

OCA CIRCULAR NO. 18-2019, February 04, 2019

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TO : ALL JUDGES, CLERKS OF COURT, BRANCH CLERKS OF COURT AND OFFICERS-IN-CHARGE/ACTING CLERKS OF COURT OF THE FIRST LEVEL COURTS

SUBJECT :

Computation of Legal Fees in Small Claims Cases Filed by Plaintiffs Engaged or Not Engaged in the Business of Banking, Lending and Similar Activities in relation to Letter d(i) of A. M. No. 17- 12-09-SC (Re: Initial Recommendations on Administrative Adjustments from the Judiciary-Wide Committee on Legal Fees) under OCA Circular No. 36-2018

We have received requests for clarification on the proper computation of filing fees in small claims cases, particularly on which rule shall apply in cases where plaintiffs are engaged in the business of banking, lending, and similar activities. Section 10 of the 2016 Revised Rules of Procedure for Small Claims Cases provides for the computation of filing fees:

SEC. 10. Payment of Filing Fees.- The plaintiff shall pay the docket and other legal fees prescribed under Rule 141 of the Revised Rules of Court, unless allowed to litigate as an indigent. Exemption from the payment of filing fees shall be granted only by the Supreme Court. However, if more than five (5) small claims are filed by one party within the calendar year, regardless of the judicial station, an additional filing fee of P500.00 shall be paid for every claim filed after the fifth (5th) claim, and an additional P100.00 or a total of P 600.00 for every claim filed after the tenth (10th) claim, and another P100.00 or a total of P700 for every claim filed after the fifteenth (15th) claim, progressively and cumulatively.

If the plaintiff is engaged in the business of banking, lending and similar activities, the amount of filing and other legal fees shall be the same as those applicable to cases filed under the regular rules, (emphasis ours)

XXX

Based on this provision, the filing fees to be paid in small claims cases depend on whether the plaintiff is engaged in the business of banking, lending, and similar activities or not. This distinction was emphasized in the 10 January 2018 Resolution of the Court in A.M. No. 17-12-09-SC (Re: Initial Recommendations on Administrative Adjustments from the Judiciary-Wide Committee on Legal Fees),[*] particularly paragraph d (i), which states that "[t]he computation of legal fees for small claims cases should be based on Section 8 (a) and (d), Rule 141, as the case maybe."

To clarify, Section 8 (a), Rule 141, shall apply in cases where plaintiffs are engaged in the business of banking, lending, and similar activities, while Section 8 (d), Rule 141, shall apply in cases where plaintiffs are not engaged in the business of banking, lending, and similar activities. The additional fee under paragraph 1, Section 10, 2016 Revised Rules of Procedure for Small Claims Cases, otherwise known as the frequent filer fee, applies only in cases where plaintiffs are not engaged in the business of banking, lending, and similar activities, and shall be deposited to the Judiciary Development Fund.

To illustrate, below are the sample computations comparing the fees to be paid by the plaintiffs engaged and not engaged in the business of banking, lending, and similar activities:

SAMPLE 1 ENGAGED IN BUSINESS NOT ENGAGED IN BUSINESS

Amount Involved Php 200, 000.00 Php 200, 000.00

Applicable Section Sec. 8(a), Rule 141 Sec. 8(d), Rule 141

Docket Fees PHP 2,500.00 PHP 700.00

Summons Fee 200.00 200.00

LRF 27.00 10.00

MF 500.00 500.00

VCF 5.00 5.00

STF 1,000.00 1,000.00

Total Initial Filing PHP 4,232.00 PHP 2,415.00

Frequent Filer Fees None On the 6th to 10th Php 500.00 (so on...)

SAMPLE 2 ENGAGED IN BUSINESS NOT ENGAGED IN BUSINESS

Amount Involved Php 20, 000.00 Php 20, 000.00

Applicable Section Sec. 8(a), Rule 141 Sec. 8(d), Rule 141

Docket Fees PHP 300.00 PHP 700.00

Summons Fee 200.00 200.00

LRF 10 .00 10.00

MF 500.00 500.00

VCF 5.00 5.00

STF 1,000.00 1,000.00

Total Initial Filing PHP 2,015.00 PHP 2,415.00

Frequent Filer Fees None On the 6th to 10th Php 500.00 (so on...)

For your guidance and strict compliance.

4 February 2019

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

[*] Under OCA Circular No. 36-2018 dated 26 February 2018 (Court resolution dated 10 January 2018 [Administrative Adjustments on Legal Fees]).

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