



DE LA SALLE UNIVERSITY
TAÑADA-DIOKNO COLLEGE OF LAW
DLSU LAW CLINIC

Primer on Rules on Expedited Procedures in the First Level Courts (A.M. No. 08-8-7-SC)



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INTRODUCTION

This Primer is a project of the DLSU Law Clinic (DLC) as part of the Clinical Legal Education Program (CLEP) of the De La Salle University Tañada-Diokno College of Law (DLSU-TDCOL) and aims to provide Filipinos information on matters related to the *New Rules on Expedited Procedures in the First Level Courts* of the Philippines, as contained in the Supreme Court Resolution, A.M. No. 08-8-7 -SC, which took effect on 11 April 2022.

Although the New Rules were promulgated to simplify and expedite proceedings, it is important that those who the new rules intend to cater to, fully understand and interpret these to maximize its advantage in the same manner that the legislature intended for them to benefit. Considering the recent developments in procedural law, substantive law, jurisprudence, as well as technological advancements, the Primer intends to inform its readers what they can do now that amendments have been made.

To uphold all parties' constitutionally guaranteed right to a speedy disposition of cases, they must understand, interpret, and comply with every aspect of the proceedings in the First Level Courts and avoid losing legal battles due to technicalities. This is in accordance with the principle that justice delayed is justice denied. Full knowledge and understanding of the rules before the First Level Courts are important not only for the speedy disposition of cases but also for one to be able to avail of his right to due process which is essentially protected by the Philippine Constitution.

And to help prevent the inevitable fact that these rules could be taken advantage of and be used to abuse others' rights, this Primer will serve to educate, expound, and update yet simplify the Rules in a manner that could be best understood by its readers.

To know more about the *New Rules* and to view the required forms, please visit the Supreme Court Official Website: <https://sc.judiciary.gov.ph/26005/>

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I. APPLICABILITY OF THE RULES ON EXPEDITED PROCEDURES IN THE FIRST LEVEL COURTS

1. Q: What cases would be covered by The Rules on Expedited Procedures in the First Level Courts?

A: This Rule would prospectively apply only to cases filed from 11 April 2022. Pending cases covered by these Rules, which are currently before the second and first-level courts, shall remain with and be decided by those same courts based on the rules applicable at the time those cases were filed. (Rule V)

2. Q: When do these Rules not apply?

A: The Rules shall not apply to civil cases where the plaintiff's cause of action is pleaded in the same complaint with another cause of action subject to the regular procedure; nor to criminal cases where the offense charged is necessarily related to another criminal case subject to the regular procedure. (Sec. 2, Rule I)

A. On cases covered by Summary Procedure

3. Q: What civil cases shall be covered by the Rule on Summary Procedure?

A: The following civil cases shall be governed by the Rule on Summary Procedure:

(a) Forcible entry and unlawful detainer cases, regardless of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same

shall not exceed One Hundred Thousand Pesos (P100,000.00).

(b) 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 Two Million Pesos (P2,000,000.00), exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs.

(c) Complaints for damages where the claim does not exceed Two Million Pesos (P2,000,000.00), exclusive of interest and costs.

(d) Cases for enforcement of *barangay* amicable settlement agreements and arbitration awards where the money claim exceeds One Million Pesos (P1,000,000.00), provided that no execution has been enforced by the *barangay* within six (6) months from the date of the settlement or date of receipt of the award or from the date the obligation stipulated or adjudged in the arbitration award becomes due and demandable, pursuant to Section 417, Chapter VII of Republic Act No. 7160, otherwise known as The Local Government Code of 1991.

(e) Cases solely for the revival of judgment of any Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, and Municipal Circuit Trial Court, pursuant to Rule 39, Section 6 of the Rules of Court.

(f) The civil aspect of a violation of Batas Pambansa Blg. 22 (the Bouncing Checks Law), if no criminal action has been instituted therefor. Should a criminal action be later instituted for the same violation, the civil aspect shall be consolidated with the criminal action and shall be tried and decided jointly

under the Rule on Summary Procedure. (Sec. 1 [A] [1] Rule I)

4. Q: What criminal cases shall be covered by the Rule on Summary Procedure?

A: The Rule on Summary Procedure shall govern the following criminal cases:

- (a) Violations of traffic laws, rules and regulations;
- (b) Violations of the rental law;
- (c) Violations of municipal or city ordinances;
- (d) Violations of Batas Pambansa Blg. 22 (the Bouncing Checks Law); and
- (e) All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding one (1) year, or a fine not exceeding Fifty Thousand Pesos (P50,000.00), or both, regardless of other impossible penalties, accessory or otherwise, or of the civil liability arising therefrom. In offenses involving damage to property through criminal negligence under Article 365 of the Revised Penal Code, this Rule shall govern where the impossible fine does not exceed One Hundred Fifty Thousand Pesos (P150,000.00). (Sec. 1 [B], Rule I)

B. On Small Claims

5. Q: What is a Small Claim?

A: It is an action that is purely civil in nature where the claim or relief raised by the plaintiff is solely for the payment or reimbursement of a sum of money. It excludes actions seeking other claims or reliefs aside from payment or reimbursement of a sum of money and

those coupled with provisional remedies. (Sec. 1 [A][2], Rule I)

6. Q: What is the jurisdictional amount for small claims?

A: The money claim must not exceed One Million Pesos (P1,000,000.00), exclusive of interest and costs. (Sec. 1 [A][2], Rule I)

7. Q: What claim or demand may be covered by small claims?

A: The claim or demand may be:

- (a) For money owed under any of the following:
 - 1. Contract of Lease;
 - 2. Contract of Loan and other credit accommodations;
 - 3. Contract of Services; or
 - 4. Contract of Sale of personal property, excluding the recovery of the personal property, unless it is made the subject of a compromise agreement between the parties.
- (b) The enforcement of *barangay* amicable settlement agreements and arbitration awards, where the money claim does not exceed One Million Pesos (P1,000,000.00), provided that no execution has been enforced by the *barangay* within six (6) months from the date of the settlement or date of receipt of the award or from the date the obligation stipulated or adjudged in the arbitration award becomes due and demandable, pursuant to Section 417, Chapter VII of Republic Act No. 7160, otherwise known as The Local Government Code of 1991. (Sec. 1 [A][2], Rule I)

II. GENERAL COMMON PROVISIONS

8. Q: When does the regular procedure prescribed in the Rules of Court apply?

A: The regular procedure prescribed in the Rules of Court shall apply to the cases covered by these Rules where no specific provision is found herein. The regular procedure shall also apply in a suppletory manner even if there is a specific provision found in these Rules, but only insofar as not inconsistent.

9. Q: In case of inconsistency between the regular rules of procedure and the Rules, which shall prevail?

A: In case of inconsistency, the Rules on Expedited Procedure in the First Level Courts shall prevail. (Sec. 1, Rule II)

10. Q: What pleadings, motions, and petitions are prohibited by these Rules?

A: The following pleadings, motions or petitions shall not be allowed in cases governed by these Rules:

- (a) In civil cases, a motion to dismiss the complaint or the statement of claim, and in criminal cases, a motion to quash the complaint or information, except on the ground of lack of jurisdiction over the subject matter or failure to comply with the requirement of *barangay* conciliation, pursuant to Chapter VII, Title I Book III of Republic Act No. 7160;
- (b) Motion to hear and/or resolve affirmative defenses;
- (c) Motion for a bill of particulars;

- (d) Motion for new trial, or for reconsideration of a judgment on the merits, or for reopening of proceedings;
- (e) Petition for relief from judgment;
- (f) Motion for extension of time to file pleadings, affidavits or any other paper;
- (g) Memoranda;
- (h) Petition for *certiorari*, *mandamus*, or prohibition against any interlocutory order issued by the court;
- (i) Motion to declare the defendant in default;
- (j) Dilatory motions for postponement. Any motion for postponement shall be presumed dilatory unless grounded on acts of God, *force majeure*, or physical inability of a counsel or witness to personally appear in court, as supported by the requisite affidavit and medical proof;
- (k) Rejoinder;
- (l) Third-party complaints;
- (m) Motion for and Complaint in Intervention;
- (n) Motion to admit late judicial affidavit/s, position papers, or other evidence, except on the ground of *force majeure* or acts of God;
- (o) Motion for judicial determination of probable cause in criminal cases. (Sec. 2, Rule II)

11. Q: When will videoconference hearing be allowed in cases governed by these Rules?

A: 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 of a video conference hearing at any stage of the proceedings. (Sec. 3, Rule II)

12. Q: What is the governing rule in service pursuant to international conventions?

A: Service made pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters shall be valid, and the period to answer shall commence from receipt of the document served. (Sec. 4, Rule II)

III. THE RULE ON SUMMARY PROCEDURE

A. On Civil Cases

13. Q: What are allowed pleadings in civil cases covered by Summary Procedure?

A: The only pleadings allowed to be filed are:

- (a) Complaint;
- (b) Compulsory Counterclaim;
- (c) Cross-claim pleaded in the answer; and
- (d) Reply, as provided in Sec. 8 of these rules.

Note that the pleadings shall be verified. (Sec. 1, Rule III [A])

14. Q: What is the form and the contents of pleadings for civil cases covered by Summary Procedure?

A: All pleadings submitted under this Rule shall comply with Rule 7 of the 2019 Amendments to the 1997 Rules of Civil Procedure. (Sec. 2, Rule III [A])

15. Q: What should be included in a pleading if a case is covered by barangay conciliation proceedings under the Local Government Code?

A: All cases requiring prior referral to *barangay* conciliation must contain a statement of compliance, pursuant to Chapter VII, Title I, Book III of Republic Act No. 7160 [Local Government Code]. Where there is no showing of compliance with such requirement, the complaint shall be dismissed without prejudice, on the court's own initiative or upon motion by the defendant, and may be re-filed only after compliance with the requirement. (Sec. 2, Rule III [A])

16. Q: What must be stated in a complaint for civil cases covered by Summary Procedure?

A: The complaint shall state the following:

- (a) The names of the affiants whose judicial affidavits will be presented to prove the plaintiff's claim. The judicial affidavits shall be attached to the complaint. Otherwise, it shall not be considered.
- (b) The summary of statements in the judicial affidavits
- (c) The documentary and other object evidence in support of the allegations of the complaint; and
- (d) Whether the plaintiff consents to service by electronic means or facsimile and, if so, the plaintiff's e-mail address or facsimile numbers for such purpose. (Sec. 3, Rule III [A])

17. Q: What are the grounds for dismissal of the case?

A: The court shall *motu proprio* dismiss the case if it is apparent from the allegations of the complaint, as well as the evidence attached thereto, that:

- (a) The court lacks jurisdiction over the subject matter;
- (b) There is improper venue;
- (c) The plaintiff lacks the legal capacity to sue;
- (d) The action is barred by *litis pendentia* or *res judicata*;
- (e) The action has already prescribed;
- (f) The complaint failed to state a cause of action;
- (g) The plaintiff failed to submit a certification against forum shopping; and
- (h) The plaintiff failed to comply with the condition precedent, such as the absence of *barangay* conciliation, among others. (Sec. 4, Rule III [A])

18. Q: What is the action of the court if there is no ground for dismissal of the case?

A: If there is no ground for dismissal, and the court determines that the case falls under the Rules, the court shall direct the Branch Clerk to issue summons to the defendant within five (5) calendar days from receipt of a new civil case. The summons shall clearly state that the case shall be governed by the Rule on Summary Procedure. (Sec. 4, Rule III [A])

19. Q: Does the Rule have specific provisions on Filing and Service of pleadings and summons?

A: No, the Rule does not have any specific provisions on Filing and Service of pleadings and summons. The rules on filing and service of pleadings under Rule 13 and service of summons under Rule 14 of the 2019 Amendments to the 1997 Rules of Civil Procedure shall be applicable to cases under this Rule, unless inconsistent. (Sec. 5, Rule III [A])

20. Q: When shall the defendant file an answer to the complaint?

A: The defendant shall file an answer to the complaint and serve a copy thereof on the plaintiff within thirty (30) calendar days from service of summons. (Sec. 6, Rule III [A])

21. Q: What must be stated in the answer?

A: The answer shall state the following:

- (a) The names of the affiants whose judicial affidavits will be presented to prove the defendant's allegations. The judicial affidavits shall be attached to the answer. Otherwise, it shall not be considered.
- (b) The summary of the statements in the judicial affidavits;
- (c) The documentary and other object evidence in support of the allegations in the answer; and
- (d) Whether the defendant consents to service by electronic means or facsimile and, if so, the defendant's e-mail addresses or facsimile numbers for such purpose. (Sec. 6, Rule III [A])

22. Q: What is the effect if the defendant fails to plead an affirmative defense in the answer?

A: Affirmative defenses not pleaded in the answer shall be deemed waived, except for the following:

- (a) Lack of jurisdiction over the subject matter;
- (b) *Litis pendentia*;
- (c) *Res judicata*; and
- (d) Prescription. (Sec. 6, Rule III [A])

23. Q: What is the effect if there is a failure to assert the cross-claim or compulsory counterclaim in the answer?

A: Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. (Sec. 6, Rule III [A])

24. Q: What are compulsory counterclaims within the coverage of this Rule?

A: These are the claims of the defendant against the plaintiff at the time the action is commenced which:

- (a) Is within the coverage of this Rule, exclusive of interests and costs;
- (b) Arises out of the same transaction or event that is the subject matter of the plaintiff's claim;
- (c) Does not require for its adjudication the joinder of third parties; and
- (d) Is not the subject of another pending action.

The compulsory counterclaim must be filed as such in the answer; otherwise, the defendant shall be barred from suing

on such counterclaim. (Sec. 7, Rule III [A])

25. Q: Can the defendant file a permissive counterclaim?

A: Yes. The defendant may also elect to file a counterclaim against the plaintiff that does not arise out of the same transaction or occurrence, provided that the amount and nature thereof are within the coverage of this Rule and the prescribed docket and other legal fees are paid.

Note, however, that any amount pleaded in a counterclaim in excess of Two Million Pesos (P2,000,000.00), excluding interests and costs, shall be deemed waived. (Sec. 7, Rule III [A])

26. Q: Does the plaintiff have to file a reply in order to controvert the allegations of the defendant's answer?

A: No. All new matters alleged in the answer shall be deemed controverted. (Sec. 8, Rule III [A])

27. Q: When is the only time that the plaintiff may file a reply?

A: The plaintiff may file a reply to a counterclaim only when an actionable document is attached to the answer. (Sec. 8, Rule III [A])

28. Q: What is the period of filing of the reply?

A: The reply shall be filed within ten (10) calendar days from the receipt of the answer. (Sec. 8, Rule III [A])

29. Q: What is the effect if the defendant fails to file an answer?

A: Should the defendant fail to answer the complaint within the period provided, the court, on its own initiative, or upon manifestation by the plaintiff that the period for filing an answer has already lapsed, shall render judgment as may be warranted by the facts alleged in the complaint and its attachments, limited to what is prayed for therein.

