

**Second Study Commission  
Civil Law and Procedure  
66th Annual Meeting of the IAJ – Cape Town (South Africa)  
Questionnaire 2024  
Philippines**

**1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?**

There are no limits on the maximum length for written submissions in civil litigations in the Philippine court system. However, the Supreme Court has issued the Efficient Use of Paper Rule<sup>1</sup> enumerating the requirements on the format, style, margins, and number of copies for pleadings filed with the Supreme Court.

**2. Are there time limits for filing written submissions?**

There are time limits for the filing of written submissions in court depending on the kind of pleading or written submission and whether the pleading is filed in the court of origin or on appeal. These periods are found in the 2019 Amended Rules of Civil Procedure, the Revised Rules on Summary Procedure,<sup>2</sup> and Rules on Expedited Procedure.<sup>3</sup>

In civil cases falling under the regular procedure, the responsive pleading or the Answer to a complaint should be filed within thirty (30) calendar days from receipt of the summons, unless a different period is fixed by the court.<sup>4</sup>

An Amended Complaint may be filed as a matter of right before a responsive pleading is served, after which, leave of court should be secured to file an Amended Complaint.<sup>5</sup> The Answer to the Amended Complaint filed as a matter of right should be filed within 30 days from service of a copy of the Amended Complaint. The Answer to the Amended Complaint filed with leave of court should be filed within 15 calendar days from notice of the order admitting the Amended Complaint. An Answer previously filed may serve as an Answer to the amended complaint. This also applies to Amended Counterclaims, Amended Cross-claim, Amended Third-Party Complaint, and Amended Complaint-In-Intervention.<sup>6</sup> The Answer to a Counterclaim or Cross-Claim must be answered within twenty (20) calendar days from service.<sup>7</sup> The Answer to a Complaint-In-Intervention must be filed within 15 calendar days from notice of the order admitting the Complaint-In-Intervention, unless a different period is set by the court.<sup>8</sup>

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<sup>1</sup> A.M. No. 11-9-4-SC

<sup>2</sup> Effective Nov. 15, 1991

<sup>3</sup> A.M. No.08-8-7-SC

<sup>4</sup> Rule 11

<sup>5</sup> Rule 10

<sup>6</sup> Rule 11

<sup>7</sup> Rule 11

<sup>8</sup> Rule 19, sec. 4

An extension to file an Answer may be granted by the court for not more than thirty (30) calendar days and only one (1) motion for extension is allowed.<sup>9</sup>

If no Answer is filed within the period allowed, the court shall, upon motion of the claiming party and with notice to the defending party declare the defending party in default.<sup>10</sup>

A Reply may be filed by the plaintiff if the defendant attaches an actionable document in his/her Answer.<sup>11</sup> If the Reply contains an actionable document, the defendant may file a Rejoinder. A Reply must be filed within 15 days from service of the pleading responded to.<sup>12</sup> An Amended Reply should be filed within 10 days after the Reply is served.<sup>13</sup>

A Bill of Particulars may be filed within the period to file an Answer or if the pleading is a Reply, within 10 calendar days from service of the Reply.<sup>14</sup> Compliance to the Bill of Particulars should be made within 10 calendar days from notice of the Order, unless a different period is set by the court.

After the last responsive pleading has been served, the court will issue an order to set the pre-trial conference for the case. In the order, the parties are directed to file their respective pre-trial briefs at least three (3) calendar days before the date of the pre-trial.<sup>15</sup>

The Rules distinguished litigious and non-litigious motions. When a litigious motion is filed, the opposing party shall file his/her opposition within 10 calendar days from receipt of the motion.<sup>16</sup> The comment or opposition to a motion for summary judgment under Rule 35 should be filed within 5 calendar days from receipt of the motion.<sup>17</sup> A motion for reconsideration of judgment or court order should be filed within fifteen (15) days from notice, unless the rules do not allow a motion for reconsideration to be filed such as for cases falling under the Rules on Summary Procedure/Rules on Expedited Procedure.

