

RESOLUTION AMENDING RULE 141 (LEGAL FEES) OF THE RULES OF COURT

February 15, 2000

Pursuant to the resolution of the Court of 14 September 1999 in A.M. No. 99-8-01-SC, Rule 141 of the Rules of Court is hereby further amended to read as follows:

RULE 141

LEGAL FEES

SEC. 1. *Payment of fees.* — Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed therefor shall be paid in full, (n)

SEC. 2, *Fees in Hen.* — Where the court in its final judgment awards a claim not alleged, or a relief different from, or more than that claimed in the pleading, the party concerned shall pay the additional fees which shall constitute a lien on the judgment in satisfaction of said lien. The clerk of court shall assess and collect the corresponding fees, (n)

SEC. 3. *Persons authorized to collect legal fees.* — Except as otherwise provided in this rule, the officers and persons hereinafter mentioned, together with their assistants and deputies, may demand, receive, and take the several fees hereinafter mentioned and allowed for any business by them respectively done by virtue of their several offices, and no more. All fees so collected shall be forthwith remitted to the Supreme Court. The fees collected shall accrue to the general fund. However, all increases in the legal fees prescribed in amendments to this rule as well as new legal fees prescribed herein shall pertain to the Judiciary Development Fund as established by law. The persons herein authorized to collect legal fees shall be accountable officers and shall be required to post bond in such amount as prescribed by law. (1a)

SEC. 4. *Clerks of the Court of Appeals and of the Supreme Court.-*

(a) For filing an action, proceeding, appeal by notice or record on appeal when required, entering appearance of the parties, entering orders of the court, filing and docketing all motions, docketing of case on all proper dockets, and indexing the same, entering, recording and certification of judgment and remanding of records to the lower court, taxing the costs, administering all necessary oaths or affirmations in the action or proceeding, recording the opinion of the court, and issuing all necessary process in the action or proceeding not herein otherwise provided for, each action or special proceeding, five hundred (P500.00) pesos;

(b) For the performance of marriage ceremony, including issuance of certificate of marriage, three hundred (P300.00) pesos;

(c) For furnishing transcripts of the record or copies of any record, judgment, or entry of which any person is entitled to demand and receive a copy, for each page, four (P4.00) pesos;

(d) For each certificate not on process, thirty (P30.00) pesos;

(e) For every search for anything above a year's standing and reading the same, fifteen (P15.00) pesos;

(f) For a commission on all money coming into his hands by these rules or order of the court and caring for the same, two and one-half (2.5%) percent on all sums not exceeding four thousand (P4,000.00) pesos and one and one-half (1.5%) percent upon all sums in excess of four thousand (P4,000.00) pesos, and one (1%) per cent on all sums in excess of forty thousand (P40,000.00) pesos. (4a)

SEC. 5. Fees to be paid by the advancing party. -- The fees of the clerk of the Court of Appeals or of the Supreme Court shall be paid him at the time of the entry of the action or proceeding in the court by the party who enters the same by appeal, or otherwise, and the clerk shall in all cases give a receipt for the same and shall enter the amount received upon his book, specifying the date when received, person from whom received, name of action in which received, and amount received. If the fees are not paid, the court may refuse to proceed with the action until they are paid and may dismiss the appeal or the action or proceeding. (3a)

SEC.6. Fees of bar candidates.-

(a) For filing the application for admission to the bar, whether admitted to the examination or not, one thousand and seven hundred fifty (P1,750.00) pesos for new applicants, and for repeaters, plus the additional amount of two hundred (P200.00) pesos multiplied by the number of times the applicant has failed in the bar examinations;

(b) For admission to the bar, including oath taking, signing of the roll of attorneys, the issuance of diploma of admission to the Philippine Bar, one thousand and seven hundred fifty (P1,750.00) pesos;

(c) Other Bar Fees.-For the issuance of:

