



Hold

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

OCA CIRCULAR NO: 56-2003

TO: All Clerk of Court and Branch Clerks of Court of all Multiple Sala Courts.

SUBJECT: Issuance of Summons to Defendants under Rules of Civil Procedure (1997), Rule 14, Sec. 1

It has come to our attention that some Clerks of Court, Office of the Clerk of Court, in multiple sala courts have been issuing summons to the defendants even before the cases are raffled and assigned to specific branches thereat.

For the proper implementation of Sec. 1, Rule 14 of the 1997 Rules of Civil Procedure, cited hereunder are the pertinent provisions of the 2002 Revised Manual for Clerks of Court approved by the Court En Banc in a resolution dated May 28, 2002 in A.M. No. 02-5-07-SC, to wit:

"1.2. Single Sala and Branch of a Multiple Sala Court- in Civil Cases (ordinary Civil Actions, Special Civil Actions and Special Proceedings)

1.2.1. Before Trial

1.2.1.1. Summons


a. Clerk to issue summons

Upon the filing of the complainant and the payment of the requisite legal fees, the Clerk of Court shall forthwith issue the corresponding summons to the defendants.

In multiple sala court, it is the Branch Clerk of Court who issues the summons."

Henceforth, all Clerks of Court in multiple sala courts are ordered to cease and desist from issuing summons to defendants and strict compliance to the aforecited provision is hereby enjoined.

May 22, 2003.


PRESBITERO J. VELASCO, JR.
Court Administrator