



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

OCA CIRCULAR NO. 280-2023

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : COMPILATION OF THE FREQUENTLY ASKED QUESTIONS ON THE RULES ON EXPEDITED PROCEDURES IN THE FIRST LEVEL COURTS (A.M. NO. 08-8-7-SC, EFFECTIVE 11 APRIL 2022)

For the **information and guidance** of all judges of the first and second level courts, appended herein as Annex "A" is the compilation of the *Frequently Asked Questions (FAQs)* on the *Rules on Expedited Procedures in the First Level Courts (A.M. No. 08-8-7-SC, effective 11 April 2022)* prepared by the Committee on the Revision of the Rules on Summary Procedure and Small Claims Cases.

All concerned judges are **ENJOINED** to refer to the *FAQs compilation* as guide in the application of the subject Rules.

11 August 2023



RAUL B. VILLANUEVA  
Court Administrator



Supreme Court of the Philippines

**COMMITTEE ON THE REVISION OF THE RULES ON  
SUMMARY PROCEDURE AND SMALL CLAIMS CASES**

# **FAQs**

**FREQUENTLY ASKED QUESTIONS ON  
THE RULES ON EXPEDITED PROCEDURES  
IN THE FIRST LEVEL COURTS**

A.M. No. 08-8-7-SC  
(Effective: April 11, 2022)

**GENERAL PROVISIONS**  
**Rules I, II, III(C) & V**

- 1. Is the enforcement of barangay amicable settlement agreements amounting to more than ₱2,000,000.00 governed by the *Rules on Expedited Procedures in the First Level Courts (Expedited Procedures)*, or by regular procedure?**

It is governed by the *Expedited Procedures*, specifically, the *Rule on Summary Procedure [Rule III]*. Under *par. 1.d., Rule I (A)* of the *Expedited Procedures*, cases for enforcement of barangay amicable settlement agreements and arbitration awards where the money claim exceeds ₱1,000,000.00 shall be governed by the Rule on Summary Procedure. On the other hand, where the money claim does not exceed ₱1,000,000.00, the *Rule on Small Claims [Rule IV]* shall apply.

- 2. Is reservation of witnesses or documentary exhibits allowed under the *Expedited Procedures*?**

No, reservation of witnesses or documentary exhibits is not allowed under the *Expedited Procedures*. Under *Sections 3 (a) and 6 (a), Rule III(A)* of the *Expedited Procedures*, judicial affidavits not attached to the complaint and answer, respectively, shall not be considered. Further, under *Sec. 2 (a)(2)* of the *Judicial Affidavit Rule*, the parties' documentary or object evidence shall already be attached to the judicial affidavits.

- 3. Ana filed a complaint against Boyet for collection of sum of money before the Regional Trial Court (RTC). Boyet filed a counterclaim in an amount not exceeding ₱2,000,000.00 in the same RTC. Was Boyet correct in filing his counterclaim in the same RTC, or is his counterclaim cognizable by the First Level Court (FLC)?**

Yes, Boyet correctly filed his counterclaim with the RTC. Under *Section 7, Rule 6* of the *2019 Amendments to the 1997 Rules of Civil Procedure (2019 Amendments)*, in an original action before the RTC, a counterclaim considered as compulsory shall be filed in the same court regardless of the amount.

- 4. Suppose Clara applied for Replevin to acquire possession of a motorcycle. However, she included an alternative prayer for collection of sum of money,**

in an amount not exceeding ₱2,000,000.00, in case the motorcycle could no longer be found.

**a. Does this case fall under the *Rule on Small Claims*?**

No. The *Rule on Small Claims* under the *Expedited Procedures* contemplates simple money claims that do not involve complex factual issues and which may be resolved summarily. Conversely, an application for Replevin involves factual issues that will necessitate a trial.

