

SC CIRCULAR NO. 7, March 24, 1988

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

JUDGES AND CLERKS OF COURT OF THE COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI' A DISTRICT COURT AND SHARI' A CIRCUIT COURTS AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

All complaints must specify amount of damages, sought not only in the body of the pleading, but also in the prayer in order to be accepted and admitted for filling. The amount of damages so specified in the complaint shall be the basis for assessing the amount of the filling fees

In "Manchester Development Corporation vs. Court of Appeals", No. L-75919, May 7, 1989, 149 SCRA 562, this Court condemned the practice of counsel who in filling the original complaint omitted from the prayer any specification of the amount of damages although the amount of over P78 million is alleged in the body of the complaint. This Court observed that "(T)his is clearly intended for no other purpose than to evade the payment of the correct filling fees if not to mislead the docket clerk, in the assessment of the filing fee. This fraudulent practice was compounded when, even as this Court had taken cognizance of the anomaly and ordered an investigation, petitioner through another counsel filed an amended complaint, deleting all mention of the Amount of damages being asked for in the body of the complaint. x x x"

For the guidance of all concerned, the WARNING given by the Court in the afore-cited case is reproduced hereunder:

"The Court serves warning that it will take drastic action upon a repetition of this unethical practice.

"To put a stop this irregularity, henceforth all complaints, petitions, answer and other similar pleadings should specify the amount of damages being prayed for not only in the body of the pleading but also in the prayer, and said damages shall be considered in the assessment of the filling fees in any case. Any pleading that fails to comply with this requirement shall not be accepted nor admitted, or shall otherwise be expunged from the record.

"The Court acquires jurisdiction over any case only upon the payment of the prescribed docket fee. An amendment of the complaint or similar pleading will not thereby vest jurisdiction in the Court, much less the payment of the docket fee based on the amount sought in the amended pleading. The ruling in the Magaspi case (115 SCRA 193) in so far as it is inconsistent with this pronouncement is overturned and reversed."

Strict compliance with the Circular is hereby enjoined.

Let this be circulated to all the courts hereinabove named and to the President and Board of Governors of the Integrated Bar of the Philippines, which is hereby directed to disseminate this Circular to all its members.

March 24, 1988.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

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