



Republic of the Philippines  
Judicial and Bar Council  
Manila

## **RESOLUTION No. JBC 03-2021**

### *Resolution Amending Certain Provisions of the 2020 Revised Rules of the Judicial and Bar Council (JBC No. 2020-01)*

The Judicial and Bar Council (JBC) is vested by the Constitution and pertinent laws with the authority to recommend appointees to positions in the Judiciary, the Office of the Ombudsman, and the Legal Education Board (LEB). Pursuant to this authority, the JBC lays down rules and guidelines in the evaluation of applicants and updates the same as may be required by existing circumstances.

In the course of the implementation of the *2020 Revised JBC Rules* (JBC No. 2020-01) promulgated on 21 May 2020 (and effective 8 June 2021), the Council has been confronted with certain issues and, therefore, agreed to resolve them by amending the pertinent rules.

Thus, the Council **RESOLVES**, as it is hereby resolved, to adopt the following amendments to certain provisions of the *2020 Revised JBC Rules*:

**SECTION 1.** Section 7, Rule 1 of the *2020 Revised JBC Rules* is hereby amended to read as follows:

*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) calendar days after the publication of the announcement of vacancies in two (2) newspapers of general circulation in the Philippines, on the date chosen by the applicant in the Online Application Scheduler. The Council may shorten or extend the application period for justifiable reasons. The extensions shall in no case exceed thirty (30) calendar days, which shall be reckoned from the original prescribed deadline.

The date of receipt by the Council of the application with the complete documentary requirements shall be deemed as the date of filing.

The Council shall reject applications (i) filed before the publication of the announcement of the opening of vacancies or (ii) filed on a date other than the chosen date in the Online Application Scheduler.

Applicants who fail to submit a complete set of the required documents within the prescribed period shall not be considered for nomination.

Should there be less than five (5) qualified applicants after the first deliberation, the subject vacancy shall be reopened. However, this shall not apply if the vacancy has been previously reopened, in which case, the screening process shall proceed as long as there can be compliance with the constitutional or statutory requirement that there should be at least three (3) nominees.

In case of reopened vacancy or vacancies, applicants, who are considered qualified after the first deliberation when the vacancy or vacancies were first opened, shall manifest their intention to re-apply and access the Online Application Scheduler for purposes of reserving a schedule and selecting a mode of submission. However, they shall only be required to submit an update of their out-of-date documentary requirements, on their selected date in the Online Application Scheduler.

**SEC. 2.** Section 12, Rule 2, is hereby amended to read as follows:

*SEC. 12. Additional Qualifications for the Chairperson and Regular Members of the Legal Education Board.* – The Chairperson and Regular Members of the Legal Education Board, except the one representing the Law Students’ Sector, must be members of the Philippine Bar in good standing and who have been engaged in the practice of law, as well as in the teaching of law in a duly authorized or recognized school or institute of law, for at least ten (10) years.

**SEC. 3.** Section 1, Rule 3, is hereby amended to read as follows:

*SEC 1. Guidelines in Determining Competence.* – In determining the competence of applicants for nomination, the Council shall consider their educational preparation; relevant experience; work performance ratings; results of comprehensive medical examinations and psychological and psychiatric evaluations as prescribed under Rule 6; performance in the written evaluative examinations and

personal interviews under Rule 7; and compliance with the Pre-Judicature Program (PJP) of the Philippine Judicial Academy (PHILJA).

**SEC. 4.** Section 2, Rule 3, is hereby amended to read as follows:

SEC. 2. *Educational Preparation.* – The Council shall evaluate the applicants' (a) scholastic record; (b) bar examination performance; (c) civil service eligibilities and grades in other government examinations; (d) academic awards, scholarships, or grants received or obtained; (e) membership in national or international honor societies or professional organizations; (f) a passing rate in the PJP of the PHILJA; and (g) compliance with the Rules on Mandatory Continuing Legal Education for members of the Integrated Bar of the Philippines (IBP), if applicable.

Applicants who hurdled the Philippine Bar Examinations on their first attempt shall be given priority. Those who did not make it in their first try may, however, be considered if they have in their favor outstanding credentials to compensate for their Bar record, such as, impressive scholastic record, high ratings in the PJP of the PHILJA, completion of post graduate degrees, and other awards or recognition.

All applicants are required to undergo, complete and pass the PJP of PHILJA by satisfactorily complying with all the requirements incident thereto pursuant to Section 10 of Rep. Act No. 8557. The PJP passing result shall have a validity period of three (3) years reckoned from the date of release by the PHILJA.

