

Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
Insurance Commission Building
1071 U.N. Avenue cor. Romualdez St., Manila

INSURANCE MEMORANDUM
CIRCULAR NO. 2014-01

**RULES OF PROCEDURE GOVERNING TRIAL AND HEARING OF
CLAIM CASES ON INSURANCE, REINSURANCE, AND THOSE
ARISING UNDER THE MEMEBERSHIP CERTIFICATES ISSUED BY
MUTUAL BENEFIT ASSOCIATIONS, IN THE INSURANCE
COMMISSION**

Pursuant to the provisions of Section 437, 438 and 439 of Republic Act No. 10607, "AN ACT STRENGTHENING THE INSURANCE INDUSTRY, FURTHER AMENDING PRESIDENTIAL DECREE NO. 612, OTHERWISE KNOWN AS "THE INSURANCE CODE", AS AMENDED, the following revised rules of procedure in filing complaints on insurance, reinsurance, and those arising under the membership certificates issued by Mutual Benefit Associations to its members are hereby adopted and promulgated.

RULE 1

TITLE AND APPLICABILITY

Section 1. Title of the Rules – These Rules shall be known as the "Rules of Procedure Governing Trial and Hearing of Claim Cases on Insurance, Reinsurance, and those arising under the Membership Certificates Issued by Mutual Benefit Associations, in the Insurance Commission".

Section 2. Definition – For purposes of these Rules, the word "Commission" shall refer to the Insurance Commission and the word "Commissioner" shall refer to the Insurance Commissioner.

Section 3. How Construed – These rules shall be liberally construed in order to promote and attain the principal objective of adjudicating or settling claims and complaints and/or assisting the parties in obtaining a just, speedy and inexpensive determination of claims and complaints involving any loss, damage or liability for which an insurer may be answerable under any kind of policy or contract of insurance or for which such insurer may be liable under a contract of suretyship, or for which a reinsurer may be sued under any contract of reinsurance it may have entered into or for which mutual benefit associations may be held liable under the membership certificates it has issued to its members.

Section 4. Scope – These rules shall govern hearings of such claims and complaints where the amount of actual damages, excluding interest, costs, and attorney's fees, being claimed or sued upon any kind of insurance, bond, reinsurance contract, or membership certificate does not exceed in any single claim FIVE MILLION PESOS (P5,000,000.00). Except as to the amount of actual damages, legal interest, attorney's fees and costs which include filing fees and litigation expenses, no other form of damages shall be recoverable.



RULE 2

PARTIES TO THE ACTION OR PROCEEDINGS

Section 1. Parties in Interest – Every action filed with the Commission must be prosecuted in the name of the real party in interest, who may be a natural or juridical person. The term “real party in interest” is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.

Section 2. Who may be parties; complainant and respondent – The person who filed a complaint with the Commission seeking relief from an insurance company or mutual benefit association doing business in the Philippines, for any loss, damage or liability for which an insurer may be answerable under any kind of policy or contract of insurance, or for which such insurer may be liable under a contract of suretyship, or for which a reinsurer may be sued under a contract of reinsurance it may have entered into, or for which a mutual benefit association may be held liable under the membership certificates it has issued to its members, shall be called the COMPLAINANT. The insurance company or mutual benefit association against whom the relief sought is directed shall be called the RESPONDENT.

RULE 3

COMMENCEMENT OF ACTIONS, PLEADINGS, FILING AND SERVICE OF PLEADINGS

Section 1. Commencement of Action – Any person seeking relief from the insurance company or mutual benefit association shall file with the Commission a verified complaint stating that the allegations thereof are true and correct of his own knowledge.

Section 2. Form of Pleadings, copies – All pleadings filed with the Commission shall be legibly written or printed on legal size paper. The original and three (3) signed copies of every pleading shall be accepted by the Commission if they conform to the formal requirements provided for by these Rules.

Section 3. Contents of Complaint – The complaint shall state the names and addresses of the parties, the substance of the claim, the date when the loss occurred, the amount of claim, the grounds of action, the relief sought, an allegation that there is final denial of the claim by the insurance company and that there is no pending mediation conference in the Public Assistance and Mediation Division of this Commission.

