

ADMINISTRATIVE SUPERVISION OF COURTS

SC ADMINISTRATIVE CIRCULAR NO. 31-90, October 15, 1990

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TO

:

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS.

SUBJECT

:

RE: GUIDELINES FOR ALLOCATING THE LEGAL FEES COLLECTED UNDER THE RULE 141, AS REVISED, BETWEEN THE GENERAL FUND AND THE JUDICIARY DEVELOPMENT FUND.

To implement the provisions of Section 3, Rule 141 as revised and made effective on November 2, 1990, to the effect that all increases in the legal fees shall pertain to the Judiciary Development Fund as established by law (Presidential Decree No. 1949, dated May 18, 1984) the following guidelines for allocating the legal fees collected under said rule between the General Fund and the Judiciary Development Fund are hereby issued.

General
Fund

JDF

Sec. 4. Clerks of the Court of Appeals and of the Supreme Court. - (a) For filing an action, proceeding, appeal by notice or record on appeal when required, entering appearance of the parties, entering orders of the court, filing and docketing all motions, docketing of case on all proper dockets, and indexing the same, entering, recording and certification of judgment and remanding of records to the lower court, taxing the costs, administering all necessary oaths or affirmations in the action or proceeding, recording the opinion of the court, and issuing all necessary process in the action or proceeding not herein otherwise provided for, each action or special proceeding, four hundred (P400.00) pesos.

48.00

352.00

(b) For the performance of marriage ceremony, including issuance of certificate of marriage, two hundred (P200.00) pesos;

200.00

(c) For furnishing transcripts of the record or copies of any record, judgment, or entry of which any person is entitled to demand and receive a copy, for each page, three (3.00) pesos;

.20

2.80

(d) For each certificate not on press, twenty (P20.00) pesos;

1.00

19.00

(e) For every search for anything above a year's standing and reading the same, five (P5.00) pesos;

1.00

4.00

(f) For a commission on all money coming into his hands by these rules or order of the court and caring for the same, two (2%) per cent on all sums not exceeding four thousand (P4,000.00) pesos and one (1%) per cent upon all sums in excess of four thousand (P4,000.00) pesos, and one half (.5%) per cent on all sums in excess of forty thousand (P40,000.00) pesos. (2a)

a) on all sums not exceeding

P 4,000.00

1/2%

1 1/2%

b) on all sums in excess of P40,000 but not exceeding

40,000.00

1/4%

3/4%

c) on all sums in excess of

40,000.00

1/8%

3/8%

Sec. 6. Fees of bar candidates. -

(a) For filing the application for admission to the bar, whether admitted to the examination or not, eight hundred (P800.00) pesos for new applicants, and for repeaters, plus the additional amount of one hundred (P100.00) pesos multiplied by the number of times the applicant has failed in the bar examinations;

300.00

500.00

(b) For admission to the bar, including oath taking, signing of the roll of attorneys, the issuance of diploma of admission to the Philippine Bar, etc. eight hundred (P800.00) pesos;

350.00

450.00

(c) Other Bar Fees. - For the issuance of:

1. Certification of admission to the Philippine Bar...
2. Certificate of good standing (local).....
3. Certificate of good standing (foreign).....
4. Verification of membership in the bar.....
5. Certificate of grades in the bar examinations.....
6. Other certifications of records at the Bar Office; per page..
7. A duplicate diploma of admission to the Philippine Bar.....

P20.00

20.00

50.00

10.00

20.00

5.00

200.00

5.00

1.00

5.00
 1.00
 100.00
 15.00
 20.00
 50.00
 9.00
 15.00
 4.00
 100.00

For services in connection with the return of examination notebooks to examinees, a fee of twenty (P20.00) pesos shall also be charged. (4a)

20.00

Sec. 7. Clerks of Regional Trial Courts.-

(a) For filing an action or a permissive counter-claim or money claim against an estate not based on judgment, or filing with leave of court a third-party, fourth-party, etc. complaint, or a complaint in intervention, and for all clerical services in the same, if the total sum claimed, exclusive of interest, or the stated value of the property in litigation, is:

1. Not more than P20,000.00.....
2. More than P20,000.00 but less than P40,000.00...
3. P40,000.00 or more but less than P60,000.00.....
4. P60,000 or more but less than P80,000.00.....
5. P80,000 or more but less than P100,000.00.....
6. P100,000.00 or more but less than P150,000.00...
7. For each P1,000.00 in excess of P150,000.00.....

