

JUDICIAL AND BAR COUNCIL

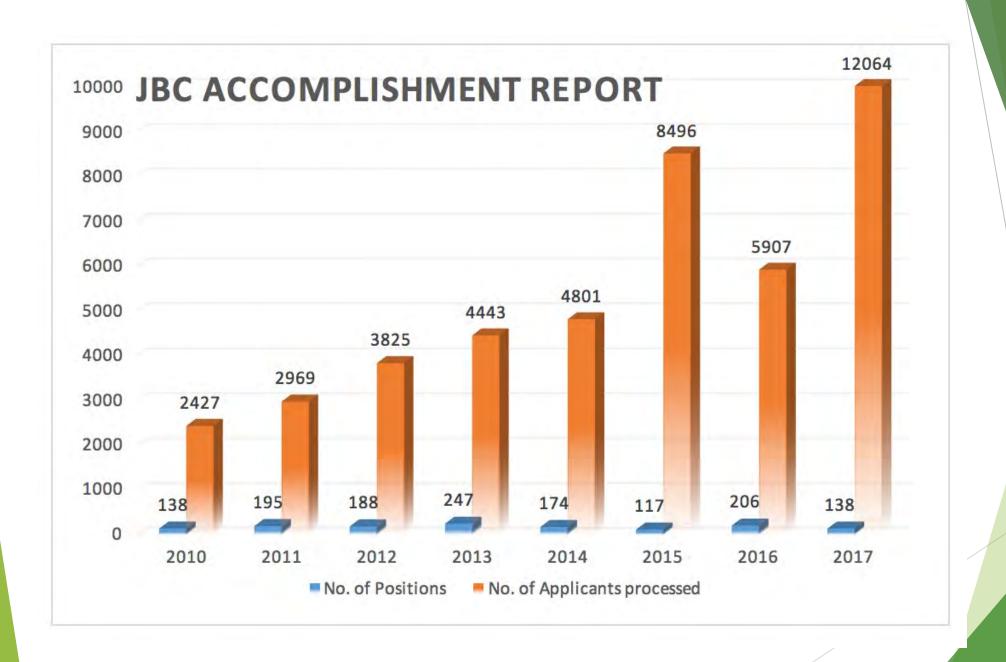
Hon. Maria Milagros N. Fernan-Cayosa

THE REVISED RULES OF THE JUDICIAL AND BAR COUNCIL JBC NO. 2016-01

- ▶ The Council is thus vested with the great responsibility to determine whether the applicants for nomination possess the qualifications required by the Constitution and pertinent law. It is imperative that the Council prescribe the necessary rules to ascertain and ensure that applicants for nomination meet such qualifications.
- The following Rules which shall be considered in the selection and nomination of prospective <u>appointees to the Judiciary</u>, the offices of the Ombudsman, Deputy Ombudsman, and Special Prosecutor and the offices of the Chairperson and Regular Members of the Legal Education Board.

JBC Accomplishment Report

Year	No. of Positions Opened	First Deliberation		Second Deliberation		Final En Banc			
		No. of Applications Processed	No. of Positions	No. of Applications Processed	No. of Positions	No. of Applications Processed	No. of Nominees	No. of Positions	No. of Appointments Received
2010	9	2,427	138	1,154	85	989	373	100	128
2011	249	2,969	195	2,349	160	1,859	710	151	108
2012	240	3,825	188	2,736	209	2,493	1,025	215	208
2013	268	4,443	247	2,223	150	1,481	551	119	200
2014	206	4,801	174	3,289	179	4,025	884	183	135
2015	247	8,496	117	5,625	156	5,583	773	158	162
2016	227	5,907	206	6,799	207	6,261	998	187	145
2017 (Jan. – Jun.)	60	12,064	138	5,231	136	2,774	641	119	113



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- RULE 4 INTEGRITY AND PROBITY
- ► RULE 5 INDEPENDENCE
- ► RULE 6 COMPREHENSIVE MEDICAL EXAMINATIONS AND PSYCHOLOGICAL EVALUATION
- RULE 7 WRITTEN EVALUATIVE EXAMINATIONS AND PERSONAL INTERVIEWS
- ► RULE 8 VOTING REQUIREMENTS
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OPENING OF VACANCIES

