

OCA CIRCULAR NO. 112-2010, August 13, 2010

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TO:

ALL PRESIDING JUDGES AND CLERKS OF COURT OF FD1ST LEVEL COURTS EXCEPT SHARI'A CIRCUIT COURTS

SUBJECT:

NOTARIZATION OF THE VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING IN THE FORMS FOR STATEMENT OF CLAIM AND RESPONSE IN SMALL CLAIMS CASES

This Office has been receiving reports that judges are dismissing small claims cases based on the ground that the Verification and Certification of Non-Forum Shopping in the Statement of Claim form is not subscribed before the Clerk of Court. The confusion arises from par. 6 of the Information for the Plaintiff which states:

" 6. Have the form and all you supporting documents, especially the Verification form, notarized by the Clerk of Court in the OCC."

The above statement does not mean that only the Clerk of Court is authorized to notarize the Verification and Certification as neither the Rule of Procedure itself nor the Administrative Guidelines requires it. Clerks of Court may notarize only when the documents presented are not yet notarized in order to assist the party to forego with the services of a notary public for a fee. Likewise, The "Clerk of Court" authorized to notarize is not limited to the Clerks of Court in the Office of the Clerk of Court, but includes likewise Branch Clerks of Court.

To reiterate, even if the Verification and Certification is notarized by a notary public, the Statement of Claim shall be accepted.

For your information and guidance.

August 13, 2010

(SGD.)JOSE MIDAS P.MARQUEZ
Court Administrator

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