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B. JURISDICTION

- Original Jurisdiction

1.1. Civil Cases

Sec. 33 of Batas Blg. 129, as amended by Rep. Act No. 7691, provides that Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise exclusive original jurisdiction in the following cases:

1.1.1. Civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate or amount of the demand does not exceed One hundred thousand pesos (P100,000.00) or, in Metro Manila where personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos (P200,000.00), exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs, the amount of which must be specifically alleged: Provided, That interest, damages of whatever kind, attorney's fees, litigation expenses, and costs shall be included in the determination of the filing fees; Provided, further, That where there are several claims or causes of actions between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes or action arose out of the same or different transactions.[1]

1.1.2. Cases of forcible entry and unlawful detainer: Provided, That when in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession; and

1.1.3. Civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs; Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots.

1.2. Criminal Cases

Sec. 32 of Batas Blg. 129, as amended by Rep. Act No. 7691, provides that except in cases falling within the exclusive jurisdiction of the Regional Trial Courts and of the Sandiganbayan, Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise exclusive original jurisdiction over:

1.2.1. All violations of city or municipal ordinances committed within their respective territorial jurisdiction.

1.2.2. All offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in

offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.

1.3. Election Cases

1.3.1. Municipal and Metropolitan Trial Courts shall have original and exclusive jurisdiction over all cases of inclusion and exclusion of voters in their respective municipalities.[2]

1.3.2. Metropolitan or Municipal Trial Courts shall have exclusive original jurisdiction over inclusion and exclusion cases and protests with respect to barangay elections.[3]

1.3.3. Metropolitan or Municipal Trial Courts shall have exclusive original jurisdiction over violations of the Omnibus Election Code relating to the offense of failure to register or failure to vote.[4]

1.3.4. Municipal or Metropolitan Trial Courts shall have jurisdiction over election contest for barangay offices.[5]

- Delegated Jurisdiction

Sec. 34 of Batas Blg. 129 provides that Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts may be assigned by the Supreme Court to hear and determine cadastral or land registration cases covering lots (a) where there is no controversy or opposition, or (b) contested lots where the value of the land does not exceed One hundred thousand pesos (P100,000.00).

- Preliminary Investigation

Sec. 37 of Batas Blg. 129 vests Municipal Trial Courts, and Municipal Circuit Trial Courts with authority to conduct preliminary investigation and preliminary examination as follows:

Judges of Municipal Trial Courts, and Municipal Circuit Trial Courts shall have authority to conduct preliminary investigation of crimes alleged to have been committed within their respective territorial jurisdictions, which are cognizable by the Regional Trial Courts.[6]

The preliminary investigation shall be conducted in accordance with Rule 112 of the Rev. Rules of Criminal Procedure (2000). The procedure in the conduct of preliminary investigation is discussed in 1.3.2. and 1.5.1. of this Chapter.

Sec. 1 of rule 112 provides that except as provided in Sec. 7 of the rule, a preliminary investigation is required to be conducted before the filing of a complaint or information for an offense where the penalty prescribed by law is at least four (4) years, two (2) months and one (1) day without regard to the fine.

- Special Jurisdiction

Sec. 35 of Batas Blg. 129 provides that in the absence of all the Regional Trial Court Judges in a province or city, any Metropolitan Trial Judge, Municipal Trial Judge, Municipal Circuit Trial Judge may hear and decide petitions for a writ of habeas corpus or application for bail in criminal cases in the province or city where the absent Regional Trial Judge sits.

C. QUALIFICATIONS OF PERSONNEL

1. QUALIFICATION STANDARDS

1.1. Clerk of Court VI (Metropolitan Trial Courts with 13-30 salas)[7]

Education - Bachelor of Laws graduate

Experience - Two (2) years of relevant experience

Training - Eight (8) hours of relevant training

Eligibility - Rep. Act No. 1080 (Bar)

1.2. Clerk of Court V (Metropolitan Trial Courts with 7-12 salas)[8]

Education - Bachelor of Laws graduate

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Rep. Act No. 1080 (Bar)

1.3. Clerk of Court IV (Metropolitan Trial Courts with 1-6 salas and Municipal Trial Courts in Cities with 1-8 salas)[9]

Education - Bachelor of Laws graduate

Experience - Two (2) years of relevant experience

Training - Eight (8) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility.

1.4. Clerk of Court III (Metropolitan Trial Courts [Branch Clerk of Court and Assistant Clerk of Court] and Municipal Trial Courts in Cities [Branch Clerk of Court and Assistant Clerk of Court])[10]

Education - Bachelor of Laws graduate

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility

1.5. Clerk of Court II (Municipal Circuit Trial Courts [all salas], Municipal Trial Courts [1-4 salas], and Shari'a Circuit Courts [all salas])[11]

Education - Bachelor's degree relevant to the job

Eligibility - Career Service (Professional) second level eligibility

1.6. Records Officer III (Metropolitan Trial Courts [22-30 salas])

Education - Bachelor's degree

Experience - Two (2) years of relevant experience

Training - Eight (8) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility.

1.7. Administrative Officer III (Metropolitan Trial Courts [22-30 salas])

Education - Bachelor's degree

Experience - Two (2) years of relevant experience

Training - Eight (8) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility

1.8. Cashier III (Metropolitan Trial Courts [22-30 salas])

Education - Bachelor's degree

Experience - Two (2) years of relevant experience

Training - Eight (8) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility.

