

APPENDIX TO THE JDR GUIDE

ANNEX A SAMPLE OPENING STATEMENT

Good _____!

Atty. _____ Atty. _____ and
the parties,

_____ and
_____.

I am Judge _____, the Presiding Judge of the Court. Since we are in the second stage of the resolution of this case, which is called the Judicial Dispute Resolution, I will not be acting as a judge but as a mediator or a person who will manage your negotiations/discussions in order to effect the settlement of this case without going into full trial.

(Note: If the parties are present). Considering that the parties are here, they will voice out what they really want to achieve in this proceeding.

(If only the representatives). Please submit to me the document which authorizes you to appear for and in behalf of your client although since this is JDR it would be preferable if the parties will personally appear and talk with the other party.

May I request that you keep in open mind and heart and be willing to give this stage of this proceeding, Judicial Dispute Resolution, a try and make a concerted effort to resolve your differences. It will be to your advantage if this case will be settled at this stage rather than go into full trial. Firstly, there is no guarantee you may win after a full blown trial. Here at JDR, we will try to address your claims, if not to your satisfaction, at least partially so that is really a win-win situation. Secondly, the time frame for resolving this matter in this proceeding will be 60 days from today. In an extraordinary circumstance it will be extended to another 30 days. Time, money and effort spent will be minimized for both parties. Lastly, this process is non confrontational with the end to view that the parties will end up as friends or at least be civil with each other, unlike full blown trial where personal relationships are not taken into consideration.

But first, we will lay down the rules of this proceeding. This is a confidential and private proceeding. Nothing that you say here will be repeated in the event that this case will be tried on the merits.

Although you see me writing notes in the pad paper, it is for my own consumption. This will be destroyed after this proceedings and it will not be part of the record of the case.

In the event that this case will be brought to trial, I will no longer be the one who will try this because my role is only up to the Judicial Dispute Resolution. There will be another judge who will preside the pre-trial conference and the trial proper. However, if you want me to continue to be the judge to handle the pre-trial and trial, that can be done but you have to sign a waiver.

The success of this mediation or resolution depends upon your willingness to disclose fully and voluntarily your concerns and what you would want the other party to do or perform as well as what you will do or perform.

As we go to this proceeding, we will observe the following rules:

1. Each party will have a chance to relate events which led to the filing of this case without any interruption from the other party;
2. English or local dialect may be used;
3. The party who speaks will have to present the facts of his claim and what he wants out of this case. All pertinent information has to be disclosed to enhance your opportunity for a most effective negotiation;
4. Questions after the statement of any party is to be directed the other party in a respectful manner. The idea is for you to negotiate with one another;
5. We will not limit ourselves to legal remedies but explore other remedies as long as both parties will agree;
6. In case the lawyer will speak for the party, he or she will interpret or speak without using legal or technical word, but it would be better if the parties will speak for themselves;
7. After the statement of the parties, I will summarize your concerns and will ask questions for the enlightenment of the other party;
8. Breaks are allowed, so are caucuses. This means that you and your lawyer are allowed to have a private talk, for five minutes maximum. I may participate in your caucus, if you would allow it, but information gained from such meeting will remain confidential unless you will give me permission to relay it to the other party.

At this point in time, I would like to ask you if you have questions regarding our rules.

If there are no other questions, we will now start the main proceeding. We will allow the plaintiff to state her case and what she wants to be settled. I will give you about five (5) minutes.

Thereafter, we will also hear the side of the defendant and I will also give you five (5) minutes.

After the Statement of Facts:

Now that you have related the events, I will now list the facts which you have to agreed upon:

Now, let's go to the facts and claims which you do not agree on:

Okay, we have stated what was in the past. It's time to look to the future and find solutions to your respective claims.

(Note: limit the negotiation to facts and claims not agreed upon)

For the plaintiffs, what are the claims of the defendants which you can accede to or can grant?

For the defendants, what are the claims of the plaintiffs which you can accede to or can grant?

