

OCA CIRCULAR NO. 22-2003, February 03, 2003

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TO:

ALL JUDGES AND CLERKS OF COURT

SUBJECT:

ADDITIONAL DOCKET FEES ARISING FROM CLAIMS FOR DAMAGES NOT SPECIFIED IN THE PLEADING

There are instances when litigants would claim for damages other than those included in the pleading in the course of the trial. Sec. 8 (a) of Rule 141 of the Revised Rules of Court provides that a corresponding docket fee must be paid for damages of whatever kind. Accordingly, it is necessary that an additional docket fee must be collected on the damages claimed during the trial but which were not specified in the pleading. To ensure such collection, the following guidelines shall be observed, thus:

- In multiple sala stations, the judge concerned must inform the Clerk of Court within fifteen (15) days from the presentation of the evidence on the damages claimed by the litigant of the nature and amount of damages claimed.
- The Clerk of Court must immediately send a notice, together with the assessment of the fees to be paid, to the party concerned, requiring the latter to pay the corresponding docket fees within fifteen (15) days from receipt of notice.
- The Clerk of Court must immediately inform the Branch Clerk of Court concerned of the fact of payment or non-payment, as the case may be, of the corresponding docket fees.
- Should the party concerned fail to pay the docket fees within the given period or before the rendition of judgment, the judge concerned must consider the docket fees as a lien on the judgment by specifying the same in the fallo or dispositive portion of the decision.
- In single sala stations, the Clerk of Court must immediately send a notice, together with the assessment of the fees to be paid, to the party concerned, requiring the latter to pay the corresponding docket fees within fifteen (15) days from receipt of notice. In case of failure to pay, par. no/4 should apply.

For strict compliance.

February 03, 2003.

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PRESBITERO J. VELASCO, JR.

Court Administrator

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