Section 4. Complaint, in form and substance; effect – Upon filing of the complaint, the Commission shall determine whether the same is sufficient in form and substance, if not, the Commission will motu proprio refuse to accept it. On the other hand, if the complaint is in order, the complainant shall be required to pay the docketing fee computed on the basis of Rule 4, Section 1 hereof. The said complaint shall be accompanied by a certificate of non-forum shopping.

Section 5. Filing of Complaint in the Insurance Commission or in any of its Regional Offices or Branches; effect thereof – The authority to adjudicate granted to the Commissioner under Section 439 of R.A. No. 10607 shall be concurrent with that of the civil courts, but the filing of the complaint with the Insurance Commission or any of its Regional Offices or Branches shall preclude the civil courts from taking cognizance of a suit involving the same subject matter and vice versa.

Regional Offices or Branches of the Insurance Commission shall have the authority to receive formal complaints and conduct trial or hearing on claim cases subject herein which are within the jurisdiction of this Commission. The disposition of cases hereof is subject to Rule 12 of these rules.

RULE 4

FEES

Section 1. Docketing Fee – Upon filing of an action or proceedings, or a permissive counterclaim or cross-claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein, a third party complaint and a complaint-in-intervention and for all services in the same, the complainant shall pay the Commission docket fee to be determined on the basis of the principal amount claimed, exclusive of interest and attorney's fee as follows, to wit:

1. Less than P100,000.00 -----	P1,000.00
2. P100,000.00 or more but less than P200,000.00 -----	2,000.00
3. P200,000.00 or more but less than P300,000.00 -----	3,000.00
4. P300,000.00 or more but less than P400,000.00 -----	4,000.00
5. P400,000.00 or more but less than P500,000.00 -----	5,000.00
6. P500,000.00 or more but less than P600,000.00 -----	6,000.00
7. P600,000.00 or more but less than P700,000.00 -----	7,000.00
8. P700,000.00 or more but less than P800,000.00 -----	8,000.00
9. P800,000.00 or more but less than P900,000.00 -----	9,000.00
10. P900,000.00 or more but less than P1,000,000.00 -----	10,000.00
11. P1,000,000.00 or more but less than P2,000,000.00 -----	15,000.00
12. P2,000,000.00 or more but less than P3,000,000.00 -----	20,000.00
13. P3,000,000.00 or more but less than P4,000,000.00 -----	25,000.00
14. P4,000,000.00 up to P5,000,000.00 -----	30,000.00

Plus an amount equivalent to one percent (1%) of the filing fee but in no case lower than Ten Pesos (P10.00) to be collected as Legal Research Fund Fee in accordance with Republic Act No. 3870, as amended by Presidential Decree No. 1856, dated December 26, 1982.

Section 2. Indigent party – A party may be authorized to litigate his action, claim or defense as an indigent if the Commission, upon an ex parte application and hearing, is satisfied that the party is one who has no money or property sufficient and available for food, shelter and basic necessities for himself and his family.

Such authority shall include an exemption from payment of docket and other lawful fees, and of transcripts of stenographic notes which the Commission may order to be furnished him. The amount of the docket and other lawful fees which the indigent was exempted from paying shall be a lien on any judgment rendered in the case favorable to the indigent, unless the Commission otherwise provides.

Section 3. Docketing of Complaint – After payment of the docketing fee, the Commission shall enter the case in its docket book and a corresponding case number shall be inscribed in the complaint.

Section 4. Summons – After docketing of the complaint, the Commission shall issue summons to the respondent attaching therewith a copy of the complaint, requiring it to file its answer within fifteen (15) days from receipt thereof.



Section 5. Default – If the defending party fails to answer within the time allowed therefor, the Commission shall upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon the Commission shall proceed to render judgment based on the pleadings granting the claimant such relief as his pleading may warrant, unless the Commission in its discretion requires the claimant to submit evidence, in which case the Commission shall proceed with the hearing *ex parte* and shall decide the case on the basis of the evidence presented.