1.9. Clerk of Court I (Municipal Trial Courts [Branch Clerk of Court])[12]

Education - Bachelor's degree relevant to the job

Eligibility - Career Service (Professional) second level eligibility.

1.10. Records Officer II (Metropolitan Trial Courts [16-95 salas])

Education - Bachelor's degree

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility

1.11. Records Officer I (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Bachelor's degree

Eligibility - Career Service (Professional) second level eligibility

1.12. Court Legal Researcher I (Metropolitan Trial Courts, Municipal Trial Courts in Cities)

Education - Bachelor's degree relevant to the job

Eligibility - Career Service (Professional) second level eligibility

1.13. Administrative Officer II (Metropolitan Trial Courts 16-72 salas)

Education - Bachelor's degree

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility

1.14. Administrative Officer I (Metropolitan Trial Courts [22-30 salas])

Education - Bachelor's degree

Eligibility - Career Service (Professional) second level eligibility

1.15. Cashier II (Metropolitan Trial Courts [22-30 salas])

Education - Bachelor's degree

Experience - One (1) years of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Professional) second level eligibility

1.16. Cashier I (Metropolitan Trial Courts [31-95 salas])

Education - Bachelor's degree

Eligibility - Career Service (Professional) second level eligibility

1.17. Sheriff III (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.18. Interpreter II (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Bachelor's degree

Eligibility - Career Service (Professional) second level eligibility

1.19. Interpreter I (Municipal Circuit Trial Courts, Municipal Trial Courts)[13]

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.20. Court Stenographer II (Metropolitan Trial Courts and Municipal Trial Courts in Cities)[14]—

Education - Completed two (2) years of college studies

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Sub-professional) first level eligibility

1.21. Court Stenographer I (Municipal Circuit Trial Courts, Municipal Trial Courts, Shari'a Circuit Courts)[15] —

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.22. Clerk IV (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Completed two (2) years of college studies

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Sub-professional) first level eligibility

1.23. Clerk III (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.24. Clerk II (Municipal Circuit Trial Courts, Municipal Trial Courts and Shari'a Circuit Courts)

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.25. Cash Clerk III (Metropolitan Trial Courts and Municipal Trial Courts in Cities)

Education - Completed two (2) years of college studies

Experience - One (1) year of relevant experience

Training - Four (4) hours of relevant training

Eligibility - Career Service (Sub-professional) first level eligibility

1.26. Cash Clerk II (Metropolitan Trial Courts, Municipal Trial Courts in Cities and Municipal Trial Courts)

Education - Completed two (2) years of college studies

Eligibility - Career Service (Sub-professional) first level eligibility

1.27. Process Server (Metropolitan Trial Courts, Municipal Trial Courts in Cities and Shari'a Circuit Courts)

Education - High school graduate

1.28. Junior Process Server (Municipal Circuit Trial Courts, Municipal Trial Courts and Shari'a Circuit Courts)

Education - High school graduate

1.29. Utility Worker I

Education - Able to read and write

2. STATIONS

Unless otherwise provided by law, or ordered by the Supreme Court, the official stations of Clerks of Court and Assistant Clerks of Court shall be the places indicated in their respective appointments, while the stations of Branch Clerks of Court shall be the same as those of their respective branches.

3. SUPERVISION OVER CLERKS OF COURT

Clerks of Court, Assistant Clerks of Court, Branch Clerks of Court and other subordinate employees of the first level courts shall, for administrative purposes, be under the supervision of the Supreme Court, but in the performance of their duties, shall be subject to direct supervision of the Executive Judges or the Presiding Judges concerned.

The work and activities of the Clerk of Court of multiple sala courts are under the direct supervision of the Executive Judge, in so far as applicable, who shall, through the Clerk of Court, direct staff support activities to improve judiciary services.[16]

D. GENERAL FUNCTIONS AND DUTIES OF CLERKS OF COURT AND OTHER COURT PERSONNEL

1. CLERKS OF COURT

1.1 Office of the Clerk of Court

1.1.1 Clerk of Court[17]

1.1.1.1. Adjudicative Support Functions

- Prepares and signs summonses, subpoenas and notices, writs of execution, remittances of prisoners, and releases of prisoners;
- Certifies true copies of decisions, orders and other processes, letters of administration and guardianship; transmittals of appealed cases, indorsements and communications; and
- prepares and signs monthly reports of cases.

1.1.1.2. Non-adjudicative Functions:

- Plans, directs, supervises and coordinates the activities of all divisions/sections/units in the Office of the Clerk of Court with 13-30 salas;
- Controls and manages all court records, exhibits, documents, properties and supplies;
- Acts on applications for leave of absence and signs daily time records;
- Determines the docket fees to be paid by the parties-litigants as provided in the Rules of Court;
- Issues clearances in appropriate cases;
- Provides information services to the public and private agencies including bar associations;
- Prepares cases for raffle;
- Safekeeps and maintains a judgment book and execution book;
- Studies and recommends to the Executive Judge ways and means to improve both adjudicative and

administrative support;

- Performs special functions as ex-officio municipal sheriff;
- Implements all orders and policies of the court in connection with the speedy administration of justice;
- Performs other duties that may be assigned to him.