ANNEX B
Circulars
A.M. No. 04-1-12-SC

Republic of the Philippines
Supreme Court
Manila

Gentlemen:

Quoted hereunder, for your information, is a resolution of the Court En Banc dated
20 January 2004

“A.M. No. 04-1-12-SC.- Re: Proposed Guidelines for the Implementation of An Enhanced Pre-Trial Proceeding Through Conciliation and Neutral Evaluation. The Court Resolved to (a) **NOTE** the Letter dated 19 January 2004 of Chancellor Ameurfina A. Melencio Herrera, Philippine Judicial Academy, (b) **APPROVE** the Proposed Guidelines for the Implementation of an Enhanced Pre-Trial Proceeding thru Conciliation and Neutral Evaluation, as amended, to wit:

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

TO: THE REGIONAL TRIAL COURTS OF PAMPANGA IN SAN FERNANDO
AND OF NEGROS OCCIDENTAL IN BACOLOD, AND THE
MUNICIPAL TRIAL COURTS IN THE CITIES OF SAN FERNANDO
AND BACOLOD

SUBJECT: GUIDELINES FOR THE IMPLEMENTATION OF AN ENHANCED PRE-
TRIAL PROCEEDING THROUGH CONCILIATION AND NEUTRAL
EVALUATION

I. Background

The Justice Reform Initiatives Support Project (JURIS) is a five-year bilateral project funded by the Canadian International Development Agency (CIDA) which seeks to support the implementation by the Supreme Court of the Philippines’ Action Program for Judicial Reform (APJR).

The goals of JURIS are to strengthen and promote more effective use of alternative dispute resolution (ADR) mechanisms, improve access to justice and support advocacy for reform. In connection with the effective use of ADR, the approach which JURIS has adopted to strengthen

ADR involves a bold and ambitious plan to showcase new ADR approaches in up to 14 model court sites in the Philippines. There will initially be 2 model court sites set-up in Pampanga and Bacolod by November 2003.

II. Concept

The Project intends to strengthen conciliation at the pre-trial stage as a means of expediting the resolution of cases and decongesting court dockets, after court-annexed mediation has failed, by utilizing the following models:

- The use of the pre-trial judge who will conciliate between the parties.
- The use of the pre-trial judge as an early neutral evaluator.
- The use of the pre-trial judge as mediator.
- A combination of any of the above.
- Such other systems as the Design & Management Committee may find acceptable to the local set-up.

II.1 Concept of Conciliator Judge

Despite the priority position in the Rules of Court for settlement and referral to ADR during pre-trial proceedings, most judges go through the function perfunctorily for various reasons, including fear of being disqualified if he goes into the process more intensively, and the possible failure of his efforts. It is the intention of this Project to restore the importance of this priority and at the same time to remove such apprehension.

II.2 Concept of Judge as Neutral Evaluator

After mediation has failed and the case is returned to the court, the Pre-trial judge, pursuant to the parties' Pre-trial briefs, will define and simplify the issues, inquire into the necessity or desirability of amendments to the pleadings, strongly urge the parties to make stipulations and admissions of fact and documents, require the presentation and marking of all documentary exhibits, disclose the number and names of witnesses and the substance of their respective testimonies, and determine the propriety of rendering judgment on the pleadings or summary judgment. After the judge has gone through these aspects of the pre-trial, he will ask the parties or their counsel to present a summary or brief of their case to him as they wish but under a time limit. Thereafter, he will assess the relative strengths and weaknesses of each party's case and make a non-binding and impartial evaluation or assessment of the chances of each party's success in the case. On the basis of his neutral evaluation, he will persuade the parties to reconsider their prior reluctance to use mediation towards a compromise agreement.

II.3 Concept of Judge as Mediator

In the event that the parties agree to reconsider their initial reluctance to mediate, the judge shall facilitate settlement using all his skills as mediator.

III. Procedure and Need for Pairing System

Under the above concepts, judicial proceedings are divided into two stages – (1) from the filing of a complaint to the pre-trial stage (pre-mediation and post-mediation stages), and (2) trial and judgment stage. The judge to whom the case has been raffled presides over the pre-trial stage and the pairing judge presides over the trial stage. The pairing system shall be as provided for in existing Court Orders/Circulars.

