1.2 A two-stage raffle shall be done for Cases given due course and for cases under Automatic Review.

6.2.2 The **cases for outright dismissal and for referral to Regional Prosecution Offices** shall be raffled to the following Assistant Secretaries through a one-stage raffle:

- a. Asec. Cheryl L. Daytec-Yañgot
- b. Asec. George O. Ortha II
- c. Asec. Margaret V. Castillo-Padilla
- d. Asec. Sergio E. Yap
- e. Asec. Neal Vincent M. Bainto

6.2.2.1 A one-stage raffle shall be done through the following steps:

6.2.2.1.1 The SAMO shall prepare a list containing the names of all Assistant Secretaries authorized to act on cases for outright dismissal and for referral to Regional Prosecution Offices, which shall be consecutively numbered starting from the number one (1).

6.2.2.1.2 The SAMO shall select by draw lots an Assistant Secretary to whom the first case shall be assigned.

6.2.2.1.3 The SAMO shall similarly select by draw lots from the previously prepared list of cases for outright dismissal and for referral to Regional Prosecution Offices, the first case to be assigned, and shall assign the same to the Assistant Secretary selected based on the immediately preceding section.

6.2.2.1.4 Thereafter, the next case on the previously prepared list of cases shall be assigned to the Assistant Secretary next indicated in the list containing their names. The cases shall be assigned in such way until all cases in the previously prepared list of cases have been assigned.¹

6.2.3 **All cases given due course and cases under Automatic Review** shall be raffled on the basis of a two-stage raffle.

¹ To illustrate: If the SAMO picks Asec. No. 3 from the list containing the names of all Assistant Secretaries authorized to act on cases for outright dismissal and for referral to Regional Prosecution Offices, and picks Case No. 22 from the previously prepared list of cases, then such case shall be assigned to Asec. No. 3. Thereafter, Case No. 23 shall be assigned to Asec. No. 4, Case No. 24 shall be assigned to Asec. No. 5, and so on, until all the cases have been assigned.

- 6.2.3.1 A two-stage raffle shall be done in accordance with the following instructions:
- 6.2.3.2 For the first stage, the SAMO shall select by draw lots a Prosecutor from the NPS Appeals pool, as will be defined hereunder, to whom the first case shall be assigned. Such Prosecutor shall be selected from a previously prepared list of all Prosecutors of the NPS Appeals pool who are authorized to act on cases given due course and cases on automatic review, which shall be consecutively numbered starting from the number one (1).
- 6.2.3.3 The SAMO shall similarly select by draw lots from the previously prepared list of cases given due course, the first case to be assigned, and shall assign the same to the Prosecutor selected based on the immediately preceding item.
- 6.2.3.4 Thereafter, the next case on the previously prepared list of cases given due course shall be assigned to the Prosecutor next indicated in the list containing their names. The cases shall be assigned in such way until all cases in the previously prepared list of cases have been assigned.
- 6.2.3.5 For the second stage, the SAMO shall prepare a list containing all the cases given due course which have been returned to it by the Prosecutors concerned, after they have processed the same, and cases for automatic review which shall be consecutively numbered starting from the number one (1), and which shall be grouped together and raffled as follows:
- 6.2.3.5.1 Cases given due course wherein the imposable penalty of the crime charged falls under the jurisdiction of the Metropolitan Trial Court, Municipal Trial Court in Cities, or Municipal Trial Courts, and not falling under Department Circular No. 70-A, s. 2000; and
- 6.2.3.5.2 All other cases given due course wherein the imposable penalty of the crime charged does not fall under the immediately preceding paragraph, and cases on Automatic Review.
- 6.2.3.6 Cases given due course wherein the imposable penalty of the crime charged falls under the jurisdiction of the Metropolitan Trial Court, Municipal Trial Court in Cities, or Municipal Trial Courts shall be raffled to the following Assistant Secretaries:
- a. Asec. Cheryl L. Daytec-Yañgot
 - b. Asec. George O. Ortha II
 - c. Asec. Margaret V. Castillo-Padilla
 - d. Asec. Secretary Sergio Yap
 - e. Asec. Neal Vincent M. Bainto

The SAMO shall conduct the raffle for the cases referred to herein in accordance with the provisions of a one-stage raffle.