1. Certification of admission to the Philippine Bar	P 50.00
2. Certificate of good standing (local)	50.00
3. Certificate of good standing (foreign)	100.00
4. Verification of membership in the bar	50.00

5. Certificate of grades in the bar examinations	50.00
6. Other certification of records at the Bar Office, per page	15.00
7. A duplicate diploma of admission to the Philippine Bar	500.00

For services in connection with the return of examination notebooks to examinees, a fee of thirty (P30.00) pesos shall also be charged. (6a)

SEC.7. Clerks of Regional Trial Courts.-

(a) For filing an action or a permissive counterclaim or money claim against an estate not based on judgment, or for filing with leave of court a third-party, fourth-party, etc. complaint, or a complaint in intervention, and for all clerical services in the same, if the total sum claimed, exclusive of interest, or the stated value of the property in litigation, is:

Less than P100,000.00	P 500.00
P100,000.00ormorebut less than P150,000.00	800.00
P150,000.00ormorebut less than P200,000.00	1,000.00
4. P200,000.00ormorebut less than P250,000.00	1,500.00
5. P250,000.00ormorebut less than P300,000.00	1,750.00
6. P300,000.00 or more but less than P350,000.00	2,000.00
7. P350,000.00 or more but not more than P400,000.00	2,250.00
8. For each P 1,000.00 in excess of P400,000.00	10.00

(b) For filing:

1. Actions where the value of the subject matter cannot be estimated	P 600.00
2. Special civil actions except judicial foreclosure of mortgage which shall be governed by paragraph (a) above	600.00
3. All other actions not involving property	600.00

In real action, the accused value of the property, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees.

(c) For filing requests for extrajudicial foreclosure of real estate or chattel mortgage, if the amount of the indebtedness, or the mortgagee's claim is:

1. Less than P50,000.00	P 275.00
2. P50,000.00 or more but less than P100,000.00	400.00
3. P100,000.00 or more but less than P150,000.00	500.00
4. P150,000.00 or more but less than P200,000.00	650.00
5. P200,000.00 or more but less than P250,000.00	1,000.00
6. P250,000.00 or more but less than P300,000.00	1,250.00
7. P300,000.00 or more but less than P400,000.00	1,500.00
P400,000.00 or more but less than P500,000.00	1,750.00

P500,000.00 or more but not more than P1,000,000.00	2,000.00
10. For each P1,000.00 in excess of P 1,000,000.00	10.00

If value of the estate as definitely appraised by the court is more than the value declared in the application, the difference of fee shall be paid: provided that a certificate from the clerk of court that the proper fees have been paid shall be required prior to the closure of the proceedings.

(e) For filing petitions for naturalization or other modes of acquisition of citizenship, two thousand (P2,000.00) pesos;

(f) For filing petitions for adoption, support, annulment of marriage, legal separation and other actions or proceedings under the Family Code, two hundred (P200.00) pesos;

If the proceedings involve separation of property, an additional fee corresponding to the value of the property involved shall be collected, computed in accordance with the rates for special proceedings.

(g) For all other special proceedings not concerning property, two hundred (P200.00) pesos;

(h) For the performance of marriage ceremony including issuance of certificate of marriage, three hundred (P300.00) pesos;

(i) For filing an application for commission as notary public, five hundred (P500.00) pesos;

(j) For certified copies of any paper, record, decree, judgment or entry thereof for each page, four (P4.00) and fifteen (P15.00) pesos for certification;

(k) For a commission on all money coming into the clerks' hands by law, rule, order or writ of court and caring for the same, one and one-half (1.5%) per centum on all sums not exceeding forty thousand (P40,000.00) pesos, and one (1%) per centum on all sums in excess of forty thousand (P40,000) pesos.