That Clara included an alternative prayer for payment of sum of money in case the motorcycle could no longer be found does not convert the case into a Small Claims action, even if the amount falls within the Small Claims threshold. Clara's alternative prayer is already contemplated in *Section 9, Rule 60* of the *2019 Amendments*, which expressly states that the court shall render judgment in the alternative for the delivery of the property to the party entitled to the same, or for its value in case delivery cannot be made.

**b. Does this case fall under the *Rule on Summary Procedure*?**

Yes. The threshold amount for Summary Procedure under the *Expedited Procedures* applies.

*Section 1(b), Rule I(A)* of the *Expedited Procedures* contemplates “**all** civil actions” (except probate proceedings, admiralty and maritime actions, and small claims cases falling under Rule IV hereof, where the total amount of the plaintiff's claim does not exceed ₱2,000,000.00, exclusive of interest, damages of whatever kind) as covered by the *Rule on Summary Procedure*.

**5. Danny filed a complaint for collection of sum of money with application for a writ of replevin of a vehicle, claiming the amount of ₱1,500,000.00. However, the value of the vehicle subject of the replevin does not exceed ₱2,000,000.00. Is Danny's complaint governed by the *Rule on Summary Procedure*, or the regular procedure? Suppose further that the amount of the vehicle exceeds ₱2,000,000.00, will the *Rule on Summary Procedure* apply?**

The complaint is covered by the *Rule on Summary Procedure [Rule III(A)]* under the *Expedited Rules*, regardless of the value of personal property subject

of the ancillary prayer for writ of replevin. What controls is the total amount alleged or claimed in the complaint, which in this case does not exceed ₱2,000,000.00.<sup>1</sup>

**6. How do you reconcile the following provisions:**

- a. ***Section 3, Rule 1 of the 2019 Amendments* states that special civil actions are governed by the ordinary rules subject to special rules for special civil actions.**
- b. ***Section 10, Rule 70 of the Rules of Court* states that affidavits (now judicial affidavits) need to be submitted with the position paper.**
- c. **The *Judicial Affidavit Rule (JAR)* states that judicial affidavits (JA) need to be submitted at the preliminary conference, which can be interpreted as preliminary conference proper or after mediation?**

*Section 6, Rule 7 of the 2019 Amendments*—which requires the submission of the JAs upon filing of the Complaint and Answer, respectively—shall govern all cases filed after their effectivity on May 1, 2020. Further, all rules, resolutions, regulations or circulars of the Supreme Court or parts thereof that are inconsistent with any provision of the *2019 Amendments* are deemed repealed or modified accordingly. *Rule 70 of the Rules of Court (Forcible Entry and Unlawful Detainer)* should be read together with the *2019 Amendments*, which are expressly adopted under *Sections 3 (a) and 6 (a), Rule III (A) of the Expedited Procedures*.

**7. Is an ocular inspection allowed in cases covered by the *Rule on Summary Procedure* under the *Expedited Procedures*?**

It depends on the nature of the action and the purpose of inspection.

**8. Considering that: (a) the threshold amount for civil cases cognizable by the FLCs is ₱2,000,000.00; and (b) under *Section 1, Rule I(A), Summary Procedure Cases* include “[a]ll civil actions except probate, admiralty, maritime, and [small claims cases]” where the total amount of the claim does not exceed ₱2,000,000.00, are cases for Quieting of Title, Recovery of Ownership cognizable by FLC governed by the *Rule on Summary Procedure*?**

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<sup>1</sup> *Fernandez c. International Corporate Bank*, 374 Phil. 668 (1999).

No. Although the basis for determining jurisdiction in these cases is the assessed value, it should be stressed that no trial takes place in civil cases under the *Rule on Summary Procedure* of the *Expedited Procedures*. Thus, cases that involve title to or interest in real property are governed by the regular procedure considering the complexity of the issues and far-reaching consequences in these cases.

**9. Are real actions now covered by the *Expedited Procedures*?**

No. Real actions (except Unlawful Detainer and Forcible Entry cases) are covered by the regular rules, albeit they may be filed with the FLC depending on the assessed value of the real property involved.

