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

OCA CIRCULAR NO. 66-2023

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

SUBJECT : **GUIDELINES IN THE ASSESSMENT AND COLLECTION OF LEGAL FEES AND OTHER COURT COLLECTIONS**

Due to numerous concerns relative to the assessment and collection of legal fees and other court collections, and in order to have uniform guidelines therefor, the following shall be **ADOPTED**:

1. Upon the filing of an initiatory pleading or other initiatory application, the fees prescribed therefor shall be paid in full,[1] unless otherwise allowed by law or the Rules;

2. For Answers/Replies with permissive counterclaim or other Applications/Requests/Motions (where collections of fees are required), the concerned branch (in case of multi-sala court), before acting on the same, shall **ISSUE** an *Order of Payment* to the Office of the Clerk of Court (OCC) for the payment of the appropriate legal fees and other collections, in relation to OCA Circular No. 89-2021 dated 30 June 2021 and OCA Circular No. 90-2021 dated 7 July 2021;

3. No Branch Clerk of Court, Acting Branch Clerk of Court or Judge is allowed to safekeep or hold any money related to any case filed in court. Also, only the Clerk of Court/Acting Clerk of Court (COC/ACOC) of the OCC (in case of multi-sala court) or the COC/ACOC of a single sala court is **ALLOWED** to receive any money for safekeeping;

4. Any question relating to the correct or proper assessment and collection of docket fees of a particular case, which is judicial in nature[2], should be raised before and should be resolved within a reasonable period by the court having jurisdiction over the said case;

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[1] Section 1, Rule 141, Rules of Court, as amended.
[2] OCA Circular No. 42-2005 dated 22 April 2005.

5. For uniformity in the assessment of legal fees and other court collections, the Judiciary Electronic Payment Solution (JEPS) for the courts shall be **USED**;

6. All Second Level Courts not yet included in the implementation of the JEPS may request the Office of the Court Administrator (OCA) for authority to use the JEPS as an additional payment channel in the online payment of legal fees and other court collections, and for the OCA to correspondingly provide an individual user account to access the administrator portal of the JEPS for the confirmation and verification of the related transaction;

7. JEPS-authorized courts are hereby **REMINDED** that the use of the JEPS shall be **COMPULSORY** in the online assessment and collection of legal fees and other court collections in accordance with the latest guidelines issued, effective 1 February 2023, in line with *En Banc* Resolution dated 6 December 2022 under B.M. No. 4340 *(In Re: Integrated Bar of the Philippines' Resolution on the Implementation of OCA Circular No. 290-22)*;

8. Posting of **cash bail bonds** and payment of **court fines** to JEPS-authorized courts can be done [1] directly to the OCC; or [2] through the use of JEPS; or [3] through Direct Bank Payment to the Land Bank of the Philippines (LBP) branch where the concerned court is maintaining its local accounts. However, posting of cash bonds (other than bail bonds), consignations (rental deposits, deposits for expropriation, bidder's deposits and deposits held in escrow), cash deposits in election protest, and other deposits, shall be **MADE** only through the two (2) options: [1] JEPS, regardless of the amount, and [2] Direct Bank Payment;

9. Posting of a *supersedeas* bond shall be **MADE** to the COC/ACOC of the OCC (in case of multi-sala court) or the COC/ACOC of a single sala court. Instead of court commission, a bond fee, prescribed under Section 21(c) of Rule 141 of the Rules of Court, as amended, shall be **COLLECTED**[3]. The amount of the *supersedeas* bond shall be **FIXED** by the branch or the first level court which issued the decision or judgment and shall be equivalent to the amount of rentals, damages, and costs stated in the judgment, following the guidelines in *Aylon vs. Jugo and De Pablo*, thus:[4]

> x x x x **Under the provisions of Section 8 of the Rule, a justice of the peace or a municipal court may require the defendant to file a bond for an amount which would cover the stipulated rentals, as found by the judgment of the Court, or the reasonable value for the use and occupation of the premises, at the rate determined by the judgment, damages and costs down to the time of the final judgment in the action. The reasonable value for the use and occupation of the premises, the possession of which is sought to be recovered, is that fixed by the Court in the judgment, because the rental stipulated in the contract of lease that has expired or terminated may no longer be the reasonable value for the use and occupation of the premises as a result or by reason of the change or rise in values. But the bond together with the appeal**

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[3] Section 19, Rule 70, Rules of Court, as amended.
[4] 78 Phil. 816, 818-819, July 31, 1947, per Padilla, *J.*

is only to prevent the immediate execution of a judgment rendered against the defendant in forcible entry and detainer cases. Such execution must be prevented further by paying to the plaintiff or depositing with the Court of First Instance, during the pendency of the appeal, the stipulated rental due from time to time under the contract, as found by the judgment of the Court, or, in the absence of a contract, the reasonable value for the use and occupation of the premises for the preceding month, on or before the tenth day of each calendar month, at the rate determined by the judgment.