1.1.2. Assistant Clerk of Court (Clerk of Court III)

1.1.2.1. Adjudicative Support Functions:

- Examines records of cases to be calendared for trial;
- Reviews and initials court clearances, certified true copies of decisions, etc. before the Clerk of Court affixes his signature;

1.1.2.2. Non-adjudicative Functions:

- Participates in planning, directing, supervising and coordinating the activities of all divisions/sections/units in the Office of the Clerk of Court for effectiveness and efficiency;
- Prepares periodic reports and statistics on the status of cases for submission by the Clerk of Court to offices concerned;
- Drafts/prepares correspondences and indorsements for signature of the Clerk of Court;
- Performs the duties and functions of the Clerk of Court V/VI in the absence of the latter;
- Performs other duties that may be assigned to him.

1.2. Clerk of Court in Single Sala Court

The Clerks of Court in single sala courts perform the same duties and responsibilities as the Clerks of Court III or the Assistant Clerks of Court in multiple sala courts.

1.3. Branch Clerk of Court

1.3.1 Adjudicative Support Functions:

1.3.1.1. Attends all court sessions;

1.3.1.2. Supervises the withdrawal of all records of cases to be heard and the preparation of the notices of hearings, court's calendar, reports, minutes, monthly reports, inventory of cases, index of exhibits, and paging of records of cases;

1.3.1.3. Sees to it that all returns of notices are attached to the corresponding evidence properly marked during the hearing as collected in an exhibit folder; and

1.3.1.4. Signs notices of orders and decisions for service to the parties, release papers of detained prisoners who are acquitted and/or who filed their corresponding bail bonds duly approved by the presiding judge.

1.3.2. Non-adjudicative Functions:

1.3.2.1. Plans, directs, supervises and coordinates the activities of all personnel in a branch of a multiple sala for effectiveness and efficiency;

1.3.2.2. Keeps tab of the attendance and whereabouts of court personnel during office hours;

1.3.2.3. Controls and manages all court records, exhibits, documents, properties and supplies;

1.3.2.4. Administers oaths;

- 1.3.2.5. Issues certificates of appearances and clearances;
- 1.3.2.6. Drafts/prepares correspondence and indorsements for signature of the Judge; and
- 1.3.2.7. Performs other duties that may be assigned to him.

2. OTHER COURT PERSONNEL

2.1. Office of the Clerk of Court of a Multiple Sala Court

2.1.1. Administrative Officer III

- 2.1.1.1. Plans, develops and implements administrative programs;
- 2.1.1.2. Evaluates the effectiveness of existing programs and recommends modifications when needed;
- 2.1.1.3. Initials applications for leave of absence, loan, retirement and other employees' benefits;
- 2.1.1.4. Organizes periodic staff meeting for work consultation;
- 2.1.1.5. Provides guidance and counseling to employees;
- 2.1.1.6. Evaluates employees' aptitude and work performances, recommends personnel actions and implements employee development programs;
- 2.1.1.7. Causes the preparation and submission of periodic reports on attendance and tardiness of employees;
- 2.1.1.8. Requisitions for equipment, supplies and materials; and
- 2.1.1.9. Is responsible for the safekeeping of all accountable forms and papers

2.1.2. Administrative Officer I/II

- 2.1.2.1. Assists the Clerk of Court in his administrative functions pertaining to records, supplies and equipment, personnel, notaries public and general services;
- 2.1.2.2. Initials requisitions for supplies and materials, applications for leave and other employees' benefits for the signature of the Clerk of Court;
- 2.1.2.3. Implements administrative policies and procedures as directed by the Clerk of Court; and
- 2.1.2.4. Performs other duties that may be assigned to him.

The following personnel perform the same functions as their counterparts in the Regional Trial Court:

2.1.3. Interpreter II

2.1.4. Court Stenographer II

2.1.5. Sheriff III

2.1.6. Records Officer I/II/III

2.1.7. Cashier I/II/III

2.1.8. Cash Clerk III

2.1.9. Cash Clerk II

2.1.10. Clerk IV

2.1.11. Process Server

2.1.12. Clerk III

- 2.1.12.1. Receives and docket cases filed with the Court;
- 2.1.12.2. Receives and records all pleadings, documents and communications pertaining to the Court;
- 2.1.12.3. Refers to the Clerk of Court or Branch Clerk of Court all cases, pleadings, documents and communications received;
- 2.1.12.4. Takes charge of all mail matters and maintains a systematic filing of criminal, civil, special civil actions, land registration and administrative cases;
- 2.1.12.5. Maintains and keeps custody of record books on pending cases, record book on disposed cases, books on

appealed cases;

2.1.12.6. Checks and verifies in the docket book applications for clearances and certifications;

2.1.12.7. Prepares weekly reports to the court on the status of individual cases;

2.1.12.8. Checks and reviews exhibits and other documents to be attached to records on appeal;

2.1.12.9. Keeps record book on warrants of arrest issued, record book on accused persons who are at-large, and record book on judgment against bail bonds;

2.1.12.10. Prepares subpoenas, notices, processes, and communications for the signature of the Judge and/or the Clerk of Court;

2.1.12.11. Releases decisions, orders, processes, subpoenas and notices as directed by the Judge or Clerk of Court by delivering them in addressed envelopes and with return cards to the process server for service or mailing; and