(l) For any other services as clerk not provided in this section, one hundred and fifty (P150.00) pesos shall be collected. (7a)

SEC.8. Clerks of Courts of the First Level.-

(a) For each civil action or proceeding, where the value of the subject matter involved, or the amount of the demand, inclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs is:

1. Not more than P20,000.00	P 150.00
2. More than P20,000.00 but not more than P100,000.00	500.00
3. More than P100,000.00 but not more than P200,000.00	1,250.00
4. More than P200,000.00 but not	
more than P300,000.00	1,750.00
5. More than P300,000.00 but not more than P400,000.00	2,500.00

In real action, other than for forcible entry and unlawful detainer, the assessed value of the property or of not declared for taxation purposes, the assessed value of the adjacent lots, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees.

(b) For initiating proceedings for the allowance of wills, granting of letters of administration and settlement of estates of small value, where the value of the estate is:

1. Not more than P20,000.00	P 250.00
2. More than P20,000.00 but not more than P100,000.00	1,350.00
3. More than P100,000.00 but not more than P200,000.00	2,000.00
4. For each proceeding other than the allowance of wills (probate), granting of letters of administration, settlement of estate of small value, two hundred (P200.00) pesos;	

- (c) For forcible entry and unlawful detainer cases, one hundred and fifty (P150.00) pesos;
- (d) For appeals in all actions or proceedings, including forcible entry and detainer cases, taken from courts of first level, two hundred (P200.00) pesos;
- (e) For the performance of marriage ceremony, including issuance of certificate of marriage, three hundred (P300.00) pesos;
- (f) For taking affidavit, twenty-five (P25.00) pesos;
- (g) For taking acknowledgement, thirty (P30.00) pesos;
- (h) For taking and certifying depositions, including oath, per page, eight (P8.00) pesos;
- (i) For certified copies of any record, per page, ten (P10.00) pesos;
- (j) For stamping and registering books as required by articles nineteen and thirty-six of the Code of Commerce, each book, thirty (P30.00) pesos;
- (k) For performing notarial acts for which fees are not specifically fixed in this section, the same fees which notaries public are entitled to receive. (8a)

SEC.9. Sheriffs and other persons serving processes.-

- (a) For serving summons and copy of complaint, for each defendant, sixty (P60.00) pesos;
- (b) For serving subpoenas in civil action or proceeding, for each witness to be served, twenty-four (P24.00) pesos;
- (c) For executing a writ of attachment against the property of defendant, sixty (P60.00) pesos;
- (d) For serving a temporary restraining order, or writ of injunction, preliminary or final, of any court, sixty (P60.00) pesos;
- (e) For executing a writ of replevin, sixty (P60.00) pesos;
- (f) For filing bonds or other instruments of indemnity or security in provisional remedies, for each bond or instrument, fifty (P50.00) pesos;
- (g) For executing a writ or process to place a party in possession of real estates one hundred and fifty (P150.00) pesos;
- (h) For advertising a sale, besides cost of publication, seventy-five (P75.00) pesos;

(i) For taking inventory of goods levied upon when the inventory is ordered by the court, one hundred and fifty (P1 50.00) pesos per day of actual

(j) For levying on execution on personal or real property, seventy-five (P75.00) pesos;

(k) For issuing a notice of garnishment, for each notice, thirty pesos (P30.00) pesos;

(1) For money collected by him by order, execution, attachment, or any other process, judicial or extrajudicial, the following sums, to wit:

1. On the first four thousand (P4,000.00) pesos, five (5%) per centum;
2. On all sums in excess of four thousand (P4,000.00) pesos, two and one-half (2.5%) per centum.

In addition to the fees hereinabove fixed, the party requesting the process of any court, preliminary, incidental, or final, shall pay the sheriffs expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation within the same period for rendering a return on the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the deputy sheriff assigned with his return, and the sheriffs expenses shall be taxed as costs against the judgment debtor. (9a)

SEC. 10. *Stenographers.*- Stenographers shall give certified transcript of notes taken by them to every person requesting the same upon payment of (a) six (P6.00) pesos for each page of not less than two hundred and fifty words before the appeal is taken and (b) three pesos and sixty centavos (P3.60) for the same page, after the filing of the appeal, provided, however, that one-third of the total charges shall be paid to the court and the remaining two-thirds to the stenographer concerned. (10a)

