

OCA CIRCULAR NO. 250-2018, November 29, 2018

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TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST LEVEL COURTS

SUBJECT:

RESOLUTION DATED 13 NOVEMBER 2018 IN A.M. NO. 08-8-7-SC (RE: RULE OF PROCEDURE FOR SMALL CLAIMS CASES) RELATIVE TO THE PROVISION ON THE APPEARANCE OF A PARTY THROUGH REPRESENTATIVE UNDER SECTION 18 OF THE 2016 REVISED RULES OF PROCEDURE FOR SMALL CLAIMS CASES

For the information, guidance and strict observance of all first level courts, appended herein as Annex "A" is the Resolution dated 13 November 2018 of the Honorable Court, En Banc, in A.M. No. 08-8-7-SC (Re: Rule of Procedure for Small Claims Cases).

In the Resolution, the Court explicitly requires observance of the requisites under Section 18 of the 2016 Revised Rules of Procedure for Small Claims Cases, to quote:

xxx

At any rate, the 2016 Revised Rules of Procedure for Small Claims Cases will not apply, as the said requirement is very clear and needs no interpretation, to wit:

SECTION 18. Appearance. - The parties shall personally appear on the designated date of hearing.

Appearance through a representative must be for a valid cause. The representative of an individual-party must not be a lawyer and must be related to or next-of-kin of the individual- party, juridical entities shall not be represented by a lawyer in any capacity.

The representative must be authorized under a Special Power of Attorney (Form 7-SCC) to enter into an amicable settlement of the dispute and to enter into stipulations or admissions of facts and of documentary exhibits.

Under the foregoing provision, the appearance through representative of an individual party is allowed as long as such representative is (1) not a lawyer; and (2) must be related to or next-of-kin. The same provision does not provide for any exception, xxx (emphasis supplied)

29 November 2018

(SGD.) RAUL BAUSTISTA VILLANUEVA

Deputy Court Administrator

and

Officer-in-Charge

Office of the Court Administrator

(Per Office Order No. 13-2018 dated 23 November 2018)

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