2.1.12.12. Performs other duties that may be assigned to him.

2.1.13. Utility Worker I

2.1.13.1. Sews original of records, pleadings and other documents as directed, in the strict order of dates in which received and in the correct expediente, seeing to it that they are sewn straight and that no letterings or parts thereof are stitched;

2.1.13.2. Maintains cleanliness in and around the court premises; and

2.1.13.3. Performs other duties that may be assigned to him.

2.2. Single Sala or Branch of a Multiple Sala Court

The following personnel perform the same functions as their counterparts in the Regional Trial Court:

2.2.1. Legal Researcher

2.2.2. Court Stenographer

2.2.3. Court Interpreter

2.2.4. Sheriff

2.2.5. Clerk

2.2.6. Process Server

2.2.7. Utility Worker

3. GENERAL FUNCTIONS OF THE OFFICE OF THE CLERK OF COURT IN A MULTIPLE SALA COURT

3.1. Office of the Clerk of Court Proper

3.1.1. Adjudicative Support Division

3.1.1.1. Criminal Cases Section

3.1.1.2. Civil Cases Section

These sections maintain dockets; receive cases for docketing, raffling and distribution to branches; attend and cater to verification of cases filed and raffled; issue clearances and certifications to individuals or corporations; issue notices of raffle, as well as summonses required or requested.

3.1.2. Administrative Division

The following sections perform the same functions as their counterparts in the Regional Trial Court:

3.1.2.1. Collecting Section

3.1.2.2. Records and Archives Section

3.1.2.3. Personnel Section

3.1.2.4. Property and Supplies Section

3.2. Clerk of Court as Ex-officio Sheriff

3.2.1. Serves summonses and notices of raffle in initiatory pleadings;

3.2.2. Serves processes and implements writs; and

3.2.3. Serves summonses and processes from other courts of the country.

E. SPECIFIC FUNCTIONS AND DUTIES

1. Adjudicative Support Functions and Duties

1.1. Office of the Clerk of Court (Single Sala and Multiple Sala)

The following functions performed by this office are the same as that of the Regional Trial Court (Chapter VI)

1.1.1. Filing with the Court

1.1.2. Receiving and Docketing

1.1.3. Assignment of Cases

1.1.4. Pairing System

1.1.5. Procedural Guidelines in the collection of filing fees and other legal fees involved, and the docketing of the criminal cases for violation of Batas Blg. 22.[18]

1.1.5.1. The Office of the Clerk of Court shall receive the information filed by the Office of the Chief State Prosecutor or the Provincial/City Prosecutor Office. Upon receipt, the information shall be entered in a separate record book and assigned an undocketed number (UDK No.) consisting of (a) the Investigation Slip No. (I.S. No.) appearing on the said information for easy identification; and (b) a number, starting with No. 1 (Example: UDK No. 6789-1)

1.1.5.2. Thereafter, the Clerk of Court shall, by form letter (please see form) notify and advise the complainant of (a) the filing of the information; and (b) the requirement as to the payment in full of the filing fees under Circular No. 57-97 based on the computation stated therein. The State Prosecutor, the Provincial/Assistant Provincial Prosecutor or the City/Assistant City Prosecutor who filed the information and the respondent shall be furnished with copies of the accomplished form letter sent by the Clerk of Court.

1.1.5.3. The complainant shall have a period of ten (10) day from receipt of the letter within which to pay the filing fees. Should the complainant fail to pay the filing fees within the ten-day period, the case folder shall be archived. After the lapse of two (2) months, the records may be disposed of.

1.1.5.4. Upon receipt of the filing fees under Circular No. 57-97, the information shall be entered in the court's general docket book and assigned the court case number. Thereafter, the Clerk of Court shall cause the inclusion of the case in the raffle of cases.

1.1.5.5. In the event that the amount of the actual damages claimed exceed the maximum amount of P200,000.00, the filing fees to be collected in excess of the aforementioned amount shall be in accordance with the provisions of Sec. 7(a), Rule 141 of the Rules of Court.

1.2. Single Sala and Branch of a Multiple Sala in Civil Cases

1.2.1. Summary Procedure

1.2.1.1. Scope of applicability[19]

- All cases of forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same shall not exceed twenty thousand pesos (P20,000.00).

- All other civil cases, except probate proceedings, where the total amount of the plaintiff's claim does not exceed ten thousand pesos (P10,000.00), exclusive of interest and costs.

1.2.1.2. Pleadings

The only pleadings allowed to be filed are the complaints, compulsory counterclaims and cross-claims pleaded in the answer, and the answers thereto. All pleadings shall be verified.[20]

1.2.1.3. Duty of the court[21]

After the court determines that the case falls under summary procedure, it may, from an examination of the allegations therein and such evidence as may be attached thereto, dismiss the case outright on any of the grounds apparent therefrom for the dismissal of a civil action.

If no ground for dismissal is found, it shall forthwith issue summons which shall state that the summary procedure shall apply.