SEC.11. *Notaries.*- No notary public shall charge or receive for any service rendered by him any fee, remuneration or compensation in excess of those expressly prescribed in the following schedule:

(a) For protests of drafts, bills of exchange, or promissory notes for non-acceptance or non-payment, and for notice thereof, thirty-six (P36.00) pesos;

(b) For the registration of such protest and filing or safekeeping of the same, thirty-six (P36.00) pesos;

(c) For authenticating powers of attorney, thirty-six (P36.00) pesos;

(d) For sworn statement concerning correctness of any account or other document, thirty-six (P36.00) pesos;

(e) For each oath of affirmation, thirty-six (P36.00) pesos;

(f) For receiving evidence of indebtedness to be sent outside, thirty-six (P36.00) pesos;

(g) For issuing a certified copy of all or part of his notarial register or notarial records, for each page, thirty-six (P36.00) pesos;

(h) For taking depositions, for each page, thirty-six (P36.00) pesos; and

(i) For acknowledging other documents not enumerated in this section, thirty-six (P36.00) pesos, (11a)

SEC. 12. *Other officers taking depositions.* -- Other officers taking depositions shall receive the same compensation as above provided for notaries public for taking and certifying depositions. (10)

SEC. 13. *Witness fees.* - (a) Witnesses in the Supreme Court, in the Court of Appeals and in the Regional Trial Courts, either in actions or special proceedings, shall be entitled to one hundred (P100.00) pesos per day inclusive of travel time;

(b) Witnesses before courts of the first level shall be allowed fifty (P50.00) pesos per day;

(c) Fees to which witnesses may be entitled in a civil action shall be allowed, on the certification of the clerk of court or judge of his appearance in the case. A witness shall not be allowed compensation for his attendance in more than one case or more than one side of the same case at the same time, but may elect in which of several cases or on which side of a case, when he is summoned by both sides, to claim his attendance. A person who is compelled to attend court on other business shall not be paid as witness, (11a)

SEC. 14. *Fees of appraisers.* - Appraisers appointed to appraise the estate of a ward or of a deceased person shall each receive a compensation of two hundred (P200.00) pesos per day for the time actually and necessarily employed in the performance of their duties and in making their reports, which fees, in each instance, shall be paid out of the estate of the ward or deceased person, as the case may be. Any actual and necessary traveling expenses incurred in the performance of their duties of such appraisers may likewise be allowed and paid out of the estate. (12a)

SEC. 15. *Fees of commissioners in eminent domain proceedings.* -The commissioners appointed to appraise land sought to be condemned for public uses in accordance with these rules shall each receive a compensation of two hundred (P200.00) pesos per day for the time actually and necessarily employed in the performance of their duties and in

making their report to the court, which fees shall be taxed as a part of the costs of the proceedings. (13a)

SEC. 16. *Fees of commissioners in proceedings for partition of real estate.* - The commissioners appointed to make partition of real estate shall each receive a compensation of two hundred (P200.00) pesos per day for the time actually and necessarily employed in the performance of their duties and in making their report to the court, which fees shall be taxed as a part of the costs of the proceedings. (14a)

SEC. 17. *Fees, and the account thereof* - The clerk, under the direction of the judge, shall keep a book in which shall be entered the items of fees which have accrued for the transaction of businesses covered by the provisions of this rule, for which fees are payable, specifying for what business each time of fees has accrued. Receipts shall be given for all fees received and they shall be accounted for in the manner provided in relation to the fees of clerks of courts in actions. The book of fees kept by the clerk shall be accounted for in the manner provided in relation to the fees of the clerk of court in inspection of auditing officer and other interested therein. (15)

SEC. 18. *Indigent-litigants exempt from payment of legal fees.* --Indigent litigants (a) whose gross income and that of their immediate family do not exceed four thousand (P4,000.00) pesos a month if residing in Metro Manila, and three thousand (P3,000.00) pesos a month if residing outside Metro Manila, and (b) who do not own real property with an assessed value of more than fifty thousand (P50,000.00) pesos shall be exempt from the payment of legal fees.