The judge presiding over the first stage (pre-trial judge) shall observe Section 2 (a) of Rule 18 of the rules of Court. In issuing an order to file pre-trial brief he shall also require a statement of undisputed facts, the proposed issues for resolution, and a synopsis of the law and jurisprudence relied upon, and, in cases covered under Section IV hereinbelow, order the parties to appear for mediation at the PMC for mediation proceedings. If mediation fails and the case is referred back to the pre-trial judge, he shall act as a conciliator, neutral evaluator, mediator, as explained above.

If settlement is still not reached, a pre-trial order shall be issued to include a referral of the case to the pairing judge for trial (trial judge). It is believed that the parties will be freer and more spontaneous once they are assured that the conciliator judge/neutral evaluator will not be the one to try the case.

III.1 Confidentiality

The pre-trial judge is bound to observe the confidentiality of proceedings and shall not pass on any information obtained in the course of conciliation, early neutral evaluation, or mediation to the trial judge or to any other person.

IV. Coverage

This pilot-test shall apply to the following cases:

- (1) *All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised;*
- (2) Cases cognizable by the Lupong Tagapamayapa and those cases that may be referred to it by the judge under Section __, Chapter VII of Republic Act No. 7160, otherwise known as the 1991 Local Government Code;
- (3) The civil aspect of BP 22 cases; and
- (4) The civil aspect of quasi-offenses under Title 14 of the Revised Penal Code.

V. Sanctions

A party who does not appear for mediation or pre-trial in violation of the order of the pre-trial judge or in accordance with the scheduled mediation conferences, shall be imposed the appropriate sanctions as provided for in Rule 18 of the Rules of Court by said judge. In addition, the pre-trial judge may require the non-appearing party to reimburse not exceeding treble the costs incurred by the appearing party including attorney's fees for that day.

A party who appears without the required authorization may similarly be sanctioned.

V. Settlement

If settlement is reached at the post-mediation pre-trial stage, the pre-trial judge shall ask the parties, with the assistance of their counsel, to draft the compromise agreement for submission to and approval by the court for a judgment upon a compromise.

However, the parties may submit to the Court a satisfaction of claims and mutual withdrawal of the complaint and counterclaim upon which the Court shall enter an order dismissing the case.

Very truly yours,

LUZVIMINDA D. PUNO
Clerk of Court

By:

(SGD) MA. LUISA D. VILLARAMA
Assistant Clerk of Court

Hon. Ameurfina A. Melencio Herrera (x)
Chancellor
Philippine Judicial Academy
3rd Flr. Centennial Building
Supreme Court

DRAFT

Proposed Circular amending AM No. 04-1-12-SC

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

TO: THE REGIONAL TRIAL COURTS AND MUNICIPAL TRIAL
COURTS OF

_____.

SUBJECT: REVISED GUIDELINES AMENDING A.M. No. 04-1-12-SC FOR
THE IMPLEMENTATION OF AN ENHANCED PRE-TRIAL
PROCEEDING UNDER THE JUSTICE REFORM INITIATIVES
SUPPORT (JURIS) PROJECT.

I. Explanatory Note

Despite the emphasis to encourage the amicable settlement of cases provided for Rule 18 of the Revised Rules of Court, most judges go through the function of exploring settlement perfunctorily for various reasons, including fear of being disqualified if he goes into the process more intensively and the possible failure of his efforts. Thus, it is the intention of JURIS Project to restore the importance of this priority and provide innovative procedures that will remove such apprehension.

Two model courts have already been set up under JURIS in Bacolod and San Fernando, Pampanga, and more model courts will be set up in Benguet, La Union and Cagayan de Oro, to pilot test court-annexed mediation (CAM) and judicial dispute resolution (JDR). In JURIS model courts, mediatable cases are referred to CAM for mediation under accredited mediators in the Philippine Mediation Center (PMC) and subsequently referred to JDR for further mediation by the judges if it is not resolved under CAM. If the case is still not settled in JDR, the case is transferred to the pair court for trial.