- ▶ The vacancies in the following Regions are usually opened by waves:
- Judicial Regions I & II Ilocos Region and Cagayan Valley, CAR
- Judicial Region III Central Luzon
- NCJR
- Judicial Region IV Southern Luzon
- Judicial Region V Bicolandia
- Judicial Regions VI, VII, VIII Western, Central and Eastern Visayas
- Judicial Region IX, X, XI, XII Mindanao

In instances where the occurrence of the vacancy can be anticipated with certainty (mandatory retirement), the position may be opened even before the vacancy actually occurs.

OPENING OF VACANCIES

- ▶ Vacancies in the Appellate Courts especially the Supreme Court, and the Offices of the Ombudsman are given priority since there are Constitutional deadlines for them to be filled reckoned from the date of occurrence of vacancy.
- ► Vacancies that occur as a result of early retirement, optional retirement, disability retirement or retirement before reaching the age of 70, or resignation may only be opened after the court issues Order granting or approving the same
- New Courts are opened only upon the approval of the Supreme Court and if they are duly funded
- ▶ Upon the recommendation of the Court Administrator

RULE 1. FILING OF VANCANCIES AND APPLICATIONS DOCUMENTARY REQUIREMENTS

- ► SEC. 7. Period for Filing of Applications and Other Documentary Requirements.
 The filing of applications and complete documentary requirements shall be made within forty-five (45) days after the publication of the announcement of vacancies in two newspapers of general circulation in the Philippines. However,
 - should there be an urgent need to fill a vacancy, the Council may shorten the application period.
 - The date of receipt by the Council Secretariat of the application and the documentary requirements shall be deemed as their date of filing.
 - ▶ The Council shall <u>neither entertain nor give due course to applications</u> (i) filed before the publication of the announcement of the opening of vacancies except for those in the Supreme Court and the offices of the Ombudsman, Deputy Ombudsman, and Special Prosecutor, which are ipso facto opened upon the occurrence of the vacancy even before the publication of the notice thereof; or (ii) filed beyond the prescribed deadline.
 - Applicants who fail to submit a complete set of the required documents within the prescribed period will neither be interviewed nor considered for nomination except for courts with less than five applicants.

FILING OF APPLICATIONS (RULE 1, SEC.5 AND 6)

- The application and other documentary requirements shall be filed personally, by registered mail, or by authorized private courier with the Secretariat of the Council.
- ► The receiving section of the JBC is located on the 2nd Floor of the Centennial Building.
- ▶ Applications may be made by the <u>applicants themselves</u> or by the <u>recommendation of another person, association, or organization</u>. In the latter case, the applicants concerned must manifest their acceptance of the recommendation either in the recommendation itself or in a separate document.
- ► Applications sent through electronic mail or facsimile machine, as well as other documents which <u>late</u>, <u>incomplete</u>, <u>out of date</u>, <u>or without a transmittal letter</u>, <u>shall not be given due course</u>.

RULE 3 COMPETENCE

- ► The nature, designation and case docket of the vacancy sought to be filled shall be considered.
- ► Results of medical examinations, psychological evaluation, and written evaluative examinations and personal interviews are also considered.
- ► MCLE Compliance and Exemption Certificate
- ► The number of times bar examinations taken is given weight.

RULE 3 COMPETENCE

- ► The applicants who seek promotion are now required to serve for at least 5 years in their present positions.
- ► For lateral transfers, applicants must have served at least 3 years in their present positions.
- ► Those applicants without judicial rank should have occupied a position with at least SG 27 to be eligible for second level courts, except if they are first level court judges.

RULE 3 COMPETENCE

- ► Comprehensive Medical Examinations shall be conducted not earlier than 6 months determined from the deadline of the submission of documentary requirements
- ► The Psychological Evaluation shall be valid for 3 years from completion reckoned from date of first deliberation.
- Written Evaluative Examinations (Before Personal and Public Interviews)
- ► To be nominated, the affirmative vote of at least Four (4) Members of the Seven (7) Members of the Council must be obtained.

