



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

OCA CIRCULAR NO. 262-2023

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.¹ Thus, the party's failure to pay the required fee will result in the dismissal of the subject case.

II. *Estafa*

Since civil claims are automatically instituted in *Estafa* cases,² payment of the docket fees is required upon the filing of the complaint. Should the private 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


¹ *Rosario M. Apacible v. People of the Philippines*, G.R. No. 233181, 22 August 2022. See also Rule 111, Section 1(b), first paragraph of the Rules of Court which reads: “[t]he criminal action for violation of *Batas Pambansa Blg. 22* shall be deemed to include the corresponding civil action. No reservation to file such civil action separately shall be allowed.”

² Item (d)(ii) of A.M. No. 17-12-09-SC (*Re: Initial Recommendations on Administrative Adjustments from the Judiciary-Wide Committee on Legal Fees*) dated 10 January 2018. Circularized in OCA Circular No. 36-2018 dated 26 February 2018.

appropriate action.³ Thus, the court in the exercise of its judicial discretion, may either *dismiss or allow the subject case to proceed*. In case of the latter, the docket fees can be charged as a lien against the monetary award in the civil action.

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

25 July 2023



RAUL B. VILLANUEVA
Court Administrator

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

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.