

OCA CIRCULAR NO. 58-2007, May 24, 2007

OCA CIRCULAR NO. 58-2007, May 24, 2007

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/823f4b0aab5c/>

TO:

THE CLERKS OF COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, AND FIRST LEVEL COURTS (METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS)

SUBJECT:

REITERATION OF THE GUIDELINES ON THE COLLECTION OF FEES FOR THE MEDIATION FUND UNDER SECTION 9, RULE 141 (A.M. NO. 04-2-04-SC, EFFECTIVE 16 AUGUST 2004); AND A.M. NO. 01-10-5-SC PHILJA, DATED 16 OCTOBER 2001

It has been brought to attention of this Court that collection of mediation fees nationwide is no; being strictly implemented as mandated under the Resolution of the Court En Banc dated 5 July 2005 in A.M. No. 05-3-13-SC-PHILJA. The provisions, of the aforesaid resolution are hereby REITERATED as follows:

"I. Fees to be Collected for Mediation Fund

A. Clerks of Court of the following courts shall collect fees to form the Mediation Fund under Section 9, Rule 141, of the Rules of Court as revised[1] in A.M. No. 04-2-04-SC, which took effect August 16, 2004, upon filing of:

(1) This following pleadings, in the Regional Trial Courts, and First level Courts the amount of P500.00 Mediation Fee - .

Civil Cases-

â– A Complaint;

â– Answer with the mediatable[2] counterclaim

o permissive or compulsory[3] counterclaim

o cross-claim

o third-party complaint, fourth-party complaint, etc.

â– Complaint-in-intervention

â– Answer-in-intervention[4] .

Criminal Cases -

â– Complaint of Information for:

o offenses covered under the Katarungang Pambarangay Law where a certificate to File Action has been issued

o violation of B.P. Bld. 22;

o estafa and libel cases where damages are sought;

o quasi-offenses under Title 14 of the Revised Penal Code

(2) Appeal to:

- a. The Regional Trial Court - Mediation Fee of P500.00 will be collected by the Clerks of Court of the First Level Courts;
- b. The Court of Appeals or the "Sandiganbayan" - Mediation Fee of P1,000.00 will be collected by the Clerks of Court of the Regional Trial Court.

(3) The following pleadings in the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals the amount of P1,000.00 Mediation Fee to be collected by the respective Clerks of said appellate courts:

3.1 Mediatable case

- a. Petition, including that for Annulment of Judgment;
- b. Special Civil Action;
- c. Comment or Answer to the Petition or Action;
- d. Appellee's brief.

3.2 Appeals from the decision of a Court of Tax Appeals Division to the Court of Tax Appeals En Banc.

In all the foregoing situations, where the relevant pleading (e.g. Answer) or Notice of Appeal is filed by registered mail, a notice to pay the mediation fee must forthwith be sent to the filing party. The relevant pleading or Notice of Appeal shall not be acted upon until payment has been received.

The following are exempt from contributing to the Mediation Fund:

1) Pauper-litigants.

"Despite such exemption, the court shall provide that the Unpaid contribution to the Mediation Fund shall be considered a lien on any monetary award in a judgment favorable to the pauper litigants."

2) Accused-appellant.

B. For First Level Courts and Regional Trial Courts with PMC Units, the Mediation Fees referred to in A.M. No 01-10-5-SC- PHILJA, dated 16 October 2001 , are collectible in cases filed prior to August 16, 2004 .

' Pursuant to the same AM No. 01-10-5 SC PHILJA dated 16 October 2001 ? the applicable rate of Mediation Fee is 20% of ilk- filing fee, to be paid separately from the filing fee, but it cannot be less than P1,000.00 nor more than P10,000.00.

Similarly, pursuant to the same A.M. No. 01-10-5 SC PHILJA, dated 16 October 2001 , 50% of the Mediation Fee shall be paid to the Clerk of Court at the start of mediation. Upon settlement of the case through a compromise agreement, the balance of the Mediation Fee shall also be paid to the Clerk of Court. If no compromise is reached, only the down payment shall be paid.