P120.00
 150.00
 200.00
 250.00
 400.00
 600.00
 5.00
 60.00

80.00
100.00
100.00
100.00
150.00
2.00

60.00
70.00
100.00
150.00
300.00
450.00
3.00

(b) For filing:

1. Actions where the value of the subject matter cannot be estimated

400.00

200.00

200.00

2. Special civil actions except judicial foreclosure of mortgage which shall be governed by paragraph (a) above
.....

(b) judicial foreclosure of mortgage.....

400.00
400.00

32.00
32.00

368.00
amount in excess

3. All other actions not involving of mortgage

400.00

32.00

368.00

In a real action, the assessed value of the property, or if there is none, the estimated value thereof shall be alleged

by the claimant and shall be the basis in computing the fees.

(c) For filing requests for extrajudicial foreclosure of real estate or chattel mortgage, if the amount of the indebtedness, or the mortgagees's claim, is:

1. Less than P50,000.....
2. P50,000.00 or more but less than P100,000.00.....
3. P100,000.00 or more but less than P150,000.00.....
4. P150,000.00 or more but less than P200,000.00.....
5. P200,000.00 or more but less than P250,000.00.....
6. P250,000.00 or more but less than P300,000.00.....
7. P300,000.00 or more but less than P400,000.00.....
8. P400,000.00 or more but less than P500,000.00.....
9. P500,000.00 or more than less than P1,000,000.00..
10. For each P1,000.00 in excess of P1,000,000.00....

P200.00

300.00

400.00

500.00

600.00

700.00

800.00

900.00

1,000.00

5.00

JDF

(d) For initiating proceedings for the allowance of wills, granting letters of administration, appointment of guardians, trustees, and other special proceedings, the fees payable shall be collected in accordance with the value of the property involved in the proceedings, which must be stated in the application or petition, as follows:

1. Less than P20,000.00.....
2. P20,000.00 or more but less than P40,000.00.....
3. P40,000.00 or more but less than P60,000.00.....
4. P60,000.00 or more but less than P80,000.00.....
5. P80,000.00 or more but less than P100,000.00.....

6. P100,000.00 or more but less than P150,000.00.....

7. For each P1,000.00 in excess of P150,000.00.....

P200.00

400.00

600.00

900.00

1,100.00

1,300.00

5.00

60.00

160.00

270.00

450.00

540.00

590.00

1.00

140.00

240.00

330.00

450.00

560.00

710.00

4.00

If the value of the estate as definitely appraised by the court is more than the value declared in the application, the difference of fee shall be paid; provided that a certificate from the clerk of court that the proper fees have been paid shall be required prior to the closure of the proceedings.

(e) For filing petitions for naturalization or other modes of acquisition of citizenship, one thousand (P1,000.00) pesos;

32.00

968.00

(f) For filing petitions for adoption, support, annulment of marriage, legal separation and other actions or proceedings under the Family Code, one hundred and fifty (P150.00) pesos;

32.00

118.00

If the proceedings involve separation of property, an additional fee corresponding to the value of the property involved shall be collected, computed in accordance with the rates for special proceedings.

ALL JDF

(g) For all other special proceedings not concerning property one hundred and fifty (P150.00) pesos;

32.00

118.00

(h) For the performance of marriage ceremony including issuance of certificate of marriage one hundred (P100.00) pesos;

100.00

(i) For filing an application for commission as notary public, three hundred (P300.00) pesos;

32.00

268.00

(j) For filing an application for commission as notary public, three hundred (P300.00) pesos

.40

2.60

(k) For a commission on all money coming into his hands by law, rule, order or writ of court and caring for the same, one (1%) per centum on all sums not exceeding forty thousand (P40,000.00) pesos, and one half (.5%) per centum on all sums in excess of forty thousand (P40,000.00) pesos.

10.00

a) on all sums not exceeding.....

P40,000.00

1/2%

1/2%

b) on all sums exceeding.....