RULE 4 INTEGRITY AND PROBITY

- In case of complaints or oppositions submitted to the JBC, applicants are furnished with a copy of the opposition and is given 5 days from receipt to file a comment.
- The nature and the merit of the Criminal or Administrative case against the applicant is considered to determine the weight of such case regardless of whether it is pending or decided.
- ► The act of making false statements, misrepresentations, or concealments of material information in the PDS is a ground for disqualification.
- ▶ Possible Conflict of Interests is also examined.

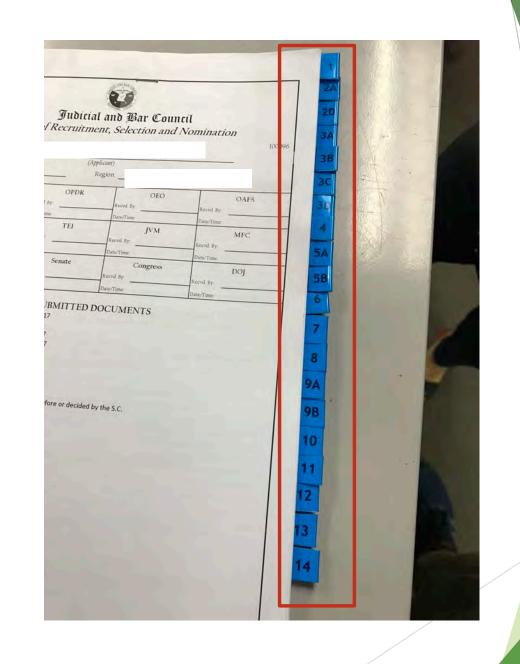
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- Written Evaluative Examinations (Before Personal and Public Interviews)
- ► To be nominated, the affirmative vote of at least 4 Members of the Council must be obtained.
- ► The voting requirements when the integrity of an applicant is challenged was removed.

FILING OF APPLICATIONS (ANNOUNCEMENT)

- Previous applicants must submit (2) two complete sets of the required documents except Items Nos. 2b, 2c, and 2d (Transcript of Law School Records, Birth Certificate, Certificate of Admission to the Bar) if these are already on file with the JBC. If they have new, modified, or corrected entries in their updated PDS, they must highlight or mark the said entries with a bright color.
- However, previous applicants may submit a mere manifestation of an intent to apply for any of the aforementioned positions if they have submitted two complete sets of the required documents within thirty (30) days prior to the filing of such manifestation. But, if any of their previously submitted clearances, medical examination results, and medical certificate was issued earlier than (refer to date in publication), or if their chest x-ray was issued earlier than (refer to date in publication, they must submit two complete sets of the required documents; otherwise, their application would not be given due course.

- Applications or recommendations (with conforme), together with (2) two complete sets (one original/certified true copy and one duplicate photocopied on long bond paper) of the documentary requirements.
- □ The required documents must be <u>tabbed</u>(using the corresponding number in the announcement)
- □ all the submitted documents and a <u>compact disc</u> or <u>flash</u> <u>drive</u> containing scanned or electronic copies thereof in Portable Document Format (PDF)



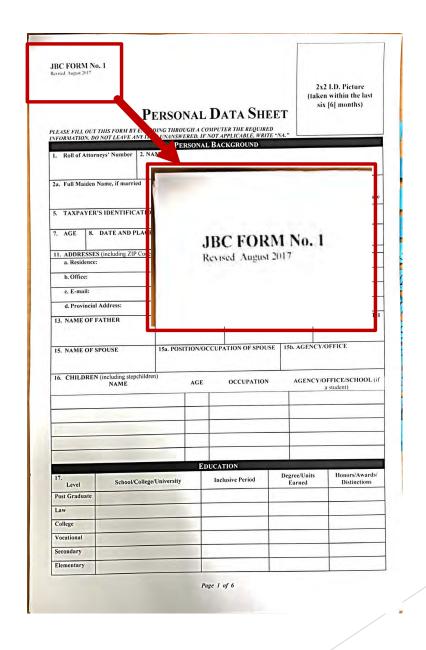
Transmittal letter must contain a manifestation that all the documents submitted are complete and up to date; that the applicant is solely responsible for incomplete or out-of-date documents or data; and that the Personal Data Sheet used is the latest version and all the fields therein are accomplished.

