

OCA CIRCULAR NO. 56-2007, May 22, 2007

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TO:

ALL CLERKS OF COURT IN THE OFFICE OF THE CLERK OF COURT, AND IN SINGLE SALA COURTS, REGIONAL TRIAL COURTS

SUBJECT:

FILING FEES AND CASH DEPOSITS IN ELECTION PROTESTS AND PETITION FOR QUO WARRANTO

For your information and guidance, the Supreme Court En Bane issued a Resolution dated April 24, 2007 , in AM No. 02-4-15-SC, entitled "Rules of Procedures in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials."

Rule 7 of the aforesaid Resolution prescribes the filing fees and cash deposits in election protests and petition for quo warranto, to wit;

"RULE 7

FILING FEES AND CASH DEPOSITS

SECTION 1, Filing fees - No protest, counter-protest or petition for quo warranto shall be accepted for filing without the payment of a filing fee in the amount of Three Thousand Pesos (P3,000.00) for each interest.

If claims for damages and attorney's fees are set forth in a protest or counter-protest, additional filing fees shall be paid in accordance with the schedule provided for in Rule 141 of the Rules of Court, as amended.

SEC. 2. Cash deposits - (a) In addition to the fees prescribed in the preceding section, the protestant in an election protest requiring revision of ballots or examination, verification or re-tabulation of election returns, or which may require the bringing to the court of copies of other election documents and paraphernalia, shall make a cash deposit with the court in the following amounts:

- (1) One Thousand Pesos (P1,000.00) for each precinct involved in the protest or counter-protest; provided that, in no case shall the deposit be less than Twenty-Five Thousand Pesos (P25,000.00) to be paid upon filing of the election protest (counter-protest);
- (2) If the amount to be deposited does not exceed One Hundred Thousand Pesos (P100,000.00), the same shall be paid in full within ten days after filing of the protest; and
- (3) If the deposit exceeds One Hundred Thousand Pesos (P100,000.00), a cash deposit in the amount of One Hundred Thousand Pesos (P100,000.00) shall be made within ten days after the filing of the protest. The balance shall be paid in such installments as may be required by the court with at least five days advance notice to the party required to make the deposit.

The cash deposit shall be applied by the court to the payment of the compensation of revisors as provided under Section 3, Rule 10 of the Rules of Procedures in Election Cases Involving Elective Municipal and Barangay Officials and of all expenses incidental to revision but not limited to supplies and miscellaneous expenses of the revision committee. When the court determines that the circumstances so demand, as when the deposit has been depleted, it may require additional cash deposits. Any unused cash deposit shall be returned to the party making the same after complete termination of the protest or counter-protest.

The same amount of cash deposit shall be required from the protestee (counter-protestant), should continuation of revision be ordered pursuant to paragraph 2, Section 9, Rule 10 of the aforesaid Rules. Once required, the protestee (counter-protestant) shall pay the cash deposit within a non-extendible period of three days from receipt of the corresponding order.

(b) Failure to make the cash deposit required within the prescribed time limit shall result in the automatic dismissal of the protest, or counter-protest."

In connection therewith, the following guidelines shall be observed in the collections and withdrawals of the above fees:

A. Remittance of collections:

- the filing fee of Three Thousand Pesos (Php3,000.00) shall accrue to the account of the Special Allowance for the Judiciary Fund (SAJF) and shall be deposited for the "Account of the Special Allowance for the Judiciary Fund," under LBP Savings Account Number 059-1744-28;
- the amount collected for the cash deposits shall be deposited to the LBP Savings and/or Current Account being maintained for the Fiduciary Fund by the Court concerned with the Clerk of Court/Accountable Officer and the Executive/Presiding Judge as co-signatories.

If there are no available LBP branches in the respective localities, the collection shall be deposited with the Municipal/City/Provincial Treasurer's Office under the name of the Court with the Clerk of Court/Accountable Officer and the Executive/Presiding Judge as co-signatories.

The Rules took effect on May 15, 2007.

For strict compliance.

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CHRISTOPHER O. LOCK

Court Administrator

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