For the reason that the positions are not within the Judiciary, the applicants for the LEB and the Office of the Ombudsman shall not be required to undergo the PJP.

Those who completed the PJP but are still waiting for the certification thereof may be allowed to continue with the screening process, provided that they submit a certification from the PHILJA that they had passed the PJP before the final deliberation of the council.

Applicants for promotion to the Regional Trial Court (RTC) shall undergo and pass the PHILJA module designed for the second level courts. Applicants for promotion to the appellate courts shall undergo and pass the PHILJA module designed for the appellate courts.

Applicants outside of the Judiciary applying for the second level courts and appellate courts shall pass the basic PJP and the corresponding module or PJP for the said positions.

**SEC. 5.** Section 3, Rule 3, is hereby amended to read as follows:

SEC. 3. *Experience.* – The experience of the following applicants shall be considered:

(a) *Members of the Judiciary.* – Justices and Judges who seek promotion must have served for at least five (5) years in their present judicial rank to be considered for nomination to the next higher level courts, thus:

1. from a first level court (METC, MTCC, MCTC, or MTC) to a second level court (RTC);
2. from a Shari’ah Circuit Court to a Shari’ah District Court;
3. from a Shari’ah District Court to the Shari’ah High Court;
4. from a second level court to an appellate court (the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals); and
5. from any of the appellate courts to the Supreme Court.

Justices and Judges who are seeking lateral transfer must have served for at least three (3) years in their present judicial rank. In addition, the applicants must show reasonable decrease or significant improvement in their dockets.

The required number of years of experience shall be reckoned from the date the applicants took their oath of office for their positions to the deadline for filing of applications for the position applied for.

For vacant positions in the RTCs in the National Capital Judicial Region, preference shall be accorded to incumbent RTC Judges with at least three (3) years of experience as such, and to first level court Judges with at least five (5) years of experience as such.

(b) *Other Applicants from Government Offices.* – Other applicants from government offices shall be given preference if they have served, for at least five (5) years, positions with the following salary grades:

1. Salary Grade 27, for second level courts;
2. Salary Grade 29, for third level courts; and
3. Salary Grade 30, for the Supreme Court.

(c) *Applicants from the Private Sector.* – Applicants from the private sector must show relevant experience and outstanding credentials; leadership in the legal profession; outstanding record as former government officials or as lawyers with unsullied reputation for honesty, integrity, competence, probity, and independence of mind; adherence to sound ethical and moral principles; and abiding fidelity to the lawyer’s oath or the Code of Professional Responsibility.

In every case, however, Justice applicants and Judge applicants shall be accorded preference to encourage and promote careerism in the Judiciary.

**SEC. 6.** Section 3, Rule 4, is hereby amended to read as follows:

SEC. 3. *Complaints or Oppositions.* – The Council may receive written sworn complaints or oppositions relating to the qualifications or moral fitness of applicants.

The applicants concerned shall be furnished with a copy of the sworn complaint or opposition and shall be given five (5) calendar days from receipt thereof within which to file a comment thereon, if they so desire. During the interview, the applicants concerned may be made to comment on the complaint or opposition.

**SEC. 7.** Section 5.2.c, Rule 4, is hereby amended to read as follows:

SEC. 5. *Disqualifications.* – The following are disqualified from being nominated for appointment to any judicial post or to the positions of Ombudsman, Deputy Ombudsman, Special Prosecutor, or Chairperson or Regular Member of the LEB:

2. Applicants with Administrative Cases

c. Those who have been found guilty with finality:

- i. in an administrative case decided before May 31, 2021, where the penalty imposed is suspension for a period at least ten (10) days or a fine of at least Ten Thousand Pesos (P10,000);

- ii. in an administrative case decided on May 31, 2021 or thereafter, where the penalty imposed is suspension for a period at least thirty (30) days or a fine of at least Thirty-Five Thousand Pesos (P35,000).

In both cases, the disqualification will not apply if they have been granted judicial clemency or clemency extended by appropriate disciplining authorities and expressly allowed to be considered for positions in the Judiciary, the Office of the Ombudsman, and the Legal Education Board; and

**SEC. 8.** Section 2, Rule 7, is hereby amended to read as follows:

SEC. 2. *Interviews of the Applicants.* – The interviews of the applicants shall be conducted by the Council to, *inter alia*, observe their personality, demeanor, deportment, and physical condition; assess their 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; and evaluate their readiness and commitment to assume and fulfill the duties and responsibilities of the position they are applying for.