In sum, these revised guidelines make the following amendments:

- a. Replace the use of the pairing system with a raffle for the resumption of the judicial proceedings after JDR does not succeed;
- b. Change the nomenclature of the pre-trial judge who shall be called the JDR judge. The judge conducting the JDR is called the JDR judge instead of pre-trial judge because under the revised guidelines, pre-trial proper is resumed after JDR, but this time, to be conducted by the trial judge instead of the judge who conducted JDR;
- c. Referral to JDR of cases even after conclusion of the pre-trial and during the trial itself;
- d. JDR judge may preside over the trial proceedings upon joint request of both parties; and
- e. Extend the limited period for settlement of cases. The time period to conduct JDR is limited to thirty (30) days for first level courts and sixty (60) days for regional trial courts. For BP 22 cases, however, such time may be extended upon agreement of the parties and/or the case archived as may be proper.

II. Mandate

After the date specified by PHILJA for the effectivity of the guidelines and following completion of the orientation for judges in JDR procedures and their training in mediation, conciliation and neutral evaluation, judges in all model court sites shall be authorized to conduct JDR under the JURIS in accordance with the guidelines set forth herein after CAM has not succeeded.

III. Concept

The goal of JURIS in JDR is to strengthen conciliation in the model court sites during the pre-trial stage in order to expedite the resolution of cases and thereby help decongest court dockets by utilizing the following models:

- (1) JDR judge as mediator;
- (2) JDR judge as conciliator;
- (3) JDR judge as early neutral evaluator;
- (4) A combination of any of the above; and
- (5) Such other models as the Design and Management Committee may find adaptable to the local setting.

As a mediator and conciliator, the judge facilitates the settlement discussions between parties and tries to reconcile their differences. As a neutral evaluator, the judge assesses the relative strengths and weaknesses of each party's case and makes a non-binding and impartial evaluation of the chances of each party's success in the case. On the basis of his neutral evaluation, the judge persuades the parties to reconsider their prior reluctance to settle their case amicably. The entire process comprises JDR.

IV. Procedure

1. Two-Judge System - Parties will be more spontaneous once they are assured that the JDR judge will not be the one to try the case. As such, the general rule is that the JDR Judge shall not preside over the trial of the same case when his mediational efforts did not succeed.

Judicial proceedings shall be divided into two stages – (1) from the filing of a complaint, to the conduct of CAM and JDR during the pre-trial stage, and (2) pre-trial proper to trial and judgment. The judge to whom the case has been raffled shall preside over the first stage. He shall be called the JDR judge. Thereafter, if the case is not resolved during JDR, it shall be raffled to another court, where the rest of the judicial proceedings up to judgment shall be held. The judge for that stage shall be called the trial judge. Any incidents or motions filed during the first stage shall be dealt with by the JDR judge at his discretion. For courts with a single branch, the case shall be simply transferred to the nearest or pair court.

2. Family Courts - Due to the special nature of a family dispute for which specialized family courts have been designated, parties may file a joint motion requesting that the case be tried by said special court despite the judge thereon having been the JDR judge. However, if there is another family court in the same JURIS site, the trial judge shall be that of the family court which did not conduct JDR proceedings.
3. Commercial Courts – The JDR of commercial disputes shall be conducted by the pair judge of the commercial court. Where JDR does not succeed, the judge of the commercial court shall be the trial judge.
4. Referral to CAM - During the first stage as defined above, referral of the dispute for mediation shall be governed by A.M. No. xx-xx-xx-SC-PHILJA.

5. Duration of JDR - For the first level courts, JDR shall be for a period not exceeding thirty (30) days from the time the parties first appeared for JDR. For the second level courts, JDR shall be for a period not exceeding sixty (60) days. BP 22 cases may be granted a longer period upon joint motion of the parties if there is high probability of settlement. In cases where settlement has been reached but the period of payment exceeds one (1) year, the case may be archived.
6. JDR During Trial – Cases may be referred to JDR even during the trial stage. Upon joint motion of the parties, the trial judge may conduct JDR provided that the parties agree in said motion to resume trial if the case is not settled.