The court may reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable. (Sec. 9, Rule III [A])

30. Q: What rule shall govern the Preliminary Conference?

A: The rules on pre-trial under Rule 18 of the 2019 Amendments to the 1997 Rules of Civil Procedure shall be applicable. (Sec. 10, Rule III [A])

31. Q: When will the notice of the preliminary conference be issued?

A: The Branch Clerk of Court shall issue a Notice of Preliminary Conference within five (5) calendar days after the last responsive pleading is filed. (Sec. 10, Rule III [A])

32. Q: What shall be the contents of the notice of preliminary conference?

A: The Notice of Preliminary Conference shall include the dates respectively set for:

(a) Preliminary Conference (within 30 calendar days from the filing of the responsive pleading);

(b) Court-Annexed Mediation (within an inextensible period of thirty (30) calendar days from date of referral for mediation); and

(c) Judicial Dispute Resolution, in the court's discretion (within an inextensible period of fifteen (15) calendar days from notice of failure of the Court-Annexed Mediation). (Sec. 10, Rule III [A])

33. Q: What should be filed before the Preliminary Conference?

A: The parties shall file with the court their respective Preliminary Conference Briefs and serve on the adverse party in such a way as to ensure receipt, at least three (3) calendar days before the scheduled Preliminary Conference. (Sec. 11, Rule III [A])

34. Q: What should be the contents of Preliminary Conference Briefs?

A: The Preliminary Conference Brief shall contain the following:

- (a) A summary of admitted facts;
- (b) A summary of disputed facts and proposals for stipulations on the same;
- (c) A statement of factual and legal issues; and
- (d) A list of testimonial, object, and other documentary evidence offered in support of the party's claims or defenses, and their markings, if any. (Sec. 11, Rule III [A])

35. Q: What if the party failed to submit their respective Preliminary Conference Brief?

A: Failure to submit a Preliminary Conference Brief within the period given shall merit the same sanction as

non-appearance at the Preliminary Conference. (Sec. 11, Rule III [A])

36. Q: Is an appearance at the Preliminary Conference required?

A: Yes. It shall be the duty of the parties and their counsel to appear at the Preliminary Conference, Court-Annexed Mediation, and Judicial Dispute Resolution, if the latter is ordered by the court. (Sec. 12, Rule III [A])

37. Q: What are the only allowed excuses for the non-appearance of the party and/or counsel at the Preliminary Conference?

A: The non-appearance of a party and/or counsel may be excused only for the following:

- a. Acts of God;
- b. *Force majeure*; or
- c. Duly substantiated physical inability. (Sec. 12, Rule III [A])

38. Q: May a representative appear on behalf of the party and/or counsel?

A: Yes, but it must be fully authorized through a Special Power of Attorney or a Board Resolution, as the case may be, to:

1. Enter into an amicable settlement;
2. To submit to alternative modes of dispute resolution, and
3. To enter into stipulations or admissions of facts and documents. (Sec. 12, Rule III [A])

39. Q: What if the Special Power of Attorney or Board Resolution failed to include all the acts required to be indicated?

A: An authority which fails to include all these acts shall be ineffective and the party represented shall be deemed absent. (Sec. 12, Rule III [A])

40. Q: What will happen if the plaintiff and/or counsel or his/her representative failed to appear at the Preliminary Conference?

A: Failure to appear of the party and/or counsel or his/her representative shall be a cause of the dismissal of the complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on the counterclaim, in accordance with Section 9 of this Rule. (Sec. 12, Rule III [A])

41. Q: What will happen if the defendant and/or counsel or his/her representative failed to appear at the Preliminary Conference?

A: The plaintiff shall be entitled to judgment in accordance with Section 9 of the Rule on Summary Procedure. This Rule shall not apply, however, where one of two or more defendants sued under a common cause of action and who had pleaded a common defense, shall appear at the Preliminary Conference. (Sec. 12, Rule III [A])

42. Q: What will happen after the Preliminary Conference and after issues have been joined?

A: The court shall issue a Preliminary Conference Order referring the parties to the mandatory Court-Annexed Mediation, and Judicial Dispute Resolution, which shall be conducted in accordance with the provisions of A.M. No. 19-10-20-SC or the 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases. (Sec. 13, Rule III [A])

43. Q: What may contain the Preliminary Conference Order?

A: It may contain the declaration of the court that the case is submitted for judgment if, on the basis of the pleadings and their attachments, as well as the stipulations and admissions made by the parties, judgment may be rendered without the need of submission of position papers. (Sec. 13, Rule III [A])

44. Q: Can the Preliminary Conference Order be subject of a Motion for Reconsideration?

A: No, it cannot be the subject of a motion for reconsideration or a petition for *certiorari*, prohibition, or *mandamus*. (Sec. 13, Rule III [A])

45. Q: What is the remedy if you want to contest the Preliminary Conference Order?

A: It may be among the matters to be raised on appeal after a judgment on the merits. (Sec. 13, Rule III [A])

46. Q: Is there a need to submit a position paper?

A: It depends. If the court deems the submission of position papers still necessary, it shall require the parties, in the Preliminary Conference Order, to submit their respective position papers within ten (10) calendar days from receipt of such order. (Sec. 13, Rule III [A])

47. Q: When will the court render judgment if no position paper is required to be submitted?

A: The court shall render judgment within (30) calendar days from the issuance of the Preliminary Conference Order. (Sec. 13, Rule III [A])

48. Q: Is additional evidence or judicial affidavit allowed during the Preliminary Conference?

A: No other judicial affidavits or evidence will be admitted even if filed with the position papers. (Sec. 13, Rule III [A])

49. Q: When will the court render its judgment if there is a failure to reach an amicable settlement?

A: The court shall render judgment within thirty (30) calendar days from

receipt by the court of the Mediator's Report or the JDR Report on the parties' failure to reach an amicable settlement. (Sec. 14, Rule III [A])

50. Q: What if the court needs to clarify certain material facts?

A: The court may issue an order specifying the matters to be clarified, and require the parties to submit additional judicial affidavits or other evidence on the said matters, within ten (10) calendar days from receipt of said order. (Sec. 14, Rule III [A])

51. Q: When will the court render judgment if there is a clarification on material facts?

A: Judgment shall be rendered within fifteen (15) calendar days after the receipt of the last clarificatory judicial affidavits, or the expiration of the period for filing the same. (Sec. 14, Rule III [A])

B. On Criminal Cases

52. Q: How to commence criminal cases governed by the Rule on Summary Procedure?

A: It shall be commenced by filing either a complaint or an information with the court. (Sec. 1, Rule III [B])

53. Q: What shall accompany the complaint or information?

A: It shall be accompanied by the judicial affidavits of the complainant, and of his or her witnesses, in such manner of copies as there are accused, plus one

(1) copy for the court. (Sec. 1, Rule III [B])

54. Q: How is the complaint or information served?

A: The complaint or information and other submissions of the parties may be filed with the court and served on the adverse party/ies. Judgments, resolutions, orders, and other court processes may be served to the parties, electronically with their consent, in accordance with the prevailing Rules and other Court issuances. (Sec. 1, Rule III [B])

55. Q: What will happen if a case was commenced by a complaint?

A: The court may dismiss the case outright for lack of probable cause, and order the release of the accused if in custody. (Sec. 2, Rule III [B])

56. Q: What will happen if a case was commenced by information?

A: The court shall issue an order which, together with copies of the resolution of the investigating officer and the judicial affidavits and other evidence submitted by the prosecution, shall require the accused to submit judicial counter-affidavit and the judicial affidavits of his or her witnesses, as well as any other evidence in his or her behalf, within fifteen (15) calendar days from receipt of the order. (Sec. 2, Rule III [B])

public prosecutor during the preliminary investigation. (Sec. 2, Rule III [B])

57. Q: What will the accused be required to do after submission of a judicial counter affidavit or judicial affidavit of his or her witnesses as well as other evidence?

A: The accused shall serve copies thereof on the private complainant and the public prosecutor within fifteen (15) calendar days from receipt of the order. (Sec. 2, Rule III [B])

58. Q: Can a witness testify without submitting his or her judicial affidavit?

A: No, no witness shall be allowed to testify if he or she failed to submit his or her judicial affidavit. (Sec. 2, Rule III [B])

59. Q: Is there an exception to the rule that a witness cannot testify without submitting his or her judicial affidavit?

A: Yes, a witness may testify in case of rebuttal. (Sec. 2, Rule III [B])

60. Q: What is the purpose of a judicial affidavit?

A: The judicial affidavit shall take place of the direct testimony of a witness. (Sec. 2, Rule III [B])

61. Q: Is there an alternative to judicial affidavits?

A: Yes, instead of judicial affidavits, the prosecution may submit the written sworn statements of the complainant and/or the witnesses prepared by the law enforcement agents assigned to the case, or the affidavits submitted to the

62. Q: Is there an effect if written sworn statements instead of judicial affidavits were submitted?

A: Yes, if the prosecution chooses this option, the prosecutor shall not be allowed to ask additional direct examination questions of the complainant and/or the witnesses, except for meritorious reasons. (Sec. 2, Rule III [B])

63. Q: When will the court determine the existence of probable cause?

A: Upon receipt of the accused's judicial counter-affidavit and/or judicial affidavits of his or her witnesses, or the lapse of the period given for the submission thereof, the court shall determine if probable cause exists to hold the accused for trial. (Sec. 3, Rule III [B])

64. Q: What if the court finds that no probable cause exists?

A: The court shall order the dismissal of the case and the immediate release of the accused, if in custody. (Sec. 3, Rule III [B])

65. Q: What if the court finds that probable cause exists?

A: The court shall set the case for arraignment and pre-trial. (Sec. 3, Rule III [B])

66. Q: What will happen if no judicial affidavits or other evidence were submitted?

A: If the period for submission of judicial affidavits and other evidence by the accused has not yet lapsed and no submission has been made on the date set for the arraignment and pre-trial, the court may proceed with the arraignment if the accused waives the court's consideration of his or her judicial counter-affidavit and/or the judicial affidavits of his or her witnesses in the determination of probable cause. (Sec. 3, Rule III [B])

67. Q: Can the accused submit counter-affidavit and/or judicial affidavits of his or her witnesses after the date of arraignment and pre-trial?

A: Yes, counter-affidavit and/or the judicial affidavits of his or her witnesses may be submitted within a fresh period of ten (10) calendar days from the date of arraignment and the pre-trial. (Sec. 3, Rule III [B])

68. Q: Can the court issue a warrant of arrest for the accused in criminal cases governed by the Rule on Summary Procedure?

A: No, the court shall not issue a warrant for the arrest of the accused except for failure to appear despite notice, whenever required by the court. (Sec. 4, Rule III [B])

69. Q: Can an arrested person be released while the case is ongoing?

A: Yes, a person arrested can be released either by bail, or on his or her own recognizance, or that of a responsible citizen acceptable to the court. (Sec. 4, Rule III [B])

70. Q: What if the warrant of arrest could not be served on the accused?

A: 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. (Sec. 4, Rule III [B])

71. Q: When will the court set the arraignment and pre-trial?

A: Upon receipt of the case, the court shall set the arraignment and pre-trial within ten (10) calendar days for detained accused and thirty (30) calendar days for the non-detained accused. (Sec. 5, Rule III [B])

72. Q: What are the contents of a notice of arraignment and pre-trial?

A: The notice of arraignment and pre-trial shall require the attendance of the accused and his or her counsel and all defense witnesses, the private complainant and his or her witnesses, the public prosecutor and private prosecutor, where allowed, as well as

the law enforcement agents assigned to the case. (Sec. 5, Rule III [B])

73. Q: *Is plea bargaining applicable to the Rule on Summary Procedure?*

A: Yes, before arraigning the accused, the court shall inquire into the possibility of a plea bargain between the parties. (Sec. 5, Rule III [B])

74. Q: *What if there is no plea bargain between the parties?*

A: If there is no plea bargain, the court shall arraign the accused on the original charge and enter his or her plea in the record. (Sec. 5, Rule III [B])

75. Q: *What if the accused pleads guilty to the original charge?*

A: The court shall forthwith sentence him or her. (Sec. 5, Rule III [B])

76. Q: *What if the accused offered to plead guilty to a lesser offense?*

A: If the accused offers to plead guilty to a lesser offense, the consent of the public prosecutor and the private complainant, or the law enforcement agent assigned to the case in victimless crimes, shall be secured, unless the latter are absent despite notice, in which case the consent of the public prosecutor shall suffice. (Sec. 5, Rule III [B])

77. Q: *What will happen after arraignment?*

A: The court shall conduct the Pre-Trial Conference in accordance with the

Revised Guidelines for Continuous Trial of Criminal Cases. (Sec. 5, Rule III [B])

78. Q: *When will the admission of the accused be used against him or her?*

A: If it is reduced into writing and signed by the accused and the defense counsel. The signatures of the accused and the defense counsel either on the Pre-Trial Order or the Minutes of the Pre-Trial Conference, which embodies such admissions, shall suffice. (Sec. 5, Rule III [B])

79. Q: *What shall consist the testimonies of the witnesses at the trial?*

A: The testimonies of witnesses shall consist of the duly subscribed written statements given to law enforcement agents, or the affidavits or counter-affidavits submitted before the investigating officer, or their judicial affidavits, subject to cross, re-direct, and re-cross examination questions. (Sec. 6, Rule III [B])

80. Q: *What if any of the witnesses or affiant failed to testify?*

A: His or her affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose. (Sec. 6, Rule III [B])

81. Q: *How long can the prosecution complete its evidence presentation?*

A: The prosecution shall have sixty (60) calendar days to complete its evidence presentation. On the last day of its

presentation of evidence, the public prosecutor shall orally offer the prosecution evidence. (Sec. 6, Rule III [B])

82. Q: What will be required for the defense to do after the prosecution completed its evidence presentation?

A: The defense counsel shall then make his or her oral comments on the offer. (Sec. 6, Rule III [B])

83. Q: What will the court do after the defense counsel made his or her oral comments on the offer of evidence by the prosecution?

A: The court shall orally resolve the offer of evidence of the prosecution. The ruling shall be embodied in the written order the court will issue thereafter. (Sec. 6, Rule III [B])

84. Q: How long can the defense complete its evidence presentation?

A: The defense shall also have sixty (60) calendar days to complete its evidence presentation. On the last day of its presentation of the evidence, the defense counsel shall orally offer the defense evidence. (Sec. 6, Rule III [B])

85. Q: What will be required for the prosecution to do after the defense completed its evidence presentation?

A: The public prosecutor shall then make his or her oral comments on the offer. (Sec. 6, Rule III [B])

86. Q: What will the court do after the prosecution counsel made his or her oral comments on the offer of evidence by the defense?