The legal fees shall be a lien on any judgment rendered in the case favorably 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 assessed value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the litigant's affidavit.

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

SEC. 19. In addition to the fees imposed in the preceding sections, a victim-compensation fee of five (P5.00) pesos pursuant to Rep. Act. No. 7309 shall be assessed and collected for the filing of every complaint or petition initiating an ordinary civil action, special civil action or special proceeding in the trial courts including civil actions impliedly instituted with criminal actions under Rule 111, Revised Rules of Criminal Procedure where a filing fee is likewise collected. All sums collected shall be remitted to the Department of Justice every quarter by the Clerk of Court concerned. (18-A)

SEC. 20. *Other fees.* - The following fees shall also be collected by the clerks of Regional Trial Courts or courts of the first level, as the case may be:

(a) In estafa cases where the offended party fails to manifest within fifteen (15) days following the filing of the information that the civil liability arising from the crime has been or would be separately prosecuted:

1. Less than P100,000.00	P 500.00
2. P100,000.00 or more but less than P150,000.00	800.00
3. P150,000.00 or more but less than P200,000.00	1,000.00
4. P200,000.00 or more but less than P250,000.00	1,500.00
5. P250,000.00 or more but less than P300,000.00	1,750.00
6. P300,000.00 or more but less than P350,000.00	2,000.00
7. P350,000.00 or more but no more than P400,000.00	2,250.00
8. For each P 1,000.00 in excess of P 400,000.00	10.00

b) For motions for postponement after completion of the pre-trial stage, one hundred pesos (P100.00) for the first, and an additional fifty pesos (P50.00) for every postponement thereafter based on that for the immediately preceding motion: Provided, however, that no fee shall be imposed when the motion is found to be based on justifiable and compelling reason;

c) For bonds by sureties in criminal and civil cases, three hundred pesos (P300.00);

d) For applications for and entries of certificates of sale and final deeds of sale in extra-judicial foreclosures of mortgages, three hundred (P300.00) pesos;

(e) For applications for and certificates of sale in notarial foreclosures:

1. On the first four thousand (P4,000) pesos, five (5%) per cent;
2. On all sums in excess of four thousand (P4,000) pesos, two and one-half (2.5%) per cent. (A. M. No. 99-8-01-SC, September 14, 1999)

SEC. 21. *Government exempt*— The Republic of the Philippines, its agencies and instrumentalities, are exempt from paying the legal fees provided in this rule. Local governments and government-owned or controlled corporations with or without independent charters are not exempt from paying such fees (19).

This Resolution shall take effect on the 1st day of March, 2000, and shall be published in two (2) newspapers of general circulation not later than the 15th of February 2000.

(SGD.)
HILARIOG.DAVIDE, JR.
Chief Justice

(SGD.) JOSUE N.
BELLOSILLO
Associate Justice

(SGD.) JOSE A.R. MELO
Associate Justice

(SGD.) REYNATO S.
PUNO
Associate Justice

(SGD.) JOSE C. VITUG
Associate Justice

(SGD.) SANTIAGO M.
KAPUNAN
Associate Justice

(SGD.) VICENTE V.
MENDOZA
Associate Justice

(SGD.) ARTEMIO V.
PANGANIBAN
Associate justice

(SGD.) LEONARDO A.
QUISUMBING
Associate Justice

(SGD.) FIDEL P.
PURISIMA
Associate Justice

(SGD.) BERNARDO P.
PARDO
Associate Justice

(SGD.) ARTURO B.
BUENA
Associate Justice

MINERVA P.
GONZAGA-REYES
Associate Justice

CONSUEUO YNARES-
SANTIAGO
Associate Justice

SABINO R. DE LEON,
JR.
Associate Justice