



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **MARCH 1, 2022**, which reads as follows:*

“A.M. No. 08-8-7-SC

**RULES ON EXPEDITED PROCEDURES
IN THE FIRST LEVEL COURTS**

RESOLUTION

WHEREAS, pursuant to Section 5 (5), Article VIII of the Constitution, the Supreme Court is vested with the power to promulgate rules concerning the pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged;

WHEREAS, Congress enacted Republic Act No. 11576, which expanded the jurisdictional amount cognizable by the First Level Courts in civil cases to Two Million Pesos (P2,000,000.00) and the jurisdictional amount for recovery of real property with the assessed value to Four Hundred Thousand Pesos (P400,000.00);

WHEREAS, Congress enacted Republic Act No. 10951, which adjusted the value of property and damage on which a penalty is based, and the fines imposed under Act No. 3815, otherwise known as The Revised Penal Code, As Amended;

WHEREAS, the 1991 Revised Rule on Summary Procedure and the 2016 Revised Rules on Small Claims Cases were promulgated to simplify and expedite proceedings, taking into account the recent developments in procedural and substantive law and jurisprudence, as well as technological advancements;

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WHEREAS, considering the passage of R.A. Nos. 11576 and 10951, there is a need to recalibrate, reconcile, and harmonize the coverage of the 1991 Revised Rule on Summary Procedure and 2016 Revised Rules on Small Claims Cases to efficiently attain their objectives;

WHEREAS, through Memorandum Order No. 70-2021 dated 16 August 2021 and 31 August 2021, as amended by Memorandum Order No. 116-2021 dated 29 November 2021, the Committee on the Revision of the Rule on Summary Procedure and Small Claims Cases was reorganized to review the rules and study proposals received by the Court. The Committee is composed of the following:

Chairperson: **Hon. Henri Jean Paul B. Inting**
Associate Justice, Supreme Court

Vice Chairperson: **Hon. Samuel H. Gaerlan**
Associate Justice, Supreme Court

Members: **Hon. Jose Midas P. Marquez**
Associate Justice, Supreme Court

Hon. Eduardo B. Peralta, Jr.
Associate Justice, Court of Appeals

Hon. Maria Filomena D. Singh
Associate Justice, Court of Appeals

Hon. Germano Francisco D. Legaspi
Associate Justice, Court of Appeals

Hon. Ma. Theresa Dolores C. Gomez-Estoesta
Associate Justice, Sandiganbayan

Hon. Raul Bautista Villanueva
Deputy Court Administrator (now Court Administrator)

Hon. Evangeline C. Cabochan-Santos
Presiding Judge, RTC, Br. 304, Quezon City

Hon. Jackie B. Crisologo-Saguisag
Presiding Judge, MeTC, Br. 67, Makati City

Hon. Karla A. Funtilla-Abugan
Presiding Judge, MeTC, Br. 17, Manila

Hon. Carlo D. Villarama
Presiding Judge, MeTC, Br.36, Quezon City
(now Presiding Judge, RTC, Br. 217, Quezon City)

ANC

Atty. Marcelino Michael I. Atanante IV
IBP Governor for Greater Manila

Atty. Antonio Ceasar R. Manila
Office of the Chief Justice

Secretariat:

Atty. Ryan De Leon Ferraren
Atty. Hannah Joy A. Villarta
Office of Associate Justice Henri Jean Paul B. Inting

Atty. Barbie Kaye Perez Lopez
Atty. Theodore Joseph M. Jumamil
Office of Associate Justice Samuel H. Gaerlan

Atty. Camille Sue Mae L. Ting
Office of Associate Justice Jose Midas P. Marquez

WHEREAS, pursuant to Memorandum Order No. 116-2021 dated 29 November 2021, the Technical Working Group for the Committee on the Revision of the Rules on Summary Procedure and Small Claims Cases was reorganized and is composed of the following:

Chairperson: **Hon. Maria Filomena D. Singh**
Associate Justice, Court of Appeals

Vice Chairperson: **Hon. Raul Bautista Villanueva**
Deputy Court Administrator (now Court Administrator)

Members: **Hon. Ma. Theresa Dolores C. Gomez-Estoesta**
Associate Justice, Sandiganbayan

Hon. Evangeline C. Cabochan-Santos
Presiding Judge, RTC, Br. 304, Quezon City

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Office of Associate Justice Henri Jean Paul B. Inting

Atty. Camille Sue Mae L. Ting
Office of Associate Justice Jose Midas P. Marquez

NOW, THEREFORE, acting on the recommendation of the Chairperson of the Committee on the Revision of the Rule on Summary Procedure and Small Claims Cases, the Court resolves to **APPROVE** the "*Rules on Expedited Procedures in the First Level Courts.*"

These Rules shall take effect on 11 April 2022 following their publication in two (2) newspapers of general circulation.