A: The court shall orally resolve the offer of evidence of the prosecution. The ruling shall be embodied in the written order the court will issue thereafter. (Sec. 6, Rule III [B])

87. Q: Can the prosecution present rebuttal evidence?

A: Yes. If the prosecution decides to present rebuttal evidence, it shall have fifteen (15) calendar days from the court action on the offer of defense evidence to complete the same. (Sec. 6, Rule III [B])

88. Q: Can a motion for postponement of any trial date be filed?

A: No, a motion for postponement of any trial date shall be presumed dilatory and denied outright. (Sec. 6, Rule III [B])

89. Q: Are there exceptions for the filing of a motion for postponement of any trial date?

A: Yes, if it is grounded on authorized causes such as acts of God, *force majeure*, or duly substantiated physical inability of the counsel or witness. (Sec. 6, Rule III [B])

90. Q: What if the motion for postponement is granted by the court?

A: Any postponement granted by the court for the authorized causes shall not extend the period for the presentation of a party's evidence. The party who sought the postponement shall only have the remaining trial dates assigned to him or her to complete his or her evidence presentation. (Sec. 6, Rule III [B])

91. Q: When will the court render and promulgate judgment?

A: The court shall render and promulgate the judgment not later than thirty (30) calendar days from the court's action on the last presenting party's offer of evidence. (Sec. 6, Rule III [B])

C. Appeals in Summary Procedure

92. Q: What can be the subject of an ordinary appeal in Summary Procedure?

A: Any judgment, final order, or final resolution may be appealed to the appropriate Regional Trial Court exercising jurisdiction over the territory under Rule 40 for civil cases and Rule 122 for criminal cases, of the Rules of Court.

93. Q: How can an appeal be perfected?

A: 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 judgment, order or resolution appealed from.

94. Q: When should an appeal be filed?

A: Within fifteen (15) calendar days from receipt of the judgment, order or resolution appealed from.

95. Q: Can the judgment on appeal filed with the Regional Trial Court be raised on appeal before the Court of Appeals?

A: No, the judgment of the Regional Trial Court on the appeal shall be final, executory, and unappealable.

IV. RULE ON SMALL CLAIMS

96. Q: What is the scope of the New Rule on Small Claims?

A: It will govern the procedure in actions for payment or reimbursement of a sum of money where the value of the claim does not exceed One Million Pesos (P1,000,000.00). (Sec. 1, Rule IV)

NOTE: In the old rule the limit on the value of the claim was only up to Two Hundred Thousand Pesos (P200,000.00).

97. Q: Where to file small claims?

A: Small claims must be filed in the following courts:

- Metropolitan Trial Courts (MeTCs);
- Municipal Trial Courts in Cities (MTCCs);
- Municipal Trial Courts (MTCs); and
- Municipal Circuit Trial Courts

(MCTCs). (Sec. 1, Rule IV)

98. Q: What are the objectives of the New Rule on Small Claims?

A: The following are the objectives of the new rule:

- (a) To protect and advance the constitutional right of persons to a speedy disposition of their cases;
- (b) To provide a simplified and inexpensive procedure for the disposition of small claims cases; and
- (c) To introduce innovations and best practices for the benefit of the underprivileged. (Sec. 2, Rule IV)

99. Q: Who are the parties in small claims cases?

A: The following are the parties in small claims cases:

- Plaintiff
 - The party who initiated a small claims action.
 - Also includes a defendant who has filed a counterclaim against a plaintiff.
- Defendant
 - Party against whom the plaintiff has filed a small claims action.
 - Also includes a plaintiff against whom a defendant has filed a claim, or a person who replies to the claim.

NOTE: A person is an individual, corporation, partnership, limited liability partnership, association, or other juridical entity endowed with personality by law; an Individual is a natural person. (Sec. 3, Rule IV)

100. Q: What are the other terms to note in small claims cases?

A: The following are other terms to be noted in this rule:

- Motion
 - Means a party's request, written or oral, to the court for an order or other action;
 - Includes an informal written request to the court such as a letter;
- Good cause
 - Means circumstances sufficient to justify the requested order or other action, as determined by the judge;
- Business of Lending (New term)
 - Refers to any lending activity pursued with regularity;
- Business of Banking (New term)
 - Refers to the business of lending funds obtained in the form of deposits;
- Affidavit
 - Means a written statement or declaration of facts that are sworn to or affirmed to be true. (Sec. 3, Rule IV)

101. Q: What must be stated in the affidavit submitted under the Rule on Small Claims?

A: The following must be stated in the affidavit:

- Facts of direct personal knowledge of the affiants; or
- Facts based on authentic records, which are admissible in evidence. (Sec. 7, Rule IV)

102. Q: What is the effect of failing to comply with the requirement on affidavits?

A: Both the party and the counsel who assisted the party in the preparation of

the affidavits will be subject to appropriate disciplinary action.

- The inadmissible affidavit(s) or portion(s) thereof shall be expunged from the record. (Sec. 7, Rule IV)

103. Q: What if a party does not submit the required affidavits?

A: Non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim. (Sec. 7, Rule IV)

104. Q: How to commence a small claims action?

A: A small claims action may be commenced by filling the following with the court:

1. An accomplished Statement of Claim/s with Verification Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits; (Form 1-SCC);
2. For juridical entities, a board resolution or secretary's certificate authorizing the person to file the claim must be attached to the Statement of Claim/s;
3. Duly certified photocopies of the actionable document/s subject of the claim;
4. Affidavits of witnesses; and
5. Other evidence to support the claim.

Note that the number of copies of the Statement of Claim and other court submissions shall depend on the number of defendants. (Sec. 4, Rule IV)

105. Q: Are there other pleadings required to be filed with the court?

A: No formal pleading, other than the Statement of Claim/s described in this Rule, is necessary to initiate a small claims action. (Sec. 4, Rule IV)

106. Q: What is the effect if the plaintiff fails to attach or submit a piece of evidence with the Statement of Claim?

A: The evidence shall not be allowed during the hearing unless good cause is shown for the admission of additional evidence. (Sec. 4, Rule IV)

107. Q: What must the plaintiff state in the Statement of Claim?

A: The plaintiff must state in the Statement of Claim/s if he/she/it is engaged in the business of lending, banking and similar activities, and the number of small claim cases filed within the calendar year regardless of judicial station. (Sec. 4, Rule IV)

108. Q: Where is the venue for Small Claims Cases?

A: Generally, the regular rules on venues are applicable.

However, if the plaintiff is engaged in the business of lending, banking and similar activities, and has a branch within the municipality or city where the defendant resides or is holding business, the following shall apply:

- The Statement of Claim/ s shall be filed in the court of the city or municipality where the defendant resides or is holding business.

- If there are two (2) or more defendants, it shall be filed in the court of the city or municipality where any of them resides or is holding business at the option of the plaintiff. (Sec. 5, Rule IV)

109. Q: When is Joinder applicable in Small Claims Cases?

A: The plaintiff may join in a single statement of claim one or more separate small claims against a defendant provided:

- That the total amount claimed, exclusive of interest and costs, does not exceed One Million Pesos (P1,000,000.00). (Sec. 6, Rule IV)

NOTE: The old rules limited the amount claimed to Two Hundred Thousand Pesos (P200,000.00).

110. Q: What are the rules on payment of Filing Fees in Small Claims Cases?

A: The plaintiff shall pay the docket and other legal fees prescribed under Rule 141 of the Revised Rules of Court.

Note that exemption from the payment of filing fees shall be granted only by the Supreme Court.

If the plaintiff is engaged in the business of lending, banking, and similar activities, the amount of filing and other legal fees shall be the same as those applicable to cases filed under the regular rules of procedure. (Sec. 8, Rule IV)

111. Q: What are the exemptions to the general rule of payment of filing fees?

A: The following are the exemptions:

1. If the plaintiff is permitted to litigate as an Indigent:

a. 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.

i. If the motion is granted by the Executive Judge, the case shall be raffled off or assigned to the court designated to hear small claims cases.

ii. If the motion is denied, the plaintiff shall be given five (5) calendar days within which to pay the docket fees, otherwise, the case shall be dismissed without prejudice.

b. In no case shall a party, even if declared an indigent, be exempt from the payment of the One Thousand Pesos (P1,000.00) fee for service of summons and processes.

2. If more than five (5) small claims are filed by one party within the calendar year, regardless of the judicial station:

a. An additional filing fee of Five Hundred Pesos (P500.00) shall be paid for every claim filed after the fifth (5th) claim;

b. An additional One Hundred Pesos (P100.00) or a total of Six Hundred Pesos (P600.00) for every claim filed after the tenth (10th) claim; and

c. Another One Hundred Pesos (P100.00) or a total of Seven Hundred Pesos (P700) for every claim filed after the fifteenth (15th) claim, progressively and cumulatively.

3. If a case is dismissed without prejudice under Sec. 12 (f) of this Rule (failure to properly serve summons), and is re-filed within one (1) year from notice of dismissal:

a. The plaintiff shall pay a fixed amount of Two Thousand Pesos (P2,000.00) as filing fee, inclusive of the One Thousand Pesos (P1,000.00) fee for service of summons and processes.

NOTE: This situation was added under the amended rules. (Sec. 8, Rule IV)

112. Q: How are Small Claims Cases dismissed?

A: The court may dismiss the case on its own initiative under any of the following grounds, provided it has determined that such case would fall under this rule and has examined the allegations of the Statement of Claim/s and such evidence attached thereto:

- (a) The court has no jurisdiction over the subject matter;
- (b) There is another action pending between the same parties for the same cause;
- (c) The action is barred by prior judgment;
- (d) The claim is barred by the statute of limitations;
- (e) The court has no jurisdiction over the person of the defendant;
- (f) Venue is improperly laid;
- (g) The plaintiff has no legal capacity to sue;
- (h) The Statement of Claim/s states no cause of action;
- (i) That a condition precedent for filing the claim has not been complied with; and

(j) The plaintiff failed to submit the required affidavits, as provided in Section 7 of this Rule.

NOTE: The order of dismissal shall state if it is with or without prejudice. These specific grounds were specifically enumerated in the amended rules. (Sec. 9, Rule IV)

113. Q: What are other instances wherein the court may dismiss the Small Claims case?

A: The following are the other instances wherein the court may dismiss said cases:

- If the court is able to determine that there exists a ground for dismissal of the Statement of Claim/s, during the hearing:
 - (a) The court may on its own initiative dismiss the case even if such ground is not pleaded in the defendant's Response.
- If the plaintiff misrepresents that he/she/it is not engaged in the business of lending, banking, or similar activities when in fact he/ she/it is so engaged:
 - (a) The Statement of Claim/ s shall be dismissed with prejudice and the plaintiff shall be meted the appropriate sanctions, including citation for direct contempt. (Sec. 9, Rule IV)

114. Q: When is a small claims case herein not dismissed, but instead, re-docketed under an appropriate procedure and returned to a court where it was assigned?

A: The following are re-docket under an appropriate procedure:

- If the case does not fall under this Rule, but falls under summary or regular procedure; or
- If the case is filed under summary or regular procedure but falls under this Rule (Added in the amended rules).

Note that this is still subject to payment of any deficiency in the applicable regular rate of filing fees. (Sec. 9, Rule IV)

115. Q: When is a summons issued?

A: If no ground for dismissal is found, Summons (Form 2-SCC) must be issued within twenty-four (24) hours from receipt of the Statement of Claim/s, directing the defendant to submit a verified Response.

NOTE: In serving summons to the defendant, it must also be accompanied by the following:

- a. a copy of the Statement of Claim/s and documents submitted by the plaintiff; and
- b. a blank Response Form (Form 3-SCC) to be accomplished by the defendant.

The new rules now limit the period to within twenty-four (24) hours. (Sec. 10, Rule IV)

116. Q: What is a Notice of Hearing (Form 4-SCC) and how is it issued?

A: The court shall issue said Notice of Hearing to both parties.

- a. Such Notice of Hearing shall direct the parties to appear before the court on a specific date and time for hearing.
- b. There is a warning that no unjustified postponement shall be

allowed, as provided in Section 20 of this Rule.

c. The Notice of Hearing must be accompanied by the Summons.

NOTE: A blank Special Power of Attorney (Form 7-SCC) shall be attached to the Notice of Hearing. (Sec. 10, Rule IV)

117. Q: What are the contents of the Notice of Hearing?

A: The following must be contained in a Notice of Hearing:

- (a) the date of the hearing:
 - a. Such date shall not be more than thirty (30) calendar days from the filing of the Statement of Claim/s, or
 - b. Such date shall also not be more than sixty (60) calendar days if one of the defendants resides or holds business outside the judicial region; and
- (b) the express prohibition against the filing of a motion to dismiss or other prohibited motions under Section 2, Rule II. (Sec. 10, Rule IV)

118. Q: How does Electronic Filing and Service in small claims cases apply?

A: Service of court issuances and filings by the plaintiff/s and defendant/s may be made through:

- E-mail
- Facsimile
- Other Electronic means

Notices may, in addition to those aforementioned, may also be served through mobile phone calls, short messaging service (SMS) or instant messaging (IM) software applications.

NOTE: The consent to and chosen mode of electronic service and notice

shall be indicated in the Statement of Claim/s or Response, as the case may be. (Sec. 11, Rule IV)

Service of Summons in Small Claims Cases (Sec. 12)

(This is a completely new provision)

119. Q: How is the service of Summons issued in small claims cases?

A: The Summons and Notice of Hearing must be issued within twenty-four (24) hours from receipt of the Statement of Claim/s.

Thereafter, the Summons, together with the Notice of Hearing, shall be served by the sheriff, his or her deputy, or another proper court officer within ten (10) calendar days from issuance.

Then, within five calendar (5) days from such service, the Officer's Return shall be filed with the court with a copy furnished to the plaintiff at the given address/es of record.

120. Q: What if Summons is returned without being served on any or all of the defendants?

A: The court shall order the plaintiff or his or her representative to serve or cause the service of Summons.

NOTE: In instances mentioned above, the plaintiff shall inform the court within thirty (30) calendar days from notice if said Summons was served.

Otherwise, the Statement of Claim/s shall be dismissed without prejudice as to those who were not served with Summons. This is not a ground to archive the case. The case, however, may be re-filed within one year from

notice of dismissal, subject to payment of reduced filing fees under Section 8 hereof.

121. Q: What about cases wherein Summons is to be served outside the judicial region of the court where the case is pending?

A: The court may also order the plaintiff or his or her representative to serve or cause the service of Summons.

122. Q: How is Summons issued if the plaintiff is a juridical entity?

A: Said juridical entity shall notify the court, in writing, and name its authorized representative therein. It shall also attach a board resolution or secretary's certificate thereto, stating that such representative is duly authorized to serve the Summons on behalf of the plaintiff.