August 25, 2017 HON. CHIEF JUSTICE MARIA LOURDES P. A. SERENO and the HONORABLE MEMBERS OF THE JUDICIAL AND BAR COUNCIL Thru: The JBC Secretariat 2nd Floor, Centennial Bldg., Supreme Court, Padre Faura St., Manila Your Honors: Greetings! I am submitting to your good office the following as compliance to the requirements of the Judicial and Bar Council (JBC): Application Letter dated August 25, 2017; Personal Data Sheet; Oath of Office: Certificate of Payment of Membership Dues dated August 8, Certificate of No Pending Case from the Integrated bar of the Philippines dated August 8, 2017; NBI Clearance; Ombudsman Clearance; Police Clearance; Results of the CBC, routine urinalysis, blood chemistry, electrocardiogram, result of the routine chest x-ray; Medical certificate: xi. ITR for 2016 and 2015; xii. SALN for 2016 and 2015; Sample decision and resolution; xiv. Status of administrative case filed before the Legal Office, Office of the Court Administrator; and xv. Flash drive containing the above mentioned documents. I hereby manifest that all the documents submitted are complete and up to date and I am solely responsible for any incomplete or out-of-date documents or data. Further, it is also manifested that the Personal Data Sheet used is the latest version and all the fields therein are accomplished. Thank you very much.

I hereby manifest that all the documents submitted are complete and up to date and I am solely responsible for any incomplete or out-of-date documents or data. Further, it is also manifested that the Personal Data Sheet used is the latest version and all the fields therein are accomplished.

PERSONAL DATA SHEET

- Duly accomplished, computerized, and notarized Personal Data Sheet (JBC Form 1 August 2017 version downloadable from the JBC Website
- ☐ Transcript of Law School Records
 - to be submitted by first time applicants and by previous applicants who have not yet submitted them



AGREEMENT

I declare that the answers given above are true, correct, and complete to the best of my knowledge and belief. I bind myself to inform the Judicial and Bar Council (JBC) of any development that may affect any of the information contained herein.

Likewise, I authorize the JBC and its agents or representatives to verify the truth of any of the above information or to conduct investigation on my background and qualifications from any and all available sources. In this regard, I authorize any government or law enforcement agency and its representatives or agents, as well as private individuals or entities, to release any document, record or information they may have about me that the JBC may request. I agree that the information contained herein and public documents submitted by me or gathered by the JBC, except personal information such as those under numbers 11 to 16, the addresses and telephone numbers of other persons, shall be open to the public.

In the event that I decide to withdraw my application, I shall immediately notify the JBC in writing.

Signature Date

"In several cases, the Court has held that a duly accomplished PDS is an official document and any false statements made in one's PDS is ultimately connected with one's employment in the government. An employee making false statement in his or her PDS becomes liable for falsification." (Atty. Plaridel C. Nava v. Judge Ofelia M.D. Artuz, A.M. No. MTJ-08-1717 (August 2017) citing Civil Service Commission v. de Dios, 753 Phil.240 (2015).)