A party served with deposition upon written interrogatories may file his/her cross-interrogatories within 10 calendar days from service of the written interrogatories and a re-direct interrogatories may be served within 5 calendar days to the party who has served the cross-interrogatories. Re-cross interrogatories may be filed within 3 calendar days from service of the re-direct interrogatories.<sup>18</sup>

Answer to interrogatories under Rule 25 should be filed and served to the party submitting the interrogatories within 15 calendar days after service, unless the court sets a different period.

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<sup>9</sup> Rule 11, Sec. 11

<sup>10</sup> Rule 9, Sec 3.

<sup>11</sup> Rule 6, Sec. 10

<sup>12</sup> Rule 11

<sup>13</sup> Rule 10

<sup>14</sup> Rule 12, sec 1

<sup>15</sup> Rule 18, sec 6

<sup>16</sup> Rule 15, sec. 5

<sup>17</sup> Rule 35 sec 3

<sup>18</sup> Rule 23, sec. 25

Objections to the interrogatories should be filed within 10 calendar days after service, and answers should be deferred until the objections are resolved.

For requests for admission, the party to whom the request is directed may file a sworn statement specifically denying the matters requested for admission within 15 calendar days after service of the request for admission.<sup>19</sup>

A demurrer to evidence in civil cases after the plaintiff has completed the presentation of evidence.<sup>20</sup>

For cases falling under the Revised Rules on Summary Procedure and Rules on Expedited Procedure, the Answer should be filed within 30 calendar days from service. A reply can only be filed within 10 calendar days from receipt of the Answer.<sup>21</sup> After the Answer is filed, the court will conduct a Preliminary Conference. The Preliminary Conference Brief shall be filed by the parties three days before the scheduled Preliminary Conference.<sup>22</sup> During the Preliminary Conference, the court may direct the parties to file their respective Position Papers within 10 days from receipt of the order or submit the case for decision, if judgment may be rendered without the need for submission of position papers based on the pleadings and their attachments filed by the parties, as well as the stipulations and admissions made by the parties during the preliminary conference.<sup>23</sup>

For Small claims cases, the Response to the Notice of Claim should be filed within 10 calendar days from receipt of the summons.<sup>24</sup>

For Petitions for relief from judgment,<sup>25</sup> the submission should be filed 60 days after the petitioner learns of the judgment and not more than 6 months after the judgment or final order was entered.<sup>26</sup> Upon receipt of the submission, the court will issue an order requiring an Answer within 15 days from receipt of the Order.<sup>27</sup>

A motion for execution of a final and executory judgment or order should be filed within five (5) years of the entry of judgment.<sup>28</sup> After the five-year period has lapsed, a separate action for the revival of judgment and a revived may be enforced by motion within five (5) years from its entry.<sup>29</sup>

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<sup>19</sup> Rule 26 Sec 1

<sup>20</sup> Rule 33, sec 1

<sup>21</sup> Rule III Sec 8 of the Rules on Expedited Procedure

<sup>22</sup> Rule III Sec 11 of the Rules on Expedited Procedure

<sup>23</sup> Rule III Sec 13 of the Rules on Expedited Procedure

<sup>24</sup> Rule – Rules on Expedited Procedures

<sup>25</sup> Rule 38, when a judgment or final order was obtained through fraud, accident, mistake or excusable negligence, a Petition for Relief of Judgment may be filed.

<sup>26</sup> Rule 38, sec 3

<sup>27</sup> Rule 38, Sec 4

<sup>28</sup> Rule 39, sec 6

<sup>29</sup> Supra.