123. Q: What happens if the plaintiff misrepresents that the defendant was served with Summons, and it is later proved that no Summons was served?

A: The case shall be dismissed with prejudice, the proceedings shall be nullified, and the plaintiff shall be declared in indirect contempt under Rule 71 of the Rules of Court and/or be meted a fine in the amount of P5,000.00.

124. Q: How is a response made in small claims cases?

A: The defendant shall file with the court and serve on the plaintiff a duly accomplished and verified Response

(Form 3-SCC) within a non-extendible period of ten (10) calendar days from receipt of Summons. (Sec. 13, Rule IV)

125. Q: What must accompany the response made in small claims cases under section 13?

A: The Response shall be accompanied by certified photocopies of documents, as well as affidavits of witnesses and other evidence in support thereof. (Sec. 13, Rule IV)

126. Q: What is the effect if the defendant fails to attach evidence with the Response?

A: Generally, no evidence shall be allowed during the hearing which was not attached to or submitted together with the Response, unless good cause is shown for the admission of additional evidence.

127. Q: What is the effect if the defendant fails to file a response?

A: Two instances must be noted when there is a failure to file a response in small claims cases:

■ Should the defendant fail to file his/her/its Response within the required period, and likewise fail to appear on the date set for hearing:

○ The court shall render judgment within twenty-four (24) hours from the termination of the hearing, as may be warranted by the facts alleged in the Statement of Claim/s and its attachments.

■ Should the defendant fail to file his/her/its Response within the required period but appear on the date set for hearing:

○ The court shall ascertain what defense he/ she/it has to offer, which shall constitute his/her/its Response, proceed to hear the case on the same day as if a Response has been filed and, thereafter, render judgment within twenty-four (24) hours from the termination of the hearing.

○ NOTE: If the defendant relies on documentary evidence to support his defense, the court shall order him/her/it to submit original copies of such documents within three (3) calendar days from the termination of the hearing and, upon receipt thereof or expiration of the period to file, the court shall render judgment within twenty-four (24) hours.

○ The time limits stated herein are also added by the amended rules. (Sec. 14, Rule IV)

128. Q: Which kind of counterclaims may be filed by a defendant in his Response?

A: Any claim that he may possess at the time the action was commenced, even if it does not arise out of the same transaction or occurrence, provided that such claim:

(a) is within the coverage of this Rule, exclusive of interest and costs;

(b) arises out of the same transaction or event that is the subject matter of the plaintiff's claim;

(c) does not require for its adjudication the joinder of third parties; and

(d) is not the subject of another pending action. (Sec. 15, Rule IV)

129. Q: What is the effect if the defendant fails to raise a compulsory counterclaim in his or her Response?

A: The compulsory counterclaim is deemed waived. (Sec. 15, Rule IV)

130. Q: What happens to a counterclaim in the amount exceeding the coverage of this Rule (One Million Pesos), that was erroneously pleaded by the defendant?

A: It shall be deemed waived. (Sec. 15, Rule IV)

131. Q: How often would courts hear Small Claims Cases?

A: Under the Rule, there should be, at least, one (1) hearing day every week devoted to Small Claims, with a minimum of five (5) cases scheduled per hearing day. Such notice of schedule of its Small Claims hearing day should be posted by the Court conspicuously at the Branch and at the Office of the Clerk of Court. (Sec. 16, Rule IV)

132. Q: How should parties appear in Small Claims cases?

A: Generally, the parties should appear personally on the designated date of the hearing. However, appearance through a representative may be allowed for a valid cause. (Sec. 17, Rule IV)

133. Q: Who may represent parties in their absence?

A: Both natural persons and juridical entities may choose their own

representative who must NOT be a lawyer. Such representative must be authorized under a Special Power of Attorney (Form 7-SCC), or a board resolution or secretary's certificate if applicable. (Sec. 17, Rule IV)

134. Q: May attorneys appear in small claims cases?

A: No. No attorney shall appear on behalf of or represent a party at the hearing, unless the attorney is the plaintiff or defendant.

If the court determines that a party cannot properly present his/her/its claim or defense and needs assistance, the court may, in its discretion, allow another individual who is NOT an attorney to assist that party upon the latter's consent. (Sec. 18, Rule IV)

135. Q: What is the effect when a party fails to make an appearance?

A: It depends on who failed to make an appearance:

- Failure of the plaintiff to appear shall be cause for the dismissal of the Statement of Claim/s without prejudice. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on the counterclaim.
- Failure of the defendant to appear shall cause the court to render judgment within twenty-four (24) hours from the termination of the hearing.
- Failure of both parties to appear shall cause the dismissal with prejudice of both the Statement of Claim/s and the counterclaim. (Sec. 19, Rule IV)

136. Q: May a party be allowed to request for a postponement?

A: Yes, only once during the entire course of proceedings, a party may be granted postponement upon proof of his physical inability to appear before the court on the scheduled date and time. (Sec. 20, Rule IV)

137. Q: How would a court conduct a hearing on Small Claims?

A:

1. At the beginning of the proceedings, the judge shall read aloud a short statement explaining the nature, purpose and the rule of procedure of small claims cases.

2. The judge shall exert efforts to bring the parties to an amicable settlement of their dispute.

a. If the parties successfully reach a settlement or resolution, it shall be reduced into writing, signed by the parties, and immediately submitted to the court for approval at the hearing.

b. The court shall render judgment based on the compromise agreement within twenty-four (24) hours, and furnish copies thereof to the parties.

3. If the parties fail to reach a settlement agreement, the court shall immediately proceed to hear the case in an informal and expeditious manner and, thereafter, render judgment within twenty-four (24) hours from the termination of the hearing.

4. The decision shall immediately be entered by the Clerk of Court in the court docket for civil cases and a copy thereof forthwith served on the parties. (Secs. 21 to 24, Rule IV)

138. Q: May a party request for the small claims hearing to be conducted via videoconferencing?

A: Yes. Should the hearing be done through videoconferencing, the court shall require the parties to participate through the use of the Court-prescribed videoconferencing platform. (Sec. 23, Rule IV)

However, if any of the participants communicate his or her difficulty in accessing or using the said videoconferencing platform, the court may allow the use of alternative platforms subject to the conditions in Section 23 hereof.

139. Q: May a party appeal against a decision of the Small Claims Court?

A: No. The decision shall be final, executory and unappealable. (Sec. 24, Rule IV)

140. Q: What happens when a party agrees to submit a compromise agreement but fails to sign the same?

A: The court shall issue an order directing the non-appearing party/ies to confirm the compromise agreement within three (3) calendar days from notice thereof; otherwise, it shall be deemed confirmed. (Sec. 22, Rule IV)

141. Q: How would a prevailing party cause the execution of a decision?

A: He should file an *ex-parte* motion for Execution after the decision is rendered and proof of receipt thereof is on record. However, a decision based on compromise shall not be covered by the

requirement of proof of receipt. (Sec. 25, Rule IV)

142. Q: How should the required documents be certified by a party?

A: Except for public or official documents, all documents attached to the Statement of Claim/s or Response shall be certified by the signature of the plaintiff or the defendant concerned. (Sec. 26, Rule IV)

143. Q: Are settlements and compromise agreements rendered in the course of Small Claims proceedings subject to rules on mediation and judicial dispute resolution?

A: No. The rules on mediation and judicial dispute resolution shall not apply, as the parties may enter into a compromise at any stage of the proceedings. (Sec. 27, Rule IV)

144. Q: May a party disclose the minutes of the settlement?

A: No. Settlement discussions must be conducted with strict confidentiality. (Sec. 22, Rule IV)

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Applicability of Rules on Summary Procedure

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<p>Section 1. Scope — This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:</p> <p>A. Civil Cases:</p> <p>(1) All cases of forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same shall not exceed twenty thousand pesos (P20,000.00).</p> <p>(2) All other cases, except probate proceedings, where the total amount of the plaintiff's claim does not exceed one hundred thousand pesos (P100,000.00) or, two hundred thousand pesos (P200,000.00) in Metropolitan Manila, exclusive of interest and costs.</p>	<p>Section 1. Coverage. — <u>These rules shall govern the expedited procedures in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts, for the following cases falling within their jurisdiction:</u></p> <p>A. Civil Cases</p> <p>(1) <u>Summary Procedure Cases, as follows:</u></p> <p>(a) <u>Forcible entry and unlawful detainer cases, regardless of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same shall not exceed One Hundred Thousand Pesos (P100,000.00).</u></p> <p>(b) <u>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 Two Million Pesos (P2,000,000.00), exclusive of interest damages of whatever kind, attorney's fees, litigation expenses and costs.</u></p> <p>(c) <u>Complaints for damages where the claim does not exceed Two Million Pesos (P2,000,000.00), exclusive of interest and costs.</u></p> <p>(d) <u>Cases for enforcement of barangay amicable settlement agreements and arbitration awards where the money claim exceeds One Million Pesos (P1,000,000.00), provided that no execution has been enforced by the barangay within six (6) months from</u></p>

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	<p><u>the date of the settlement or date of receipt of the award or from the date the obligation stipulated or adjudged in the arbitration award becomes due and demandable, pursuant to Section 417, Chapter VII of Republic Act No. 7160, otherwise known as The Local Government Code of 1991.</u></p> <p>(e) <u>Cases solely for the revival of judgment of any Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, and Municipal Circuit Trial Court, pursuant to Rule 39, Section 6 of the Rules of Court.</u></p> <p>(f) <u>The civil aspect of a violation of Batas Pambansa Blg. 22 (the Bouncing Checks Law), if no criminal action has been instituted therefor. Should a criminal action be later instituted for the same violation, the civil aspect shall be consolidated with the criminal action and shall be tried and decided jointly under the Rule on Summary Procedure.</u></p> <p><u>All other cases not included herein shall be governed by the regular rules of procedure.</u></p>
<p>B. Criminal Cases</p> <p>(1) Violations of traffic laws, rules and regulations;</p> <p>(2) Violations of the rental law;</p> <p>(3) Violations of municipal or city ordinances;</p> <p>(4) All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months, or a fine not exceeding (P1,000.00), or both, irrespective of other imposable</p>	<p>B. Criminal Cases</p> <p><u>The following criminal cases shall be governed by the Rule on Summary Procedure:</u></p> <p>(1) Violations of traffic laws, rules and regulations;</p> <p>(2) Violations of the rental law;</p> <p>(3) Violations of municipal or city ordinances;</p> <p>(4) <u>Violations of Batas Pambansa Blg. 22 (the Bouncing Checks Law); and</u></p> <p>(5) All other criminal cases where the penalty prescribed by law for the</p>

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<p>penalties, accessory or otherwise, or of the civil liability arising therefrom: Provided, however, that in offenses involving damage to property through criminal negligence, this Rule shall govern where the impossible fine does not exceed ten thousand pesos (P10,000.00).</p>	<p>offense charged is imprisonment not <u>exceeding one (1) year, or a fine not exceeding Fifty Thousand Pesos (P50,000.00), or both, regardless</u> of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom. In offenses involving damage to property through criminal negligence under Article 365 of the Revised Penal Code, this Rule shall govern where the imposable fine <u>does not exceed One Hundred Fifty Thousand Pesos (P150,000.00).</u></p> <p><u>If the prescribed penalty consists of imprisonment and or a fine, the prescribed imprisonment shall be the basis for determining the applicable procedure.</u></p> <p><u>All other cases not included herein shall be governed by the regular rules of procedure.</u></p>
<p>Section 1. Scope xxx This Rule shall not apply to a civil case where the plaintiff's cause of action is pleaded in the same complaint with another cause of action subject to the ordinary procedure; nor to a criminal case where the offense charged is necessarily related to another criminal case subject to the ordinary procedure.</p>	<p>Section 2 Non-applicability. – These Rules shall not apply to <u>civil cases</u> where the plaintiff's cause of action is pleaded in the same complaint with another cause of action subject to the <u>regular</u> procedure; nor to <u>criminal cases</u> where the offense charged is necessarily related to another criminal case subject to the <u>regular</u> procedure.</p>
<p>Section 2. Determination of applicability. — Upon the filing of a civil or criminal action, the court shall issue an order declaring whether or not the case shall be governed by this Rule A patently erroneous determination to avoid the application of the Rule on Summary Procedure is a ground for disciplinary action.</p>	<p>[Amended counterpart provision transposed as Section 4, Rule III (A)]</p>

General Common Provisions

1991 Rules on Summary Procedure (Rule IV)	2022 Rules on Expedited Procedures in the First Level Courts (Rule II)
<p>Section 18. Referral to <i>Lupon</i>. — Cases requiring referral to the <i>Lupon</i> for conciliation under the provisions of Presidential Decree No. 1508 where there is no showing of compliance with such requirement, shall be dismissed without prejudice, and may be revived only after such requirement shall have been complied with. This provision shall not apply to criminal cases where the accused was arrested without a warrant.</p>	<p>[Amended counterpart provision transposed as Section 2, Rule III (A)]</p>
<p>Section 19. Prohibited Pleadings and Motions. — The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:</p> <ul style="list-style-type: none"> (a) Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter, or failure to comply with the preceding section; (b) Motion for a bill of particulars; (c) Motion for new trial, or for reconsideration of a judgment, or for reopening of trial; (d) Petition for relief from judgment; (e) Motion for extension of time to file pleadings, affidavits or any other paper; (f) Memoranda; (g) (g) Petition for <i>certiorari</i>, <i>mandamus</i>, or prohibition against any interlocutory order issued by the court; (h) Motion to declare the defendant in 	<p>Section 2. Prohibited pleadings and motions. — The following pleadings, motions, or petitions shall not be allowed in cases governed by <u>these Rules</u>:</p> <ul style="list-style-type: none"> (a) <u>In civil cases</u>, a motion to dismiss the complaint <u>or the statement of claim</u>, <u>and in criminal cases</u>, a motion to quash the complaint or information, except on the ground of lack of jurisdiction over the subject matter or failure to comply with <u>the requirement of barangay conciliation, pursuant to Chapter VII, Title I Book III of Republic Act No. 7160</u>; (b) <u>Motion to hear and/ or resolve affirmative defenses</u>; (c) Motion for a bill of particulars; (d) Motion for new trial, or for reconsideration of a judgment on the merits, or for reopening of proceedings; (e) Petition for relief from judgment; (f) Motion for extension of time to file pleadings, affidavits or any other