Verification Under Oath

day of				20, affiant exhibiting to me his/her current identification documen
issued by	an	official	agency	at
on			_ and bea	ring his/her photograph and signature.
Doc. No.				Notary Public

Rule VI, Sec. (6) - ...the notary shall record in the notarial register at the time of notarization the following: -the competent evidence of identity as defined by these Rules if the signatory is not personally known to the notary

VERIFICATION UNDER OATH

AM No. 02-8-13-SC

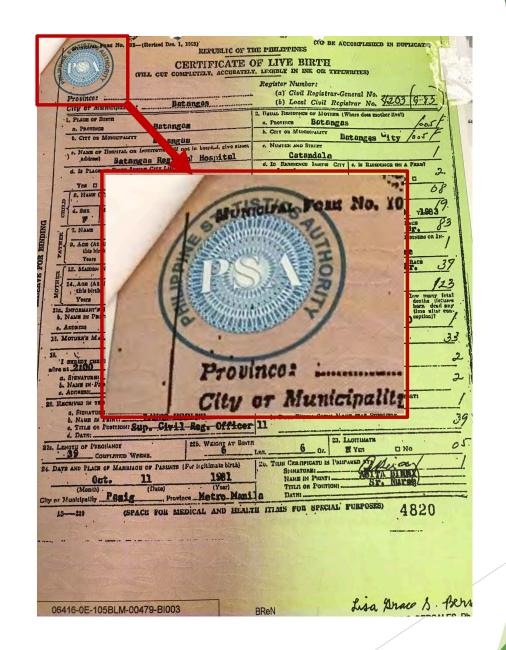
▶ Rule II Definitions Sec. 12 - "competent evidence of identity" At least one current ID document issued by an official agency bearing the photograph and signature of the individual such as:

Passport GSIS e-Card

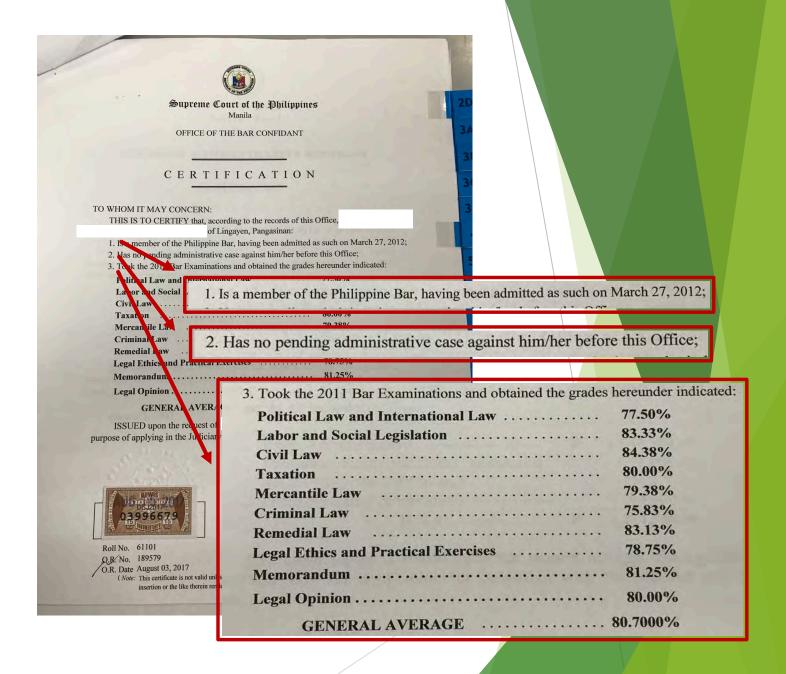
Driver's License SSS card

PRC/IBP ID Senior Citizen Card

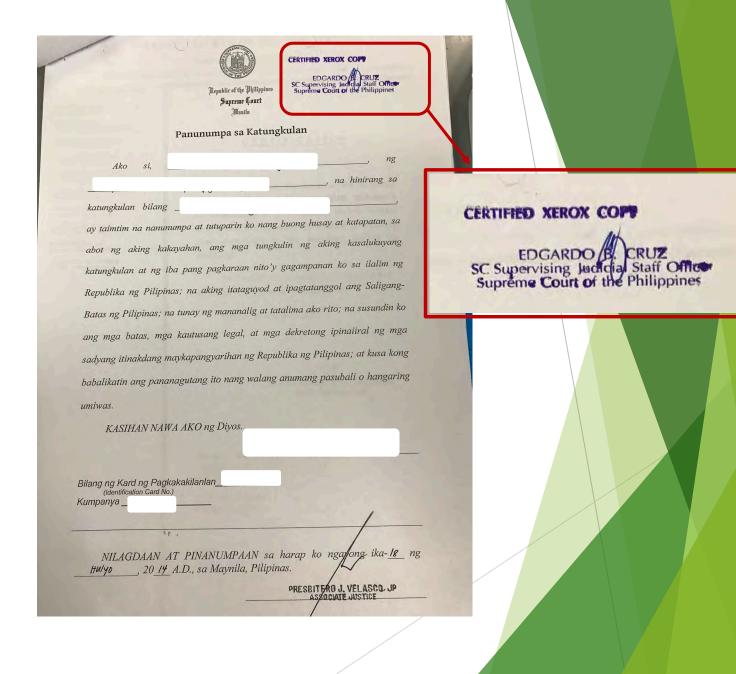
- Birth Certificate issued by the Philippine Statistics Authority (PSA) or, in the absence thereof as shown by PSA Certification, other proof of age and citizenship.
 - to be submitted by first time applicants and by previous applicants who have not yet submitted them



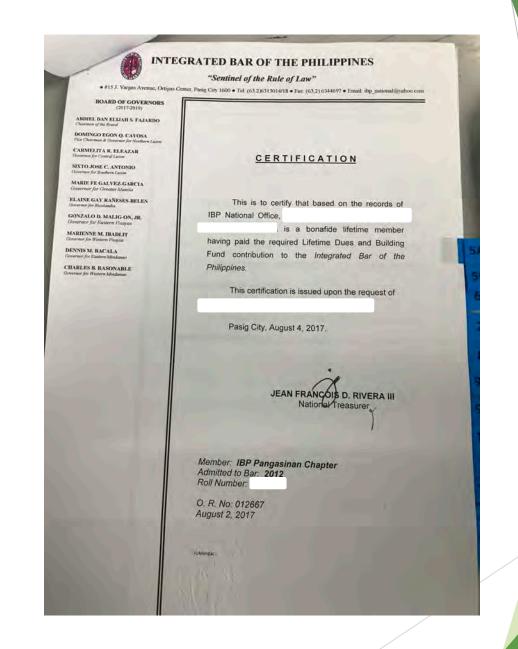
- Certificate of Admission to the Bar (with Bar Rating)
 - to be submitted by first time applicants and by previous applicants who have not yet submitted them
- Clearance of no pending case issued by the Office of the Bar Confidant
 - Also not required of Justices and Judges
 - Must have been issued 6 months prior to the deadline of submission.



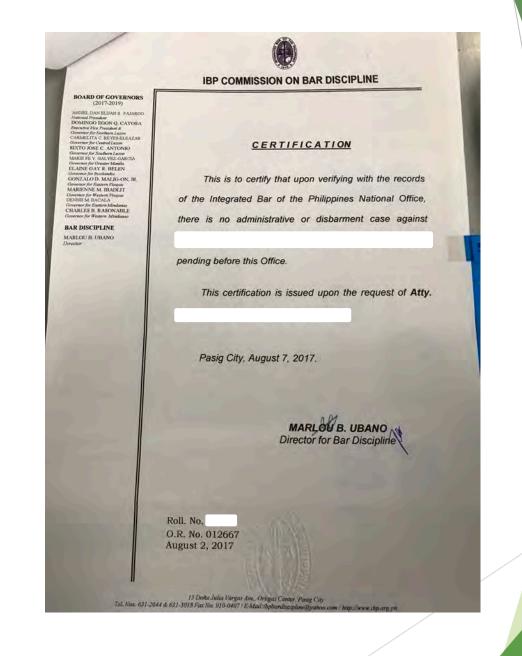
□ Certification of Assumption of Office or Oath of Office of applicant's current position (only for Justices, Judges, Prosecutors, and lawyers from other government offices who have judicial rank)