V. Confidentiality

To safeguard the confidentiality of mediation proceedings, the JDR judge shall not pass on any information obtained in the course of conciliation, early neutral evaluation, or mediation to the trial judge or to any other person. All JDR conferences shall be conducted in private. The JDR judge may, however, request from the mediator who previously mediated the case, a list of unresolved issues.

VI. Coverage

This pilot-test shall apply to the following cases:

- (1) All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised;
- (2) Cases cognizable by the Lupong Tagapamayapa and those cases that may be referred to it by the judge under Section __. Chapter VII of the Republic Act No. 7160, otherwise known as the 1991 Local Government Code;
- (3) The civil aspect of BP 22 cases;
- (4) The civil aspect of quasi-offenses under Title 14 of the Revised Penal Code;
- (5) Civil aspect of Estafa;
- (6) Civil aspect of Libel; and
- (7) Civil aspect of theft that comes within the meaning of “shoplifting.”

VII. Sanctions

A party who fails to appear for a mediation or JDR conference may be imposed the appropriate sanctions as provided for in Rule 18 of the Rules

of Court and the relevant issuances of the Supreme Court. A recommendation to impose sanctions shall be made to the JDR judge by the mediator who issued the notice to appear for mediation. If all parties are absent despite due notice, the mediator shall *motu proprio* recommend the imposition of proper sanctions upon all of them, including dismissal of the case. Among others, the JDR judge may require the non-appearing party to reimburse the appearing party his costs, including attorney's fees for that day, up to treble the amount incurred payable on or before the next mediation session.

Any counsel, or corporate party, who appears for mediation without the required authorization to enter into stipulations of fact or compromise may be similarly sanctioned.

VIII. Settlement

If settlement is reached, the parties, with assistance of their counsel, shall draft the compromise agreement for approval of the court and as basis for a judgment upon a compromise. Where compliance with the compromise agreement is forthwith made or the claim is otherwise settled, the parties shall instead submit a satisfaction of claims or mutual withdrawal of the complaint and counterclaim upon which the Court shall enter an order dismissing the case.

ANNEX C Forms

PMC Form 1-A – Order of Referral to PMC with Disclosure Form

Republic of the Philippines
RTC/MeTC/MTCC/MTC/MCTC
Branch _____
City/Municipality of _____
_____ JUDICIAL REGION

Plaintiff/Complainant,

versus

Defendant/ Accused

Case No.: _____

Nature:

X- - - - -X

ORDER OF REFERRAL

Pursuant to Section 2(a), Rule 18 of the *1997 Rules of Civil Procedure* and the *Second Revised Guidelines for the implementation of mediation proceedings* approved by the Supreme Court on October 16, 2001, this case is hereby referred to the Philippine Mediation Center (PMC) for mediation as part of pre-trial.

Parties are hereby ordered to immediately proceed and to personally appear at the

PMC Unit, located at _____

with or without the presence of their counsel/s **for mediation proceedings**. This Court shall impose the appropriate sanction including but not limited to payment of appropriate fees by the absent party, censure, reprimand, declaration in contempt and such sanctions as are provided under the *Rules of Court* for failure to appear for pre-trial, in case any or both of the parties absent himself/themselves during the mediation proceedings.

In the meantime, the Court's proceedings on the case are hereby suspended for thirty (30) days starting from this date and extendible for another thirty (30) days, for justifiable reasons. The Mediator is hereby directed to submit to this Court a status report on the progress of the proceedings at the end of the mediation period. If the mediation is successful, this Court shall immediately be informed and given (a) the original ***Compromise Agreement*** entered into by the parties as basis for the rendition of a judgment upon a compromise which

may be enforced by execution; or, (b) a withdrawal of the complaint/counterclaim; or, (c) a satisfaction of the claim/counterclaim.

It is understood that the mediation proceedings shall be confidential.

Moreover, the parties are ordered to disclose to the court any other pending cases that are related to or will materially affect the outcome of the mediation proceedings, in the form attached herewith (*please see Form 1*).