Appeal from a judgment of a lower court should be filed within 15 days after notice of the judgment or final order of the court.<sup>30</sup> Where a record on appeal is required, it should be filed within 30 days from notice of judgment or final order.<sup>31</sup> The appellant should file his/her Appellant's Brief within forty-five (45) days from receipt of notice from the clerk that all required documents and evidence have been received.<sup>32</sup> Within forty-five (45) days from receipt of the Appellant's Brief, the Appellee should file the Appellee's Brief,<sup>33</sup> and the Appellant may file a Reply Brief within twenty (20) days upon receipt of the Appellee's Brief.<sup>34</sup> For habeas corpus cases, the appeal should be filed within 48 hours from notice of judgment or order appealed from.<sup>35</sup> For habeas corpus, certiorari, prohibition, mandamus, quo warranto cases, the parties shall file their respective Memoranda within a non-extendable period of thirty (30) days from receipt of notice in lieu of Briefs.<sup>36</sup>

Appeals from the Court of Tax Appeals and other quasi-judicial agencies to the Court of Appeals should be filed within fifteen (15) days from notice of the judgment or final order and this can be extended by motion for another fifteen (15) days.<sup>37</sup> The respondent will be given ten (10) days from notice to file his/her comment.<sup>38</sup>

A Petition for Review from the Regional Trial Courts to the Court of Appeals should be filed within fifteen (15) days from notice of the decision sought to be reviewed, this can be extended through a motion for another fifteen (15) days. No other extension is allowed.<sup>39</sup> The Court of Appeals may require the respondent to submit a comment on the Petition within 10 days from receipt of the Order.<sup>40</sup>

Appeal by Certiorari to the Supreme Court may be filed within fifteen (15) days from notice of the judgment or final order.<sup>41</sup> For annulment of judgments or final orders or resolutions under Rule 47, the period to file the submission, if based on extrinsic fraud is four (4) years from its discovery and if based on lack of jurisdiction, before it is barred by laches or prescription.<sup>42</sup>

For *Support Pendente Lite*, the comment should be filed within five (5) days from notice, unless a different period is set by the court.<sup>43</sup> The Answer to a complaint for Interpleader should be filed within fifteen (15) days from service of summons upon the respondent.<sup>44</sup> For review of judgments and final orders or resolutions of the Commission of Elections and Commission on Audit by the Supreme Court, the petition should be filed within thirty (30) days from notice of

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<sup>30</sup> Rule 41 Sec. 3

<sup>31</sup> Supra.

<sup>32</sup> Rule 44 Sec 7

<sup>33</sup> Rule 44, Sec 8

<sup>34</sup> Rule 44 Sec. 9

<sup>35</sup> A.M. No. 01-1-03-SC, June 19, 2001.

<sup>36</sup> Rule 44 Sec 10

<sup>37</sup> Rule 43, Sec 4

<sup>38</sup> Rule 43, Sec 9

<sup>39</sup> Rule 42, Sec 1

<sup>40</sup> Rule 42, Sec. 4

<sup>41</sup> Rule 45, Sec 2

<sup>42</sup> Rule 47

<sup>43</sup> Rule 61, Sec 2

<sup>44</sup> Rule 62, Sec 5

the judgment, final order, or resolution.<sup>45</sup> The respondent is required to file his/her comment within fifteen (15) days from notice.

A Petition for Certiorari, Mandamus, and Prohibition should be filed within sixty (60) days from notice of judgment, order, or resolution before the courts of competent jurisdiction.<sup>46</sup> If the petition is sufficient in form, the court will order the respondent to file his/her comment within ten (10) days from receipt of the order.<sup>47</sup>

### **3. Are there limits in terms of a maximum number of additional submissions in a case?**

There are limits on what pleadings or submissions may be filed in court in the Philippine court system. The Rules enumerate pleadings that are not allowed to be filed in court. The prohibited pleadings under the Amended Rules on Civil Procedure are:

“Section 12. Prohibited motions. – The following motions shall not be allowed:

(a) Motion to dismiss except on the following grounds:

- 1) That the court has no jurisdiction over the subject matter of the claim;
- 2) That there is another action pending between the same parties for the same cause; and 3) That the cause of action is barred by a prior judgment or by the statute of limitations;

(b) Motion to hear affirmative defenses;