RULE 5

ANSWER

Section 1. Answer to the Complaint – The respondent shall file his answer to the complaint within fifteen (15) days after service of summons. He must answer the complaint in writing by admitting or denying specifically the material allegations therein or alleging any lawful defense. Any material allegations not specifically denied shall be deemed admitted.

Section 2. Extension of time to file an answer – Upon motion of the respondent and on such terms as may be just, this Commission may extend the time to file an answer. No motion for extension of time shall be accepted unless accompanied by an official receipt showing payment of P500.00 fee. Only one (1) motion for extension of time to file answer may be allowed.

Section 3. Modes of Service – Service of pleadings, motions, notices, orders, judgments and other papers shall be made personally, by mail or licensed courier.

Section 4. Completeness of Service – Personal service or by licensed courier is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of five (5) days after mailing, unless the Commission otherwise provides. Service by registered mail is complete upon actual receipt by the addressee or after five (5) days from the date he received the first notice of the postmaster whichever date is earlier.

Section 5. Proof of Service – Proof of personal service or by licensed courier service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with Sec. 7 of Rule 13 of the Rules of Court. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof of the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

RULE 6

MOTION TO DISMISS

Section 1. Ground – The respondent may within the time for filing an answer but before an answer is filed, file a motion to dismiss the complaint on any of the following grounds:

- a. The Commission has no jurisdiction over the subject matter or nature of the action.



b. Pendency of another action before the court between the same parties for the same cause of action.

c. The complaint does not allege facts which involve any claim or complaint involving any loss, damage or liability for which the respondent may be liable under any kind of insurance policy or membership certificate or contract of insurance or reinsurance or bonds issued by insurance company.

Section 2. Disposition of Motion – The Commission, in its discretion, may deny or grant the motion or allow amendment of pleading, or may defer determination of the motion until after hearing, if the grounds alleged therein appear to be indubitable.

Section 3. Time to Plead – If the motion to dismiss is denied or if determination thereof is deferred, the movant shall file his answer within fifteen (15) days computed from the time he received the notice of denial or deferment, unless the Commission provides a different period.

RULE 7

SPECIAL PROVISIONS

Section 1. Final Mediation Conference – In consonance with the ultimate paragraph of Section 439 of R.A. No.10607 which provides:

“In order to promote party autonomy in the resolution of case, the Commissioner shall establish a system for resolving cases through the use of alternative dispute resolution.”

This Commission will conduct a final mediation conference upon the parties without the assistance of their counsels to exhaust the possibility of amicable settlement after the complaint and an answer thereto have been filed.

Attendance of the parties and every person summoned by this Commission is compulsory. Refusal to obey the summons issued by this Commission shall be punished for contempt of the Commissioner under letter (g) of Section 437 of this law in relation to Rule 71 of the Rules of Court.

In line with this, the Commission shall summon the parties and every person who can shed light on the matter.

In the event that the parties are able to come-up with an amicable settlement, the Commission will make an ORDER of final dismissal. However, if there is failure of mediation, trial shall proceed under these Rules with the parties now compulsorily assisted by their respective counsels.

Section 2. Inadmissibility in other proceedings – All records and minutes of the proceeding taken under this rule shall be inadmissible in evidence.



RULE 8

CLAIMS UNDER THE COMPULSORY MOTOR VEHICLE LIABILITY UNDER CHAPTER VI OF R.A. NO. 10607

Section 1. Pleadings; Hearings; Limitation on Postponements – Upon receipt of the complaint, the Commission shall forward a copy thereof to the respondent requiring him to file his answer within a non-extendible period of fifteen (15) days from service of summons, and the complainant shall file his answer to the counterclaim, if there be any, within a non-extendible period of fifteen (15) days. Immediately upon receipt of the last pleading completing the joinder of issues, or the expiration of the period for filing the same, the Commission shall summon the parties for a final mediation conference under Rule 7 hereof. If there is failure of mediation the case is set for hearing. On the date of hearing and at any stage of the proceedings, the parties may agree to settle the case amicably. Provided, that in no case shall any amicable settlement work out to give the complainant less rights, benefits or advantage that the law grants him and provided further that a judgment approving such amicable settlement shall be immediately executory.

