

OCA CIRCULAR NO. 42-2012, May 07, 2012

OCA CIRCULAR NO. 42-2012, May 07, 2012

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8df381ae5ae0/>

TO :

ALL EXECUTIVE/PRESIDING/ACTING PRESIDING JUDGES AND CLERKS OF COURT/ACCOUNTABLE OFFICERS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT :

NON-EXEMPTION OF COOPERATIVES FROM THE PAYMENT OF LEGAL FEES

In the Resolution dated March 13, 2012 in Administrative Matter (A.M.) No. 12-2-03-0 (Re: In the Matter of Clarification of Exemption from Payment of all Court and Sheriffs Fees of Cooperatives duly registered in accordance with Republic Act No. 9520, otherwise known as the Philippine Cooperative Code of 2008), the Honorable Court En Banc denied the petition of the Perpetual Help Community Cooperative (PHCCI) to issue an order clarifying and implementing the exemption of cooperatives from the payment of court and sheriffs fees, and declared that cooperatives are no longer exempt from the payment of the legal fees provided for under Rule 141 of the Rules of Court, to wit:

"xxx xxx xxx

'In a decision dated 26 February 2010 in Baguio Market Multi-Purpose Cooperative (BAMARVBMPCO) v. Cabato-Cortes (G. R. No. 165922, 26 February 2010, 613 SCRA 733), this Court reiterated its ruling in the GSIS case when it denied the petition of the cooperative to be exempted from the payment of legal fees under Section 7 (c) of Rule 141 of the Rules of Court relative to fees in petitions for extra-judicial foreclosure.' On 10 March 2010, relying again on the GSIS ruling, the Court En Banc issued a resolution clarifying that the National Power Corporation is not exempt from the payment of legal fees. (In Re: Exemption of the National Power Corporation from the Payment of Filing/Docket Fees, A.M. No. 05-10-20-SC, 10 March 2010, 615 SCRA 1)

'With the foregoing categorical pronouncements of the Supreme Court, it is evident that the exemption of cooperatives from payment of court and sheriffs fees no longer stands. Cooperatives can no longer invoke Republic Act No. 6938, as amended by Republic Act No. 9520, as basis for exemption from the payment of legal fees.

'WHEREFORE, in the light of the foregoing premises, the petition of PHCCI requesting for this Court to issue an order clarifying and implementing the exemption of cooperatives from the payment of court and sheriffs fees is hereby DENIED.'" (Emphasis supplied)

In view of the foregoing, the guidelines set forth in the OCA Circular No. 44-2007 dated May 3, 2007 (Re: Clarification on the Exemption of Cooperatives from the Payment of all Court and Sheriffs Fees) EXEMPTING the cooperatives from the payment of all court and sheriffs fees payable to the Philippine Government for and in connection with all actions brought under Republic Act No. 6938 or the Cooperative Code of the Philippines, or where such action is brought by the Cooperative Development Authority before the court, to enforce the payment

of obligations contracted in favor of the cooperative, is hereby REVOKED.

Henceforth, all concerned are hereby DIRECTED to STRICTLY OBSERVE and IMPLEMENT the abovementioned pronouncements of the Court on the non-exemption of cooperatives from the payment of legal fees provided for under Rule 141 of the Rules of Court and, accordingly, the OCA Circular No. 44-2007 dated May 3, 2007 is hereby REVOKED.

This Circular shall take effect immediately.

May 7, 2012.

(SGD.)JOSE MIDAS P. MARQUEZ
Court Administrator

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.