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<p>default;</p> <ul style="list-style-type: none"> (i) Dilatory motions for postponement; (j) Reply; (k) Third party complaints; (l) Interventions. 	<p>paper;</p> <ul style="list-style-type: none"> (g) Memoranda; (h) Petition for <i>certiorari</i>, <i>mandamus</i>, or prohibition against any interlocutory order issued by the court; (i) Motion to declare the defendant in default; (j) Dilatory motions for postponement. <u>Any motion for postponement shall be presumed dilatory unless grounded on acts of God, force majeure, or physical inability of a counselor witness to personally appear in court, as supported by the requisite affidavit and medical proof;</u> (k) <u>Rejoinder;</u> (l) Third-party complaints; (m) <u>Motion for and Complaint in Intervention;</u> (n) <u>Motion to admit late judicial affidavit/s, position papers, or other evidence, except on the ground of force majeure or acts of God;</u> (o) <u>Motion for judicial determination of probable cause in criminal cases.</u>
<p>Section 20. <i>Affidavits</i>. — The affidavits required to be submitted under this Rule shall state only facts of direct personal knowledge of the affiants which are admissible in evidence, and shall show their competence to testify to the matters stated therein.</p> <p>A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action, and shall be cause to expunge the inadmissible affidavit or portion thereof from the record.</p>	<p>[Amended counterpart provision transposed as Section 7, Rule IV (A) under Rule on Small Claims]</p> <p>[Rule III, The Rule on Summary Procedure does not have any counterpart provision]</p>

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<p>Section 21. <i>Appeal</i>. — The judgment or final order shall be appealable to the appropriate regional trial court which shall decide the same in accordance with Section 22 of Batas Pambansa Blg. 129. The decision of the regional trial court in civil cases governed by this Rule, including forcible entry and unlawful detainer, shall be immediately executory, without prejudice to a further appeal that may be taken therefrom. Section 10 of Rule 70 shall be deemed repealed.</p>	<p>[Amended counterpart provision transposed as Sections 1 and 2, Rule III (C) under Rule on Summary Procedure]</p>
<p>Section 22. <i>Applicability of the Regular Rules</i>. — The regular procedure prescribed in the Rules of Court shall apply to the special cases herein provided for in a suppletory capacity insofar as they are not inconsistent herewith.</p>	<p>Section 1. <i>Applicability of the regular rules</i>. — The regular procedure prescribed in the Rules of Court <u>shall</u> apply to the cases covered by these Rules <u>where no specific provision is found herein</u>. It shall also apply <u>in a suppletory manner even if there is a specific provision found in these Rules, but only in so far as not inconsistent</u>. In case of inconsistency, these Rules shall prevail.</p>
<p>No counterpart provision.</p>	<p>Section 3. <i>Videoconference</i>. — <u>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 a videoconference hearing at any stage of the proceedings.</u></p>
<p>No counterpart provision.</p>	<p>Section 4. <i>Service pursuant to international convention</i>. — <u>Service made pursuant to the <i>Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters</i> shall be valid, and the period to answer shall commence from receipt of the document served.</u></p>

Civil Cases

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<p>Section 3. <i>Pleadings</i>. —</p> <p>A. <i>Pleadings allowed</i>. — The only pleadings allowed to be filed are the complaints, compulsory counterclaims and cross-claims pleaded in the answer, and the answers thereto.</p> <p>B. <i>Verifications</i>. — All pleadings shall be verified.</p>	<p>Section 1. <u>Pleadings and Verification</u>. — The only pleadings allowed to be filed are the complaint, compulsory counterclaim, cross-claim pleaded in the answer, <u>and reply, as provided in Section 8 of this Rule.</u></p> <p>All pleadings shall be verified.</p>
<p>No counterpart provision.</p>	<p><u>Section. 2. Form and contents of pleadings. — All pleadings submitted under this Rule shall comply with Rule 7 of the 2019 Amendments to the 1997 Rules of Civil Procedure.</u></p> <p><u>All cases requiring prior referral to <i>barangay</i> conciliation must contain a statement of compliance, pursuant to Chapter VII, Title I, Book III of Republic Act No. 7160. Where there is no showing of compliance with such requirement, the complaint shall be dismissed without prejudice, on the court's own initiative or upon motion by the defendant, and may be re-filed only after the requirement has been complied with.</u></p>
<p>No counterpart provision.</p>	<p><u>Section. 3. Complaint. — The complaint shall state the following:</u></p> <p style="padding-left: 40px;">(a) <u>The names of the affiants whose judicial affidavits will be presented to</u></p>

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	<p><u>prove the plaintiff's claim. The judicial affidavits shall be attached to the complaint and form an integral part thereof. Judicial affidavits not attached to the complaint shall not be considered:</u></p> <p>(b) <u>The summary of the statements in the judicial affidavits;</u></p> <p>(c) <u>The documentary and other object evidence in support of the allegations in the complaint; and</u></p> <p>(d) <u>Whether the plaintiff consents to service by electronic means or facsimile and, if so, the plaintiff's e-mail addresses or facsimile numbers for such purpose.</u></p>
<p>Section 4. <i>Duty of Court.</i> — After the court determines that the case falls under summary procedure, it may, from an examination of the allegations therein and such evidence as may be attached thereto, dismiss the case outright on any of the grounds apparent therefrom for the dismissal of a civil action. If no ground for dismissal is found it shall forthwith issue summons which shall state that the summary procedure under this Rule shall apply.</p>	<p><u>Section. 4. Summons. — Within five (5) calendar days from receipt of a new civil case[,] if the court determines that the case falls under this Rule, the court shall direct the Branch Clerk to issue summons to the defendant, stating clearly that the case shall be governed by the Rule on Summary Procedure.</u></p> <p><u>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, <i>litis pendentia</i>, <i>res judicata</i>, 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 <i>barangay</i> conciliation among others.</u></p>

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	<u>A patently erroneous determination to avoid the application of the Rule on Summary Procedure is a ground for disciplinary action.</u>
No counterpart provision.	<u>Section. 5. Filing and Service. — The rules on filing and service of pleadings under Rule 13 and service of summons under Rule 14 of the 2019 Amendments to the 1997 Rules of Civil Procedure shall be applicable to cases under this Rule, unless inconsistent.</u>
<p>Section 5. <i>Answer.</i> — Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. Affirmative and negative defenses not pleaded therein shall be deemed waived, except for lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or cross-claims shall be filed and served within ten (10) days from service of the answer in which they are pleaded.</p>	<p>Section. 6. <i>Answer</i> —Within <u>thirty (30) calendar days</u> from service of summons, the defendant shall file an answer to the complaint and serve a copy thereof on the plaintiff.</p> <p><u>The answer shall state the following:</u></p> <ul style="list-style-type: none"> (a) <u>The names of the affiants whose judicial affidavits will be presented to prove the defendant's allegations. The judicial affidavits shall be attached to the answer and form an integral part thereof. Judicial affidavits not attached to the answer shall not be considered;</u> (b) <u>The summary of the statements in the judicial affidavits;</u> (c) <u>The documentary and other object evidence in support of the allegations in the answer; and</u> (d) <u>Whether the defendant consents to service by electronic means or facsimile and, if so, the defendant's e-mail addresses or facsimile numbers for such purpose.</u> <p>Affirmative defenses not pleaded in the answer shall be deemed waived, except for lack of jurisdiction over the subject matter, <i>litis pendentia</i>, <i>res judicata</i>, and prescription.</p>

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	Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred.
No counterpart provision.	<p><u>Section. 7. Counterclaims Within the Coverage of this Rule. — If at the time the action is commenced, the defendant possesses a claim against the plaintiff that (a) is within the coverage of this Rule, exclusive of interest and costs; (b) arises out of the same transaction or event that is the subject matter of the plaintiff's claim; (c) does not require for its adjudication the joinder of third parties; and (d) is not the subject of another pending action, the claim shall be filed as a counterclaim in the answer; otherwise, the defendant shall be barred from suing on such counterclaim.</u></p> <p><u>The defendant may also elect to file a counterclaim against the plaintiff that does not arise out of the same transaction or occurrence, provided that the amount and nature thereof are within the coverage of this Rule and the prescribed docket and other legal fees are paid.</u></p> <p><u>Any amount pleaded in a counterclaim in excess of Two Million Pesos (P2,000,000.00), excluding interests and costs, shall be deemed waived.</u></p>
No counterpart provision.	<p><u>Section. 8. Reply. — All new matters alleged in the answer shall be deemed controverted.</u></p> <p><u>The plaintiff may file a reply to a counterclaim only when an actionable document is attached to the answer. The reply shall be filed within ten (10) calendar days from receipt of the answer.</u></p>
Section 6. <i>Effect of Failure to Answer.</i> —	Section 9. <i>Effect of Failure to Answer.</i> —

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<p>Should the defendant fail to answer the complaint within the period above provided, the court, motu proprio, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: Provided, however, that the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable. This is without prejudice to the applicability of Section 4, Rule 15 of the Rules of Court, if there are two or more defendants.</p>	<p>Should the defendant fail to answer the complaint within the period provided, the court, <u>on its own initiative, or upon manifestation by the plaintiff that the period for filing an answer has already lapsed</u>, shall render judgment as may be warranted by the facts alleged in the complaint <u>and its attachments</u>, limited to what is prayed for therein.</p> <p>The court may reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable</p>
<p>Section 7. Preliminary Conference; Appearance of Parties. — Not later than thirty (30) days after the last answer is filed, a preliminary conference shall be held. The rules on pre-trial in ordinary cases shall be applicable to the preliminary conference unless inconsistent with the provisions of this Rule.</p> <p>The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Section 6 hereof. All cross-claims shall be dismissed.</p> <p>If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in accordance with Section 6 hereof. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference.</p>	<p>Section 10. Preliminary Conference; Notice. — <u>Within five (5) calendar days after the last responsive pleading is filed, the Branch Clerk of Court shall issue a Notice of Preliminary Conference, which shall be held within thirty (30) calendar days from the date of filing of such last responsive pleading.</u> The rules on pre-trial <u>under Rule 18 of the 2019 Amendments to the 1997 Rules of Civil Procedure</u> shall be applicable to the Preliminary Conference, unless inconsistent.</p> <p><u>The Notice of Preliminary Conference shall include the dates respectively set for:</u></p> <ul style="list-style-type: none"> (a) <u>Preliminary Conference (within 30 calendar days from the filing of the last responsive pleading);</u> (b) <u>Court-Annexed Mediation (within an inextendible period of 30 calendar days from date of referral for mediation); and</u> (c) <u>Judicial Dispute Resolution, in the court's discretion (within an inextendible period of 15 calendar days from notice of failure of the Court-Annexed Mediation).</u>

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	<p><u>Non-appearance at any of the foregoing settings shall be deemed as non-appearance at the Preliminary Conference and shall merit the same sanctions under Section 12 of this Rule.</u></p>
<p>Section 7. Preliminary Conference; Appearance of Parties.</p>	<p>[Amended counterpart provision on Appearance of Parties transposed as Section 12.]</p>
<p>Section 8. Record of Preliminary Conference. — Within five (5) days after the termination of the preliminary conference, the court shall issue an order stating the matters taken up therein, including but not limited to:</p> <ul style="list-style-type: none"> a) Whether the parties have arrived at an amicable settlement, and if so, the terms thereof; b) The stipulations or admissions entered into by the parties; c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) days from issuance of the order; d) A clear specification of material facts which remain controverted; and e) Such other matters intended to expedite the disposition of the case. 	<p><u>[Section 8. Record of Preliminary Conference. – (Deleted)]</u></p>
<p>Section 9. <i>Submission of Affidavits and Position Papers.</i> — Within ten (10) days from receipt of the order mentioned in the next preceding section, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position</p>	<p><u>[Section 9. Submission of Affidavits and Position Papers. – (Deleted)]</u></p>

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papers setting forth the law and the facts relied upon by them.	
No counterpart provision.	<p><u>Section 11. Preliminary Conference Brief. — The parties shall file with the court and serve on the adverse party in such a way as to ensure receipt, at least three (3) calendar days before the scheduled Preliminary Conference, their respective Preliminary Conference Briefs, which shall contain, among others:</u></p> <ul style="list-style-type: none"> <u>(a) A summary of admitted facts;</u> <u>(b) A summary of disputed facts and proposals for stipulations on the same;</u> <u>(c) A statement of factual and legal issues; and</u> <u>(d) A list of testimonial, object, and other documentary evidence offered in support of the party's claims or defenses, and their markings, if any.</u> <p><u>Failure to submit a Preliminary Conference Brief within the period given shall merit the same sanction as non-appearance at the Preliminary Conference.</u></p>
<p>Section 7. Preliminary Conference; Appearance of Parties. xxx</p> <p>The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Section 6 hereof. All cross-claims shall be dismissed.</p> <p>If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in</p>	<p><u>Section 12. Appearance at Preliminary Conference. — It shall be the duty of the parties and their counsel to appear at the Preliminary Conference, Court-Annexed Mediation, and Judicial Dispute Resolution, 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, <i>force majeure</i>, or duly substantiated physical inability.</u></p> <p><u>A representative may appear on behalf of a party, but must be fully authorized through a Special Power of Attorney or a board</u></p>

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<p>accordance with Section 6 hereof. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference.</p>	<p><u>resolution, as the case may be, to: (1) enter into an amicable settlement, (2) to submit to alternative modes of dispute resolution, and (3) to enter into stipulations or admissions of facts and documents. An authority which fails to include all these acts shall be ineffective and the party represented shall be deemed absent.</u></p> <p>The failure <u>despite notice</u> of the plaintiff <u>and/or his or her counsel</u> to appear at the Preliminary Conference shall be a cause for the dismissal of the complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on the counterclaim, in accordance with <u>Section 9 of this Rule</u>. All cross-claims shall be dismissed.</p> <p>If a sole defendant <u>and/or his or her counsel fail to appear at the Preliminary Conference</u>, the plaintiff shall be entitled to judgment in accordance with <u>Section 9 of this Rule</u>. This Rule shall not apply, however, where one of two or more defendants sued under a common cause of action and who had pleaded a common defense, shall appear at the Preliminary Conference.</p>
<p>No counterpart provision.</p>	<p><u>Section 13. Preliminary Conference Order. — Immediately after the preliminary conference and the issues having been joined, the court shall issue a Preliminary Conference Order referring the parties to the mandatory Court-Annexed Mediation, and Judicial Dispute Resolution, which shall be conducted in accordance with the provisions of A.M. No. 19-10-20- SC or the 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil</u></p>

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	<p><u>Cases.</u></p> <p><u>The court may, in the same Preliminary Conference Order, declare the case submitted for judgment if, on the basis of the pleadings and their attachments, as well as the stipulations and admissions made by the parties, judgment may be rendered without the need of submission of position papers. In this event, the court shall render judgment within thirty (30) calendar days from issuance of the order. The court's order, shall not be the subject of a motion for reconsideration or a petition for <i>certiorari</i>, prohibition, or <i>mandamus</i>, but may be among the matters raised on appeal after a judgment on the merits.</u></p> <p><u>If the court, however, deems the submission of position papers still necessary, it shall require the parties, in the Preliminary Conference Order, to submit their respective position papers within ten (10) calendar days from receipt of such order. No other judicial affidavits or evidence will be admitted even if filed with the position papers.</u></p>
<p>Section 10. <i>Rendition of Judgment.</i> — Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.</p> <p>However should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen</p>	<p>Section 14. Rendition of Judgment. — Within thirty (30) <u>calendar days from receipt by the court of the Mediator's Report or the JDR Report on the parties' failure to reach an amicable settlement[,]</u> the court shall render Judgment.</p> <p>However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit <u>additional judicial affidavits</u> or other evidence on the said matters, within ten (10) <u>calendar</u> days from receipt of said</p>