6.2.3.7 All other cases given due course wherein the imposable penalty of the crime charged does not fall under the jurisdiction of the Metropolitan Trial Court, Municipal Trial Court in Cities, or Municipal Trial Courts, as well as cases on Automatic Review shall be raffled to the following Undersecretaries:

- a. Undersecretary Adrian F.S. Sugay
- b. Undersecretary Emmeline Aglipay-Villar
- c. Undersecretary Markk L. Perete
- d. Undersecretary Deo L. Marco

The SAMO shall conduct the raffle for the cases referred to herein in accordance with the provisions of a one-stage raffle.

6.3 All persons concerned shall ensure that the raffle procedure under this Guidelines is observed. In any instance where a case was not raffled in accordance with this Guidelines, the person discovering the same shall immediately forward such case to the SAMO for the proper treatment under this Guidelines.

7. NPS APPEALS POOL AND THEIR DUTIES

7.1 The NPS Appeals Pool is hereby established which shall have as members thereof such number of prosecutors from the NPS to be designated by the Undersecretary in charge of the Prosecution Staff, upon consultation with the Prosecutor General, as the circumstances may warrant. The NPS Appeals pool shall be composed of Prosecutors authorized to act on cases given due course and cases on automatic review, in accordance with this Guidelines.

7.1.1 The Undersecretary in charge of the Prosecution Staff, upon consultation with the Prosecutor General, shall determine the members of the NPS Appeals Pool and shall submit the composition of the same to the SAMO and the OSEC within five (5) days from the promulgation of this Guidelines.

7.1.2 No change in such list of Prosecutors shall be allowed unless approved by the Secretary of Justice, upon the recommendation of the Undersecretary in charge of the Prosecution Staff.

7.2 All the Prosecutors included in the previously prepared list of all Prosecutors authorized to act on cases given due course and cases for automatic review shall have **fifteen (15) days from receipt of the case docket to prepare a draft Resolution, if the records are already complete, or fifteen (15) days from receipt of the comment, to prepare a draft Resolution, resolving the case on the merits (affirmation, modification, or reversal).**

- 7.3 The Prosecutor concerned shall transmit the draft Resolution, together with the entire case docket, to the SAMO immediately upon the lapse of the fifteen (15) day period to resolve.
- 7.4 Prosecutors shall likewise prepare a mailing list indicating therein all the parties and offices that should be served copies of the resolution. These shall likewise be transmitted to the SAMO.

8. RETURN OF RESOLVED CASES

- 8.1 The SAMO shall encode in the PRIS the date of receipt of Resolutions from the NPS Appeals Pool together with the entire case docket. It shall note whether or not the fifteen (15) day period was complied with.
- 8.2 The SAMO shall then raffle to the Undersecretary or Assistant Secretary the case dockets with resolutions, in accordance with this Guidelines.
- 8.3 The SAMO shall encode in the PRIS the date the draft Resolutions were forwarded, the name of the Undersecretary or Assistant Secretary, as the case maybe, to whom the case will be assigned for final review, and the date the case docket is received by the official concerned.

9. DUTIES OF THE ASSISTANT SECRETARIES

- 9.1 The Assistant Secretaries mentioned above are authorized: (i) to resolve for outright dismissal Petitions for Review on the grounds provided by DC No. 70 (s. 2000) and DC No. 018 (s. 2017); and (ii) to refer to the Regional Prosecutor concerned Petitions for Review filed in the Department which is under the Regional Office's jurisdiction, pursuant to D.C. No. 70-A, s. 2000, all in accordance with this Guidelines.
 - 9.1.1 As far as practicable, all cases for outright dismissal and referral shall be promulgated within ten (10) days from the day the same was raffled to the Assistant Secretaries. The Resolutions for outright dismissal shall be signed and promulgated by the Assistant Secretary concerned.
- 9.2 ~~Assistant Secretaries mentioned above are hereby authorized to resolve~~ Petitions for Review wherein the imposable penalty of the crime charged falls under the jurisdiction of the Metropolitan Trial Court, Municipal Trial Court in Cities, or Municipal Trial Courts. As far as practicable, if the case is the subject of a motion to defer or suspend arraignment filed in Court, the resolution shall issue within the 60-day period granted by the Court, if any. In all cases, Assistant Secretaries concerned shall endeavor to promptly resolve the Petition.
- 9.3 In all cases, mail matter to be delivered by the Assistant Secretary concerned to the SAMO shall include therein a mailing list, return cards and ~~in sealed envelopes~~ properly addressed to such number of parties shown in the mailing list.