**10. How should the judgment of the FLC be appealed under the *Rule on Summary Procedure* of the *Expedited Procedures*?**

According to *Section 1, Rule III (C)* of the *Expedited Procedures*, any judgment, final order, or final resolution in a Summary Procedure case may be appealed to the appropriate RTC exercising jurisdiction over the territory under *Rule 40* for civil cases and *Rule 122* for criminal cases, of the *Rules of Court*. The appeal shall be taken by filing a notice of appeal, together with proof of payment of the appeal fees, with the court that rendered the judgment, order, or resolution appealed from, within fifteen (15) calendar days from receipt of the same.

**11. What is the remedy of the aggrieved party when the RTC renders a judgment under its appellate jurisdiction?**

*Section 1, Rule III (C)* of the *Expedited Procedures* provides that the judgment of the RTC on the appeal shall be final, executory, and unappealable. Nonetheless, from the RTC's resolution on the motion for reconsideration, the aggrieved party may avail of the general remedy under *Rule 65* of the *Rules of Court*.

**12. Are videoconference hearings discretionary under the *Expedited Procedures*?**

Yes. Under *Section 3, Rule II*, as far as practicable, and if the court finds that the conduct of a videoconference hearing will be beneficial to the fair, speedy,

and efficient administration of justice, the court, on its own initiative or upon motion, may set the case for videoconference hearing at any stage of the proceedings.

**13. Will there be a change in the computation of filing fees under the expanded jurisdiction of First Level Courts?**

Yes. There is a change in the assessment of the filing fees. Under *OCA Circular No. 141-2021* dated 15 November 2021 (*For the Implementation of Judiciary Electronic Payment Solution*), relative to the implementation of Republic Act No. 11576, a lack of basis in the assessment of legal fees arises in case the amount involved is more than the prescribed amount under *Section 8 (a)* and *(b)* of *Rule 141* of the *Rules of Court*. Thus, clerks of court of the first level courts are directed to adopt the rates prescribed under *Number 8, Section 7 (a) of Rule 141*, in the assessment of filing fees:

Section 8 (a)

PARTICULAR	FILING FEE	JDF	SAJF
For each P1,000.00 in excess of P400,000.00	20.00	8.00	12.00

Section 8 (b)

PARTICULAR	FILING FEE	JDF	SAJF
For each P1,000.00 in excess of P200,000.00	20.00	8.00	12.00

**14. Ina owes Jerome ₱1,200,000.00. Considering that Jerome urgently needs the money, he decided to file a Small Claims case against Ina, praying to be paid only the amount of ₱1,000,000.00.**

**a. Can Jerome waive part of the debt in excess of ₱1,000,000.00 so its recovery will fall under the *Rule on Small Claims*?**

Yes. Nothing in the *Expedited Procedures* prevents Jerome from waiving part of his claim. Waiving the amount of ₱200,000.00 partakes of an admission by Jerome that Ina’s obligation is only ₱1,000,000.00, hence, a Small Claim.

- b. In filling out the Statement of Claims (Box “3”, Plaintiff’s Claim, Form 1-SCC), Jerome states that the Ina owes him ₱1,200,000.00, but in the Prayer (Box “9”), Jerome prays for the payment of ₱1,000,000.00 only. Which amount will prevail in determining whether the claim is a small claim?**

Unless there is a clear typographical error, the amount as alleged by Jerome in the body of his Statement of Claims determines his cause of action. The judge may refer to the affidavits attached to the Statement of Claims to determine the correct amount being claimed by the plaintiff.

- 15. Karen, a contractor, filed a Small Claims case claiming payment for services rendered under a contract [of service] amounting to a little less than ₱1,000,000.00. In her Response, Lauren claimed that the construction was substandard under the contract, hence, no payment is due. Is Karen’s case still covered by the *Rule on Small Claims*?**

No. Karen’s claim is not governed by the *Rule on Small Claims* under the *Expedited Procedures*. Small Claims cases are solely for the payment or reimbursement of a sum of money. By their nature, these are actions that do not involve complex factual issues requiring trial. In this scenario, the cause of action is a contractual breach, which entails the interpretation of the contract in order to determine the parties’ rights thereunder. The parties should be represented by counsel and allowed to present their respective arguments.