RULE 9

JUDICIAL AFFIDAVIT

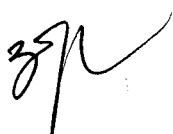
Section 1. Judicial Affidavit; Compulsory – In lieu of the direct testimonies of the witnesses, the same shall be made through a judicial affidavit.

Section 2. Time to file with the Commission and to serve upon the Parties – The parties shall file with the Commission and serve on the adverse party, personally or by licensed courier service, not later than five (5) days before the scheduled date for pre-trial conference.

Section 3. Language used – A judicial affidavit shall be prepared in the language known to the witness, if the same is not in English or Filipino, it must be accompanied by a translation in English or Filipino.

Section 4. Contents – the judicial affidavit shall contain the following:

- a. The name, age, residence or business address and occupation of the witness.
- b. The name and address of the lawyer who conducts the examination of the witness and the place where it was held.
- c. A statement that the witness is answering the questions asked of him, fully conscious that he does so under oath, and that he may face criminal liability for false testimony or perjury.
- d. Questions asked of the witness and his corresponding answers, consecutively numbered, that:
 1. Show the circumstances under which the witness acquired the facts upon which he testifies;
 2. Elicit from him those facts which are relevant to the issues that the case presents;



3. Identify the attached documentary and object evidence and establish their authenticity in accordance with the Rules of Court.

e. The signature of the witness over his printed name.

f. A jurat with the signature of the notary public who administers the oath or an officer who is authorized by law to administer the same.

Section 5. Sworn Attestation of the Lawyer – The judicial affidavit shall contain a sworn attestation at the end, executed by the lawyer who conducted or supervised the examination of the witness, to the effect that:

a. He faithfully recorded the questions he asked and the corresponding answers the witness gave;

b. The witness was not coached in giving his answers.

Section 6. Offer of and objection to testimony in judicial affidavit – The party presenting the judicial affidavit of his witness shall state the purpose of such testimony at the start of the presentation of the witness. The adverse party may move to disqualify the witness or to strike out his affidavit or any of the answers found in it on the ground of inadmissibility. The Commission shall promptly rule on the motion.

Section 7. Examination of the witness on his judicial affidavit – The adverse party shall have the right to cross-examine the witness on his judicial affidavit and on the exhibits attached to the same. The party who presents the witness may also examine him on re-direct. In every case, the Commission shall take active part in examining the witness to determine his credibility as well as the truth of his testimony and to elicit the answers that it needs for resolving the issues.

Section 8. Oral offer of and objection to Exhibits –

a. Upon the termination of the testimony of his last witness, a party shall immediately make an oral offer of evidence of his documentary or object exhibits, piece by piece, in their chronological order, stating the purpose or purposes for which he offers the particular exhibit.

b. After each piece of exhibit is offered, the adverse party shall state the legal ground for his objection if any, to its admission, and the Commission shall immediately make its ruling respecting that exhibit.

c. Since the documentary or object exhibits form part of the judicial affidavits that describe and authenticate them, it is sufficient that such exhibits are simply cited by their markings during the offers, the objections, and the rulings, dispensing with the description of each exhibits.

Section 9. Effect of non-compliance with the rules on judicial affidavit –

a. A party who fails to submit the required judicial affidavits and exhibits on time shall be deemed to have waived their submission. However, upon motion, such waiver may be reconsidered by the Commission provided the late submission of judicial affidavit is allowed only once, the delay is for a valid reason, would not unduly prejudice the opposing party, and the defaulting party pays a fine of P1,000.00. No motion to this effect shall be accepted by the Commission unless accompanied by an official receipt showing payment of such fine.



- b. The Commission shall not admit as evidence judicial affidavits that do not conform to the content requirements of Section 4 and the attestation requirement of Section 5 above. The Commission may, however, allow only once the subsequent submission of the compliant replacement affidavits before the hearing or trial provided the delay is for a valid reason and would not unduly prejudice the opposing party and provided further, that counsel responsible for their preparation and submission pays a fine of P1,000.00 each for every replacement affidavit.

