



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

OCA CIRCULAR NO. 262-2023-A

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

SUBJECT : EFFECTS OF FAILURE TO PAY THE DOCKET FEES IN *BATAS PAMBANSA BLG. 22* AND *ESTAFA* CASES

For the information and guidance of all concerned, the effects of failure to pay the docket fees in *Batas Pambansa Blg. 22 (BP 22)* and *Estafa* cases are as follows:

I. *Batas Pambansa Blg. 22*

Owing to the nature of a BP 22 case — where the civil action is deemed instituted in the criminal action and the reservation to file such civil action separately is no longer allowed — payment of docket fees is required upon the filing of the complaint, as provided for in Rule 111, Section 1(b) of the Rules of Court.¹ Thus, the party's failure to pay the required fee will result in the dismissal of the subject case, subject to the guidelines prescribed under OCA Circular No. 141-2003 dated 30 September 2003.

II. *Estafa*

Payment of the docket fees in *Estafa* cases is required within three (3) days from receipt of the notice to pay, subject to the period for manifestation and obligation to inform as provided for in Section 21, Rule 141 of the Rules of Court and OCA Circular No. 21-2003 dated 03 February 2003, respectively. Should the private

¹ *Rosario M. Apacible v. People of the Philippines*, G.R. No. 233181, 22 August 2022. See also Rule 111, Section 1(b) of the Rules of Court.

complainant/s fail to pay the appropriate docket fees within the given period, the matter must be submitted to the court concerned for its consideration and appropriate action.²

In any case, when the court in its final judgment awards a claim not alleged, or a relief different from, or more than that claimed in the pleading, the party concerned shall pay the additional fees which shall constitute as a lien on the judgment in satisfaction of said lien.³

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

This circular supersedes OCA Circular No. 262-2023 dated 25 July 2023.

28 July 2023



RAUL B. VILLANUEVA
Court Administrator

[MMA/dsi/lynk/BP22 Docketfees failure/cek-7-28-23](#)

² Item 4 of OCA Circular No. 21-2003 (*Docket Fees in Estafa Cases*) dated 3 February 2003.

³ Section 2, Rule 141, Rules of Court, as amended.

⁴ Item 4 of OCA Circular No. 66-2023 (*Guidelines in the Assessment and Collection of Legal Fees and Other Court Collections*) dated 20 February 2023 citing OCA Circular No. 42-2005 (*Authority of the Office of the Court Administrator [OCA] Over Questions Concerning Correct or Proper Assessment and Collection of Docket Fees*) dated 22 April 2005.