So ordered. The _____ day of _____ 2004.

Presiding Judge

Copy Furnished: Principal Litigants

Counsels: _____ Reg. Mail _____

PMC Unit: _____

Clerk in Charge: _____

X - - - - - X

This is to certify that _____ was selected as the Mediator for the above case.

Certified by:

PMC Unit Coordinator/Daily Supervisor

Approved by:

Presiding Judge

Form No. 1- Disclosure Form

Republic of the Philippines
REGIONAL TRIAL COURT
Branch 28, San Fernando

DISCLOSURE OF PENDING CASES RELEVANT TO MEDIATION

Title of the Case _____
Nature of the Case _____ Case No. _____
Name of Plaintiff/ Defendant _____
Counsel of Record _____
Mailing Address _____

Please check the appropriate response:

_____ I/We would like to inform the court that there are **no other** pending cases which are related to or will materially affect this case which is subject to compulsory referral to mediation under AM No. 01-10-5-SC dated October 16, 2001

_____ I/ We would like to inform the court that there is a pending case/ are pending cases which are related to or will materially affect this case which is subject to compulsory referral to mediation under AM No. 01-10-5-SC dated October 16, 2001. The details of the case/cases are as follows:

Case No. _____ Title of the Case _____
Pending before RTC/MTC No. _____ of _____
Nature of the Case _____

Case No. _____ Title of the Case _____
Pending before RTC/MTC No. _____ of _____
Nature of the Case _____

Date

Signature of Party or Counsel

Form No. 2- Notice to Parties for JDR Conference

REPUBLIC OF THE PHILIPPINES
MUNICIPAL TRIAL COURT IN CITIES
BRANCH 28
CITY OF SAN FERNANDO PAMPANGA

Amorsolo Rural Bank, Inc.,
Plaintiff,

- versus -

CIVIL CASE NO. 9327

Elvira Toledo,
Defendant.

X-----X

ORDER

This case was referred for mediation in the Philippine Mediation Unit pursuant to Section 2(a), Rule 18 of the 1997 Rules of Civil Procedure and AM No. 01-10-5-SC-PHILJA (Second Revised Guidelines for the implementation of mediation proceedings approved by the Supreme Court on October 16, 2001.) Since the parties did not settle, this case was referred back to this Court for further proceedings.

Wherefore, let this case be set for continuation of preliminary conference before the herein Presiding Judge for Judicial Dispute Resolution (JDR) proceedings (pursuant to AM No. 04-1-12-SC dated 20 January 2004) on October 19, 2005 at 2:00 o'clock in the afternoon.

Notify the parties.

SO ORDERED.

City of San Fernando Pampanga, 29 September 2005.

JUAN DE LA CRUZ
Judge

**Form No. 3 – Order of Referral to PMC for Court Annexed Mediation with
Predetermined Date for JDR Conference**

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
THIRD JUDICIAL REGION
BRANCH 41
City of San Fernando, Pampanga

BPI FAMILY SAVINGS BANK, INC.,
Plaintiff,

- versus -

CIVIL CASE NO. 13145

SPS. IMELDA TUMALACAN and
DIOSDADO TUMALACAN,

Defendants.

X-----X

ORDER

In today's pre-trial conference, plaintiff represented by Roberto Balboa assisted by his counsel Atty. Fernando Batacan – who entered his appearance as collaborating counsel of counsel on record – Atty. Porfirio Pandan, and defendant-spouses Imelda Tumulacan and Diosdado Tumulacan assisted by their counsel Atty. Ma. Teresa Mundo, who entered her appearance as collaborating counsel of counsel on record – Atty. Jose Pablo, appeared in Court.

Considering that this is one of the cases required by the Supreme Court to be mandatorily referred to the Philippine Mediation Center for Court-Annexed Mediation (CAM) pursuant to Section 2(a), Rule 18 of the 1997 Rules of Civil Procedure and the Second Revised Guidelines for the implementation of mediation proceedings approved by the Supreme Court on October 16, 2001, the Court ordered the release of the Order of Referral.