40,000.00

1/4%

1/4%

For any other services as clerks not provided in this section, one hundred (100.00) pesos shall be collected. (5a)

Sec. 8. Judges of Metropolitan and Municipal Trial Courts.-

(a) For each civil action or proceeding where the value of the subject matter involved or the amount of the demand, exclusive of interest and costs, is:

1. Less than P5,000.....

P 80.00

40.00

40.00

2. P5,000 or more but less than P10,000.....

100.00

50.00

50.00

3. P10,000 or more but less not exceeding P20,000.....

120.00

50.00

70.00

4. For each proceeding including allowance of will, probate, settlement of estate of small value, one hundred and fifty (P150.00) pesos;

5. For forcible entry and illegal detainer cases, one hundred (P100.00) pesos;

6. For appeals in all actions or proceedings, including forcible entry and detainer cases, taken from Metropolitan and Municipal Trial Courts, one hundred fifty (150.00) pesos;

a) appeals in forcible entry

20.00

130.00

b) appeals in other actions or proceedings

150.00

b) for the performance of marriage ceremony, including issuance of certificate of marriage, fifty (P50,000) pesos;

2.00

48.00

c) For taking affidavit, ten (10.00) pesos;

1.00

9.00

d) For taking acknowledgment, twenty (P20.00) pesos;

1.50

18.50

e) For writing and certifying depositions, including oath, per page, five (5.00)

.40

4.60

f) For certified copies of any record, per age, five (P5.00) pesos;

.40

4.60

g) For stamping and registering books as required by articles nineteen and thirty-six of the Code of Commerce, each book, twenty (P20.00) pesos;

2.00

18.00

h) For performing notarial acts for which fees are not specifically fixed in this section, the same fees which notaries public are entitled to receive.

The foregoing fee bill, in English and Filipino shall be posted in a conspicuous place in the office of every Metropolitan and Municipal Trial Court. (6a)

Sec. 9 Sheriffs, and other persons serving processes.-

(a) For serving summons and copy of complaint, for each defendant, fifty (P50,000) pesos;

4.00

46.00

(b) For serving subpoenas in civil action or proceeding, for each witness to be served, twenty (P20.00)

.40

19.60

(c) For executing a writ of attachment against the property of defendant, fifty (P50.00) pesos;

4.00

46.00

(d) For serving a temporary restraining order, or writ of injunction, preliminary or final, of any court, fifty (P50.00) pesos;

50.00

(e) For executing a writ of replevin, fifty (P50.00) pesos;

50.00

(f) For filing bonds or other instruments of indemnity or security in provisional remedies, for each bond, twenty (P20.00) pesos;

1.00

19.00

(g) For executing a writ or process to place a party in possession of real estate, one hundred (P100.00) pesos;

4.00

96.00

(h) For advertising a sale, besides cost of publication, fifty (P50.00) pesos;

2.00

48.00

(i) For taking inventory of goods levied upon when the inventory is ordered by the court, one hundred (P100.00) pesos per day of actual inventory work;

100.00

(j) For levying on execution on personal or real property, fifty (P50.00) pesos;

(k) For issuing a notice of garnishment, for each notice, twenty (P20.00) pesos;

(l) For money collected by him by order, execution, attachment, or any other process, judicial or extrajudicial, the following sums, to wit:

1. On the first four thousand (P4,000.00) pesos, four (4%) per centum

2. On all sums in excess of four thousand (P4,000.00) pesos two (2%) per centum

(a) on the first

P4,000

1%

3%

(b) on all sums in excess of

4,000

1/2%

1 1/2%

In addition to the fees hereinabove fixed, the party requesting the process of any court, preliminary, incidental, or final, shall pay the sheriff's expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex-officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation within the same period for rendering a return on the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the deputy sheriff assigned with his return, and the sheriff's expenses shall be taxed as costs against the judgment debtor. (7a)

Sec. 10. Stenographers. - Stenographers shall give certified transcript of notes taken by them to every person requesting same upon payment of (a) five (P5.00) pesos for each page of not less than two hundred and fifty words before the appeal is taken and (b) three (P3.00) pesos for the same page, after the filing of the appeal; provided, however, that one-half of the total charges shall be paid to the court and the other half to the stenographer concerned. (8a)

