



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

OCA CIRCULAR NO. 35-2009

TO : ALL CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS

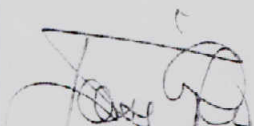
SUBJECT : DISMISSAL OF A CASE OR EXPUNCTION OF A PLEADING FROM THE RECORDS FOR FAILURE TO COMPLY WITH OCA CIRCULAR NO. 66-2008

For the information and guidance of all concerned, quoted hereunder is a portion of the Resolution of the Court *En Banc* dated 24 February 2009, in A.M. No. 09-2-81-RTC- Re: (Query of Clerk of Court Jerlie Luis-Requerme, RTC, OCC, Cagayan de Oro City, Relative to OCA Circular No. 66-2008 dated July 22, 2008).-The Court Resolved, upon the recommendation of the Office of the Court Administrator, to wit:

“(a) **ADVISE** Atty. Jerlie Luis-Requerme, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Cagayan de Oro City, that (i) the dismissal of a case or the expunction of a pleading from the records for failure to comply with OCA Circular No. 66-2008 are judicial actions, hence, can only be exercised by courts, and (ii) the Office of the Clerk of Court has no authority to refuse to accept pleadings which do not comply with the MCLE certification requirement, the duty to accept such pleadings being a ministerial duty on its part.”

For strict compliance.

March 30, 2009


JOSE P. PEREZ
Court Administrator