

OCA CIRCULAR NO. 42-2005, April 28, 2005

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TO:

ALL JUDGES, CLERKS OF COURT AND MEMBERS OF THE INTEGRATED BAR.

SUBJECT:

AUTHORITY OF THE OFFICE OF THE COURT ADMINISTRATOR (OCA) OVER QUESTIONS CONCERNING CORRECT OR PROPER ASSESSMENT AND COLLECTION OF DOCKET FEES.

The Office of the Court Administrator has been receiving numerous queries on correct or proper assessment and collection of docket fees. In relation thereto, we are quoting hereunder the resolution of the Court En Bane dated 8 March 2005 in A.M. No. 05'3'03-0-Re: Letter of Mr. John Luym relative to the Docket Fee paid by Plaintiffs in SRC Case No. 021-CEB (formerly Civil Case No. CEB-25502) for the information and guidance of all concerned:

"A.M. No. 05-3-03-0.- Re: Letter of Mr. John Luym Relative to the Docket Fee Paid by Plaintiffs I SRC Case No. 021-CEB (Formerly Civil Case No. CEB-25502). - The Court Resolved, upon the recommendation of the Office of the Court Administrator, to

- (a) INFORM Mr. John Luym that questions relating to the assessment and collection of docket fees are judicial in nature that should only be determined by the regular courts and not through administrative proceedings; and
- (b) AUTHORIZE the Office of the Court Administrator to ISSUE a circular for the purpose of clarifying that it has no authority to determine whether or not the docket fee assessed or collected is proper or correct under applicable rules, the same being a judicial matter."

Henceforth, any question relating to correct or proper assessment and collection of docket fees of a particular case should be submitted before the court having jurisdiction of said case. The question should be revived by the judge concerned within a reasonable period of time.

28 April 2005.

PRESBITERO J. VELASCO, JR.

Court Administrator

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