RULE 10

PRE-TRIAL AND AMICABLE SETTLEMENT

Section 1. Pre-Trial Brief – The parties shall file with the Commission and serve on the adverse party, at least five (5) days before the date of the pre-trial conference, their respective pre-trial briefs which shall contain, among others:

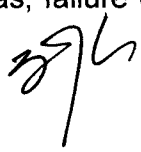
- a. A statement of their willingness to enter into amicable settlement, indicating the desired terms thereof;
- b. A summary of admitted facts and proposed stipulation of facts;
- c. The issues to be tried or resolved;
- d. The documents or exhibits to be presented stating the purpose thereof;
- e. The number and names of the witnesses, and the substance of their respective testimonies.

Section 2. Pre-Trial Conference – In any action, the Commission shall direct the parties and their counsels before the actual hearing, to appear before him for a pre-trial conference to consider:

- a. The possibility of an amicable settlement;
- b. The simplification of the issues;
- c. The necessity or desirability of amendment to the pleadings;
- d. The possibility of obtaining stipulation or admission of facts and of documents;
- e. The limitation of the number of witnesses; and
- f. Such other matters as may aid in the just, speedy and inexpensive disposition of the case.

All the parties and their attorneys shall attend the pre-trial conference. The presence of a party is indispensable unless his counsel is authorized by Special Power of Attorney to enter into agreement on any or all of the above matters. The parties shall inform each other of the nature and character of evidence they propose to offer indicating the purpose of each item of evidence.

Section 3. Effect of failure to appear or to file a Pre-Trial Brief – The failure to appear by the complainant during the pre-trial shall be cause for dismissal of the complaint. Whereas, failure on the part of the respondent to appear shall be cause to



allow complainant to present his evidence ex-parte and the Commissioner to render judgment on the basis thereof.

Similarly, failure to file a pre-trial brief shall have the same effect as failure to appear at the pre-trial.

Section 4. Records of Pre-Trial Order – After the pre-trial, the Commission shall issue an order which recites the action taken at the conference, the amendments allowed on the pleadings, and/or the agreements made by the parties as to any of the matters considered. Such order shall limit the issues for the formal hearing to those not disposed of by admissions and agreements of the parties and when entered, shall serve as the guide in the subsequent course of action or hearing unless modified before the formal hearing to prevent manifest injustice.

Section 5. Amicable Settlement – Unless it shall be prejudicial to public interest or to third parties, the Commission shall endeavor to effect an amicable settlement of the case at any stage of the proceedings, provided it shall not be contrary to any law, rule or regulation nor against public policy. The amicable settlement shall be reduced to writing, duly signed by the parties and their counsel, which shall be the basis of an order or decision of the Commission.

RULE 11

HEARING AND POSTPONEMENT

Section 1. Notice of Hearing – After the respondent has filed his answer or after the time limit for filing answer has expired, the parties or their counsel, shall be served with notice of hearing at least five (5) days before the date set for hearing.

Section 2. Hearing Officer – The Commissioner or any hearing officer or officers designated by him in a proper order shall conduct hearings and shall be empowered to administer oaths and affirmations, issue subpoenas, take evidence and compel attendance of parties and witnesses and the production of any books, papers, correspondence, memoranda or other records which the Commission deems relevant or material to the case or inquiry.

Section 3. Order of Hearing – Unless the Commission directs otherwise, the order of hearing shall be as follows:

- a. The complainant must produce the evidence in support of his complaint or claim;
- b. The respondent shall then offer evidence in support of his defense;
- c. The third, etc., party respondent, if any, shall introduce evidence of the material facts by him pleaded;
- d. The parties may then respectively offer rebutting evidence only, unless the Commission, for good reasons in the furtherance of justice, permits them to offer evidence upon their original case;
- e. When the evidence is concluded, unless the parties agree to submit the case without argument, the complainant or his counsel may take the opening argument, then the respondent, the third, etc., party or their respective counsel, and the complainant or his counsel may conclude the argument.



Every party shall have the right to conduct such cross examination of witness as may be required for the full and true disclosure of the facts of the case.

The hearing officer shall receive such relevant and material evidence, rule on offers of evidence, exclude all irrelevant matters and shall act according to justice and fairness but shall not be bound by the technical rules of evidence.