- 16. The local museum in the town of *Barrio M* proudly displays a small “*Niño*” or a child Jesus wooden statue dating back to the 19<sup>th</sup> century. The Marzan family filed a case for recovery of possession of the *Niño* against said local museum on the ground that it is a treasured family heirloom with great sentimental value. The Marzan family alleges that the value of the *Niño* does not exceed ₱2,000,000.00. Is this still covered by the *Rule on Summary Procedure*?**

This is covered by the *Rule on Summary Procedure*, as expressly provided under *Section 1(1)(b), Rule I(A)* of the *Expedited Procedures*.



**17. Atty. Nolasco filed a Motion for Postponement of Hearing, citing physical inability of a counsel or witness to personally appear in court. Atty. Nolasco claims that he has a conflict of schedule of hearings, and attached a certified copy of the Notice of Hearing issued by the RTC as proof that his hearing in the other case before the RTC was set earlier. How would you rule on Atty. Nolasco's motion?**

Deny the motion. The physical inability contemplated under the *Expedited Procedures* is physical incapacity due to debilitating illness or medical condition of a counsel or witness; or if one of them is detained or in jail. Otherwise, it is not a ground for postponement of hearing.

**SUMMARY PROCEDURE : CIVIL CASES**  
**[Rule III(A)]**

**18. Is the period within which to file an answer extendible under the *Expedited Procedures*?**

No, it is not. There is no conflict between the *Expedited Procedures* and the *2019 Amendments*. The former applies to the enumerated cases covered by the *Rule on Summary Procedure* and the *Rule on Small Claims*. As a special rule, it prevails over the general rules under the regular *Rules of Civil Procedure*, as amended by the *2019 Amendments*, which applies to regular cases.

**19. Does the 10-day period from receipt of the Preliminary Conference Order (PC Order) for submission of position papers [par. 3, Section 13, Rule III(A)] coincide with the period for Court-Annexed Mediation (CAM)?**

Yes, it will coincide.

**20. In a civil case covered by the *Rule on Summary Procedure*, only the plaintiff appeared at the Preliminary Conference. Defendant and his counsel moved to dismiss the case, citing paragraph 3, Section 12, Rule III(A) of the *Expedited Procedures*, which states that “[t]he failure despite notice of the plaintiff and/or his or her counsel to appear at the Preliminary Conference shall be a cause for dismissal of the complaint.” As the Judge, should you dismiss the complaint?**

Under *Section 12, Rule III(A)* of the *Expedited Procedures*, it is the duty of both the parties and their counsels to appear at the Preliminary Conference, CAM, and Judicial Dispute Resolution (JDR), if the latter is ordered by the court. The non-appearance of a party and/or counsel may be excused only for acts of God, *force majeure*, or duly substantiated physical inability. These are the only grounds allowed for non-appearance.

However, if either party or counsel is present, the court should first inquire as to the reason for the non-appearance and if found justifiable, the court should not impose sanctions. The court should also proceed with the Preliminary Conference if the present parties are adequate for the purpose (*e.g.* plaintiff's counsel is present and armed with an SPA; plaintiff's counsel is present and plaintiff's representative is armed with an SPA).

**21. How do you reconcile *Rule 70 of the Rules of Court*, which states that a reply is not allowed, with the *Rule on Summary Procedure* under the *Expedited Procedures*, which, in an exceptional instance, allows a reply?**

*Rule 70* of the *Rules of Court* should be read together with the *Expedited Procedures*. Under *Section 8, Rule III* of the *Expedited Procedures*, the plaintiff may file a reply to a counterclaim only when an actionable document is attached to the answer. In this circumstance, the reply is technically an answer to the counterclaim. Hence, it is not prohibited.