The interviews of applicants for the positions of members of the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, and Shari’ah High Court; Ombudsman, Deputy Ombudsman, and Special Prosecutor; and Chairperson and Regular Members of the LEB shall be conducted in public by the Council *En Banc*.

For this purpose, the list of applicants, as well as the dates and places of interview, shall be published once in two (2) newspapers of general circulation in the Philippines. The applicants shall be notified of the date and place of the interviews at the earliest opportunity. Access by the media to the interviews shall be subject to the rules that the Council has promulgated.

During the interview, only the Members of the Council can ask questions and, at their discretion, read relevant questions suggested by the public.

The personal interviews of applicants for the first and second level courts shall be conducted by the individual Regular Members of the Council after the list of the

applicants therefor shall have been published once in two (2) newspapers of general circulation in the Philippines. The schedules of the interview shall be posted on the JBC website, and the applicants shall be informed thereof at the earliest opportunity.

The interview of applicants for the lower courts shall remain valid for one (1) year from the date of interview in case of one-time simultaneous applications for different stations of the same level though covering different regions.

Any member of the Council has the discretion to recall any of the applicants for interview.

**SEC. 9.** Section 1, Rule 8, is hereby amended to read as follows:

SECTION 1. *Appointment to the Supreme Court.* – In the selection of nominees for a vacancy in the Supreme Court, the Council must consider their age with a view to discourage the appointment of those who would not be able to serve it for a reasonably sufficient time.

For the position of Associate Justice or Chief Justice of the Supreme Court, the Council shall consider applicants only if they

1. shall have at least two and one-half (2.5) years remaining to serve as an Associate Justice or Chief Justice of the Supreme Court if they have served as
  - a. Associate Justice or Presiding Justice of an appellate court;
  - b. Court Administrator;
  - c. Chairperson of a Constitutional Commission;
  - d. Solicitor General; or
  - e. Department Secretary; or

Provided, that this requirement shall not apply to incumbent justices of the Supreme Court applying for the vacant position of the Chief Justice.

2. have at least five (5) years remaining to serve as an Associate Justice or Chief Justice of the Supreme Court, if they had not served in any of the positions in the immediately preceding paragraph or if they are private practitioners.

Applicants who are Division Chairpersons of the appellate courts shall be given preference to foster careerism in the Judiciary.

The respective periods shall be reckoned from the expiration of the ninety-day period for the President to appoint an Associate Justice or a Chief Justice of the Supreme Court up to the date of the compulsory retirement of the applicants.

In every case involving an appointment to a seat in the Supreme Court, the Council shall give due weight and regard to the recommendees of the Supreme Court. For this purpose, the Council shall submit to the Court a list of candidates with their profile matrices from which the Court may base the selection of its recommendees.

**SEC. 10.** Section 3, Rule 8, is hereby amended to read as follows:

**SEC. 3. *Votes Required for Inclusion as Nominees.*** – For applicants for judgeship positions in lower courts to be included in the list of nominees, they should obtain an affirmative vote of a Member.

For applicants for positions in appellate courts, the Ombudsman, the Deputy Ombudsman, the Special Prosecutor, and the LEB Chairperson and Members to be included in the list of nominees, they should obtain the affirmative votes of at least four (4) Members of the Council.

**SEC. 11.** These amendments to the *2020 Revised Rules of the Judicial and Bar Council* shall take effect on 18 January 2022 and shall be published in two (2) newspapers of general circulation in the Philippines not later than 18 October 2021.

Approved and promulgated this 15th day of October 2021.

  
ALEXANDER G. GESMUNDO

Chief Justice and JBC *Ex Officio* Chairperson



**MENARDO I. GUEVARRA**

Secretary of Justice and JBC *Ex Officio* Vice Chairperson



**RICHARD J. GORDON**

Chairperson of the Committee on Justice  
and Human Rights of the Senate of the Philippines  
and JBC *Ex Officio* Member Representing Congress



**VICENTE S.E. VELOSO III**

Chairperson of the Committee on Justice  
and Human Rights of the House of Representatives  
and JBC *Ex Officio* Member Representing Congress



**JOSE CATRAL MENDOZA**

JBC Regular Member Representing the  
Retired Members of the Supreme Court



**TORIBIO E. ILAOG, JR.**

JBC Regular Member Representing the  
Private Sector



**NOEL GIMENEZ TIJAM**

JBC Regular Member Representing the  
Academe



**FRANKLIN J. DEMONTEVERDE**

JBC Regular Member Representing the  
Integrated Bar of the Philippines