Section 4. One day, One witness Rule – All presentation of witnesses including direct, cross, re-direct, re-cross shall be completed and terminated in one (1) day except upon justifiable ground as may be determined by the hearing officer.

Section 5. Depositions – In any hearing, the Commission, upon appropriate order, may cause the deposition of witnesses residing within or without the Philippines to be taken in the manner prescribed under Rule 24 of the Rules of Court. Where witnesses reside in a place distant from Manila and it would be inconvenient and expensive for them to appear personally before the Commission, the Commissioner may, by proper order, designate a Municipal Judge or any Clerk of the Regional Trial Court to take depositions of such witnesses in any case pending before the Commission. It shall be the duty of the official to set promptly a date or dates for the taking of such depositions, giving timely notice to parties and on said date to proceed to take the depositions, reducing them in writing. After the depositions have been taken, the official so designated shall certify to the correctness of the depositions thus taken and forward the same as soon as possible to the Commission. It shall be the duty of the respective parties to furnish stenographers for taking and transcribing the testimony taken. In case there are no stenographers available, the testimony shall be taken by such persons as the Municipal Judge or Clerk of Court may designate. The Commissioner may also designate a notary public to take deposition in the manner herein provided.

Section 6. Postponement - Any motion for postponement or continuance of hearing may be granted or denied by the Commission in its discretion. Such motion must be filed with the Commission and a copy thereof furnished the other party at least three (3) days before the date of hearing, otherwise, it shall not be considered. Provided, that no motion for postponement shall be granted to any party unless the same is accompanied by an official receipt showing payment of the postponement fee amounting to P500.00. Provided further, that no more than three postponements shall be allowed.

During the presentation of witness, absence of counsel or witness to be presented shall be considered as a waiver to present said witness.

In case it is the opposing party's counsel who is absent during the presentation of the witness, the said absence shall be considered as a waiver on their part to conduct cross-examination.

RULE 12

DECISIONS OR ORDERS

Section 1. Decision or Order – Any decision or order determining the merits of a case shall be in writing and signed by the Commissioner, stating clearly and distinctly the facts, the law and/or rules and regulations on which it is based and a copy thereof shall be served upon the parties either personally or by registered mail.

Section 2. Finality of Decision or Order – The decision or Order of the Commission shall become final and executory after the lapse of fifteen (15) days from



the date of receipt of a copy thereof by the parties unless a motion for reconsideration or an appeal from such decision or order is filed within the period herein prescribed.

RULE 13

MOTION FOR RECONSIDERATION

Section 1. Motion for Reconsideration – Within fifteen (15) days from receipt of the decision or order of this Commission, the aggrieved party may be allowed to file a motion for reconsideration of such order, ruling or decision upon payment of P500.00. If the motion is denied, the movant may appeal in accordance with Section 1 of Rule 14 hereof. No second motion for reconsideration shall be allowed.

Section 2. Opposition to Motion for Reconsideration – Within fifteen (15) days from receipt of a copy of the Motion for Reconsideration, the adverse party may file his opposition thereto and serve a copy upon the movant.

Section 3. When Deemed Submitted – After the opposition is filed, or at the expiration of the period for filing the same without any such opposition having been filed, the motion for reconsideration shall be deemed submitted for resolution by the Commission unless the Commission shall consider it necessary to hear the oral arguments of the parties, in which case the Commission shall issue a corresponding order or notice to that effect.

RULE 14

APPEAL FROM ORDER OR DECISION

Section 1. How Appeal is Taken – Any party affected by a final order, ruling or decision of the Commission may within fifteen (15) days from notice of such order, ruling or decision file a verified petition for review in seven (7) legible copies with the Court of Appeals, a copy of which shall be served on the Commission and on the adverse party, in accordance with Rule 43 of the Rules on Civil Procedure. Proof of service of the petition on the Commission and on the adverse party shall be attached to the petition.

Section 2. Contents of Petition – The petition for review shall contain a concise statement of the facts and issues involved and the grounds relied upon for the review, and shall be accompanied by a duplicate original or a certified true copy of the ruling, award, order, decision or judgment appealed from, together with certified true copies of such material portions of the record as are referred to therein and other supporting papers. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

Section 3. Effect of Appeal – The appeal shall suspend the order, ruling or decision sought to be reviewed.