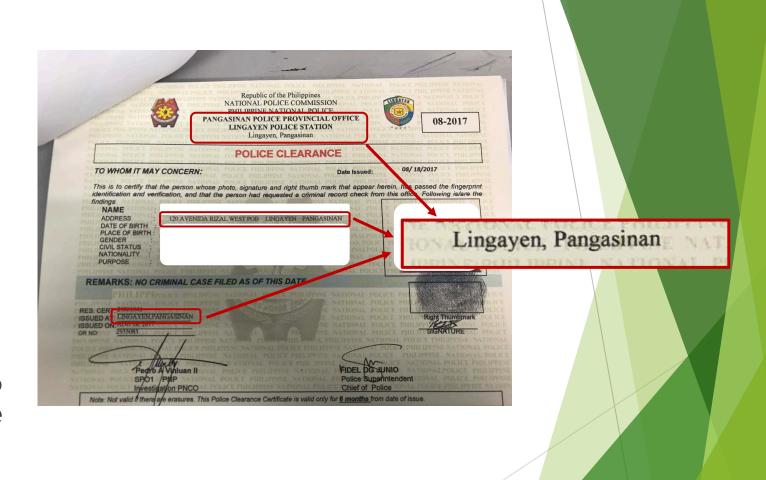
- Certificate of payment of membership dues or of lifetime membership issued by the IBP National Office
 - Must have been issued 6 months prior to the deadline of submission



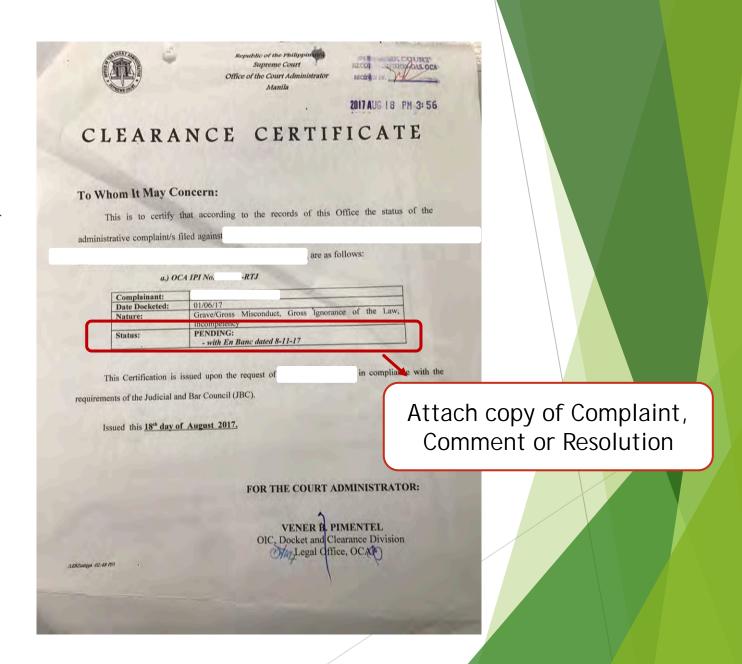
- Clearance of no pending case or Certification of pending or decided case(s) issued by the IBP National Office
 - Must have been issued 6 months prior to the deadline of submission



- NBI Clearance
 - Must have been issued 6 months prior to the deadline of submission
- Ombudsman Clearance
 - Must have been issued 6 months prior to the deadline of submission
- Police Clearance from place of residence
 - Must have been issued 6 months prior to the deadline of submission



- Two sample decisions/ resolutions/ pleadings
- □ Treatises, opinions, or articles written, edited, or published, if any
- Documents showing the nature and status of cases against or involving the applicant, if any (whether pending or decided)

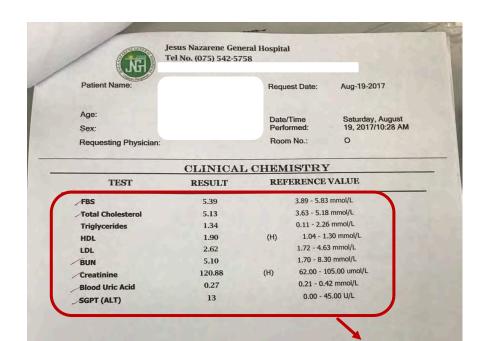


- □ Income Tax Return or Certificate of Compensation Payment/Tax Withheld for Years 2015 and 2016
- □ Performance Rating for Years 2014, 2015, and 2016 (for those in government service)
 - Also not required of Justices and Judges Performance Record based on submissions to the Office of the Court Administrator
- □ Sworn Statement of Assets, Liabilities, and Networth (SALN) for Years 2015 and 2016 in case of applicants in government service, or for 2016 for those in the private sector

