



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 37-2005

**TO: ALL CLERKS OF COURT OF REGIONAL TRIAL COURTS
AND FIRST- LEVEL COURTS**

SUBJECT: COLLECTION OF MEDIATION FEES

Under Sec. 9. A. of the revised Rule 141 of the Revised Rules of Court, approved by the Supreme Court on 20 July 2004, Clerks of Court of the Regional Trial Courts and the First-Level Courts shall collect the amount of FIVE HUNDRED PESOS (P500.00) (1) upon the filing of a Complaint or an Answer with a mediatable permissive or compulsory counterclaim or cross-claim, complaint-in-intervention, third-party complaint, fourth-party complaint, etc. in civil cases, a Petition, an Opposition and a Creditors' Claim in Special Proceedings; (2) upon the filing of a Complaint/Information for offenses covered by the Katarungang Pambarangay Law, violation of B.P. Blg. 22, estafa and libel cases where damages are sought; and (3) upon the filing of a Complaint/Information for quasi-offenses under Title 14 of the Revised Penal Code.

Sec. 9 of the revised Rule 141 of the Revised Rules of Court provides for the contribution to the Mediation Fund, and explains the purpose and treatment of the same. The rule states:

“The Fund shall be utilized for the promotion of court-annexed mediation and other relevant modes of alternative dispute resolution (ADR), training of mediators, payment of mediator's fees, and operating expenses of the Philippine Mediation Center (PMC) units including expenses for technical assistance and organizations/individuals, transportation/communication expenses, photocopying, supplies and equipment, expense allowance and miscellaneous expenses, whenever necessary, subject to auditing rules and regulations. In view thereof, the

mediation fees shall not form part of the Judiciary Development Fund (JDF) under P.D. No. 1949 nor of the special allowances granted to justices and judges under Republic Act No. 9227.”

The Rule does not provide that the absence of a Philippine Mediation Center exempts a party from contributing to the Mediation Fund. The Fund is not only for the mediation services rendered but also for the establishment and maintenance of PMC units. Thus, mediation fees are to be collected even if there is no operating PMC unit in the area.

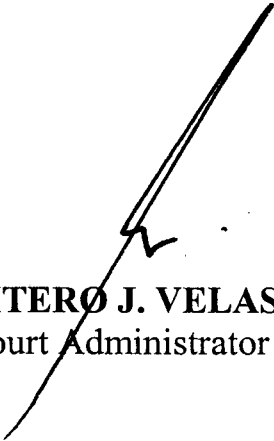
Under the Rule, pauper litigants are exempt from contributing to the Mediation Fund, provided that the unpaid contribution to the Mediation Fund shall be considered a lien on any monetary award in a judgment favorable to the pauper litigant. An accused-appellant is also exempt from contributing to the Mediation Fund.

The mediation fee is akin to the UP Legal Research Fee.

You are hereby reminded to collect mediation fees as per Sec. 9, Rule 141 of the Revised Rules of Court.

For strict compliance.

6 April 2005.



PRESBITERO J. VELASCO, JR.
Court Administrator