**22. Under the regular procedure, the court is bound to resolve the affirmative defenses raised in the answer. Does the court have the same duty in cases governed by the *Rule on Summary Procedure* under the *Expedited Procedures*?**

Yes. This has been the rule even prior to the amendment.

**23. Under the *Rule on Summary Procedure*, can the Judge specifically require the counsels to submit a “Microsoft Word format” of their briefs so that a PC Order may be immediately issued by the Judge?**

Yes. The Judge may adopt innovative means to expedite the process during Preliminary Conference.

While the *Revised Guidelines on Submission of Electronic Copies of Supreme Court-Bound Papers Pursuant to the Efficient Use of Paper Rule (effective June 1, 2022)*—which requires the submission of electronic copies of papers and their annexes in PDF—applies only to Supreme Court-bound submissions, Judges may adopt this to ensure efficiency during the Preliminary Conference.

**24. Can the court dismiss outright a complaint if it is not compliant with the requirements under Section 3, Rule III(A) of the Expedited Procedures regarding contents of a complaint?**

No. It is not one of the grounds for dismissal. But the court may direct plaintiff to show cause for the defective submission and cure this defect within a given time. Should plaintiff fail to do so, the court may dismiss the case under this *Rule*<sup>2</sup> and under *Section 3, Rule 17* of the *Rules of Court*.

**25. Under Section 13, Rule III(A) of the Expedited Procedures, the court may, in the same Preliminary Conference (PC) Order, declare the case submitted for decision without the need to submit position papers. In this event, the court shall render judgment within 30 days from issuance of the PC Order. However, should the court require the submission of position papers within 10 days from receipt of the PC Order, when would the 30-day period within which to render decision commence to run: from the issuance of the PC Order or from the submission of the position papers?**

Under *Section 13, Rule III(A)* of the *Expedited Procedures*, the court shall issue the PC Order, which includes a directive referring the parties to Court-Annexed Mediation (CAM) or Judicial Dispute Resolution (JDR). The period for filing position papers overlaps with the period for CAM and JDR. Hence, following *Section 14*, the court shall render its judgment within 30 calendar days from its receipt of the Mediator's Report or JDR Report on the parties' failure to reach an amicable settlement, not from submission of the position papers or lapse of the period for its submission.

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<sup>2</sup> *Paragraph 2, Section 4, Rule III(A)* states: "However, if from an examination of the allegations in the initiatory pleading and such evidence as may be attached thereto, a ground for the outright dismissal of the case is apparent, the court may dismiss the case on its own initiative. These grounds include lack of subject matter jurisdiction, improper venue, lack of legal capacity to sue, *litis pendentia*, *res judicata*, prescription, failure to state a cause of action, non-submission of a certification against forum shopping, and lack of compliance with a condition precedent such as absence of barangay conciliation, among others."

**SUMMARY PROCEDURE : CRIMINAL CASES**  
**[Rule III(B)]**

- 26. Under the *Rule on Summary Procedure*, will the failure to serve the accused with the order requiring him or her to file a counter-affidavit—on the ground that he or she cannot be located—result in the criminal case being archived? What are the instances when the FLC Judges can archive criminal cases covered by the *Rule on Summary Procedure*?**

Under *Section 4, Rule III(B)* of the *Expedited Procedures*, if the warrant of arrest could not be served on the accused because he or she could not be located, the court shall issue an order archiving the case once the law enforcement agency entrusted with the service of the warrant of arrest files a return to that effect, or after six (6) months from the issuance of the warrant of arrest, there being no return filed by the law enforcement agency.

Similarly, if the Notice of Arraignment (indicating a directive to file counter-affidavit) could not be served on the accused for the same reason, the judge may issue the warrant of arrest and wait for the return on service from the Philippine National Police (PNP). Once the return from the PNP is received, the Judge may archive the case. If no return was received from the PNP, the Judge may archive the case after six (6) months.