1 March 2022

(Original signed)

ALEXANDER G. GISMUNDO
Chief Justice

(Original signed)

ESTELA M. PERLAS-BERNABE
Senior Associate Justice

(Original signed)

MARVIC M.V.F. LEONEN
Associate Justice

(Original signed)

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(Original signed)

RAMON PAUL L. HERNANDO
Associate Justice

(Original signed)

AMY C. LAZARO-JAVIER
Associate Justice

(Original signed)

HENRI JEAN PAUL B. INTING
Associate Justice

(Original signed)

RODIL V. ZALAMEDA
Associate Justice

(Original signed)

MARIO V. LOPEZ
Associate Justice

(Original signed)
SAMUEL H. GAERLAN
Associate Justice

(Original signed)
RICARDO R. ROSARIO
Associate Justice

(Original signed)
JHOSEP Y. LOPEZ
Associate Justice

(Original signed)
JAPAR B. DIMAAMPAO
Associate Justice

(Original signed)
JOSE MIDAS P. MARQUEZ
Associate Justice

(Original signed)
ANTONIO T. KHO, JR.
Associate Justice

Ordo

RULES ON EXPEDITED PROCEDURES IN THE FIRST LEVEL COURTS

RULE I APPLICABILITY

Section 1. *Coverage.* – 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:

A. CIVIL CASES

(1) Summary Procedure Cases, as follows:

- (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 (₱100,000.00).
- (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 (₱2,000,000.00), 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 (₱2,000,000.00), 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 (₱1,000,000.00), 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.

All other cases not included herein shall be governed by the regular rules of procedure.

- (2) Small Claims Cases, as defined hereunder, where the claim does not exceed One Million Pesos (₱1,000,000.00), exclusive of interest and costs.

A "small claim" 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.

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 (₱1,000,000.00), 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.

B. CRIMINAL CASES

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

- (1) Violations of traffic laws, rules and regulations;
- (2) Violations of the rental law;
- (3) Violations of municipal or city ordinances;
- (4) Violations of Batas Pambansa Blg. 22 (the Bouncing Checks Law); and
- (5) 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 (₱50,000.00), or both, regardless 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 does not exceed One Hundred Fifty Thousand Pesos (₱150,000.00).

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If the prescribed penalty consists of imprisonment and/or a fine, the prescribed imprisonment shall be the basis for determining the applicable procedure.

All other cases not included herein shall be governed by the regular rules of procedure.

Sec. 2. *Non-applicability.* - These 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.

RULE II GENERAL COMMON PROVISIONS

Section 1. *Applicability of the regular rules.* - 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. It shall also apply in a suppletory manner even if there is a specific provision found in these Rules, but only in so far as not inconsistent. In case of inconsistency, these Rules shall prevail.

Sec. 2. *Prohibited pleadings and motions.* - 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;

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(o) Motion for judicial determination of probable cause in criminal cases.

Sec. 3. Videoconference. – 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.

Sec. 4. Service pursuant to international convention. – 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.

RULE III THE RULE ON SUMMARY PROCEDURE

A. CIVIL CASES

Section 1. Pleadings and Verification.– The only pleadings allowed to be filed are the complaint, compulsory counterclaim, cross-claim pleaded in the answer, and reply, as provided in Section 8 of this Rule.

All pleadings shall be verified.

Sec. 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.

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. 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.

Sec. 3. Complaint. – 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 and form an integral part thereof. Judicial affidavits not attached to the complaint 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 complaint; and
- (d) 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.

Sec. 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.

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

A patently erroneous determination to avoid the application of the Rule on Summary Procedure is a ground for disciplinary action.

Sec. 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.

Sec. 6. *Answer.* – Within thirty (30) calendar days from service of summons, the defendant shall file an answer to the complaint and serve a copy thereof on the plaintiff.

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 and form an integral part thereof. Judicial affidavits not attached to the answer 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.

Affirmative defenses not pleaded in the answer shall be deemed waived, except for lack of jurisdiction over the subject matter, *litis pendentia*, *res judicata*, and prescription.

Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred.

Sec. 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.

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.

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. 8. Reply. – All new matters alleged in the answer shall be deemed controverted.

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.

Sec. 9. Effect of failure to answer. – 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. 10. Preliminary Conference; notice. – 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. The rules on pre-trial under Rule 18 of the 2019 Amendments to the 1997 Rules of Civil Procedure shall be applicable to the Preliminary Conference, unless inconsistent.

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

- (a) Preliminary Conference (within 30 calendar days from the filing of the last responsive pleading);
- (b) Court-Annexed Mediation (within an inextendible period of 30 calendar days from date of referral for mediation); and
- (c) 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).

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.

Sec. 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:

- (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.