(c) Motion for reconsideration of the court’s action on the affirmative defenses;

(d) Motion to suspend proceedings without a temporary restraining order or injunction issued by a higher court;

(e) Motion for extension of time to file pleadings, affidavits, or any other papers, except a motion for extension to file an answer as provided by Section 11, Rule 11; and

(f) Motion for postponement intended for delay, except if it is based on acts of God, force majeure or physical inability of the witness to appear and testify.”<sup>48</sup>

The Rules on Expedited Procedure and Rules on Summary Procedure enumerates the following prohibited motions:

“**Sec. 2. Prohibited pleadings and motions.** – The following pleadings, motions, or petitions shall not be allowed in cases governed by these Rules:

(a) In civil cases, a motion to dismiss the complaint or the statement of claim, and in criminal cases, a motion to quash the complaint or information, except on the ground of lack of jurisdiction over the subject matter or failure to comply with the requirement of barangay conciliation, pursuant to Chapter VII, Title I, Book III of Republic Act No. 7160;

(b) Motion to hear and/or resolve affirmative defenses;

(c) Motion for a bill of particulars;

(d) Motion for new trial, or for reconsideration of a judgment on the merits, or for reopening of proceedings;

(e) Petition for relief from judgment;

(f) Motion for extension of time to file pleadings, affidavits or any other paper;

(g) Memoranda;

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<sup>45</sup> Rule 63 sec 3

<sup>46</sup> Rule 65 sec 4

<sup>47</sup> Rule 65 sec 6

<sup>48</sup> Rule 15

- (h) Petition for *certiorari*, *mandamus*, or prohibition against any interlocutory order issued by the court;
- (i) Motion to declare the defendant in default;
- (j) Dilatory motions for postponement. Any motion for postponement shall be presumed dilatory unless grounded on acts of God, *force majeure*, or physical inability of a counsel or witness to personally appear in court, as supported by the requisite affidavit and medical proof;
- (k) Rejoinder;
- (l) Third-party complaints;
- (m) Motion for and Complaint in Intervention;
- (n) Motion to admit late judicial affidavit/s, position papers, or other evidence, except on the ground of *force majeure* or acts of God;
- (o) Motion for judicial determination of probable cause in criminal cases.”<sup>49</sup>

In civil cases covered by the Amended Rules on Civil Procedure, a Reply by the plaintiff to the Answer of the defendant is only allowed when the Answer attaches an actionable document. A rejoinder is only allowed when the Reply also attaches an actionable document.

Under the Rules on Summary Procedure and Rules of Expedited Procedure, the court has the discretion not to require the submission of Position Papers from the parties if it finds that the pleadings and their attachments filed by the parties, as well as the stipulations and admissions made by the parties during the preliminary conference, are sufficient to render judgment.

#### **4. Are there rules, including penalties or cost implications, for breaches of these requirements?**

There are consequences for the failure to file submissions within the period required by the Rules. These may include dismissal of the case or sanctions that may be imposed by the court or default on the party who failed to submit the required pleading.

In ordinary civil actions, failure to file an Answer may result in the default of the respondent and the latter will no longer be allowed to present evidence if the court decides to hear the case *ex-parte*.<sup>50</sup> Otherwise, the court can render judgment based on the submissions of the plaintiff.<sup>51</sup> The relief to be awarded by the court in this case shall not exceed the amount of what is prayed for in the complaint.<sup>52</sup> No award for unliquidated damages may be given.<sup>53</sup>

For both ordinary civil actions and actions falling within the Rules on Summary Procedure and Rules on Expedited Procedures, the failure to file the Pre-Trial Brief or Preliminary Conference Brief shall have the same effect as the failure to appear during the Pre-trial or Preliminary Conference. For actions filed under the said rules, if the defendant fails to submit his/her Pre-Trial Brief or Preliminary Conference Brief, the court may render judgment or in the case of ordinary civil actions, the court may also allow the plaintiff to present evidence *ex-parte*,

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<sup>49</sup> Rule III

<sup>50</sup> Rule 9, Sec. 3

<sup>51</sup> *Supra*.

