

ANNEX J

A.M. No. 04-2-04-SC

Republic of the Philippines
Supreme Court
Manila

A.M. No. 04-2-04-SC

RE: PROPOSED REVISION OF RULE 141, REVISED RULES OF COURT

LEGAL FEES

RESOLUTION

Acting on the recommendation of the Chairman of the Committee on revision of the Rules of Court submitting for this Court's consideration and approval of the proposed Revision of Rule 141 of the Revised Rules of Court on Legal Fees, the Court resolved to APPROVE the same.

This resolution shall take effect on August 16, 2004 following its publication in two (2) newspapers of general circulation not later than July 31, 2004.

July 20, 2004

PROPOSED REVISION OF RULE 141

LEGAL FEES

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SEC. 9. MEDIATION FEES.

A. Trial Courts

The Clerks of Court of the Regional Trial Courts and the First-Level Courts shall collect the amount of FIVE HUNDRED PESOS (P500.00) (1) upon the filing of a Complaint or an Answer with a mediatable permissive or compulsory counterclaim or cross-claim, complaint-in-intervention, third-party complaint, fourth-party complaint, etc. in civil cases, a Petition, an Opposition and a Creditors' Claim in Special Proceedings; (2) upon the filing of a Complaint/Information for offenses covered by the Katarungang Pambarangay Law, violation of B.P. Blg. 22, estafa and libel cases where damages are sought; and (3) upon the filing of a Complaint/Information for quasi-offenses under Title 14 of the Revised Penal Code.

The Clerks of the Court of the First Level Courts shall collect the amount of FIVE HUNDRED PESOS (P500.00) upon the filing of a Notice of Appeal to the Regional Trial Court.

The Clerks of the Court of the Regional Trial Court shall collect the amount of ONE THOUSAND PESOS (P1,000.00) upon the filing of a Notice of Appeal to the Court of Appeals or the Sandiganbayan.

B. Court of Appeals, Sandiganbayan and Court of Tax Appeals

The Clerks of the Court of Appeals, Sandiganbayan and Court of Tax Appeals shall collect the amount of ONE THOUSAND PESOS (P1,000.00) upon the filing of a mediatable case, petition, special civil action, a comment/answer to the petition or action and the appellee's brief. The Clerk of Court of the Court of Tax Appeals shall also collect the amount of ONE THOUSAND PESOS (P1,000.00) for the appeals from the decision of a CTA Division to the CTA En Banc.

Provided that in all cases, a pauper litigant shall be exempt from contributing to the Mediation Fund. Despite such exemption, the court shall provide that the unpaid contribution to the Mediation Fund shall be considered a lien on any monetary award in a judgment favorable to the pauper litigant.

And *provided further*, that an accused-appellant shall also be exempt from contributing to the Mediation Fund.

The amount collected shall be receipted and separated as part of a special fund to be known as the "Mediation Fund" and shall accrue to the SC-PHILJA-PMC Fund, disbursements from which are and shall be pursuant to guidelines approved by the Supreme Court.

The Fund shall be utilized for the promotion of court-annexed mediation and other relevant modes of alternative dispute resolution (ADR), training of mediators, payment of mediator's fees, and operating expenses of the Philippine Mediation Center (PMC) units including expenses for technical assistance and organizations/individuals, transportation/communication expenses, photocopying, supplies and equipment, expense allowance and miscellaneous expenses, whenever necessary, subject to auditing rules and regulations. In view thereof, the mediation fees shall not form part of the Judiciary Development Fund (JDF) under P.D. No. 1949 nor of the special allowances granted to justices and judges under Republic Act No. 9227.

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SECTION 19. Indigent litigants exempt from payment of legal fees. INDIGENT LITIGANTS (A) WHOSE GROSS INCOME AND THAT OF THEIR IMMEDIATE FAMILY DO NOT EXCEED AN AMOUNT DOUBLE THE MONTHLY MINIMUM WAGE OF AN EMPLOYEE AND (B) WHO DO NOT OWN REAL PROPERTY WITH A FAIR MARKET VALUE AS STATED IN THE CURRENT TAX DECLARATION OF MORE THAN THREE HUNDRED THOUSAND (P300,000.00) PESOS SHALL BE EXEMPT FROM THE PAYMENT OF LEGAL FEES.

The legal fees shall be a lien on any judgment rendered in the case favorable to the indigent litigant unless the court otherwise provides.

To be entitled to the exemption herein provided, the litigant shall execute an affidavit that he and his immediate family do not earn a gross income abovementioned, nor they own any real property with the fair value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the litigant's affidavit. The current tax declaration, if any, shall be attached to the litigant's affidavit.

Any falsity in the affidavit of litigant or disinterested person shall be sufficient cause to dismiss the complaint or action or to strike out the pleading of that party, without prejudice to whatever criminal liability may have been incurred. (16a)