- 9.4 The SAMO shall forthwith mail the foregoing to the parties concerned no later than two (2) days from the day the same was endorsed for mailing by the Assistant Secretaries.
- 9.5 An original or duplicate original of the resolution shall only be given to the SAMO after the Assistant Secretary concerned has received a report from the SAMO that the same has been mailed. Such resolution shall serve as the official copy of the Department and shall be made part of the records of the case. The SAMO shall attach in this copy all the registry receipts and the subsequent registry return.

10. DUTIES OF THE UNDERSECRETARIES

- 10.1 Undersecretaries mentioned above are hereby authorized to resolve Petitions for Review wherein the imposable penalty of the crime charged does not fall under the jurisdiction of the Metropolitan Trial Court, Municipal Trial Court in Cities, or Municipal Trial Courts, as well as cases on Automatic Review. As far as practicable, if the case is the subject of a motion to defer or suspend arraignment filed in Court, the resolution shall issue within the 60-day period granted by the Court, if any. In all cases, Undersecretaries concerned shall endeavor to promptly resolve the Petition.
- 10.2 In all cases, the mail matter to be delivered by the Undersecretary concerned to the SAMO shall include therein a mailing list, return cards and **in sealed envelopes** properly addressed to such number of parties shown in the mailing list.
- 10.3 The SAMO shall forthwith mail the foregoing to the parties concerned no later than two (2) days from the day the same was endorsed for mailing by the Undersecretary.
- 10.4 An original or duplicate original of the resolution shall only be given to the SAMO after the Undersecretary concerned has received a report from the SAMO that the same has been mailed. Such resolution shall serve as the official copy of the Department and shall be made part of the records of the case. The SAMO shall attach in this copy all the registry receipts and the subsequent registry return.

11. PROMULGATION AND MAILING

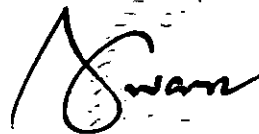
- 11.1 The SAMO shall encode in the PRIS the date of receipt of the signed Resolutions from the offices concerned. The date of signing by the official concerned shall be the date of promulgation of the Resolution. The date of signing shall be clearly indicated in the Resolution.
- 11.2 The SAMO shall notify the parties concerned of the Promulgation of the Resolution by sending the photocopy of the Resolution **in sealed envelopes, as prepared by the official concerned**, through registered mail to the parties' last known address based on the records of the case.

11.3 Certified true copies of the promulgated Resolution shall be made available to parties of the case only after the same has been completely mailed to all parties, provided, that only the Head of the SAMO, the Head Executive Assistant of the Secretary of Justice, or any officer of the Department duly authorized by the Secretary of Justice, shall have authority to certify and release the document requested.

12. MOTIONS FOR RECONSIDERATION

- 12.1 The SAMO shall receive all motions for reconsideration filed assailing resolutions of Petitions for Review.
- 12.2 The SAMO shall immediately transmit the motion for reconsideration, together with the complete case records of the subject case, to the Assistant Secretary or Undersecretary who resolved the case.
- 12.3 The Assistant Secretary or Undersecretary concerned shall dispose of the motion for reconsideration in accordance with item 9 or 10 of this Guidelines, as the case may be.
- 12.4 The SAMO shall follow the same procedure in item 11 in the promulgation and release of the Resolution on motion for reconsideration.
- 12.5 The Resolution of the Assistant Secretary or Undersecretary concerned of the motion for reconsideration shall be final in accordance with the pertinent Circulars and the DOJ Rules on Appeal.
- 12.6 Motions for reconsideration of Petitions for Review dismissed outright on the grounds provided by DC No. 70 (s. 2000) and DC No. 018 (s. 2017) shall be raffled in accordance with item 6.2.
13. The SAMO is hereby authorized: (i) to adopt its own implementing guidelines; (ii) issue implementing guidelines for the CSC and the NPS Appeals Committee; and (iii) prescribe guidelines for drafting resolutions on appeal/petitions for review, strictly in accordance with this Guidelines.
14. This Circular shall take effect immediately.

For strict and immediate compliance.



MENARDO I. GUEVARRA

Secretary

Department of Justice
CN: 0201808541



Copy furnished:
All concerned.