.60

.30

1.90

1.20

Sec. 11. Notaries.- No notary public shall charge or receive for any service rendered by him any fee, remuneration or compensation in excess of those expressly prescribed in the following schedule:

(a) For protests of drafts, bills of exchange, or promissory notes for non-acceptance or non-payment, and for notice thereof, thirty (P30.00) pesos;

- (b) For the registration of such protest and filing or safekeeping of same, thirty (P30.00) pesos;
- (c) For authenticating powers of attorney, thirty (P30.00) pesos;
- (d) For sworn statement concerning correctness of any account or other document, thirty (P30.00) pesos;
- (e) For each oath or affirmation, thirty (P30.00) pesos;
- (f) For receiving evidence of indebtedness to be sent outside, thirty (P30.00) pesos;
- (g) For issuing a certified copy of all or part of his notarial register or notarial records, for each page, thirty (P30.00) pesos;
- (h) For taking depositions, for each page, thirty (P30.00) pesos;
- (i) For acknowledging other documents not enumerated in this section thirty (P30.00) pesos.

Pursuant to Section 5 of President Decree No. 1949 which in its Section 1 established the Judiciary Development Fund, the Supreme Court hereby reiterates the following implementing rules and regulations, as provided in Circular No. 5 dated February 21, 1985.

1. Establishment of the Fund. - The Judiciary Development Fund, hereinafter referred to as the Fund is intended to benefit the members and personnel of the Judiciary to further ensure and guarantee the independence of the Judiciary as mandated by the Constitution. The Fund shall be derived from, among others, the increase in the legal fees prescribed in the amendments to Rule 141 or the Rules of Court, which became effective on October 1, 1984. The Fund shall be used to augment the allowances of the members and personnel of the Judiciary and to finance the acquisition, maintenance and repair of office equipment and facilities. At least eighty percent (80%) of the Fund shall be used for cost of living allowances, and not more than twenty percent (20%) of the said Fund shall be

used for office equipment and facilities of the Court located where the legal fees are collected. The aforesaid allowances of the members and personnel of the Judiciary shall be distributed in proportion of their basic salaries, with bigger allowances being granted to those receiving a basic salary of less than P1,000.00 a month. (Section 1, Presidential Decree No. 1949)

2. Administration of the Fund. - The Chief Justice of the Supreme Court shall administer and allocate the Fund and shall have the sole exclusive power and duty to approve and authorize disbursement and expenditures of the Fund in accordance with Presidential Decree No. 1949 and its implementing rules and regulations. (Section 2, P.D. No. 1949)

3. Duty of Clerks of Court, Officers-in-Charge or Accountable Officers. - The Clerks of Court, Officers-in-Charge of the Office of the Clerk of Court, or their accountable duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the Judiciary Development Fund collections, issue the proper therefor, maintain a separate cash book properly marked CASH BOOK FOR JUDICIARY DEVELOPMENT FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections for said Fund.

4. Depository Bank for the Fund. - The amounts accruing to the Fund shall be deposited for the account of the Judiciary Development Fund, Supreme Court, Manila by the Clerks of Court, Officers-in-Charge, of the Office of the Clerk of Court in an authorized government depository bank or private bank owned or controlled by the Government to be specified by the Chief Justice. The income or interest earned shall likewise form part of the Fund. For this purpose, the depository bank for the Fund shall be the Philippine National Bank (PNB), or any private bank owned or controlled by the government upon authority of the Chief Justice.

5. Systems and Procedure. -

a. In the Supreme Court. - The Collecting & Disbursing Officer of the Supreme Court shall, unless otherwise authorized by the Chief Justice, deposit daily all collections accruing to the Fund with the PNB, main office "For the account of the Judiciary Development Fund, Supreme Court, Manila - SAVINGS ACCOUNT No. 068-503174-4.

b. In the CA, SB and CTA. - The respective collecting officers in these courts shall deposit daily their collections accruing to the Fund in the aforementioned SAVINGS ACCOUNT with the PNB for the account of the JUDICIARY DEVELOPMENT FUND, Supreme Court, Manila, furnishing the Chief Accountant of the Supreme Court the notice of such deposits made.

c. In the RTC, MetTC, MTCC, MTC and MCTC. - The daily collections for the Fund in these courts shall be deposited everyday with the local or nearest PNB branch "For the account of the Judiciary Development Fund, Supreme Court, Manila - SAVINGS ACCOUNT NO. 068-503174-4 or if depositing daily is not possible, deposits for the Fund shall be every second and third Fridays and at the end of every month, provided, however, that whenever collections for the Fund reach P500.00, the same shall be deposited immediately even before the days above-indicated.