II. Duty of the Clerks of Court or Officers-in-Charge

1. Collection Procedure

The Clerks of Court, Officers-in-Charge, or their duly authorized representative, shall:

- o Receive the Mediation Fees;
- o Issue the proper receipts therefore;
- o Maintain a separate cash book for Mediation Fees;

- o Deposit such collections in the manner herein prescribed; and
- o Render the proper Monthly Report Collections of Mediation Fees;

2. Issuance of Receipts

A separate set of official receipts shall be used for the Mediation, Fee collections. For those areas with Philippine Mediation Center (PMC) Units, a separate series of official receipts will be used for those fees collected under Section 9, Rule 141 of the Revised Rules of Court, and for those fees collected under A.M. No. 01-10-5-S

Such official receipts issued shall invariably indicate the prefix initial of the name of the Fund - "MF", for collections under Section 9, Rule 141 of the Revised Rules of Court; and "PMC", for collections under A.M. No. 01-10-5-SC-PHILJA - followed immediately by the description of the kind and nature of the collection, including the case number.

Official Receipts for the Fund shall be provided by the Supreme Court through the Property Division of the Office of the Court Administrator. The costs incurred for procurement and printing of the Mediation Fee Official Receipts shall be charged to the Mediation Fund. In the event that Official Receipts requested are not immediately available, previously issued Official Receipts may be used for the purpose provided they are properly marked - "Mediation Fund", for collections under Section 9, Rule 141 of the Revised Rules of Court; and "Philippine Mediation Center Fund", for collections under A.M. No. 01-10-5-SC-PHILJA;

3. Cash Book

A separate cashbook must be maintained for the Mediation Fund. Cashbooks can be requisitioned from the Supreme Court through the Property Division of the Office of the Court Administrator. The costs incurred for procuring of the case books shall be charged to the Mediation Fund.

Until official cash books are available, the ordinary Record Book (7" x 12") may be used for the purpose. Provided, that the same shall be marked "CASH BOOK FOR THE MEDIATION FUND". For areas with PMC Units, separate cash books shall be maintained for collections under Section 9, Rule 141 of the Revised Rules of Court, and for collections under A.M. No. 01-10-5-SC-PHILJA;

4. Deposit of Collection

The depository bank for the Mediation Fund shall be the Land Bank of the Philippines. The income and interest earned shall likewise form part of the Fund.

The Clerks of Court, Officers-in-Charge, or their duly authorized officers shall deposit daily the collections accruing to the Fund with: (a) the SC PHILJA PMC Trust Fund (Rule 141) LBP Savings Account No. 3472-1000-08, for collections under Section 9, Rule 141 of the Revised Rules of Court; and (b) the SC-PHILJA- PMC-TRUST Fund, LBP Account No. 0592-1055-60, for collection under A.M. No. 01-10-5-SC-PHILJA.

In the absence of an LBP Branch, Postal Money Orders (PMO's) payable to the Philippine Judicial Academy (PHILJA) can be purchased from the local Post Office and sent to PHILJA Finance Division for proper deposit.

5. Monthly Reports

Separate "Monthly Report of Collection" shall be regularly prepared for the collections under Section 9, Rule 141 of the Revised Rules of Court, and for the collections under A.M. No. 01-10-5-SC-Philja, attaching therewith: (a) the duplicate copy of the official receipts issued such month covered; and (b) the validated copy of the Deposit Slips.

Five (5) copies shall be prepared by the Clerk of Court and submitted within ten (10) days after the end of every month thereof to the following: (1) Original Copy - Chief Financial and Management Officer, PHILJA Finance Division; (2) Chief Accountant of the Supreme Court; (3) The Fiscal Monitoring Division, Office of the Court Administrator; and (4) PMC Unit in their area. The Clerk of Court shall retain the fifth copy for their file.

The, aggregate sum of the Deposit Slips for any particular month should always equal to, and tally with the total collections for that month ;is reflected in the Monthly Report of Collections.