1.2.1.4. Answer

Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof upon the plaintiff. Affirmative and negative defenses not pleaded therein shall be deemed waived, except for lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or cross-claims shall be filed and served within ten (10) days from service of the answer in which they are pleaded.[22]

1.2.1.5. Effect of failure to answer

Should the defendant fail to answer the complaint within the period provided in Sec. 6 of the Rule on Summary Procedure, the court motu proprio or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: Provided, however, that the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise un-conscionable. This is without prejudice to the applicability of Sec. 4, Rule 18 of the Rules of Civil Procedure (1997), if there are two or more defendants.[23]

1.2.1.6. Preliminary conference; appearance of parties[24]

Not later than thirty (30) days after the last answer is filed, a preliminary conference shall be held. The rules on pre-trial in ordinary cases shall be applicable to the preliminary conference unless inconsistent with the provisions of the Rule on Summary Procedure.

The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Sec. 6 of the Rule on Summary Procedure. All cross-claims shall be dismissed.

If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in accordance with Sec. 6 of the Rule on Summary Procedure. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference.

1.2.1.7. Record of preliminary conference[25]

Within five (5) days after the termination of the preliminary conference, the court shall issue an order stating the matters taken up therein, including but not limited to:

- Whether the parties have arrived at an amicable settlement, and if so, the terms thereof;
- The stipulations or admissions entered into by the parties;
- Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceeding, in which event the judgment shall be rendered within thirty (30) days from issuance of the order;
- A clear specification of material facts which remain controverted, and
- Such other matters intended to expedite the disposition of the case.

1.2.1.8. Submission of affidavits and position papers

Within ten (10) days from receipt of the order mentioned in Sec. 8 of the Rule on Summary Procedure, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them.[26]

1.2.1.9. Rendition of judgment[27]

Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

1.2.2. Regular Procedure

The regular procedure is the same as that of the Regional Trial Court discussed in Chapter VI of this Manual.

1.2.3. Appeals

1.2.3.1. Where to appeal

An appeal from a judgment or final order of a Municipal Trial Court may be taken to the Regional Trial Court exercising jurisdiction over the area to which the former pertains. The title of the case shall remain as it was in the court of origin, but the party appealing the case shall be further referred to as the appellant and the adverse party as the appellee.[28]

1.2.3.2. When to appeal

An appeal may be taken within fifteen (15) days after notice to the appellant of the judgment or final order appealed from. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days after notice of the judgment or final order. The period of appeal shall be interrupted by a timely motion for new trial or reconsideration. No motion for extension of time to file motion for new trial or reconsideration shall be allowed.[29]

Note: Under the Rule on Summary Procedure, motions for new trial or reconsideration are prohibited.

1.2.3.3. How to appeal

The appeal is taken by filing a notice of appeal with the Court that rendered the judgment or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the judgment or final order or part thereof appealed from, and state the material dates showing the timeliness of the appeal.[30]

1.2.3.4. Appellate court docket and other lawful fees

Within the period for taking an appeal, the appellant shall pay the clerk of the court which rendered the judgment or final order appealed from the full amount of the appellate court docket and other lawful fees. Proof of payment thereof shall be transmitted to the appellate court together with the original record or the record on appeal, as the case may be.[31]

1.2.3.5 Duty of the Clerk of Court.

Within fifteen (15) days from perfection of the appeal, the clerk of court or the branch clerk of court of the lower court shall transmit the original record or the record on appeal, together with the transcripts and exhibits, which he shall certify as complete, to the proper Regional Trial Court. A copy of his certification shall be furnished the parties.[32]

1.3. Single Sala and Branch of a Multiple Sala Court – Criminal Cases.

1.3.1. Summary Procedure

1.3.1.1. Scope of applicability[33]

- Violations of traffic laws, rules and regulations;
- Violations of the rental law;
- Violations of municipal or city ordinances;
- All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months, or a fine not exceeding one thousand pesos (P1,000.00), or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom; Provided, however, that in offenses involving damage to property through criminal negligence, this Rule shall govern where the imposable fine does not exceed ten thousand pesos (P10,000.00).

1.3.1.2. How commenced[34]

The filing of criminal cases falling within the scope of the Rule on Summary Procedure shall be either by complaint or by information: Provided, however, that in Metropolitan Manila and in Chartered Cities, such cases shall be commenced only by information, except when the offense cannot be prosecuted de officio.

The complaint or information shall be accompanied by the affidavits of the complainant and of his witnesses in such number of copies as there are accused plus two (2) copies for the court's files. If this requirement is not complied with within five (5) days from date of filing, the case may be dismissed.

1.3.1.3. Duty of the court[35]

- If commenced by complaint

On the basis of the complaint and the affidavits and other evidence accompanying the same, the court may dismiss the case outright for being patently without basis or merit and order the release of the accused if in custody.

- If commenced by information

When the case is commenced by information, or is not dismissed pursuant to the next preceding paragraph, the court shall issue an order which, together with copies of the affidavits and other evidence submitted by the prosecution, shall require the accused to submit his counter-affidavits and the affidavits of his witnesses as well as any evidence in his behalf, serving copies thereof on the complainant or prosecutor not later than ten (10) days from receipt of said order. The prosecution may file reply affidavits within ten (10) days after receipt of the counter-affidavits of the defense.

1.3.1.4. Arraignment and trial[36]

Should the court, upon a consideration of the complaint or information and the affidavits submitted by the parties, find no cause or ground to hold the accused for trial, it shall order the dismissal of the case; otherwise, the court shall set the case for arraignment and trial.