Failure to submit a Preliminary Conference Brief within the period given shall merit the same sanction as non-appearance at the Preliminary Conference.

Sec. 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, force majeure, or duly substantiated physical inability.

A representative may appear on behalf of a party, but 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. An authority which fails to include all these acts shall be ineffective and the party represented shall be deemed absent.

The failure despite notice of the plaintiff and/or his or her counsel 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 Section 9 of this Rule. All cross-claims shall be dismissed.

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If a sole defendant and/or his or her counsel fail to appear at the Preliminary Conference, the plaintiff shall be entitled to judgment in accordance with Section 9 of this Rule. 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. 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 Cases.

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 certiorari, prohibition, or mandamus, but may be among the matters raised on appeal after a judgment on the merits.

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.

Sec. 14. Rendition of 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, the court shall render judgment.

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 additional judicial affidavits or other evidence on the said matters, within ten (10) calendar days from receipt of said order. 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.

The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

B. CRIMINAL CASES

Section 1. *How commenced; filing and service.* – The filing of criminal cases governed by the Rule on Summary Procedure shall either be by complaint or by information.

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 one (1) copy for the court.

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.

Sec. 2. *Duty of court; Judicial Affidavits.* –

(a) If commenced by complaint. – On the basis of the complaint and the judicial affidavits and other evidence accompanying the same, the court may dismiss the case outright for lack of probable cause, and order the release of the accused if in custody.

(b) If commenced by information. – When the case is commenced by information, or is not dismissed pursuant to paragraph (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 a 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. The accused shall serve copies thereof on the private complainant and the public prosecutor within the same period.

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.

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 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.

Sec 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.

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.

If the court finds that probable cause exists, the court shall set the case for arraignment and pre-trial.

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.

Sec. 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.

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. 5. 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 non-detained accused.

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.

Before arraigning the accused, the court shall inquire into the possibility of a plea bargain between the parties. 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.

If the accused pleads guilty to the original charge, the court shall forthwith sentence him or her.

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.

(b) After arraignment, the court shall conduct the Pre-Trial Conference in accordance with the Revised Guidelines for Continuous Trial of Criminal Cases.

No admission by the accused shall be used against him or her unless 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. 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.

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.

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.

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. 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.

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.

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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.

A motion for postponement of any trial date shall be presumed dilatory and denied outright, unless grounded on acts of God, *force majeure*, 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.

Sec. 7. Judgment. - 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.

C. APPEALS IN SUMMARY PROCEDURE

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 Rules 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.

Sec. 2. Remedy from judgment on appeal. - The judgment of the Regional Trial Court on the appeal shall be final, executory, and unappealable.

RULE IV THE RULE ON SMALL CLAIMS

Section 1. Scope. - This Rule shall govern the procedure in actions before the Metropolitan Trial Courts (MeTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs) and Municipal Circuit Trial Courts (MCTCs) for payment or reimbursement of a sum of money where the value of the claim does not exceed One Million Pesos (₱1,000,000.00).

Sec. 2. Objectives. -

- (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. 3. *Definition of Terms.* – For purposes of this Rule:

- (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 written request to the court, such as a letter;
- (f) *Good cause* means circumstances sufficient to justify the requested order or other action, as determined by the judge;
- (g) *Affidavit* means a written statement or declaration of facts that are sworn to or affirmed to be true;
- (h) *Business of Lending* refers to any lending activity pursued with regularity;
- (i) *Business of Banking* refers to the business of lending funds obtained in the form of deposits.

Sec. 4. *Commencement of Small Claims Action.* – A small claims action is commenced by filing with the court an accomplished Statement of Claim/s with Verification and Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits (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, with as many copies thereof as there are defendants. 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.

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.

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.¹

No formal pleading, other than the Statement of Claim/s described in this Rule, is necessary to initiate a small claims action.

Sec. 5. *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 or is holding business, 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. 6. *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 One Million Pesos (₱1,000,000.00).

Sec. 7. *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.

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 inadmissible affidavit(s) or portion(s) thereof shall be expunged from the record.

The non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim.

Sec. 8. *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.

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 Five Hundred Pesos (₱500.00) shall be paid for every claim filed after the fifth (5th) claim, and an additional One Hundred Pesos

¹ Per Resolution dated March 15, 2022, A.M. No. 08-8-7-SC.

(₱100.00) or a total of Six Hundred Pesos (₱600.00) for every claim filed after the tenth (10th) claim, and another One Hundred Pesos (₱100.00) or a total of Seven Hundred Pesos (₱700) for every claim filed after the fifteenth (15th) claim, progressively and cumulatively.

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 (₱2,000.00) as filing fee, inclusive of the One Thousand Peso (₱1,000.00) fee for service of summons and processes.

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.

