



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

OCA CIRCULAR NO. 96-2009

**TO : ALL JUDGES, CLERKS OF COURT/
ACCOUNTABLE OFFICERS**

SUBJECT : DOCKET FEES FOR COMPULSORY 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 all concerned, the Resolution of this Court in A.M. No. 04-2-04-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