

OCA CIRCULAR NO. 96-2009, August 13, 2009

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TO:

ALL JUDGES, CLERKS OF COURT/ ACCOUNTABLE OFFICERS

SUBJECT:

DOCKET FEES FOR COMPULSARY COUNTERCLAIMS

It has reached the attention of this Office that some courts are collecting docket fees for compulsory counterclaims based apparently on a portion of the decision in *Korea Technologies Co. Ltd. vs. Alberto A. Lerma, etc. ; et al.*, G.R. No 143581, January 7, 2008 . which stated that:

"On July 17, 1998 , at the time PGSM filed its Answer incorporating its counterclaims against KOGiES, it was not liable to pay filing fees for said counterclaims being compulsory in nature. We stress, however, that effective August 16, 2004 under Sec. 7 Rule 141, as amended by A.M. No. 04-2-04-SC, docket fees are now required to be paid in compulsory counterclaim or cross-claim." [emphasis ours]

Please be informed that the second sentence of the quoted portion of the decision, more specifically that in bold font, has been deleted in a revised issuance.

For the guidance of alt concerned, the Resolution of this Court in A.M. No. -2-04-SC dated September 21, 2004 suspending payment of filing fees for compulsory counterclaims remains in effect. For ready reference, the resolution reads as follows: "

"The Court further Resolved to AFFIRM the actions of the Honorable Associate Justices, in its informal meeting held on 20 September 2004, and SUSPEND the new rates of the legal fees under Rule 141, effective 21 September 2004, viz: "

"(a) Solemnization of marriage;

"(b) Motions; and

"(c) Compulsory counterclaims."

August __13__, 2009

JOSE P. PEREZ

Court Administrator

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