<sup>52</sup> *Supra*.

<sup>53</sup> *Supra*.

if warranted.<sup>54</sup> In ordinary civil cases, the failure of the plaintiff to file a pre-trial brief would result in the dismissal of the case with prejudice, unless otherwise ordered by the court.<sup>55</sup> For actions falling under the Rules on Summary Procedure and Rules on Expedited Procedure, the case will also be dismissed if the plaintiff fails to file the preliminary conference brief but the Rules do not specifically state that the action will be dismissed with prejudice.<sup>56</sup> Additionally, the Rules state that the defendant who appeared shall be entitled to his counterclaim and all cross-claims shall be dismissed.<sup>57</sup>

For Small Claims cases, failure to file a Response to the Notice of claim AND to appear on the date set for hearing will result in a judgment by the court based on the submissions of the plaintiff.<sup>58</sup>

Under Rule 44 of the Amended Rules on Civil Procedure, failure to file memoranda as required may be a ground for dismissal of the appeal.<sup>59</sup> For submissions before the Supreme Court, the parties may be sanctioned for their failure to file their briefs,<sup>60</sup> and the failure to file a comment on petitions for review of judgment, final orders, or resolutions of COMELEC and COA before the Supreme Court may result to an outright dismissal of the petition.<sup>61</sup>

Thus, when a party litigant fails to submit the pleadings within the period specified, the major cost would be that his defense or cause of action will not be considered by the court in addition to the sanctions that may be imposed upon him/her. Additionally, when a case is dismissed, for failure to file the required submissions, the docket fees already filed by the plaintiff will not be recovered.

The Supreme Court has issued a circular requiring the submission of Judicial Affidavits of witnesses in lieu of direct testimonies of witnesses.<sup>62</sup> Failure of the parties to file the Judicial Affidavit within the period required, which is not later than five (5) days before the Pre-Trial Conference or the scheduled hearing with respect to motions, may result in the waiver of the submission or a penalty of a fine ranging from P1,000.00 to P5,000.00, upon the court's discretion.

## **5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?**

The requirements set by the Rules effectively reduced the time spent by the courts on a case. Based on the data from the Office of the Court Administrator (OCA) the case disposition rate has increased from 53% in 2021 to 60% in 2022 and to 62% in 2023 for first level courts.<sup>63</sup>

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<sup>54</sup> Rule 18, Sec. 5 and 6 and Rule III Section 12

<sup>55</sup> Rule 18, Sec 5 and 6

<sup>56</sup> Rule III Sec 11 and 12

<sup>57</sup> Rule III Sec. 12

<sup>58</sup> Rule IV Sec. 14

<sup>59</sup> Sec. 10

<sup>60</sup> Rule 45, sec 7

<sup>61</sup> Rule 64 sec 6

<sup>62</sup> A.M. No. 12-8-8-SC

<sup>63</sup> <https://sc.judiciary.gov.ph/case-disposition-rates-in-lower-courts-continue-to-rise/>

For second level courts the case disposition rate increased from 32% in 2021 to 39% in 2022 and 42% in 2023.<sup>64</sup> Although this is not a direct indication that the requirements on submissions under the Rules have reduced the period to try and resolve cases, it demonstrates that the requirements under the Rules are effective considering that the Amended Rules on Civil Procedure and the Rules on Expedited Procedures took effect in 2019 and 2022 respectively and the provisions of the Rules on the submissions were implemented by the courts during that period.

**6. What is the effect of written submissions on any hearing which subsequently takes place?**

Considering that the Rules provide for the period within which the judge should resolve motions filed by the parties, there should be a minimal effect on the subsequent hearings of the case. For litigious motions, the subsequent hearings may be rescheduled to give way to the hearing on the motion filed by a party.

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<sup>64</sup> Supra.