10.   In case of technical issues or problems in using the JEPS, transactions that require its use can instead be coursed through the OCC or the COC of the concerned court;

11.   As a general rule, all collections (consisting of all funds) paid/posted to their court stations shall be **DEPOSITED/REMITTED** by the COCs/ACOCs **daily,** either through bank deposits or any remittance center. However, when the total collections have already reached Ten Thousand Pesos (PHP 10,000.00) **even before the end of day**, the same shall **IMMEDIATELY be deposited/remitted**. Moneys collected after banking hours shall be deposited/remitted to their respective bank accounts on the following banking day;

12.   *For stations with no depository banks or remittance centers within their localities,* the COCs/ACOCs need not deposit/remit the collections daily and are only required to deposit/remit the same when the total cash on hand (consisting of all funds) reaches PHP 10,000.00. However, all collections, regardless of whether they reach PHP 10,000.00, shall be **DEPOSITED/REMITTED** on the 15th day and before the end of each month;

13.   If the expenses to be incurred in depositing/remitting the collections to the authorized depository bank exceeds the expenses to be incurred in remitting through a remittance center, then the latter mode shall be **RESORTED TO**;

14.   The **original copy** of the proof of deposit/remittance shall be **ATTACHED** to the file copy of the financial report, while the **certified true copies** shall be **ATTACHED** to the other copies of the financial reports and to the claim/s for reimbursement;

15.   The costs incurred in the deposit/remittance of collections **may be reimbursed** by the Finance Division, Financial Management Office (FMO), OCA, subject to documentary requirements;

16.   Financial reports required to be submitted to the Accounting Division, FMO, OCA, **shall still be SUBMITTED** through private couriers as provided for in OCA Circular No. 235-2018 dated 13 November 2018; and

17.   Pursuant to Administrative Order No. 05-2023 dated 16 January 2023,the COC/ACOC, in case of refund of legal fees and other court collections, shall **VERIFY and EVALUATE** the validity of the request for refund. The concerned party shall file a *Motion for Refund* after the raffle of

the case. Thereupon, the Presiding Judge/Acting Presiding Judge of the concerned court, shall issue an *Order* granting the *Motion for Refund*. The Order shall be INCLUDED as supporting documents for the Court's approval of the refund.

No *Order* is required in case of erroneous payment when the user incorrectly chooses the wrong venue or jurisdiction in the JEPS platform, and the case has not yet been filed and docketed, with the court/station not having rendered any action on the matter yet. The concerned COC/ACOC shall attest in the indorsement of the Request for Refund that the user has mistakenly chosen the wrong venue or jurisdiction in the JEPS platform and that the court/station has neither docketed the case nor rendered any action on the matter.
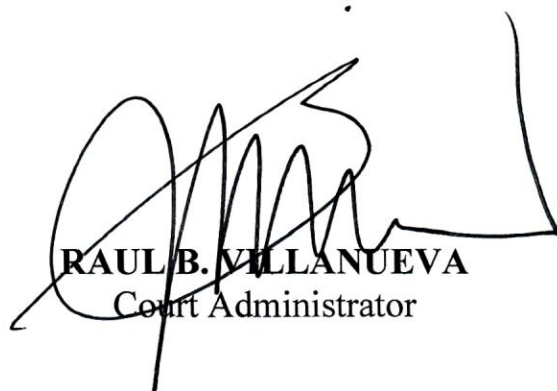
18.   Still in accordance with Administrative Order No. 05-2023 dated 16 January 2023, the next course of action shall depend on the type of fund, to wit:

(a) For the refund of the amounts paid for the Judiciary Development Fund (JDF), Special Allowance for the Judiciary Fund (SAJF), and Mediation Fund (MF), the COC/ACOC shall transmit the request for refund, together with the supporting documents (certified copy of the proof of payment/deposit, official receipt, and court order), to the **Chief of Office, Legal Office, OCA,** for evaluation and recommendation. The same procedure stated herein shall be applicable to the Notarial Register Fund (NRF) collections.

(b) The request for refund of the Service Convention Fund (SCF) payments shall be coursed through the Service Convention Unit of the Court Management Office (CMO), OCA.

(c) For the Legal Research Fund (LRF), Victims Compensation Fund (VCF), Cadastral Fund, Dangerous Drugs Board Fund, and General Fund, the COC/ACOC shall transmit the request for refund directly to the agency concerned handling the fund accounts.

Any OCA circular inconsistent herewith is deemed superseded.

For strict compliance.

<u>20</u> February 2023

RAUL B. VILLANUEVA
Court Administrator

/MMA/ACJ/dsi/YEA