If the accused is in custody for the crime charged, he shall be immediately arraigned and if he enters a plea of guilty, he shall forthwith be sentenced.

1.3.1.5. Preliminary conference

Before conducting the trial, the court shall call the parties to a preliminary conference during which a stipulation of facts may be entered into, or the propriety of allowing the accused to enter a plea of guilty to a lesser offense may be considered, or such other matters may be taken up to clarify the issues and to ensure a speedy disposition of the case. However, no admission by the accused shall be used against him unless reduced to writing and signed by the accused and his counsel. A refusal or failure to stipulate shall not prejudice the accused.[37]

1.3.1.6. Procedure of trial[38]

At the trial, the affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. Witnesses who testified may be subjected to cross-examination, redirect or re-cross examination. Should the affiant fail to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.

Except on rebuttal or sur-rebuttal, no witness shall be allowed to testify unless his affidavit was previously submitted to the court in accordance with Sec. 12 of the Rule on Summary Procedure.

However, should a party desire to present additional affidavits or counter-affidavits as part of his direct evidence, he shall so manifest during the preliminary conference, stating the purpose thereof. If allowed by the court, the additional affidavits of the prosecution or the counter-affidavits of the defense shall be submitted to the court and served on the adverse party not later than three (3) days after the termination of the preliminary conference. If the additional affidavits are presented by the prosecution, the accused may file his counter-affidavits and serve the same on the prosecution within three (3) days from such service.

1.3.1.7. Arrest of the accused

The court shall not order the arrest of the accused, except for failure to appear whenever required. Release of the person arrested shall either be on bail or on recognizance by a responsible citizen acceptable to the court.[39]

1.3.1.8. Judgment

Where a trial has been conducted, the court shall promulgate the judgment not later than thirty (30) days after termination of trial.[40]

1.3.2. Procedure in the conduct of preliminary investigation[41]

1.3.2.1. Procedure in cases where the penalty prescribed by law is at least four (4) years, two (2) months and one (1) day without regard to fine

- The complaint shall state the address of the respondent and shall be accompanied by the affidavits of the complainant and his witnesses, as well as other supporting documents to establish probable cause. They shall be in such number of copies as there are respondents, plus two (2) copies for the official file. The affidavits shall be subscribed and sworn to before any prosecutor or government official authorized to administer oath, or, in their absence or unavailability, before a notary public, each of whom must certify that he personally examined the affiants and that he is satisfied that they voluntarily executed and understood their affidavits.

- Within ten (10) days after the filing of the complaint, the investigating officer shall either dismiss it if he finds no ground to continue with the investigation, or issue a subpoena to the respondent attaching to it a copy of the complaint and its supporting affidavits and documents.

The respondent shall have the right to examine the evidence submitted by the complainant which he may not have been furnished and to copy them at his expense. If the evidence is voluminous, the complainant may be required to specify those which he intends to present against the respondent, and these shall be made available for examination or copying by the respondent at his expense.

Objects as evidence need not be furnished a party but shall be made available for examination, copying, or photographing at the expense of the requesting party.

- Within ten (10) days from receipt of the subpoena with the complaint and supporting affidavits and documents, the respondent shall submit his counter-affidavit and that of his witnesses and other supporting documents relied upon for his defense. The counter-affidavits shall be subscribed and sworn to and certified as provided in paragraph (a) of this section with copies thereof furnished by him to the complainant. The respondent shall not be allowed to file a motion to dismiss in lieu of a counter-affidavit.

- If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within the ten (10) day period, the investigating officer shall resolve the complaint based on the evidence presented by the complainant.

- The investigating officer may set a hearing if there are facts and issues to be clarified from a party or a witness. The parties can be present at the hearing but without the right to examine or cross-examine. They may, however, submit to the investigating officer questions which may be asked to the party or witness concerned.

The hearing shall be held within ten (10) days from submission of the counter-affidavits and other documents or from the expiration of the period for their submission. It shall be terminated within five (5) days.

- Within ten (10) days after the investigation, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.[42]

1.3.2.2. Resolution of investigating judge and its review

Within ten (10) days after the preliminary investigation, the investigating judge shall transmit the resolution of the case to the provincial or city prosecutor, or to the Ombudsman or his deputy in case of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction, for appropriate action. The resolution shall state the findings of facts and the law supporting his action, together with the record of the case which shall include: (a) the warrant, if the arrest is by virtue of a warrant; (b) the affidavits, counter-affidavits and other supporting evidence of the parties; (c) the undertaking or bail of the accused and the order for his release; (d) the transcripts of the

proceedings during the preliminary investigation; and (e) the order of cancellation of his bail bond, if the resolution is for the dismissal of the complaint.[43]

1.3.2.3. When warrant of arrest may issue When the [preliminary] investigation is conducted by the judge himself, he shall follow the procedure provided in Sec. 3, Rule 112. If his findings and recommendations are affirmed by the provincial or city prosecutor, or by the Ombudsman or his deputy, and the corresponding information is filed, he shall issue a warrant of arrest. However, without waiting for the conclusion of the investigation, the judge may issue a warrant of arrest if he finds after an examination in writing and under oath of the complainant and his witnesses in the form of searching questions and answers, that a probable cause exists and that there is a necessity of placing the respondent under immediate custody in order not to frustrate the ends of justice.[44]

1.3.2.4. Records

- Records supporting the information or complaint

An information or complaint filed in court shall be supported by the affidavits and counter-affidavits of the parties and their witnesses, together with the other supporting evidence and the resolution on the case.

