

OCA CIRCULAR NO. 35-2009, March 30, 2009

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TO:

ALL CLERKS OF COURTS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT:

DISMISSAL OF A CASE OR EXPUNCTION OF A PLEADING FROM THE RECORDS FOR A FAILURE TO COMPLY WITH OCA CIRCULARS NO. 66-2008

For the information and guidance of all concerned, quoted hereunder is a portion of the Resolution of the Court En Banc dated 24 February 2009. in A.M. No. 09-2-81-RTC- Re: (Query of Clerk of Court Jerlie Luis-Requerme, RTC. OCC, Cagayan de Oro City, Relative to OCA Circular No. 66-2008 dated July 22 ; 2008).-The Court Resolved, upon the recommendation of the Office of the Court Administrator, to wit:

:"(a) ADVISE Atty. Jerlie Luis-Requerme, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Cagayan de Oro City, that (i) the dismissal of a case or the expunction of a pleading from the records for failure to comply with OCA Circular No. 66-2008 are judicial actions, hence, can only be exercised by courts, and (ii) the Office of the Clerk of Court has no authority to refuse to accept pleadings which do not comply with the MCLE certification requirement the duty to accept such pleadings being a ministerial duty on its part."

For strict compliance.

March__30__,2009.

JOSE P. PEREZ

Court Administrator

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