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<p>(15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.</p> <p>The court shall not resort to a clarificatory procedure to gain time for the rendition of the judgment.</p>	<p>order. Judgment shall be rendered within fifteen (15) <u>calendar</u> days after the receipt of the last clarificatory <u>judicial</u> affidavits, or the expiration of the period for filing the same.</p> <p>The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.</p>

Criminal Cases

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<p>Section 11. How Commenced. — The filing of criminal cases falling within the scope of this Rule shall be either by complaint or by information: Provided, however, that in Metropolitan Manila and in Chartered Cities. Such cases shall be commenced only by information, except when the offense cannot be prosecuted de officio.</p> <p>The complaint or information shall be accompanied by the affidavits of the complainant and of his witnesses in such number of copies as there are accused plus two (2) copies for the court's files. If this requirement is not complied with within five (5) days from the date of filing, the case may be dismissed.</p>	<p>Section <u>1</u>. How Commenced; <u>filing and Service</u>. — The filing of criminal cases <u>governed by the Rule on Summary Procedure</u> shall either be by complaint or by information.</p> <p>The complaint or information shall be accompanied by the judicial affidavits of the complainant and of his or her witnesses, in such number of copies as there are accused, plus <u>one (1) copy for the court</u>.</p> <p><u>The complaint or information and other submissions of the parties may be filed with the court and served on the adverse party/ies, and judgments, resolutions, orders, and other court processes may be served to the parties, electronically with their consent, in accordance with the prevailing Rules and other Court issuances.</u></p>
<p>Section 12. Duty of Court. —</p> <p>(a) If commenced by complaint. — On the basis of the complaint and the</p>	<p>Section <u>2</u>. Duty of Court; <u>Judicial Affidavits</u>. —</p> <p>(a) If commenced by complaint. — On</p>

<p style="text-align: center;">1991 Rules on Summary Procedure (Rule III)</p>	<p style="text-align: center;">2022 Rules on Expedited Procedures in the First Level Courts (Rule III B)</p>
<p>affidavits and other evidence accompanying the same, the court may dismiss the case outright for being patently without basis or merit and order the release of the accused if in custody.</p> <p>(b) If commenced by information. — When the case is commenced by information, or is not dismissed pursuant to the next preceding paragraph, the court shall issue an order which, together with copies of the affidavits and other evidence submitted by the prosecution, shall require the accused to submit his counter-affidavit and the affidavits of his witnesses as well as any evidence in his behalf, serving copies thereof on the complainant or prosecutor not later than ten (10) days from receipt of said order. The prosecution may file reply affidavits within ten (10) days after receipt of the counter-affidavits of the defense.</p>	<p>the basis of the complaint and the <u>judicial</u> affidavits and other evidence accompanying the same, the court may dismiss the case outright for <u>lack of probable cause</u>, and order the release of the accused if in custody.</p> <p>(b) If commenced by information. — When the case is commenced by information, or is not dismissed pursuant to <u>paragraph (a)</u>, the court shall issue an order which, <u>together with copies of the resolution of the investigating officer and the judicial affidavits</u> and other evidence submitted by the prosecution, shall require the accused to submit a judicial counter-affidavit and the judicial affidavits of his or her witnesses, as well as any other evidence in his or her behalf, <u>within fifteen (15) calendar days from receipt of the order</u>. The accused shall serve <u>copies thereof on the private complainant and the public prosecutor within the same period</u>.</p> <p><u>Except on rebuttal, no witness shall be allowed to testify unless his or her judicial affidavit was submitted in accordance with this provision. The judicial affidavit shall take the place of the direct testimony of a witness.</u></p> <p><u>However, instead of judicial affidavits, the prosecution may submit the written sworn statements of the complainant and/or the witnesses prepared by the law enforcement agents assigned to the case, or the affidavits submitted to the public prosecutor during preliminary investigation. If the prosecution chooses this option, the prosecutor shall not</u></p>

1991 Rules on Summary Procedure (Rule III)	2022 Rules on Expedited Procedures in the First Level Courts (Rule III B)
	<p><u>be allowed to ask additional direct examination questions of the complainant and/or the witnesses, except for meritorious reasons. The sworn statements and affidavits shall stand as the direct testimony of the affiants, supplemented by additional direct examination if allowed by the court.</u></p>
<p>No counterpart provision.</p>	<p><u>Section 3. Determination of probable cause. — Upon receipt of the accused's judicial counter-affidavit and/or the judicial affidavits of his or her witnesses, or the lapse of the period given for the submission thereof, the court shall determine if probable cause exists to hold the accused for trial.</u></p> <p><u>If the court finds that no probable cause exists, it shall order the dismissal of the case and the immediate release of the accused, if in custody.</u></p> <p><u>If the court finds that probable cause exists, the court shall set the case for arraignment and pre-trial.</u></p> <p><u>For detained accused, if the period for submission of judicial affidavits and other evidence by the accused has not yet lapsed and no submission has been made on the date set for the arraignment and pre-trial, the court may proceed with the arraignment if the accused waives the court's consideration of his or her judicial counter-affidavit and/or the judicial affidavits of his or her witnesses in the determination of probable cause, without waiver of the admission of such judicial counter-affidavit and/or the judicial affidavits of his or her witnesses within a fresh period of ten (10) calendar days from the date of the arraignment and the pre-trial.</u></p>

1991 Rules on Summary Procedure (Rule III)	2022 Rules on Expedited Procedures in the First Level Courts (Rule III B)
<p>Section 16. Arrest of Accused. — The court shall not order the arrest of the accused except for failure to appear whenever required. Release of the person arrested shall either be on bail or on recognizance by a responsible citizen acceptable to the court.</p>	<p><u>Section 4. Arrest. — The court shall not issue a warrant for the arrest of the accused in criminal cases governed by the Rule on Summary Procedure, except for failure to appear despite notice, whenever required by the court. Release of the person arrested shall either be on bail, or on his or her own recognizance[,] or that of a responsible citizen acceptable to the court.</u></p> <p><u>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.</u></p>
<p>Section 13. Arraignment and Trial. — Should the court, upon a consideration of the complaint or information and the affidavits submitted by both parties, find no cause or ground to hold the accused for trial, it shall order the dismissal of the case; otherwise, the court shall set the case for arraignment and trial.</p> <p>If the accused is in custody for the crime charged, he shall be immediately arraigned and if he enters a plea of guilty, he shall forthwith be sentenced.</p>	<p><u>[Section 13. Arraignment and Trial. – (Deleted)]</u></p>
<p>No counterpart provision.</p>	<p><u>Section 5. Arraignment and Pre-trial. —</u></p> <p><u>(a) Upon receipt of the case, the court shall set the arraignment and pre-trial within ten (10) calendar days for detained accused and thirty (30) calendar days for non-detained accused.</u></p>

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	<p><u>The notice of arraignment and pre-trial shall require the attendance of the accused and his or her counsel and all defense witnesses, the private complainant and his or her witnesses, the public prosecutor and private prosecutor, where allowed, as well as the law enforcement agents assigned to the case.</u></p> <p><u>Before arraigning the accused, the court shall inquire into the possibility of a plea bargain between the parties.</u></p> <p><u>If there is no plea bargain, the court shall arraign the accused on the original charge and enter his or her plea in the record.</u></p> <p><u>If the accused pleads guilty to the original charge, the court shall forthwith sentence him or her.</u></p> <p><u>If the accused offers to plead guilty to a lesser offense, the consent of the public prosecutor and the private complainant, or the law enforcement agent assigned to the case in victimless crimes, shall be secured, unless the latter are absent despite notice, in which case the consent of the public prosecutor shall suffice.</u></p> <p><u>(b) After arraignment, the court shall conduct the Pre-Trial Conference in accordance with the Revised Guidelines for Continuous Trial of Criminal Cases.</u></p> <p><u>No admission by the accused shall be used against him or her unless reduce into writing and signed by the accused and the defense counsel. The signatures of the accused and the defense counsel either on the Pre-Trial</u></p>

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	<u>Order or the Minutes of the Pre-Trial Conference, which embodies such admissions, shall suffice.</u>
<p>Section 14. Preliminary Conference. — Before conducting the trial, the court shall call the parties to a preliminary conference during which a stipulation of facts may be entered into, or the propriety of allowing the accused to enter a plea of guilty to a lesser offense may be considered, or such other matters may be taken up to clarify the issues and to ensure a speedy disposition of the case. However, no admission by the accused shall be used against him unless reduced to writing and signed by the accused and his counsel. A refusal or failure to stipulate shall not prejudice the accused</p>	<p><u>[Section 14. Preliminary Conference. – (Deleted)]</u></p>
<p>Section 15. Procedure of Trial. — At the trial, the affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. Witnesses who testified may be subjected to cross examination, redirect or re-cross examination. Should the affiant fail to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.</p> <p>Except on rebuttal or surrebuttal, no witness shall be allowed to testify unless his affidavit was previously submitted to the court in accordance with Section 12 hereof.</p> <p>However, should a party desire to present additional affidavits or counter-affidavits as part of his direct evidence, he shall so manifest during the preliminary conference, stating the purpose thereof. If allowed by the</p>	<p><u>Section 6. Trial and Offer. — At the trial, the testimonies of witnesses shall consist of the duly subscribed written statements given to law enforcement agents, or the affidavits or counter-affidavits submitted before the investigating officer, or their judicial affidavits, subject to cross, re-direct, and re-cross examination questions.</u></p> <p><u>Should any affiant fail to testify, his or her affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.</u></p> <p><u>Except on rebuttal, no witness shall be allowed to testify unless his or her affidavit was previously submitted to the court in accordance with Section 2 hereof.</u></p> <p><u>The prosecution shall have sixty (60) calendar days to complete its evidence</u></p>

1991 Rules on Summary Procedure (Rule III)	2022 Rules on Expedited Procedures in the First Level Courts (Rule III B)
<p>court, the additional affidavits of the prosecution or the counter-affidavits of the defense shall be submitted to the court and served on the adverse party not later than three (3) days after the termination of the preliminary conference. If the additional affidavits are presented by the prosecution, the accused may file his counter-affidavits and serve the same on the prosecution within three (3) days from such service.</p>	<p><u>presentation. On the last day of its presentation of evidence, the public prosecutor shall orally offer the prosecution evidence. The defense counsel shall then make his or her oral comments on the offer, and thereafter, the court shall orally resolve the offer of evidence of the prosecution. The ruling shall be embodied in the written order the court will issue thereafter.</u></p> <p><u>The defense shall also have sixty (60) calendar days to complete its evidence presentation. On the last day of its presentation of evidence, the defense counsel shall orally offer the defense evidence. The public prosecutor shall then make his or her oral comments on the offer, and thereafter, the court shall orally resolve the offer of evidence of the defense. The ruling shall be embodied in the written order the court will issue thereafter.</u></p> <p><u>If the prosecution decides to present rebuttal evidence, it shall have fifteen (15) calendar days from the court action on the offer of defense evidence to complete the same.</u></p> <p><u>A motion for postponement of any trial date shall be presumed dilatory and denied outright, unless grounded on acts of God, <i>force majeure</i>, or duly substantiated physical inability of the counsel or witness. Any postponement granted by the court for the authorized causes shall not extend the period for presentation of a party's evidence. The party who sought the postponement shall only have the remaining trial dates assigned to him or her to complete his or her evidence presentation.</u></p>
<p>Section 17. Judgment. — Where a trial has</p>	<p>Section <u>7</u>. Judgment. — The court <u>shall</u></p>

1991 Rules on Summary Procedure (Rule III)	2022 Rules on Expedited Procedures in the First Level Courts (Rule III B)
been conducted, the court shall promulgate the judgment not later than thirty (30) days after the termination of trial	<u>render and promulgate the judgment not later than thirty (30) calendar days from the court's action on the last presenting party's offer of evidence.</u>

Appeals in Summary Procedure

1991 Rules on Summary Procedure (Rule IV)	2022 Rules on Expedited Procedures in the First Level Courts (Rule III C)
Section 21. Appeal. — The judgment or final order shall be appealable to the appropriate regional trial court which shall decide the same in accordance with Section 22 of Batas Pambansa Blg. 129. The decision of the regional trial court in civil cases governed by this Rule, including forcible entry and unlawful detainer, shall be immediately executory, without prejudice to a further appeal that may be taken therefrom. Section 10 of Rule 70 shall be deemed repealed	<u>Section 1. Ordinary Appeal. — Any judgment, final order, or final resolution in a Summary Procedure case may be appealed to the appropriate Regional Trial Court 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.</u>
No counterpart provision.	<u>Section 2. Remedy from Judgment on Appeal. — The judgment of the Regional Trial Court on the appeal shall be final, executory, and unappealable.</u>

COMPARATIVE TABLE OF THE REVISED RULES OF PROCEDURE FOR SMALL CLAIMS CASES AND THE 2022 RULES ON EXPEDITED PROCEDURES IN THE FIRST LEVEL COURTS

Rules of Procedure for Small Claims	2022 Rules on Expedited Procedures in the First Level Courts
Section 2. Scope. — These Rules shall govern the procedure in actions before the	Section 1. Scope. — <u>This Rule shall govern the procedure in actions before the</u>