- Record of preliminary investigation

The record of the preliminary investigation, whether conducted by a judge or a prosecutor, shall not form part of the record of the case. However, the court, on its own initiative or on motion of any party, may order the production of the record or any of its part when necessary in the resolution of the case or any incident therein, or when it is to be introduced as an evidence in the case by the requesting party.[45]

1.3.2.5. Cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure

If the complaint or information is filed with the Municipal Trial Court or Municipal Circuit Trial Court for an offense covered by Sec. 9, Rule 112, the procedure in section 3(a) of said Rule shall be observed. If within ten (10) days after the filing of the complaint or information, the judge finds no probable cause after personally evaluating the evidence, or after personally examining in writing and under oath the complainant and his witnesses in the form of searching questions and answers, he shall dismiss the same. He may, however, require the submission of additional evidence, within ten (10) days from notice, to determine further the existence of probable cause. If the judge still finds no probable cause despite the additional evidence, he shall, within ten (10) days from its submission or expiration of said period, dismiss the case. When he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused had already been arrested, and hold him for trial. However, if the judge is satisfied that there is no necessity for placing the accused under custody, he may issue summons instead of a warrant of arrest.[46]

1.3.3. Regular Procedure

All cases covered by regular procedure shall be governed by the Revised Rules of Criminal Procedure (2000) discussed in Chapter VI of this Manual.

1.3.3.1. Violation of Batas Blg. 22

The criminal action for violation of Batas Blg. 22 shall be deemed to include the corresponding civil action. No reservation to file such civil action separately shall be allowed.

Upon filing of the aforesaid joint criminal and civil actions, the offended party shall pay in full the filing fees based on the amount of the check involved, which shall be considered as the actual damages claimed. Where the complaint or information also seeks to recover liquidated, moral, nominal, temperate or exemplary damages, the

offended party shall pay additional filing fees based on the amounts alleged therein. If the amounts are not so alleged but any of these damages are subsequently awarded by the court, the filing fees based on the amount awarded shall constitute a first lien on the judgment.

1.4. Summary Procedure — Common Provisions

1.4.1. Referral to Lupon

Cases requiring referral to the Lupon for conciliation under the provisions of Pres. Decree No. 1508 (Rep. Act 7160), where there is no showing of compliance with such requirement, shall be dismissed without prejudice, and may be revived only after such requirement shall have been complied with. This provision shall not apply to criminal cases where the accused was arrested without a warrant.[47]

1.4.2. Prohibited pleadings and motions[48]

The following pleadings, motions, or petitions shall not be allowed in cases covered by the Rule on Summary Procedure:

1.4.2.1. Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter, or failure to comply with Sec. 18 of the Rule on Summary Procedure;

1.4.2.2. Motion for a bill of particulars;

1.4.2.3. Motion for new trial, or for reconsideration of a judgment, or for reopening of trial;

1.4.2.4. Petition for relief from judgment;

1.4.2.5. Motion for extension of time to file pleadings, affidavits or any other paper;

1.4.2.6. Memoranda;

1.4.2.7. Petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court;

1.4.2.8. Motion to declare the defendant in default;

1.4.2.9. Dilatory motions for postponement;

1.4.2.10. Reply;

1.4.2.11. Third party complaints; and

1.4.2.12. Interventions

1.4.3. Affidavits[49]

The affidavits required to be submitted under the Rule on Summary Procedure shall state only facts of direct personal knowledge of the affiants which are admissible in evidence, and shall show their competence to testify to the matters stated therein.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action, and shall be cause to expunge the inadmissible affidavit or portion thereof from the record.

1.4.4. Appeal

The judgment or final order shall be appealable to the appropriate regional trial court which shall decide the same in accordance with Sec. 22 of Batas Blg. 129.[50]

1.5. Juveniles in Conflict with the Law

1.5.1. Preliminary investigation[51]

As far as consistent with the Rule on Juveniles in Conflict with the Law, the preliminary investigation of a juvenile in conflict with the law shall be governed by Sec. 3 of Rule 112 of the Revised Rules of Criminal Procedure. If clarificatory questions become necessary, the Rule on Examination of a Child Witness shall apply.

If a preliminary investigation is required before the filing of a complaint or information, the same shall be conducted by the Judge of the Municipal Trial Court or the public prosecutor in accordance with the pertinent provisions of Rule 112 of the Revised Rules of Criminal Procedure.

If the investigating prosecutor finds probable cause to hold the juvenile for trial, he shall prepare the corresponding resolution and information for approval by the provincial or city prosecutor, as the case may be. The juvenile, his parents/nearest relative/guardian and his counsel shall be furnished forthwith a copy of the approved resolution.

1.5.2. Recognizance

Before final conviction, all juveniles charged with offenses falling under the Revised Rule on Summary Procedure shall be released on recognizance to the custody of their parents or other suitable person who shall be responsible for the juveniles' appearance in court whenever required.[52]

2. NON-ADJUDICATIVE SUPPORT FUNCTIONS AND DUTIES

The non-adjudicative support functions of Clerks of Court in single sala and multiple sala and Branch Clerks of Court are similar to those of the Regional Trial Courts discussed in Chapter VI of this Manual.

