

OCA CIRCULAR NO. 35-2007, April 10, 2007

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TO:

All Executive/Presiding Judges, Clerks of Court/Officers-in-Charge in the Officers of the Clerks of Court and in Single Sala Courts of the First Level Courts

SUBJECT:

Clarification on the fees to be collected for petition for inclusion, exclusion or correction of names of voters

For the information and guidance of all concerned, the following clarification is hereby issued on the fees to be collected from private petitioners in petitions filed for the inclusion, exclusion or correction of names of voters under Section 21 (h), Rule 141, Revised Rules of Court; and for service of summons and copy of petition under Section 10 (a) of the same Rule:

- One Hundred Pesos (P100.00) must be collected per respondent and not per petition under Section 21 (h); and
- Two Hundred Pesos (P200.00) must be collected for each respondent and not per petition under Section 10 (a).

Batas Pambansa Big. 881 (Omnibus Election Code of the Philippines) and Republic Act No. 8189 (Voter's Registration Act of 1996) direct that no costs shall be assessed in proceedings for inclusion, exclusion and correction of names of voters. The "costs" referred to, however, do not include docket fees but only expenses incurred in the course of the proceedings after the case has been filed and docketed.

Under Section 34 of R.A. No. 8189, the person whose application for registration has been disapproved by the Election Registration Board or whose name has been stricken out from the voters' list and who files the petition for the inclusion should be required to pay the docket fees.

Also, OCA Circular No. 54-2003 dated May 20, 2003 on the exemption of the Commission on Elections (COMELEC) from the payment of the required legal fees under Rule 141 is still enforceable (Resolution dated May 5, 2003 of Court En Bane in A.M. No. 03-04-11-SC) subject to the following conditions specified therein:

- that petitions for exclusion are filed by the elections officers in the name of or for and on behalf of COMELEC;
- that petitions for exclusion are filed pursuant to the pertinent provisions of R.A. No. 8189 (Voter's Registration Act of 1996); or the Omnibus Election Code; or Section 2, Article IX (C) of the 1987 Philippine Constitution; and
- that election officers are prohibited from allowing themselves to be used by any candidate or political party in the filing of exclusion cases to avoid payment of fees or to harass duly registered voters.

Furthermore, accountable officers are enjoined to require persons claiming to be election officers to present their latest valid identification cards and a certification from the head of the agency that he/she is duly authorized to

transact business with the court as an employee of the COMELEC; otherwise the petition filed shall not be exempted from the payment of legal fees.

For compliance

April 10, 2007. Untitled Document

CHRISTOPER O. LOCK

Court Administrator

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