Rules of Procedure for Small Claims	2022 Rules on Expedited Procedures in the First Level Courts
<p>Metropolitan Trial Courts (MeTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs) and Municipal Circuit Trial Courts (MCTCs) for payment of money where the value of the claim does not exceed Two Hundred Thousand Pesos (P200,000.00) exclusive of interest and costs.</p>	<p>Metropolitan Trial Courts (MeTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs) and Municipal Circuit Trial Courts (MCTCs) for payment <u>or reimbursement</u> of a sum of money where the value of the claim does not exceed <u>One Million Pesos (P1,000,000.00)</u>.</p>
<p>Section 3. Objectives. —</p> <ul style="list-style-type: none"> (a) To protect and advance the constitutional right of persons to a speedy disposition of their cases; (b) To provide a simplified and inexpensive procedure for the disposition of small claims cases; and, (c) To introduce innovations and best practices for the benefit of the underprivileged. 	<p>Section <u>2</u>. Objectives. —</p> <ul style="list-style-type: none"> (a) To protect and advance the constitutional right of persons to a speedy disposition of their cases; (b) To provide a simplified and inexpensive procedure for the disposition of small claims cases; and (c) To introduce innovations and best practices for the benefit of the underprivileged.
<p>Section 4. Definition of Terms. — For purposes of this Rule:</p> <ul style="list-style-type: none"> (a) Plaintiff refers to the party who initiated a small claims action. The term includes a defendant who has filed a counterclaim against plaintiff; (b) Defendant is the party against whom the plaintiff has filed a small claims action. The term includes a plaintiff against whom a defendant has filed a claim, or a person who replies to the claim; (c) Person is an individual, corporation, partnership, limited liability partnership, association, or other juridical entity endowed with personality by law; (d) Individual is a natural person; (e) Motion means a party's request, written or oral, to the court for an 	<p>Section <u>3</u>. Definition of Terms. — For purposes of this Rule:</p> <ul style="list-style-type: none"> (a) Plaintiff refers to the party who initiated a small claims action. The term includes a defendant who has filed a counterclaim against a plaintiff; (b) Defendant is the party against whom the plaintiff has filed a small claims action. The term includes a plaintiff against whom a defendant has filed a claim, or a person who replies to the claim; (c) Person is an individual, corporation, partnership, limited liability partnership, association, or other juridical entity endowed with personality by law; (d) Individual is a natural person; (e) Motion means a party's request, written or oral, to the court for an order or other action. It shall include an informal

Rules of Procedure for Small Claims	2022 Rules on Expedited Procedures in the First Level Courts
<p>order or other action. It shall include an informal written request to the court, such as a letter;</p> <p>(f) Good cause means circumstances sufficient to justify the requested order or other action, as determined by the judge; and,</p> <p>(g) Affidavit means a written statement or declaration of facts that are sworn to or affirmed to be true.</p>	<p>written request to the court, such as a letter;</p> <p>(f) Good cause means circumstances sufficient to justify the requested order or other action, as determined by the judge;</p> <p>(g) Affidavit means a written statement or declaration of facts that are sworn to or affirmed to be true;</p> <p>(h) <u>Business of Lending refers to any lending activity pursued with regularity;</u></p> <p>(i) <u>Business of Banking refers to the business of lending funds obtained in the form of deposits.</u></p>
<p>Section 6. Commencement of Small Claims Action. — A small claims action is commenced by filing with the court an accomplished and verified Statement of Claim (Form 1-SCC) in duplicate, accompanied by a Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits (Form 1-A SCC), and two (2) duly certified photocopies of the actionable document/s subject of the claim, as well as the affidavits of witnesses and other evidence to support the claim. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Statement of Claim, unless good cause is shown for the admission of additional evidence.</p> <p>The plaintiff must state in the Statement of Claims if he/she/it is engaged in the business of lending, banking and similar activities, and the number of small claims cases filed within the calendar year regardless of judicial station.</p>	<p>Section <u>4</u>. Commencement of Small Claims Action. — A small claims action is commenced by filing with the court an accomplished <u>Statement of Claim/s with Verification and Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits</u> (Form 1-SCC) and duly certified photocopies of the actionable document/s subject of the claim, affidavits of witnesses, and other evidence to support the claim, <u>with as many copies thereof as there are defendants</u>. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Statement of Claim/s, unless good cause is shown for the admission of additional evidence.</p> <p>The plaintiff must state in the Statement of Claim/s if he/she/it is engaged in the business of lending, banking and similar activities, and the number of small claims cases filed within the calendar year regardless of judicial station.</p> <p><u>For juridical entities, a board resolution or</u></p>

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<p>No formal pleading, other than the Statement of Claim/s described in this Rule, is necessary to initiate a small claims action.</p>	<p><u>secretary's certificate authorizing the person to file the claim must be attached to the Statement of Claim/s.</u></p> <p>No formal pleading, other than the Statement of Claim/s described in this Rule, is necessary to initiate a small claims action.</p>
<p>Section 7. Venue. — The regular rules on venue shall apply.</p> <p>However, if the plaintiff is engaged in the business of lending, banking and similar activities, and has a branch within the municipality or city where the defendant resides, the Statement of Claim/s shall be filed where that branch is located.</p>	<p>Section <u>5</u>. Venue for Small Claims Cases. — The regular rules on venue shall apply. However, if the plaintiff is engaged in the business of lending, banking and similar activities, and has a branch within the municipality or city where the defendant resides <u>or is holding business</u>, the Statement of Claim/s shall be filed <u>in the court of the city or municipality where the defendant resides or is holding business. If there are two (2) or more defendants, it shall be filed in the court of the city or municipality where any of them resides or is holding business, at the option of the plaintiff.</u></p>
<p>Section 8. Joinder of Claims. — Plaintiff may join in a single statement of claim one or more separate small claims against a defendant provided that the total amount claimed, exclusive of interest and costs, does not exceed Two Hundred Thousand Pesos (P200,000.00).</p>	<p>Section <u>6</u>. Joinder of Claims. — Plaintiff may join in a single statement of claim one or more separate small claims against a defendant provided that the total amount claimed, exclusive of interest and costs, does not exceed <u>One Million Pesos (P1,000,000.00).</u></p>
<p>Section 9. Affidavits. — The affidavits submitted under this Rule shall state only facts of direct personal knowledge of the affiants or based on authentic records, which are admissible in evidence.</p> <p>A violation of this requirement shall subject the party, and the counsel who assisted the party in the preparation of the affidavits, if any, to appropriate disciplinary action. The</p>	<p>Section <u>7</u>. Affidavits. — The affidavits submitted under this Rule shall state only facts of direct personal knowledge of the affiants or based on authentic records, which are admissible in evidence.</p> <p>A violation of this requirement shall subject the party, and the counsel who assisted the party in the preparation of the affidavits, if any, to appropriate disciplinary action. The</p>

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<p>inadmissible affidavit(s) or portion(s) thereof shall be expunged from the record.</p> <p>The non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim.</p>	<p>inadmissible affidavit(s) or portion(s) thereof shall be expunged from the record.</p> <p>The non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim.</p>
<p>Section 10. Payment of Filing Fees. — The plaintiff shall pay the docket and other legal fees prescribed under Rule 141 of the Revised Rules of Court, unless allowed to litigate as an indigent. Exemption from the payment of filing fees shall be granted only by the Supreme Court.</p> <p>However, if more than five (5) small claims are filed by one party within the calendar year, regardless of the judicial station, an additional filing fee of P500.00 shall be paid for every claim filed after the fifth (5th) claim, and an additional P100.00 or a total of P600.00 for every claim filed after the tenth (10th) claim, and another P100.00 or a total of P700 for every claim filed after the fifteenth (15th) claim, progressively and cumulatively.</p> <p>If the plaintiff is engaged in the business of banking, lending and similar activities, the amount of filing and other legal fees shall be the same as those applicable to cases filed under the regular rules.</p> <p>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. If the motion is granted by the Executive Judge, the case shall be raffled off or assigned to the court designated to hear small claims cases. If the</p>	<p>Section <u>8</u>. Payment of Filing Fees . — The plaintiff shall pay the docket and other legal fees prescribed under Rule 141 of the Revised Rules of Court, unless allowed to litigate as an indigent Exemption from the payment of filing fees shall be granted only by the Supreme Court.</p> <p>However, if more than five (5) small claims are filed by one party within the calendar year, regardless of the judicial station, an additional filing fee of <u>Five Hundred Pesos (P500.00)</u> shall be paid for every claim filed after the fifth (5th) claim, and an additional <u>One Hundred Pesos (P100.00)</u> or a total of <u>Six Hundred Pesos (P600.00)</u> for every claim filed after the tenth (10th) claim, and another <u>One Hundred Pesos (P100.00)</u> or a total of <u>Seven Hundred Pesos (P700)</u> for every claim filed after the fifteenth (15th) claim, progressively and cumulatively.</p> <p><u>If a case is dismissed without prejudice under Sec. 12 (f) of this Rule, and is re-filed within one (1) year from notice of dismissal, the plaintiff shall pay a fixed amount of Two Thousand Pesos (P2,000.00) as filing fee, inclusive of the One Thousand Pesos (P1,000.00) fee for service of summons and processes.</u></p> <p>If the plaintiff is engaged in the business of lending, banking, and similar activities, the</p>

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<p>motion is denied, the plaintiff shall be given five (5) days within which to pay the docket fees, otherwise, the case shall be dismissed without prejudice. In no case shall a party, even if declared an indigent, be exempt from the payment of the P1,000.00 fee for service of summons and processes.</p>	<p>amount of filing and other legal fees shall be the same as those applicable to cases filed under the regular rules of procedure.</p> <p>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. If the motion is granted by the Executive Judge, the case shall be raffled off or assigned to the court designated to hear small claims cases. If the motion is denied, the plaintiff shall be given five (5) calendar days within which to pay the docket fees, otherwise, the case shall be dismissed without prejudice. In no case shall a party, even if declared an indigent, be exempt from the payment of the <u>One Thousand Pesos (P1,000.00)</u> fee for service of summons and processes.</p>
<p>Section 11 Dismissal of the Claim. — After the court determines that the case falls under these Rules, it may, from an examination of the allegations of the Statement of Claim/s and such evidence attached thereto, by itself, dismiss the case outright on any of the grounds for the dismissal of the case. The order of dismissal shall state if it is with or without prejudice.</p> <p>If, during the hearing, the court is able to determine that there exists a ground for dismissal of the Statement of Claim/s, the court may, by itself, dismiss the case even if such ground is not pleaded in the defendant's Response.</p> <p>If plaintiff misrepresents that he/she/it is not engaged in the business of banking, lending or similar activities when in fact he/she/it is so engaged, the Statement of Claim/s shall</p>	<p>Section <u>9.</u> Dismissal of the Claim. — After the court determines that the case falls under <u>this Rule,</u> it may, from an examination of the allegations of the Statement of Claim/s and such evidence attached thereto, on its own initiative, <u>dismiss the case outright on any of the following grounds:</u></p> <ul style="list-style-type: none"> (a) <u>The court has no jurisdiction over the subject matter;</u> (b) <u>There is another action pending between the same parties for the same cause;</u> (c) <u>The action is barred by prior judgment;</u> (d) <u>The claim is barred by the statute of limitations;</u> (e) <u>The court has no jurisdiction over the person of the defendant;</u> (f) <u>Venue is improperly laid;</u> (g) <u>Plaintiff has no legal capacity to sue;</u> (h) <u>The Statement of Claim/s states no cause of action;</u>

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<p>be dismissed with prejudice and plaintiff shall be meted the appropriate sanctions, such as direct contempt.</p> <p>However, if the case does not fall under this Rule, but falls under summary or regular procedure, the case shall not be dismissed. Instead, 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 a case is filed under the regular or summary procedure, but actually falls under this Rule, the case shall be referred to the Executive Judge for appropriate assignment.</p>	<p>(i) <u>That a condition precedent for filing the claim has not been complied with; and</u></p> <p>(j) <u>Plaintiff failed to submit the required affidavits, as provided in Section 7 of this Rule.</u></p> <p>The order of dismissal shall state if it is with or without prejudice.</p> <p>If, during the hearing, the court is able to determine that there exists a ground for dismissal of the Statement of Claim/s, the court may, <u>on its own initiative</u>, dismiss the case even if such ground is not pleaded in the defendant's Response (<u>Form 3-SCC</u>).</p> <p>If plaintiff misrepresents that he/she/it is not engaged in the business of lending, banking, or similar activities when in fact he/she/it is so engaged, the Statement of Claim/s shall be dismissed with prejudice and plaintiff shall be meted the appropriate sanctions, <u>including citation for direct contempt</u>.</p> <p>However, if the case does not fall under this Rule, but falls under summary or regular procedure, <u>or if the case is filed under summary or regular procedure but falls under this Rule</u>, the case shall not be dismissed. Instead, 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.</p>
<p>Section 12. Summons and Notice of Hearing. — If no ground for dismissal is found, the court shall forthwith issue Summons (Form 2-SCC) on the day of receipt of the Statement of Claim/s, directing the defendant to submit a verified</p>	<p>Section <u>10</u>. Summons and Notice of Hearing. — If no ground for dismissal is found, the court shall forthwith issue Summons (Form 2-SCC) <u>within twenty-four (24) hours from receipt of the Statement of Claim/s</u>, directing the defendant to submit a verified Response.</p>

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<p>Response.</p> <p>The court shall also issue a Notice of Hearing (Form 4-SCC) to both parties, directing them to appear before it on a specific date and time for hearing, with a warning that no unjustified postponement shall be allowed, as provided in Section 21 of this Rule. The Summons to be served on the defendant shall be accompanied by a copy of the Statement of Claim/s and documents submitted by plaintiff, and a blank Response Form (Form 3-SCC) to be accomplished by the defendant.</p> <p>A Notice of Hearing shall accompany the Summons and shall contain: (a) the date of the hearing, which shall not be more than thirty (30) days from the filing of the Statement of Claim/s; and (b) the express prohibition against the filing of a motion to dismiss or any other motion under Section 16 of this Rule.</p> <p>If Summons is returned without being served on any or all of the defendants, the court shall order the plaintiff to cause the service of summons and shall inform the court within thirty (30) days from notice if said summons was served or not; otherwise, the Statement of Claim/s shall be dismissed without prejudice as to those who were not served with summons.</p>	<p><u>The Summons to be served on the defendant shall be accompanied by a copy of the Statement of Claim/s and documents submitted by plaintiff, and a blank Response Form (Form 3-SCC) to be accomplished by the defendant.</u></p> <p><u>The court shall also issue a Notice of Hearing (Form 4-SCC) to both parties, directing them to appear before it on a specific date and time for hearing, with a warning that no unjustified postponement shall be allowed, as provided in Section 20 of this Rule. A blank Special Power of Attorney (Form 7-SCC) shall be attached to the Notice of Hearing.</u></p> <p><u>The Notice of Hearing shall accompany the Summons and shall contain: (a) the date of the hearing, which shall not be more than thirty (30) calendar days from the filing of the Statement of Claim/s, or not more than sixty (60) calendar days if one of the defendants resides or holds business outside the judicial region; and (b) the express prohibition against the filing of a motion to dismiss or other prohibited motions under Section 2, Rule II.</u></p>
<p>No counterpart provision.</p>	<p><u>Section 11. Electronic Filing and Service. — The service of court issuances and filings by the plaintiff/s and defendant/s may be made through email, facsimile, and other electronic means. Notices may also be served through mobile phone calls, short messaging service</u></p>

