



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

OCA CIRCULAR NO. 285-2022

TO : ALL JUDGES, CLERKS OF COURT/ACTING CLERKS OF COURT, BRANCH CLERKS OF COURT/ACTING BRANCH CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : PAYMENT OF FILING FEES INVOLVING ARTICLE 316 OF THE REVISED PENAL CODE or *OTHER FORMS OF SWINDLING* IN CASES WHEN THE RECOVERY OF CIVIL LIABILITY IS DEEMED INSTITUTED WITH THE CRIMINAL ACTION

It has come to the attention of this Office that there are several Clerks of Court/ Accountable Officers who failed to collect the appropriate filing fees in cases involving Article 316 of the Revised Penal Code or *Other Forms of Swindling*, where the recovery of civil liability is deemed instituted with the criminal action. Upon inquiry, they claimed that their basis for the non-collection of fees in said case is Section 1, Rule 111 of the Rules of Court, the pertinent portion thereof reads:

Section 1. Institution of criminal and civil actions. –

xxx

Except as otherwise provided in these Rules, no filing fees shall be required for actual damages. (emphasis supplied)

In accordance with *Isabel G. Ramones vs. Spouses Teodorico Guimoc, Jr. and Elenita Guimoc*,¹ however, the filing fees for Article 316, *supra*, in case the recovery of civil liability is deemed instituted with the criminal action, **SHALL BE ASSESSED** based on Section 21(a), Rule 141 of the Rules of Court, as amended, including actual damages sought. The guidelines in the collection of fees are provided in OCA Circular No. 21-2003 dated 3 February 2003.

In this view, all concerned are hereby **DIRECTED** to **COLLECT** filing fees in criminal cases on Article 316 or *other forms of swindling*, where

¹ G.R. No. 226645 dated 13 August 2018.

recovery of civil liability is deemed instituted, based on Section 21(a), Rule 141 of the Rules of Court, as amended, including actual damages sought.

The assessment of filing fees in **other criminal cases** where recovery of civil liability is deemed instituted, except *estafa and BP 22* cases, is provided under OCA Circular No. 54-2018 dated 21 March 2018.

For your information and guidance.

12 October 2022



JENNY LIND R. ALDECOA-DELORINO

Deputy Court Administrator

Officer-in-Charge

Office of the Court Administrator

(per Memorandum Order No. 147-2022 dated 5 October 2022)

MMA/ACJ/DSI