Pursuant to Secs. 4(d), 8 and 58 in relation to Secs. 16, 27 and 29 of Rep. Act 4136 as amended, in order to achieve the objectives of instilling traffic discipline and fulfilling vehicle safety, driver safety and road safety in highways, the Clerks of Court are ordered:

1.1. To submit by registered mail to the Land Transportation Office (LTO), East Avenue, Quezon City, at the end of each month, a list of all cases, criminal or civil, involving violations of any provisions of the aforementioned Act or of other laws and ordinances relating to motor vehicles disposed of by their respective Courts during the month, indicating in each case, the name and address of the driver or owner of the vehicle, the number and date of issue of his license and/or of the Certificate of Registration of the vehicle and the offense of which the driver/owner was convicted or acquitted. Only positive reports including change in the status of previously reported cases are required. No report is necessary if there is no case filed or if there is no change in the status of previously reported cases.

1.2. To forward by courier service to the nearest agency of LTO for suspension or revocation pursuant to Sec. 29 of the said Act, all licenses of drivers whose cases remain unsettled after fifteen (15) days from the date of apprehension.[53]

F. SPECIAL FUNCTIONS OF CLERK OF COURT AS EX-OFFICIO SHERIFF

All Clerks of Court of Metropolitan Trial Courts and Municipal Trial Courts in Cities are ex-officio sheriffs within their territorial jurisdiction. Their qualifications, functions and duties are discussed in Chapter VI of this Manual.

G. FLOW CHARTS

[1] Sec. 5 of Rep. Act No. 7691 provides that “[a]fter five (5) years from the effectivity of this Act, the jurisdictional amounts mentioned in Sec. 19(3), (4), and (8); and Sec. 33(1) of Batas Blg. 129 as amended by this Act, shall be adjusted to Two hundred thousand pesos (P200,000.00). Five (5) years thereafter, such jurisdictional amounts shall be adjusted further to Three hundred thousand (P300,000.00): Provided, however, That in the case

of Metro Manila, the abovementioned jurisdictional amounts shall be adjusted after five (5) years from the effectivity of this Act to Four hundred thousand pesos (P400,000.00).” The law was approved on March 25, 1994 and, per Sec. 8 thereof, took effect fifteen (15) days from its publication in the Official Gazette or in two (2) national newspapers of general circulation.

[2] Rep. Act No. 8189 (The Voter’s Registration Act of 1996), Sec. 33.

[3] Omnibus Election Code (Batas Blg. 881), Sec. 49

[4] Ibid., Sec. 268.

[5] Ibid., Sec. 252.

[6] Under Sec. 2 of Rule 112 of the Revised Rules of Criminal Procedure, judges of Municipal Trial Courts and Municipal Circuit Trial Courts shall have authority to conduct preliminary investigations in “all crimes cognizable by the proper court in their respective territorial jurisdictions.”

[7] As amended under CSC Resolution No. 991772, August 10, 1999.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] As amended under CSC Resolution No. 991772, August 10, 1999.

[13] Id.

[14] Id.

[15] Id.

[16] Adm. Order No. 6, pars. 1 (5) and IV (2), June 30, 1975.

[17] Clerk of Court also includes Clerk of Court V and Clerk of Court IV, who perform similar functions and duties.

[18] Circular No. 70-97, October 21, 1997.

[19] Sec. 1A of the Revised Rule on Summary Procedure.

[20] Rule on Summary Procedure, Sec. 3.

[21] Ibid., Sec. 4.

[22] Ibid., Sec. 5.

[23] Ibid., Sec. 6.

[24] Ibid., Sec. 7.

[25] Ibid., Sec. 8.

[26] Rule on Summary Procedure, Sec. 9.

[27] Ibid., Sec. 10.

- [28] Rules of Civil Procedure (1997), Rule 40, Sec. 1.
- [29] Ibid., Sec. 2.
- [30] Ibid., Sec. 3.
- [31] Ibid., Sec. 5.
- [32] Ibid., Sec. 6.
- [33] Sec. 1B of the Revised Rule on Summary Procedure.
- [34] Rule on Summary Procedure, Sec. 16.
- [35] Ibid., Sec. 12.
- [36] Ibid., Sec. 13.
- [37] Rule on Summary Procedure, Sec. 14.
- [38] Ibid., Sec. 15.
- [39] Ibid., Sec. 16.
- [40] Ibid., Sec. 17.
- [41] Revised Rules of Criminal Procedure (2000), Rule 112, Sec. 3.
- [42] Revised Rules of Criminal Procedure (2000), Rule 112, Sec. 3.
- [43] Ibid., Sec. 5.
- [44] Ibid., Sec. 6 (par. b).
- [45] Ibid., Sec. 8.
- [46] Revised Rules of Criminal Procedure (2000), Sec. 9 (b).
- [47] Rule on Summary Procedure, Sec. 18.
- [48] Ibid., Sec. 19.
- [49] Ibid., Sec. 20.
- [50] Ibid., Sec. 21.
- [51] Rule on Juveniles in Conflict with the Law, Sec. 13
- [52] Ibid., Sec. 15.
- [53] Circular 51-97 dated July 15, 1997.

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