

FAQs cont.

Can the party attend a hearing with a lawyer?

No, the rules dispenses with the participation of the lawyer to the hearing.

Can a hearing be postponed?

No, unless there is sufficient proof that the party is physically unable to go to court on the day of hearing. The judge shall decide if the reason given by the party may be considered physical inability.

Can a defendant who has already submitted a Response enter into a compromise agreement?

Yes, the parties can enter into a compromise agreement at any part of the proceedings.

What can be done if a Response was not seasonably submitted?

Attend the hearing stipulated in the notice and inform the judge of the reason/s for failure to submit a Response.

How long shall a judge decide a case?

The judge shall decide within the day the hearing has been completed (if no Response was submitted) or within 24 hours from termination of hearing (if a Response was submitted and the judge scrutinized the documents).

Can a decision in a small claims case be appealed?

No, appeal of the decision is prohibited. The decision of the judge shall be final and executory.

How can the winning party execute the decision?

Submit a Motion for Execution (Form 12-SCC) to the court that rendered the decision.

what is small claims?

The Small Claims Procedure was developed by the Supreme Court to provide a simple, speedy, and inexpensive means of dispute settlement in courts. Plaintiffs may resort to this procedure when they seek to recover purely monetary claims amounting to P200,000. The claim may arise from a contract of lease, loan, services, sale, or mortgage.

To hasten the processes in applicable cases, the procedure provides simple forms, dispute settlement procedures, and a one-hearing rule. It simplifies court procedures by dispensing with the participation of lawyers, permitting a more informal hearing, and providing "layperson-oriented" forms throughout the process. It limits causes of allowable postponements of hearings to the physical inability of a party to attend.

Further, the procedure encourages in-court settlement among parties as a means of dispute resolution. It also mandates judges to render a decision within 24 hours from the termination of the hearing or, in some cases, within the same day.

For more information, you may visit our website:

sc.judiciary.gov.ph



your guide to the

2016 revised rules of procedure for small claims cases



brought to you by:



**Australian
Aid**

The Asia Foundation

The Australian Embassy - The Asia Foundation Partnership in the Philippines

1

STATEMENT OF CLAIM

A case is initiated by filing an accomplished Statement of Claim (Form 1-SCC) with the proper first-level court where the plaintiff resides or where the defendant resides, at the option of the plaintiff.

2

SUMMONS & NOTICE OF HEARING

Summons will be served upon the defendant. The court will issue a notice of hearing.

3

RESPONSE

The court will then require the defendant to file a verified Response (Form 3-SCC) within ten (10) days from service of summons and to appear on a set date for hearing.

4

HEARING

On the date of hearing, the judge will encourage the parties to enter into a compromise agreement regarding the mode of payment and other matters.

5

DECISION

If the parties fail to arrive at an agreement, the judge will issue a decision within 24 hours from the termination of the hearing. The decision will be final and immediately executory, which means that the winning party may seek enforcement of the decision as soon as it is received.

You may get forms from the court near you or you could download them at our website.

answers to frequently asked questions

What are small claims?

These are monetary claims not exceeding P200,000 (principal amount), excluding interest.

What cases may be filed under the rules?

Actions that are purely civil in nature where the claim or relief prayed for by the plaintiff is: (a) solely for the payment or reimbursement of sum of money owed under any of the following: contract of lease, contract of loan, contract of services, contract of sale, or contract of mortgage; (b) liquidated damages arising from contracts; and (c) enforcement of a barangay amicable settlement or an arbitration award involving money.

Do the rules cover transactions involving checks?

Yes, if the check was used as payment for loan, lease, service rendered, sale, or mortgage.

What court hears small claims cases?

First level courts or Metropolitan Trial Courts, Municipal Trial Courts, Municipal Trial Courts in Cities, and Municipal Circuit Trial Courts

Where can you file a small claims case?

At the court where the plaintiff or defendant resides, at the option of the plaintiff.