Where there is no PNB branch at the station of the judge concerned, the collections shall be sent by postal money order payable to the Chief Accountant of the Supreme Court, at the latest before 3:00 P.M. of that particular week.

A separate set of official receipts shall be used for the collections for the Fund. For payment of the legal fees under the old rate which would pertain to the General Fund by party-litigants in the MetTC, MTCC, and MCTC, the Clerks of Court, Officers-in-Charges of the Office of the Clerk of Court or their duly authorized representatives shall issue "Acceptance Order of Payment" to the City Municipal Treasure concerned. Such party-litigants shall be instructed to present to the Clerk of Court, Officer-in-Charge of the Office of the Clerk

of Court or their duly authorized representative the official receipt thereby issued by the Treasurer together with a copy of the Acceptance for Payment, for notation and for the collecting to determine the corresponding amount to be collected for the Judiciary Development Fund. The official receipt issued for the Fund shall invariably indicate the prefix initial of the name of the Fund, "JDF", followed immediately by the description of the kind and nature of the collection.

Official receipts for the Fund shall be provided by the Supreme Court. Should official receipts be not immediately available, the official receipts which were previously requisitioned and issue may be used provided that they are properly marked "JUDICIARY DEVELOPMENT FUND"

Until official cash books are available, the ordinary Record Book (7"x 12") may be used for the purpose, provided that the same shall be marked "CASH BOOK FOR JUDICIARY DEVELOPMENT FUND."

d. Rendition of Monthly Report.- Separate "Monthly Report of Collections" shall be regularly prepared for the Judiciary Development Fund, which shall be submitted to the Chief Accountant of the Supreme Court within ten (10) days after the end of every month, together with the duplicate of the official receipts issued during such month covered and validated copy of the Deposit Slips.

The aggregate total of the Deposit Slips for any particular month should always equal to, and any particular month should always equal to, and tally with, the total collections for that month as reflected in the Monthly Report of Collections.

If no collection is made during any month, notice to that effect should be submitted to the Chief Accountant of the Supreme Court by way of a formal letter within ten (10) days after the end of every month.

e. Reimbursement of Expenses. - All ordinary and reasonable expenses incurred for the remittance of collections and transmittal of reports for the Judiciary Development Fund shall be reimbursed by the Supreme Court upon submission of the duly accomplished voucher together with the necessary receipts and other supporting papers required in audit direct to the Chief of the Fiscal Management and Budget Office of the Supreme Court.

In no case shall expenses incurred for the Judiciary Development Fund be deducted from the collections which should be remitted in full.

All reports and correspondence relative to collections and deposits of Judiciary Development Fund shall be addressed to:

THE CHIEF ACCOUNTANT
SUPREME COURT OF THE PHILIPPINES
MANILA

f. Account Examination for Internal Control. - To safeguard and control the Fund, examination of the records of the Clerks of Court, Officers-in-Charge, or accountable officers shall be conducted by the staff and personnel of the Supreme Court whenever circumstances warrant.

6. Disposition of the Fund shall be only upon prior authority of the Chief Justice.

7. Strict observance of these rules and regulations is hereby enjoined. The Clerks of Court, Officers-in-Charge shall exercise close supervision over their respective duly authorized representatives to ensure strict compliance herewith and shall be held administratively accountable for failure to do so. Failure to comply with any of these rules and regulations shall mean the withholding of the salaries and allowances of those concerned until compliance thereof is duly effected, pursuant to Section 122 of PD No. 1445 dated June 11, 1978, without prejudice to such further disciplinary action the Court may be against them.

Issued this 15th day of October nineteen hundred and ninety
(Sgd.) MARCELO B. FERNAN

Chief Justice

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