In either case, the issuance of an alias warrant of arrest is no longer necessary since the warrant remains active in the E-Warrant system until it is duly served.

- 27. Is demurrer to evidence allowed in criminal cases under the *Expedited Procedures*?**

The *Rule on Summary Procedure* under the *Expedited Procedures* is silent on this. However, under *Section 2, Rule I* of the *2019 Amendments*, the *Rules of Court* shall apply in all the courts, except as otherwise provided by the Supreme Court. Moreover, *Section 23, Rule 119*, on demurrer to evidence in criminal cases, is a species of expedited disposition that is not inconsistent with the *Expedited Procedures*.

- 28. Under the last paragraph of *Section 3, Rule III(B)* of the *Expedited Procedures*, a detained accused is allowed to belatedly file a counter-**

**affidavit. May a non-detained accused also be allowed to belatedly file a counter-affidavit?**

No. The rationale for allowing the accused who is detained to file his or her counter-affidavit within an additional 10-day period is because the period to conduct arraignment and pre-trial is shorter when the accused is detained (10 days upon date of filing of information/complaint), compared to the accused who is not detained (30 days upon date of filing of information/complaint). Thus, if the accused is not detained, the *Expedited Procedures* does not provide for an extension of 10 days to file his or her counter-affidavit.

**29. An accused was arrested and detained, and the arraignment was set within 10 days from the court's receipt of the case. However, before the arraignment, the accused was able to post bail. Considering that the accused is no longer detained, should the arraignment be postponed to comply with *Section 5(a), Rule III(B)* of the *Expedited Procedures* which states that the arraignment of a non-detained accused shall be set within 30 calendar days upon the court's receipt of the case?**

The 10-day period within which to set the arraignment and pre-trial should still be applied. The determination of the period to set the arraignment and pre-trial is as of the date of filing of the complaint or information. If at the time of the filing of the complaint or information, the accused is detained, his or her arraignment and pre-trial shall be set within 10 days; if not detained, 30 days. The *Expedited Procedures* does not provide that such period will change due to some intervening cause, such as the posting of bail.

**30. *Section 5(a), Rule III(B)* of the *Expedited Procedures* requires the court to already include a notice of arraignment in the initial order directing the accused to file a counter-affidavit. Does this not contradict *Section 3* which states that the case shall only be set for pre-trial once the judicial affidavit has been filed and the court has determined probable cause?**

There is no conflict. The 10-day period is statutory. However, the accused's constitutional right demands an opportunity to submit countervailing evidence prior to determination of probable cause. Hence, both are requirements we must comply with. That is why the new provision now makes allowance for a resetting of arraignment and pre-trial in case the period to submit counter-affidavit, etc. is

still not over when the date of arraignment and pre-trial (10 days from filing) arrives.

**31. Ofelia filed a complaint against Popoy before the Office of the City Prosecutor (OCP). Following the regular procedure, the Investigating Prosecutor directed Popoy to file a counter-affidavit. Upon evaluation of the evidence, the Investigating Prosecutor found probable cause to charge Popoy with a lower offense which is governed by the *Rule on Summary Procedure*. Once the information is filed in court, and there being no ground to dismiss the case outright, should the court still require the filing of judicial counter-affidavit anew? Would the answer be different if what was filed before the OCP was not a simple counter-affidavit but a judicial affidavit?**

Yes, the court should still require the filing of judicial counter-affidavit. The accused has a constitutional right to be informed of the charges against him, and to be given the opportunity to specifically address these charges. Although what was eventually filed in court involves a lower offense, the fact remains that it is different from the offense initially charged against him, and which he responded to in his previous counter-affidavit. Accused should be given a chance to submit his defense specifically for the lower offense.

Precisely because of the accused's right to be heard, such opportunity should be given for the accused to address the charges against him. The accused should be given a chance to convert his counter-affidavit to a judicial counter-affidavit.