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	<p><u>(SMS), or instant messaging (IM) software applications. The consent to, and chosen mode of, electronic service and notice shall be indicated in the Statement of Claim/s or Response, as the case may be.</u></p>
<p>No counterpart provision.</p>	<p><u>Section 12. Service of Summons. —</u></p> <p>(a) <u>The Summons and Notice of Hearing must be issued within twenty-four (24) hours from receipt of the Statement of Claim/s. The Summons, together with the Notice of Hearing, shall be served by the sheriff, his or her deputy, or other proper court officer within ten (10) calendar days from issuance. Within five calendar (5) days from such service, the Officer's Return shall be filed with the court with a copy furnished to the plaintiff at the given address/es of record.</u></p> <p>(b) <u>If Summons is returned without being served on any or all of the defendants, the court shall order the plaintiff or his or her representative to serve or cause the service of Summons.</u></p> <p>(c) <u>In cases where Summons is to be served outside the judicial region of the court where the case is pending, the court may order the plaintiff or his or her representative to serve or cause the service of Summons.</u></p> <p>(d) <u>If the plaintiff is a juridical entity, it shall notify the court, in writing, and name its authorized representative therein, attaching a board resolution or secretary's certificate thereto, as the case may be, stating that such representative is duly authorized to serve the Summons on behalf of the plaintiff.</u></p> <p>(e) <u>If the plaintiff misrepresents that the</u></p>

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	<p><u>defendant was served with Summons, and it is later proved that no Summons was served, the case shall be dismissed with prejudice, the proceedings shall be nullified, and the plaintiff shall be declared in indirect contempt under Rule 71 of the Rules of Court, and/or be meted a fine in the amount of P5,000.00.</u></p> <p>(f) <u>In both instances under paragraphs (b) and (c), the plaintiff shall inform the court within thirty (30) calendar days from notice if said Summons was served; otherwise, the Statement of Claim/s shall be dismissed without prejudice as to those who were not served with Summons. This is not a ground to archive the case. The case, however, may be re-filed within one year from notice of dismissal, subject to payment of reduced filing fees under Section 8 hereof.</u></p>
<p>Section 13. Response. — The defendant shall file with the court and serve on the plaintiff a duly accomplished and verified Response within a non-extendible period of ten (10) days from receipt of summons. The Response shall be accompanied by certified photocopies of documents, as well as affidavits of witnesses and other evidence in support thereof. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Response, unless good cause is shown for the admission of additional evidence.</p>	<p>Section 13. Response. — The defendant shall file with the court and serve on the plaintiff a duly accomplished and verified Response (Form 3-SCC) within a non-extendible period of ten (10) <u>calendar</u> days from receipt of Summons. The Response shall be accompanied by certified photocopies of documents, as well as affidavits of witnesses and other evidence in support thereof. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Response, unless good cause is shown for the admission of additional evidence.</p>
<p>Section 14. Effect of Failure to File Response. — Should the defendant fail to file his/her/its Response within the required</p>	<p>Section 14. Effect of Failure to File Response. — Should the defendant fail to file his/her/its Response within the required period, and</p>

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<p>period, and likewise fail to appear on the date set for hearing, the court shall render judgment on the same day, as may be warranted by the facts alleged in the Statement of Claim/s.</p> <p>Should the defendant fail to file his/her/its Response within the required period but appears on the date set for hearing, the court shall ascertain what defense he/she/it has to offer which shall constitute his/her/its Response, and proceed to hear or adjudicate the case on the same day as if a Response has been filed.</p>	<p>likewise fail to appear on the date set for hearing, the court shall render judgment <u>within twenty-four (24) hours from the termination of the hearing,</u> as may be warranted by the facts alleged in the Statement of Claim/s <u>and its attachments.</u></p> <p>Should the defendant fail to file his/her/its Response within the required period but appear on the date set for hearing, the court shall ascertain what defense he/she/it has to offer, which shall constitute his/her/its Response, <u>proceed to hear the case on the same day as if a Response has been filed and, thereafter, render judgment within twenty-four (24) hours from the termination of the hearing.</u> If the defendant relies on <u>documentary evidence to support his defense, the court shall order him/her/it to submit original copies of such documents within three (3) calendar days from the termination of the hearing and, upon receipt thereof or expiration of the period to file, the court shall render judgment within twenty-four (24) hours.</u></p>
<p>Section 15. Counterclaims Within the Coverage of this Rule. — If at the time the action is commenced, the defendant possesses a claim against the plaintiff that (a) is within the coverage of this Rule, exclusive of interest and costs; (b) arises out of the same transaction or event that is the subject matter of the plaintiff's claim; (c) does not require for its adjudication the joinder of third parties; and (d) is not the subject of another pending action, the claim shall be filed as a counterclaim in the Response; otherwise, the defendant shall be barred from suing on the counterclaim.</p>	<p>Section 15. Counterclaims within the Coverage of this Rule. — If at the time the action is commenced, the defendant possesses a claim against the plaintiff that (a) is within the coverage of this Rule, exclusive of interest and costs; (b) arises out of the same transaction or event that is the subject matter of the plaintiff's claim; (c) does not require for its adjudication the joinder of third parties; and (d) is not the subject of another pending action, the claim shall be filed as a counterclaim in the Response; otherwise, the defendant shall be barred from suing on such counterclaim.</p>

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<p>The defendant may also elect to file a counterclaim against the plaintiff that does not arise out of the same transaction or occurrence, provided that the amount and nature thereof are within the coverage of this Rule and the prescribed docket and other legal fees are paid.</p>	<p>The defendant may also elect to file a counterclaim against the plaintiff that does not arise out of the same transaction or occurrence, provided that the amount and nature thereof are within the coverage of this Rule and the prescribed docket and other legal fees are paid.</p> <p><u>Any amount pleaded in a counterclaim in excess of One Million Pesos (P1,000,000.00), excluding interest and costs, shall be deemed waived.</u></p>
<p>Section 16. Prohibited Pleadings and Motions.</p>	<p>[Amended counterpart provision transposed as Section 2, Rule II]</p>
<p>Section 17. Availability of Forms; Assistance by Court Personnel. — The Clerk of Court or other court personnel shall provide such assistance as may be requested by a plaintiff or a defendant regarding the availability of forms and other information about the coverage, requirements as well as procedure for small claims cases.</p>	<p>Section 16. Availability of Forms; Assistance by Court Personnel. — The Clerk of Court or other court personnel shall provide such assistance as may be requested by a plaintiff or a defendant regarding the availability of forms and other information about the coverage, requirements, as well as procedure, for small claims cases.</p> <p><u>Plaintiff shall be given copies of Forms 1-SCC (Statement of Claim/s), 1- A-SCC (Other Plaintiffs or Defendants) for additional plaintiffs or defendants, if any, and 1-B-SCC (Plaintiff's Information Sheet).</u></p> <p><u>The Branch Clerk of Court must ensure that there should be, at least, one (1) hearing day every week devoted to Small Claims, with a minimum of five (5) cases scheduled per hearing day. Cases with the same party-plaintiff may all be set on the same date for facility in the preparation of notices and judgments. The Court should post a notice of its Small Claims hearing day conspicuously at</u></p>

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	<u>the Branch and at the Office of the Clerk of Court.</u>
<p>Section 18. Appearance. — The parties shall personally appear on the designated date of hearing.</p> <p>Appearance through a representative must be for a valid cause. The representative of an individual-party must not be a lawyer and must be related to or next-of-kin of the individual-party. Juridical entities shall not be represented by a lawyer in any capacity. The representative must be authorized under a Special Power of Attorney (Form 7-SCC) to enter into an amicable settlement of the dispute and to enter into stipulations or admissions of facts and of documentary exhibits.</p>	<p>Section <u>17</u>. Appearance. — The parties shall personally appear on the designated date of hearing.</p> <p>Appearance through a representative must be for a valid cause. The representative of an individual-party <u>must not be a lawyer</u>. Juridical entities shall not be represented by a lawyer in any capacity.</p> <p>The representative must be authorized under a Special Power of Attorney (Form 7-SCC), board resolution or secretary's certificate, as the case may be, to enter into an amicable settlement of the dispute and to enter into stipulations or admissions of facts and of documentary exhibits.</p>
<p>Section 19. Appearance of Attorneys Not Allowed. — No attorney shall appear in behalf of or represent a party at the hearing, unless the attorney is the plaintiff or defendant.</p> <p>If the court determines that a party cannot properly present his/her claim or defense and needs assistance, the court may, in its discretion, allow another individual who is not an attorney to assist that party upon the latter's consent.</p>	<p>Section <u>18</u>. Appearance of Attorneys Not Allowed. — No attorney shall appear in behalf of or represent a party at the hearing, unless the attorney is the plaintiff or defendant.</p> <p>If the court determines that a party cannot properly present his/her/its claim or defense and needs assistance, the court may, in its discretion, allow another individual who is not an attorney to assist that party upon the latter's consent.</p>
<p>Section 20. Non-appearance of Parties. — Failure of the plaintiff to appear shall be cause for the dismissal of the Statement of Claim/s without prejudice. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on a permissive counterclaim.</p>	<p>Section <u>19</u>. Non-appearance of Parties. — Failure of the plaintiff to appear shall be cause for the dismissal of the Statement of Claim/s without prejudice. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on the counterclaim.</p>

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<p>Failure of the defendant to appear shall have the same effect as failure to file a Response under Section 14 of this Rule. This shall not apply where one of two or more defendants who are sued under a common cause of action and have pleaded a common defense appears at the hearing.</p> <p>Failure of both parties to appear shall cause the dismissal with prejudice of both the Statement of Claim/s and the counterclaim.</p>	<p>Failure of the defendant to appear shall have the same effect as failure to file a Response under Section 14 of this Rule. This shall not apply where one of two or more defendants who are sued under a common cause of action and have pleaded a common defense appears at the hearing.</p> <p>Failure of both parties to appear shall cause the dismissal with prejudice of both the Statement of Claim/s and the counterclaim.</p>
<p>Section 21. Postponement When Allowed. — A request for postponement of a hearing may be granted only upon proof of the physical inability of the party to appear before the court on the scheduled date and time. A party may avail of only one (1) postponement.</p>	<p>Section <u>20</u>. Postponement When Allowed. — A request for postponement of a hearing may be granted only upon proof of the physical inability of the party to appear before the court on the scheduled date and time. A party may avail of only one (1) postponement.</p>
<p>Section 22. Duty of the Court. — At the beginning of the court session, the judge shall read aloud a short statement explaining the nature, purpose and the rule of procedure of small claims cases.</p>	<p>Section <u>21</u>. Duty of the Court. — At the beginning of the court session, the judge shall read aloud a short statement explaining the nature, purpose and the rule of procedure of small claims cases.</p>
<p>Section 23. Hearing. — At the hearing, the judge shall first exert efforts to bring the parties to an amicable settlement of their dispute. If efforts at settlement fail, the hearing shall immediately proceed in an informal and expeditious manner and be terminated within the same day.</p> <p>Any settlement (Form 8-SCC) or resolution of the dispute shall be reduced into writing, signed by the parties and submitted to the court for approval (Form 9-SCC and Form 10-SCC).</p>	<p>Section <u>22</u>. Hearing. — At the hearing, the judge shall first exert efforts to bring the parties to an amicable settlement of their dispute. <u>Settlement discussions must be conducted in strict confidentiality.</u></p> <p><u>Any settlement or resolution of the dispute shall be reduced into writing, signed by the parties, and immediately submitted to the court for approval at the hearing (Form 9-SCC). The court shall render judgment based on the compromise agreement within twenty-four (24) hours, and furnish copies thereof to the parties (Form 10-SCC).</u></p>

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	<p><u>If at any time before or at the hearing, a compromise agreement is submitted, signed by both parties, but only one (1) or neither party appears to confirm it, the court shall issue an order directing the non-appearing party/ies to confirm the compromise agreement within three (3) calendar days from notice thereof; otherwise, it shall be deemed confirmed.</u></p> <p><u>If efforts at settlement fail, the court shall immediately proceed to hear the case in an informal and expeditious manner and, thereafter, render judgment within twenty-four (24) hours from termination of the hearing.</u></p>
No counterpart provision.	<p><u>Section 23. Resort to Alternative Videoconferencing Platform. — Should the hearing be done through videoconferencing, the court shall require the parties to participate through the use of the Court-prescribed videoconferencing platform. However, if any of the participants communicates his or her difficulty in accessing or using the said videoconferencing platform, the court may allow the use of alternative videoconferencing platforms or instant messaging (IM) applications with video call features, provided that the following conditions are met:</u></p> <p>(a) <u>The court shall use either its official e-mail address or cell phone number to access the alternative videoconferencing platform or instant messaging (IM) application;</u></p> <p>(b) <u>The parties shall use the e-mail address or cell phone number they indicated in their Statement of Claim/s or Response, as the case may be, to access the alternative videoconferencing platform or instant</u></p>

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	<p><u>messaging (IM) application; and</u> (c) <u>The court shall maintain a record and transcription of the proceedings.</u></p>
<p>Section 24. Decision. — After the hearing, the court shall render its decision based on the facts established by the evidence (Form 11-SCC), within twenty-four (24) hour from termination of the hearing. The decision shall immediately be entered by the Clerk of Court in the court docket for civil cases and a copy thereof forthwith served on the parties.</p> <p>The decision shall be final, executory and unappealable.</p>	<p>Section 24. Decision. — After the hearing, the court shall render its decision based on the facts established by the evidence, within twenty-four (24) hours from termination of the hearing (Form 11-SCC). <u>The refund of the remaining balance from the Sheriff's Trust Fund (STF), subject to accounting and auditing procedures, shall be included in the decision.</u></p> <p>The decision shall immediately be entered by the Clerk of Court in the court docket for civil cases and a copy thereof forthwith served on the parties.</p> <p>The decision shall be final, executory and unappealable.</p>
<p>Section 25. Execution. — When the decision is rendered, execution shall issue upon motion (Form 12-SCC) of the winning party.</p>	<p>Section 25. Execution. — When the decision is rendered <u>and proof of receipt thereof is on record, execution shall issue (Forms 13-SCC, 13-ASCC, or 13-B-SCC) upon ex-parte motion of the winning party (Form 12-SCC). However, a decision based on compromise shall not be covered by the requirement of proof of receipt.</u></p>
<p>Section 26. Certification of Documents. — All documents attached to the Statement of Claim/s or Response that are required to be certified, except public or official documents, shall be certified by the signature of the plaintiff or defendant concerned.</p>	<p>Section 26. Certification of Documents. — All documents attached to the Statement of Claim/s or Response that are required to be certified, except public or official documents, shall be certified by the signature of the plaintiff or defendant concerned.</p>
<p>Section 27. Applicability of the Rules of Civil Procedure</p>	<p>[Amended counterpart provision transposed as Section 1, Rule II]</p>

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<p>Section 28. Non-applicability. — The rules on mediation/judicial dispute resolution shall not apply, inasmuch as the parties may enter into compromise at any stage of the proceedings.</p>	<p>Section <u>27</u>. Non-applicability. — The rules on mediation and judicial dispute resolution shall not apply, as the parties may enter into compromise at any stage of the proceedings.</p>