RULE 6 COMPREHENSIVE MEDICAL EXAMINATIONS AND PSYCHOLOGICAL EVALUATION

▶ POLICY: Good physical health, and a sound psychological and emotional state of the applicants are indispensable to ensure their ability to perform the functions and duties of the positions they are applying for.

- Results of the following medical examinations conducted within six months prior to the deadline for filing of applications:
 - Complete blood count
 - Routine urinalysis
 - Blood chemistry FBS, BUN, Creatinine, Uric Acid, Cholesterol, and SGPT
 - Electrocardiogram (12-Lead)
- Results of routine chest x-ray (excluding x-ray films) conducted within one year prior to the deadline for filing of applications



	CLINICAL CHEMISTRY				
TEST	RESULT	REFERENCE VALUE			
FBS	5.39		3.89 - 5.83 mmol/L		
Total Cholesterol	5.13		3.63 - 5.18 mmol/L		
Triglycerides	1.34		0.11 - 2.26 mmol/L		
HDL	1.90	(H)	1.04 - 1.30 mmol/L		
LDL	2.62		1.72 - 4.63 mmol/L		
BUN	5.10		1.70 - 8.30 mmol/L		
Creatinine	120.88	(H)	62.00 - 105.00 umol/L		
Blood Uric Acid	0.27		0.21 - 0.42 mmol/L		
SGPT (ALT)	13		0.00 - 45.00 U/L		

Psychological Evaluation

- ▶ Applicants shall submit to psychological evaluation to be conducted by the Council's psychologists. The evaluation results shall be valid for three (3) years from completion of the examination, reckoned from the date of the first deliberation. Applicants may however be required to take follow-up examination during the validity period, if after consultation by the Executive Committee with the Council's psychologists, it is confirmed that there is need to clarify or validate previous results.
- ► The results of the examination are strictly confidential and are to be used solely by the Council for evaluation purposes only.

RULE 7 WRITTEN EVALUATIVE EXAMINATIONS

- WRITTEN EVALUATIVE EXAMINATIONS To test ability to effectively express thoughts and ideas in writing, knowledge of the law, legal writing skills.
- ▶ INTERVIEW OF APPLICANTS To observe personality, demeanor, deportment, and physical condition; To assess ability to express themselves, especially in the language of the law in court trials or proceedings, and in their decisions or rulings; test their mastery of the law, jurisprudence and legal principles; inquire into their philosophies and values; determine their probity and independence of mind, evaluate their readiness and commitment to assume and fulfill the duties and responsibilities of judgeship

RULE 7 WRITTEN EVALUATIVE EXAMINATIONS

- ► Personal interview of First and Level Court applicants individual
- ► Appellate courts, Ombudsman and Deputies, Legal Education Board panel and public
 - Only JBC Members may ask questions and read relevant questions submitted by the public.
 - Access by media subject to the Rules One live feed that others can tap.

JBC NO. 2016-01 RULE 8 VOTING REQUIREMENTS

- FINAL VOTING FOR NOMINATION shall be done after the Council En Banc shall have extensively discussed and meticulously deliberated on the qualifications and fitness of the applicants.
- ► VOTES REQUIRED Affirmative vote of at least four members of the Council.

VISION OF THE JBC

"A JBC that is independent, efficient and a proactive sentinel of judicial service, guided only by the principles of integrity, excellence and competence; unfettered by the shackles of friendship, relationship, and other considerations, thus vesting the cloak of Magistracy on those who will best dispense justice for all."



JUDICIAL AND BAR COUNCIL

2nd Floor, Centennial Building, Padre Faura, Manila 552-9598 / 552-9512