



Republic of the Philippines  
**SUPREME COURT**  
Manila

**A. M. No. 08-8-7-SC**      **February 1, 2016**

**THE REVISED RULES OF PROCEDURE FOR SMALL CLAIMS CASES**

**R E S O L U T I O N**

**Section 1. Title.** - These Rules shall be known as "***The Revised Rules of Procedure for Small Claims Cases.***"

**Section 2. Scope.** - These Rules 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 of money where the value of the claim does not exceed Two Hundred Thousand Pesos (P200,000.00) exclusive of interest and costs.

**Section 3. 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.

**Section 4. 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 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; and,
- (g) Affidavit means a written statement or declaration of facts that are sworn or affirmed to be true.

**Section 5. Applicability.** - The Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall apply this Rule in all actions that are purely civil in nature where the claim or relief prayed for by the plaintiff is solely for payment or reimbursement of sum of money.

The claim or demand may be:

- (a) For money owed under any of the following:
  - 1. Contract of Lease;
  - 2. Contract of Loan;
  - 3. Contract of Services;
  - 4. Contract of Sale; or
  - 5. Contract of Mortgage;
- (b) For liquidated damages arising from contracts;

(c) The enforcement of a barangay amicable settlement or an arbitration award involving a money claim covered by this Rule pursuant to Sec. 417 of Republic Act 7160, otherwise known as The Local Government Code of 1991.

**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.

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.

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

**Section 7. Venue.** - 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, the Statement of Claim/s shall be filed where that branch is located.

**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).

**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.

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.

**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.

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.

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.

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) 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.

**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.

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.

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 be dismissed with prejudice and plaintiff shall be meted the appropriate sanctions, such as direct contempt.

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.

**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 Response.

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.

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.

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.

**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.

**Section 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 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.

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.

**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.

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.

**Section 16. *Prohibited Pleadings and Motions.*** - The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:

- (a) Motion to dismiss the Statement of Claim/s;
- (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) Petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court;
- (h) Motion to declare the defendant in default;
- (i) Dilatory motions for postponement;
- (j) Reply and rejoinder;
- (k) Third-party complaints; and
- (l) Interventions.

**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.

**Section 18. 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 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.

**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.

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.

**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.

Failure of the defendant to appear shall have the same effect as failure to file a Response under Section 14 of this Rule.<sup>1awphi1</sup> 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.

**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.

**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.

**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.

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).

**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) hours 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.

The decision shall be final, executory and unappealable.

**Section 25. Execution.** - When the decision is rendered, execution shall issue upon motion (Form 12-SCC) of the winning party.

**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.

**Section 27. Applicability of the Rules of Civil Procedure.** - The Rules of Civil Procedure shall apply suppletorily insofar as they are not inconsistent with this Rule.

**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.

**Section 29. Effectivity.** - These Revised Rules shall take effect on February 1, 2016 following their publication in two newspapers of general circulation. They shall govern all cases filed after their effectivity, and also all pending proceedings, except to the extent that in the opinion of the court, their application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

The following forms shall be used. Substantial compliance therewith shall be sufficient.  
(See attached forms)

#### INDEX OF SMALL CLAIMS STANDARD FORMS

FORM 1-SCC <sup>pdf</sup>	Statement of Claim/s

FORM 1-A-SCC <a href="#">pdf</a>	Verification and Certification Against Forum Shopping, Splitting a Single Cause of Action and Multiplicity of Suits
FORM 2-SCC <a href="#">pdf</a>	Summons
FORM 3-SCC <a href="#">pdf</a>	Response
FORM 4-SCC <a href="#">pdf</a>	Notice of Hearing
FORM 5-SCC <a href="#">pdf</a>	Plaintiff's Return/Manifestation
FORM 5-A-SCC <a href="#">pdf</a>	Plaintiff's Return/Manifestation (with substituted service)
FORM 6-SCC <a href="#">pdf</a>	Motion to Plead as Indigent
FORM 7-SCC <a href="#">pdf</a>	Special Power of Attorney
FORM 8-SCC <a href="#">pdf</a>	Joint Motion (for Dismissal)
FORM 9-SCC <a href="#">pdf</a>	Motion for Approval of Compromise Agreement
FORM 10-SCC <a href="#">pdf</a>	Decision based on Compromise Agreement
FORM 11-SCC <a href="#">pdf</a>	Decision
FORM 12-SCC <a href="#">pdf</a>	Motion for Execution

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