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 One Thousand Peso (₱1,000.00) fee for service of summons and processes.

Sec. 9. Dismissal of the Claim. – After the court determines that the case falls under this Rule, it may, from an examination of the allegations of the Statement of Claim/s and such evidence attached thereto, on its own initiative, dismiss the case outright on any of the following grounds:

- (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) 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) Plaintiff failed to submit the required affidavits, as provided in Section 7 of this Rule.

The order of dismissal shall state if it is with or without prejudice.

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, on its

own initiative, dismiss the case even if such ground is not pleaded in the defendant's Response (Form 3-SCC).

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, including citation for direct contempt.

However, 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, 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.

Sec. 10. *Summons and Notice of Hearing*. - If no ground for dismissal is found, the court shall forthwith issue Summons (Form 2-SCC) within twenty-four (24) hours from receipt of the Statement of Claim/s, directing the defendant to submit a verified Response.

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.

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.

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.

Sec. 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 (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.

Sec. 12. Service of Summons. -

- (a) 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.

- (b) 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.

- (c) 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.

- (d) 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.

- (e) If the plaintiff misrepresents that the 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 ₱5,000.00.

- (f) 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.

Sec. 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) calendar 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.

Sec. 14. *Effect of Failure to File Response.* - Should the defendant fail to file his/her/its Response within the required period, and likewise fail to

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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. 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.

Sec. 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.

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.

Any amount pleaded in a counterclaim in excess of One Million Pesos (₱1,000,000.00), excluding interests and costs, shall be deemed waived.

Sec. 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.

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).

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 the Branch and at the Office of the Clerk of Court.

Sec. 17. Appearance. – The parties shall personally appear on the designated date of hearing.

Appearance through a representative must be for a valid cause. The representative of an individual-party must not be a lawyer. 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), 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.

Sec. 18. 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.

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. 19. 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.

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.

Failure of both parties to appear shall cause the dismissal with prejudice of both the Statement of Claim/s and the counterclaim.

Sec. 20. 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.

Sec. 21. 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.

Sec. 22. *Hearing.* - At the hearing, the judge shall first exert efforts to bring the parties to an amicable settlement of their dispute. Settlement discussions must be conducted in strict confidentiality.

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).

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.

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.

Sec. 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:

- (a) 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;
- (b) 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 messaging (IM) application; and
- (c) The court shall maintain a record and transcription of the proceedings.

Sec. 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). 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.

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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.

The decision shall be final, executory and unappealable.

Sec. 25. *Execution.* - When the decision is rendered and proof of receipt thereof is on record, execution shall issue (Forms 13-SCC, 13-A-SCC, 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.

Sec. 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.

Sec. 27. *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.

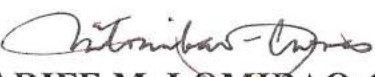
RULE V EFFECTIVITY

The Rules on Expedited Procedures in the First Level Courts shall take effect on 11 April 2022 and shall prospectively apply only to cases filed from the said date of effectivity. Those 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.”

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(19 & 40)

By authority of the Court:


MARIFE M. LOMBAO-CUEVAS
Clerk of Court *muu*

HON. ALEXANDER G. GESMUNDO (x)
Chief Justice
HON. ESTELA M. PERLAS-BERNABE (x)
Senior Associate Justice
HON. MARVIC MARIO VICTOR F. LEONEN (x)
HON. ALFREDO BENJAMIN S. CAGUIOA (x)
HON. RAMON PAUL L. HERNANDO (x)
HON. AMY C. LAZARO-JAVIER (x)
HON. RODIL V. ZALAMEDA (x)
HON. MARIO V. LOPEZ (x)
HON. SAMUEL H. GAERLAN (x)
HON. RICARDO R. ROSARIO (x)
HON. JHOSEP Y. LOPEZ (x)
HON. JAPAR B. DIMAAMPAO (x)
HON. JOSE MIDAS P. MARQUEZ (x)
HON. ANTONIO TONGIO KHO, JR. (x)
Associate Justices
Supreme Court

Court Administrator

*HON. RAUL B. VILLANUEVA (x)

Deputy Court Administrators

HON. JENNY LIND R. ALDECOA-DELORINO (x)

HON. LEO T. MADRAZO (x)

Assistant Court Administrators

HON. LILIAN BARRIBAL-CO (x)

HON. MARIA REGINA ADORACION

FILOMENA M. IGNACIO (x)

Supreme Court

PUBLIC INFORMATION OFFICE (x)

Supreme Court

HON. HENRI JEAN PAUL B. INTING (x)
Associate Justice and Chairperson
Committee on the Revision of the Rules on Summary
Procedure and Small Claims Cases
Supreme Court

HON. ROSMARI D. CARANDANG (x)
Chancellor
PhilJA, Supreme Court

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***for circularization**