If no collection is made during any month, notice to that effect should be Submitted to the Chief Financial Management Officer of the PHILJA Finance Division within ten (10) days after the end of every month.

All reports and correspondence relative to the collections and deposits of the Mediation Fees shall be addressed to:

THE CHIEF FINANCIAL MANAGEMENT

OFFICER, c/o PHILJA FINANCE DIVISION

3[RD] Floor, Supreme Court Centennial Building

Padre Faura Street, Corner Taft Avenue

Malate, Manila 1000

Copy Furnished:

SC CHEIF JUDICIAL STAFF OFFICER

Fiscal Monitoring division

Office of the Court Administrator

2[ND] Floor, Mezzanine, Supreme Court Old Building

Padre Faura Street, Corner Taft Avenue

Malate, Manila 1000

III. Review and Audit of Mediation Fees Collected

The Accounting Section of PHILJA Finance Shall:

- 1) prepare and submit to the Accounting Division of the Supreme Court a Summary of the Monthly Report of Collections and Deposits based on the reports submitted fry each Clerk of Court;
- 2) maintain a subsidiary ledger for each Clerk of Court for control and audit purposes of the Fiscal Monitoring Division, Office of the Court Administrator; and
- 3) provide the Fiscal Monitoring Division, upon its request, with certified photocopies of the subsidiary ledger.

IV. Reimbursement of Expenses

All ordinary and reasonable expenses incurred for the remit-tance of collections and transmittal of reports of the Mediation Fund shall be reimbursed by the Philippine Judicial Academy, chargeable against the Fund, upon submission of the duly accomplished voucher together with the necessary original receipts and other

supporting papers required in audit directly to the Chief Financial and Management Officer of the PHILJA Finance Division.

In no case shall expenses incurred arising out of or related to the Mediation Fund be deducted from the collections, which should be remitted in full."

For strict compliance.

May__24__, 2007.

CHRISTOPHER O. LOCK

Court Administrator

[1] A.M. No. 04-2-04 SC, which took effect August 16, 2004

[2] Example of Mediatable Cases

(1) In the Regional Trial Courts and the First Level Courts (A.M. No. 01-10-5-SC-PHILJA dated 16 October 2001), the following are mediatable:

- a. All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised; (b)
- b. Cases cognizable by the Lupong Tagapamayapa under the Katarungang Pambarangay Law;
- c. The civil aspect of B.P. Big. 22;
- d. The civil aspect of quasi-offenses under title 14 of the Revised Penal Code; and
- e. Civil aspects of estafa and libel cases where damages are sought. (Sec. 9, Rule 141 of the Revised Rules of Court, A.M. No. 04-2-04 SC effective 16 August 2004 .

Note: In A.M. No. 04-1-12-SC-PHILJA dated 29 August 2006 , the civil aspect of theft under Article 308 of the Revised Penal Code is also included as one of the mediatable cases.

(2) In the Court of Appeals (A.M. No. 04-3-15-SC dated 23 March 2004), the following are mediatable:

- a. Civil cases brought on ordinary appeal or petition for review;
- b Appeals from final orders, awards, judgments, resolution of quasi-judicial agencies in the exercise of their quasi-judicial functions through petition for review or certiorari;
- c. Special civil actions for certiorari, except those involving pure questions of law;
- d. Habeas corpus cases involving custody of minors, with the consent of the parties, provided that the minor is not detained for commission of a criminal offense; and
- e. Criminal cases cognizable by the Katarungang Pambarangay under Republic Act No. 7160 and such offenses are punishable by imprisonment not exceeding one year or a fine not exceeding P5,000.00,

EXCEPT, the following cases:

- a. Those civil cases which by law cannot be compromised;
- b. Criminal bases except those under paragraph d above;
- c. Habeas corpus petitions involving custody of minors when the subject is detained for commission of a criminal offense; and
- d. Cases with pending application for restraining orders/preliminary injunctions, unless both parties have requested for mediation.

[3] The new rate of the legal fee compulsory counterclaim was suspended in a Resolution of the Court En Banc in A. M. No. 04-2-04-SC dated 21 September 2004.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.