### **SMALL CLAIMS** **[Rule IV]**

**32. Is the ₱1,000.00 fee for service of summons and processes already included in the ₱2,000.00 fixed filing fee under the 3<sup>rd</sup> paragraph of Section 8, Rule IV? If so, should the ₱1,000.00 thereof be deposited to the fiduciary fund and the other ₱1,000.00 to the Sheriff's Trust Fund (STF)?**

Under Section 8, Rule IV of the *Expedited Procedures*, the amount of ₱2,000.00 covers the fiduciary fund, STF, and the sheriff's fees already. The ₱2,000.00 fixed filing fee shall be deposited as follows:

<b>Fund</b>	<b>Amount</b>
Judiciary Development Fund (JDF)	₱492.50
Special Allowance for the Judiciary Fund (SAJF)	₱492.50
Legal Research Fund (LRF)	₱10.00
Victim's Compensation Fund (VCF)	₱5.00
Sheriff's Trust Fund (STF)	₱1,000.00
<b>Total</b>	<b>₱2,000.00</b>

**33. May the court reduce the filing fee if the litigant cannot afford it?**

Yes. Under *Section 8, Rule IV*, the plaintiff shall pay the docket and other legal fees prescribed under *Rule 141* of the *Rules of Court*, unless allowed to litigate as an indigent.

A plaintiff who wishes to litigate as an indigent may obtain a copy of Form 6-SCC (Motion to Sue as Indigent) from the Clerk of Court, and submit the same together with his or her Statement of Claims.

**34. For cases covered by the *Rule on Small Claims*, who determines whether a plaintiff is an indigent, and whether he or she should be exempted from payment of the filing fees?**

The general rule is to pay the filing fees [*Section 8, Rule IV, Expedited Procedures*]. However, under the *last paragraph* of *Section 8*, a claim filed with a motion to sue as indigent (Form 6 – SCC) shall be referred to the Executive Judge for immediate action in case of multi-sala courts. Any other exception from payment of filing fees can only be decided by the Supreme Court.

This issue should be resolved first, based on *Section 18, Rule 141* of the *Rules of Court*. If the litigant fails to qualify as an indigent therein, *Section 21, Rule 3* thereof should be resorted to.

**35. With respect to Small Claims cases, if the STF will be ordered refunded to the plaintiff in the Decision, where will the Sheriff get the expenses for the execution of the Decision?**

Under *Section 24, Rule IV* of the *Expedited Procedures*, the refund of the remaining balance from the STF, subject to accounting and auditing procedures, shall be included in the decision. The Decision should thus make a provision for execution costs.

**36. Is demand necessary before filing a case under the *Rule on Small Claims*?**

Yes. Under *Subheading 4* of Form 1-SCC (Statement of Claims), it is required that the plaintiff indicate whether a prior demand was made on the defendant before initiating the Small Claims case. It also requires the plaintiff to explain in detail how demand was made. The Judge may be strict regarding this so that the plaintiff will ensure that he or she indeed made prior demands on the defendant. It is the Judge who should control the proceedings in court.

Notably, there is no requirement therein as to the manner in which the demand should be made, *i.e.*, in writing and personally served on the defendant. Even demands made in person, by phone, or other means are recognized.

**37. If a Small Claims case is dismissed without prejudice on grounds other than *Section 12 (f)*, will the court collect the regular fees instead of the reduced fee under *Section 8*?**

Yes.

**38. Under *Section 9, Rule IV*, a money claim that does not fall under the *Rule on Small Claims* shall be re-docketed under the appropriate procedure. How is this accomplished and what should the Judge do?**

Under *Section 9, Rule IV* of the *Expedited Procedures*, the case shall not be dismissed. Rather, the case shall be re-docketed under the appropriate procedure, and returned to the court where it was assigned, subject to payment of any deficiency in the applicable regular rate of filing fees.

If the case was filed originally as a Small Claim, the Judge should give the plaintiff adequate time to file a Complaint which is compliant with *Rule 7* of the *2019 Amendments*, and to pay the appropriate filing fees when necessary.



