



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

The requirements prescribed by Section 12 and 13 of R.A. No. 26 are mandatory and compliance with such requirements is jurisdictional. Notice of hearing of the petition for reconstitution of title must be served on the actual possessors of the property. Notice thereof by publication is insufficient. In petitions for reconstitution of titles, actual owners and possessors of the land involved must be duly served with actual and personal notice of the petition. Compliance with the actual notice requirement is necessary for the trial court to acquire jurisdiction over the petition for reconstitution.

Respondent judge failed to observe the notice requirement prescribed in Section 13 of R.A. no. 26. He decided a reconstitution of title case without the required notice to the interested parties including complainants. Worse, he issued a writ of demolition against their properties.

For gross ignorance of the law, respondent was dismissed from the service with forfeiture of all retirement benefits and with prejudice to re-employment in the Government including GOCC's. **(A.M. No. RTJ-11-2259, October 22, 2013)**

COLLECTION OF FILING FEES –

Hereunder for the information and guidance of clerks of court and all court employees charged with the duty of collecting filing fees is the decision of the **Supreme Court in G.R. No. 202920, October 2, 2013, Richard Chua vs. The Executive Judge, Metropolitan Trial Court, Manila:**

x x x x In proposing to pay filing fees on a per case basis, petitioner was not trying to evade or deny his obligation to pay for the filing fees for all forty (40) counts of violation of B.P. Blg. 22 filed before the MeTC. He, in fact, acknowledges such obligation. He, in fact, admits that he is incapable of fulfilling such obligation in its entirety.

Rather, what petitioner is asking is that he at least be allowed to pursue some of the cases, the filing fees of which he is capable of financing. Petitioner manifests that, given his current financial status, he simply cannot afford the filing fees for all the forty (40) B.P. Blg. 22 cases.

We see nothing wrong or illegal in granting petitioner's request.

First. The Executive Judge erred when she treated the entire P540,668.00 as one indivisible obligation, when that figure was nothing but the sum of individual filing fees due for each count of violation of B.P. Blg. 22 filed before the MeTC. Granting petitioner's request would not constitute a *deferment* in the payment of filing fees, for the latter clearly intends to pay *in full* the filing fees of some, albeit not all, of the cases filed.

Filing fees, when required, are assessed and become due for each initiatory pleading filed. In criminal actions, these pleadings refer to the information filed in court.

In the instant case, there are a total of forty (40) counts of violation of BP Blg. 22 that was filed before the MeTC. And each of the forty (40) was, in fact, assessed its filing fees, *individually*, based on the amount of check one covers. Under the rules of criminal procedure, the filing of the forty (40) counts is equivalent to the filing of forty (40) different informations, as each count represents an independent violation of B.P. Blg. 22. Filing fees are, therefore, due for each count and may be paid for each count *separately*.

Second. In an effort to justify her refusal of petitioner's request, the Executive Judge further argues that since all forty (40) counts of violation of B.P. Blg. 22 were brought about by a single complaint filed before the OCP and are now consolidated before the court, the payment of their filing fees should be made for *all* or *none* at all.

That all forty (40) counts of violation of B.P. Blg. 22 all emanated from a single complaint filed in the OCP is irrelevant. The fact remains that there are still forty (40) counts of violation of B.P. Blg. 22 that were filed before the MeTC and, as a consequence, forty (40) individual filing fees to be paid.

Neither would the consolidation of all forty (40) counts make any difference. Consolidation unifies criminal cases involving related offenses only for purpose of trial. Consolidation does not transform the filing fees due for each case consolidated into one indivisible fee.

Third. Allowing petitioner to pay for the filing fees of *some* of the forty (40) counts of violation of B.P. Blg. 22 filed before the MeTC, will concededly result into the absolute non-payment of the filing fees of the rest. The fate of the cases which filing fees were not paid, however, is already the concern of the MeTC.

WHEREFORE, premises considered, the petition is hereby **GRANTED**. The assailed Orders dated 26 June 2012 and 26 July 2012 of the Executive Judge of the Metropolitan Trial Court, Manila, in UDK Nos. 12001457 to 96 are **ANNULLED** and **SET ASIDE**. The Metropolitan Trial Court, Manila, is hereby directed to accept payments of filing fees in UDK Nos. 1200147 to 96 on a per information basis.

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