

OCA CIRCULAR NO. 13-2013 – HOLD, January 30, 2013

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

SUBJECT : AMENDMENTS TO THE GUIDELINES IN THE IMPLEMENTATION OF SECTION 1, RULE 141 OF THE RULES OF COURT, AS AMENDED

In the Resolution dated November 20, 2012 in A.M. No. 04-2-04-SC (Re: Revised Upgrading Schedule of the Legal Fees in the Supreme Court and the Lower Courts under Rule 141 of the Rules of Court), the Court En Bane resolved to ADOPT and APPROVE the following proposed amendments to the Guidelines in the Implementation of Section 1, Rule 141, Rules of Court, as amended:

"SECTION 2. Modes of Payment. - The filing fees shall be paid in cash or check, as follows:

a. Cash Payment for:

(1) Fees accruing to the Fiduciary Fund, Legal Research Fund, Victim Compensation Fund, Mediation Fund, and Cadastral Fund and such other fees not accruing to the Judiciary Development Fund or Special Allowance for the Judiciary Fund.

xxx

b. Cash or Separate Check Payment for:

xxx

c. Separate Check Payment for

xxx

SECTION 3. When payment is made in check. - xxx

The fees accruing to the Judiciary Development Fund or the Special Allowance for the Judiciary Fund shall be paid IN SEPARATE CHECKS payable to the "SUPREME COURT, JUDICIARY DEVELOPMENT FUND ACCOUNT" or to the "SUPREME COURT, SPECIAL ALLOWANCE FOR THE JUDICIARY FUND ACCOUNT," respectively. The docket number, title of the case, the court where the case was filed, and the contact number/s of the said court shall be indicated in the dorsal/back portion of the check.

The official receipt issued for payment by check shall be stamped with the following notation: "PAYMENT CREDITED ONLY UPON CHECK BEING CLEARED." The official receipt shall reflect accurately the name of the party on whose behalf the payment is made, the docket number and title of the case, the amount paid in words and in figures, the check number, the name of the bank and the branch where the checking account is maintained. The official receipt must be duly signed by the Clerk of Court. Pending clearance of the check, the Clerk of Court shall retain the official receipt and issue a Certificate of Retention of the Official Receipts (Annex "A").

SECTION 4. When check is dishonored. - Pursuant to banking rules and regulations, the depository bank where the check was deposited shall issue the notice of dishonor to the Clerk of Court within three (3) banking days in case of local checks, and within five (5) banking days in case of regional checks, from the date the check was deposited. Upon receipt of the notice of dishonor of the check from the depository bank, the Clerk of Court shall, within twenty-four (24) hours, notify in writing the Chief, Financial Management Office, Office of the Court Administrator of such notice of dishonor. In multiple-sala courts, the Clerk of Court shall inform in writing the Branch Clerk of Court where the case was raffled of the dishonor of the check within twenty-four (24) hours from receipt of the notice.

Thereafter, the court shall issue an order dismissing the case, in consonance with Section 3 of Rule 17, without prejudice to the refiling of the case upon payment by the concerned party of the appropriate legal fees, and in accordance with Section 2 of BP 22; * Provided, that the case is not barred by the statute of limitations. Upon the dismissal of the case, the official receipt is automatically considered cancelled. No motion for reconsideration of the order of dismissal shall be entertained. The dismissal of the case shall be without prejudice to the filing of a case against the drawer of the dishonored check.

SECTION 6. Submission of Monthly Report. - The Clerk of Court shall accomplish a Monthly Report of Dismissed Cases due to Dishonored Checks using Form LF-1 (a copy of which is hereto attached as Annex "B") to be submitted to the Accounting Division, Financial Management Office, Office of the Court Administrator within ten (10) days after the end of each month, attaching thereto the certified true copies of the following documents:

XXX."

*"Provided, that the case is not barred by the statute of limitations" added.

For your guidance and strict compliance.

January 30,2013

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

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