RULE 15

CONTEMPT

Section 1. Direct Contempt – The Commissioner or any person authorized by him to try and conduct hearings or proceeding on matters connected herewith, may summarily adjudge in direct contempt any person who has committed or is



committing any act of misbehavior in his presence and while the proceedings is going on, including disrespect towards him, offensive personalities towards others, or refusal to be sworn or to answer as a witness or to subscribe an affidavit or deposition when lawfully required to do so. If the offense is committed against the Commissioner, the same shall be punished by a fine not exceeding Two Thousand Pesos (P2,000.00) or imprisonment not exceeding ten (10) days or both, however, if the offense is committed against any hearing officer acting under his authority, the same shall be punished by a fine not exceeding One Thousand Pesos (P1,000.00) or imprisonment not exceeding one (1) day or both.

Section 2. Remedy – The person adjudged in direct contempt by the Commission may not appeal therefrom, but may avail himself of the remedies of certiorari or prohibition. The execution of the judgment shall be suspended pending resolution of such petition, provided such person files a bond fixed by the Commission which rendered the judgment and conditioned that he will abide by and perform the judgment should the petition be decided against him.

Section 3. Indirect Contempt – The Commissioner or Hearing Officer may also cite any person for indirect contempt upon grounds and in the manner prescribed under Rule 71 of the Revised Rules of Court.

RULE 16

APPEARANCE OF ATTORNEYS; STENOGRAPHERS

Section 1. Appearance of Attorneys in the Commission – Every attorney appearing before any hearing or investigation conducted by the Commission shall manifest orally or in writing his appearance for a party indicating his name and exact address, his Professional Tax Receipt for the current year, MCLE compliance and his IBP Receipt Number, and any pleading filed and signed by him shall likewise contain such information; otherwise, he shall not be allowed to continue proceeding or defending any suit or claim, or deal with the Commission.

Section 2. Stenographic Notes – It shall be the duty of the Stenographic Reporter who has attended the hearing conducted by the Commission to submit to the Hearing Officer within a reasonable period of time his transcript of stenographic notes duly initialed on each page and signed on the last page thereof.

RULE 17

JUDGMENTS FINAL ORDERS AND ENTRY THEREOF

Section 1. Final and Executory Judgment, Order or Decision of the Commission – If no appeal or motion for reconsideration has been filed within the time provided in these Rules, the judgment, final order or decision rendered by this Commission becomes final and executory.

Section 2. Entry of Judgment, Order or Decision - After the judgment, order or decision has become final and executory as aforementioned, the same shall be entered in the book of entries of judgments. The date of finality of the judgment, final order or decision shall be deemed to be the date of its entry.



RULE 18

PRE-EXECUTION CONFERENCE

Section 1. Pre-Execution Conference - Before the final judgment, order or decision is executed, the Commission shall summon the parties to a pre-execution conference to discuss the judgment award including the computation of the cost of suit, interest imposed and others.

RULE 19

EXECUTION OF JUDGMENT FINAL ORDER OR DECISION; ENFORCEMENT OF WRIT

Section 1. Execution of Judgment, Final Order or Decision - Upon the expiration of the period to appeal and no appeal has been duly perfected, execution shall issue as a matter of right or on motion by the prevailing party. Thereafter, the Commission shall issue a Writ of Execution, directing any authorized officer to enforce the writ.

RULE 20

APPLICABILITY OF THE RULES OF COURT

Section 1. Applicability of the Rules of Court - The provisions of the 1997 Rules of Civil Procedure or its amendments shall apply in an analogous and supplementary character whenever practical and convenient.

RULE 21

EFFECTIVITY

Section 1. Transitory provision - All complaints filed prior to the effectivity of this Rules of Procedure shall be tried in accordance with the rules in force at the time of filing.

Section 2. Effectivity - This Circular shall supersede Insurance Memorandum Circular No. 2-91 of the Insurance Commission and shall take effect upon approval by the Insurance Commissioner and after the completion of its publication in a newspaper of general circulation.


EMMANUEL F. DOOC
Insurance Commissioner

CAD/JPO