**39. What is the remedy of the aggrieved party from a judgment under the *Rule on Small Claims*?**

*Section 24, Rule IV of the Expedited Procedures* states that the decision under the *Rule on Small Claims* shall be final, executory and unappealable. There may be a general remedy for grave abuse of discretion under Rule 65 of the *Rules of Court*.

**40. Edna filed a Small Claims case against Fred. At the hearing, which was conducted *via* videoconferencing, Edna and Fred arrived at a settlement and entered into a compromise agreement. As the Judge, how will you apply *Section 22, Rule IV*, which states that “[a]ny settlement or resolution of the dispute shall be reduced into writing signed by the parties,” when the settlement was made through videoconferencing? Requiring Edna and Fred to go to court just to sign the compromise agreement would unduly delay the proceedings.**

In the *3<sup>rd</sup> paragraph of Section 22, Rule IV*, when the parties submit a compromise agreement before the hearing, and either one or both parties fail to appear at the hearing, the court shall issue an order directing the parties to confirm said compromise agreement within 3 days from notice; otherwise, it shall be deemed confirmed.

For consistency, in the given situation, the court should likewise issue a directive to the parties to confirm the compromise agreement as reflected in the order of the hearing conducted *via* videoconferencing. Similar to the situation in the *3<sup>rd</sup> paragraph of Section 22*, the court may give the parties a period of 3 days from notice (possibly through electronic mail, if the parties signified their consent to this) to confirm in writing said compromise agreement; otherwise, it shall be deemed confirmed. Said 3-day period will not negate the expedited nature of the proceedings since it is expressly provided in the *Expedited Procedures*.

Thereafter, the Judge must print a copy of the Compromise Agreement and the confirmation of the parties thereto, attach these to the Judgment based on Compromise Agreement, and file these in the case record.

**41. Does allowing hearings *via* videoconferencing [Section 23, Rule IV] imply that the compromise agreement entered by the parties during said hearing need not be signed by them?**

No. Similar to the answer above, the 3<sup>rd</sup> paragraph of Section 22, Rule IV should be applied analogously. In this scenario, the court should issue a directive to the parties to confirm in writing the compromise agreement as reflected in the order of the hearing conducted *via* videoconferencing. Similar to the situation in the 3<sup>rd</sup> paragraph of Section 22, the court may give the parties a period of 3 days from notice (possibly through electronic mail, if the parties signified their consent to this) to confirm in writing said compromise agreement; otherwise, it shall be deemed confirmed.

Thereafter, the Judge must print a copy of the Compromise Agreement and the confirmation of the parties thereto, attach these to the Judgment based on Compromise Agreement, and file these in the record.

**42. Does the provision allowing notices to parties to be served *via* texts, calls, and instant messaging applications [Section 11, Rule IV] apply only to Small Claims cases? Or may it be extended to Summary Procedure cases (whether civil or criminal) as well?**

Service of Notices *via* mobile phone calls, short messaging service (SMS), or instant messaging (IM) software applications is allowed *only* in small claims cases.

While there is a provision on service of notices by “other electronic means” under Section 5, Rule 13 of the 2019 Amendments,<sup>3</sup> the term does not include mobile phone calls, SMS, or IM software applications so as to cover cases other than Small Claims. Applying the *ejusdem generis* rule,<sup>4</sup> mobile phone calls, SMS, or IM software applications mentioned in Section 11, Rule IV of the *Expedited Procedures* do not fall as “other electronic means.”

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<sup>3</sup> Section 5. Modes of [s]ervice. - Pleadings, motions, **notices**, orders, judgments, and other court submissions shall be served personally or by registered mail, accredited courier, electronic mail, facsimile transmission, **other electronic means as may be authorized by the [c]ourt**, or as provided for in international conventions to which the Philippines is a party.

<sup>4</sup> “Where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.” *City of Manila v. Entote*, 156 Phil. 498 (1974).

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