

OCA CIRCULAR NO. 121-2014, September 16, 2014

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TO :

EXECUTIVE/PRESIDING JUDGES, CLERKS OF COURT/OFFICERS-IN-CHARGE/ACCOUNTABLE OFFICERS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT :

CLARIFICATION ON THE COLLECTION OF POSTPONEMENT FEE IN CONSOLIDATED CASES

Queries have been brought to the attention of this Office as to the proper interpretation and application of Rule 141 of the Revised Rules of Court, specifically on the postponement fee to be collected in consolidated cases.

The Court in *Chua v. The Executive Judge*, G.R. No. 202920, 2 October 2013, explained the rationale on collecting fees, albeit on the subject of docket fees, on each individual case and not on its entirety. It declared, in part, the following justifications:

In the instant case, there are a total of forty (40) counts of violation of BP Big. 22 that was filed before the MeTC. And each of the forty (40) was, in fact, assessed its filing fees, individually, based on the amount of check one covers. Under the rule of criminal procedure, the filing of the forty (40) counts is equivalent to the filing of forty (40) different informations, as each count represents an independent violation of BP Big. 22. Filing fees are, therefore, due for each count and may be paid for each count separately.

Second. In an effort to justify her refusal of petitioner's request, the Executive Judge further argues that since all forty (40) counts of violation of BP Big. 22 were brought about by a single complaint filed before the OCP and are now consolidated before the court, the payment of their filing fees should be made for all or none at all.

That all forty (40) counts of violation of BP Big. 22 all emanated from a single complaint filed in the OCP is irrelevant. The fact remains that there are still forty (40) counts of violation of BP Big. 22 that were filed before the MeTC and, as a consequence, forty (40) individual filing fees to be paid.

Neither, would the consolidation of all forty (40) counts make any difference. Consolidation unifies criminal cases involving related offenses only for purposes of trial. Consolidation does not transform the filing fees due for each consolidated into one indivisible fee (Emphasis supplied).

Henceforth, considering the foregoing pronouncements, the collection of a postponement fee, whenever there are consolidated cases filed in the trial court, should be made separately on each case included therein, and not on the entire or collective fee for the consolidated cases, since the mode of consolidation is merely underscored for purposes of trial, and does not in any way affect the collection of an individual postponement fee for each case involved in the consolidation. Further, the rule shall not only be exclusively applied to consolidated B.P. 22 cases, but shall also equally apply to all types of cases subject of consolidation.

For your information, guidance, and strict compliance.

September 16, 2014

(SGD.) JOSE MIDAS P. MARQUEZ

Court Administrator

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