Tentatively set the JDR component of the pre-trial conference to **December 13, 2005 at 9:00 in the morning.**

SO ORDERED.

City of San Fernando, Pampanga, October 18, 2005.

JUAN DE LA CRUZ
Judge

Form No. 4 – Brief on CAM and JDR for Lawyers**BRIEF
on Court-Annexed Mediation (CAM)
and Judicial Dispute Resolution (JDR)****Objectives of CAM and JDR**

CAM and JDR are features of the ADR Model Courts under the JURIS Project which represents a major innovation in Philippine court procedure currently being pilot tested in five court sites in the country (San Fernando Pampanga, Bacolod City, San Fernando La Union, Cagayan de Oro and Baguio City).

By introducing CAM and JDR into the Philippine court system, it is hoped that the process of mediation and conciliation at the 1st and 2nd level courts would contribute significantly to the resolution/settlement of mediatable cases. Hopefully, this innovation would increase the satisfaction of litigants and their counsels in the court process and eventually help decongest the court dockets.

Governing Rules and Regulations

The process of CAM and JDR are principally governed by the following Supreme Court Circulars:

1. AM No. 01-10-5-SC-PHILJA dated October 16, 2001, which includes the following topics:
 - Administrative Order establishing the Philippine Mediation Center
 - Second Revised Guidelines on Mediation
 - Code of Ethical Standards for Mediators
 - Standards and Procedures for accreditation of mediators for court-referred and court related mediation cases
2. AM No. 04-1-12-SC dated 20 January 2004, Guidelines for the Implementation of an Enhanced Pre-trial Proceeding through Conciliation and Neutral Evaluation

The conduct of lawyers during mediation is principally governed by AM No. 04-3-05-SC – Guidelines for Parties' Counsel in court annexed mediation cases.

Expectations from Counsel

1. Counsels are expected to have read and understood the governing rules and regulations on court annexed mediation, judicial dispute resolution and the conduct of lawyers in mediation. In this light, the court expects the lawyers to assist their clients for an orderly conduct of mediation proceedings.
2. It shall be the duty of the parties (natural and juridical) and their counsel to appear at mediation and JDR (being part of pre-trial). The non-appearance of a party may be excused only if a valid cause is shown, therefore, or if a representative shall appear in his behalf fully authorized in writing to enter into an amicable settlement.
3. Attendance of the parties and their counsel at CAM and JDR is required, since this is part of pre-trial. Failure to attend these proceedings are subject to the sanctions provided under Rule 18 and AM No. 04-1-12-SC dated 20 January 2004

Form No. 5. Waiver on the Right to Re-assignment of Case for Purposes of Trial

**REPUBLIC OF THE PHILIPPINES
Regional Trial Court
City of San Fernando, Pampanga
Branch 41**

CONRADO BULATAO,
Plaintiff,

-versus-

Civil Case No. 28675
for Damages

HONORATA DIAZ,
Defendant.

x-----x

**WAIVER ON THE RIGHT TO REASSIGNMENT OF CASE FOR PURPOSES
OF JUDICIAL DISPUTE RESOLUTION**

COMES NOW, the plaintiff CONRADO BULATAO and defendant HONORATA DIAZ, represented by undersigned counsel, and unto this Honorable Court respectfully avers:

1. We are fully aware of the right of the parties to have a raffle of the case for purposes of trial, as provided in AM No. _____-SC due to the fact that the Honorable Judge has already conducted JDR and may have known certain facts in the process that may impinge upon his / her impartiality;
2. Despite this fact, we are also manifesting to the Honorable Court that we would like the trial to proceed under the supervision and control of the same Honorable Judge that has conducted this JDR;
3. That we are making this waiver, with full confidence in the ability of the Honorable Court to proceed with the pre-trial proper and trial with dispatch and integrity, and with malice toward none.

January 23, 2005, San Fernando Pampanga

ATTY. IMELDA LOPEZ
Counsel for the Plaintiff

ATTY. CORAZON GOPEZ
Counsel for the Defendant