

OCA CIRCULAR NO. 88-2007, September 14, 2007

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TO:

THE PRESIDING JUSTICES AND CLERK OF COURT OF THE COURT OF APPEALS, SANDIGANBAYAN, AND COURT OF TAX APPEALS, EXECUTIVE JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS IN THE NATIONAL CAPITAL JUDICIAL REGION AND IN CEBU CITY, MANDAUE CITY AND LAPU-LAPU CITY

SUBJECT:

GUIDELINES IN THE IMPLEMENTATION OF SECTION 1 OF RULE 141 OF THE RULES OF COURT, AS AMENDED

The Court En Banc acting on the proposed guidelines submitted by this Office pursuant to the Resolution dated July 3, 2007, Resolved in its Resolution dated August 28, 2007 in A.M. No. 04-2-04-SC (Revised Upgrading Schedule of the Legal Fees in the Supreme Court and the Lower Courts Under Rule 141 of the Rules of Court) to:

"(a) ADOPT the attached Guidelines in the Implementation of Section 1 of Rule 141 of the Rules of Court, as Amended;

(b) DIRECT the implementation of Section 1 of Rule 141 of the Rules of Court, as amended, in all collegiate courts and, as designated pilot-testing areas, all lower courts in the National Capital Judicial Region and in Cebu City, Mandaue City, and Lapu-Lapu City; and

(c) REQUIRE the Office of the Court Administrator to submit on or before December 10, 2007 a written report on the pilot-testing of the amended rule and its implementing guidelines.

Upon effectivity of the Resolution, all resolutions, orders and circulars of this Court, which are inconsistent therewith, are repealed or modified accordingly.

This Resolution shall take effect on September 3, 2007."

September __14__, 2007.

CHRISTOPHER O. LOCK

Court Administrator

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

Pursuant to the Resolution dated April 17, 2007 in A.M. No. 04-2-04- SC amending Section 1 of Rule 141 of the Rules of Court, the following guidelines for the payment of fees, its modes and effects are hereby adopted:

SECTION 1. Payment of Fees. — Upon filing of any initiatory pleading, all prescribed fees such as but not limited to filing fees accruing to the Judiciary Development Fund and Special Allowance for the Judiciary Fund, and other fees accruing to the Legal Research Fund, Victim Compensation Fund and Mediation Fund, shall be paid in full, provided that, in petitions for rehabilitation under the Interim Rules of Procedure on Corporate Governance, filing fees in excess of One Hundred Thousand Pesos (P100,000.00) may be paid on a staggered basis, subject to the provisions of Section 2 hereof, in accordance with the schedule provided under the Resolution of the Court in A.M. No. 04-2-04-SC dated September 19, 2006.

SEC. 2. Modes of Payment— The filing fees may be paid in cash or check, as follows:

(a) Cash Payment:

(1) Fees not accruing to the Judiciary Development Fund or Special Allowance for the Judiciary Fund such as but not limited to the Legal Research Fee, Victim Compensation Fee, Mediation Fee, and Cadastral Fee.

(2) Initial deposit of One Thousand Pesos (P1,000.00) to defray actual travel expenses in the service of summons, subpoena and other court processes.

(b) Cash or Check Payment:

(1) Fees accruing to the Judiciary Development Fund amounting to Five Thousand Pesos (P5,000.00) or less.

(2) Fees accruing to the Special Allowance for the Judiciary Fund amounting to Five Thousand Pesos (P5,000.00) or less.

(c) Check Payment:

(1) Fees accruing to the Judiciary Development Fund exceeding Five Thousand Pesos (P5,000.00).

(2) Fees accruing to the Special Allowance for the Judiciary Fund exceeding Five Thousand Pesos (P5,000.00).

Check payments may be in the form of personal, company or manager's check, provided that, if the amount exceeds Fifty Thousand Pesos (P50,000.00), it shall be paid in manager's check.

SEC. 3. When payment is made in check.— All checks shall be crossed. No postdated, altered, or third-party check shall be accepted. Only checks in the account name of the lawyer (or law firm) or the party (individual or corporate) filing an action shall be accepted.

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, and the court where the case was filed shall be indicated in the dorsal/back portion of the check.

The official receipts issued for payment by check shall be stamped with the following notation: "PAYMENT CREDITED ONLY UPON CHECK BEING CLEARED" The official receipts 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 retains the official receipt and issues "a certified true copy thereof to the payor.

SEC. 4. When check is dishonored.— Upon receipt of the notice of dishonor of the check from the depository bank by the Supreme Court, the Fiscal Management and Budget Office (FMBO) shall inform in writing the Clerk of Court concerned within five (5) days from receipt of the 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.

The court shall forthwith issue an order dismissing the case, in consonance with Section 3 of Rule 17. 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.

SEC. 5. Duty of the Clerk of Court, Officer-in-Charge or Accountable Officer.— The Clerk of Court, the Officer-in-Charge in the Office of the Clerk of Court, or the duly authorized accountable officer designated in wiiting shall strictly observe the procedural guidelines in the collection of fees accruing to the Judiciary Development Fund and the Special Allowance for the Judiciary Fund, provided under Amended Administrative Circular No. 35-2004 dated August 20, 2004.

SEC. 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 "A") 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:

- a) cancelled official receipts;
- b) deposit slips;
- c) monthly report of collections and deposits of check; and
- d) court orders dismissing the case.

In the Cashbooks and Monthly Reports of the Judiciary Development Fund and the Special Allowance for the Judiciary Fund, two sub-columns bearing the-headings "Checks Received" and "Cleared as of (date) " shall be added under the column of "Official Receipt/Remittance Advice."

SEC. 7. Judicial Nature of Assessment and Collection of Docket Fees.— Matters relating to the propriety and correctness of the assessment and collection of docket fees are judicial in nature and should only be determined by the regular courts, pursuant to the Resolution of the Court dated March 8, 2005 in A.M. No. 05-3-03-0.

SEC. 8. Refund of Filing Fees.— The refund of filing fees paid to the court on account of orders issued by the judges shall be referred to the Chief Justice through the Court Administrator, pursuant to the Resolution of the Court dated October 12, 2005 in A.M. No. 05-9-256-MeTC.

SEC. 9. Effectivity.— These Guidelines shall take effect on October 1, 2007 in designated areas as the Court, by resolution, may direct.

Strict compliance is hereby enjoined.

Issued this 28th day of August 2007.

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