



Republic of the Philippines  
**Supreme Court**  
Manila

SECOND DIVISION

**RICHARD CHUA,**  
Petitioner,

**G.R. No. 202920**

Present:

-versus-

**CARPIO,**  
*Chairperson,*  
**BRION,**  
**DEL CASTILLO,**  
**PEREZ, and**  
**PERLAS-BERNABE, JJ.**

**THE EXECUTIVE JUDGE,**  
**METROPOLITAN TRIAL**  
**COURT, MANILA,**  
Respondent.

Promulgated:

**OCT 02 2013**

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**DECISION**

**PEREZ, J.:**

At bench is a Petition for Review on *Certiorari*,<sup>1</sup> assailing the Orders<sup>2</sup> dated 26 June 2012 and 26 July 2012 of the Executive Judge of the Metropolitan Trial Court (MeTC), Manila, in UDK Nos. 12001457 to 96.

The facts:

On 13 January 2012, herein petitioner Richard Chua filed before the Office of the City Prosecutor (OCP) of Manila, a complaint charging one Letty Sy Gan of forty (40) counts of violation of Batas Pambansa Bilang (BP

<sup>1</sup> Under Rule 45 of the Rules of Court

<sup>2</sup> *Rollo*, pp. 21-22 and 24. The 26 June 2012 Order was issued by Acting Executive Judge Ma. Ruby B. Camarista, while the 26 July 2012 Order was issued by Executive Judge Marlina M. Manuel.

Blg.) 22 or the *Bouncing Checks Law*.<sup>3</sup> After conducting preliminary investigation, the OCP found probable cause and, on 22 March 2012, filed forty (40) counts of violation of BP Blg. 22 before the MeTC.<sup>4</sup>

Consequently, the MeTC informed petitioner that he has to pay a total of ₱540,668.00 as filing fees for all the forty (40) counts of violation of BP Blg. 22.<sup>5</sup> Finding the said amount to be beyond his means, petitioner consulted with the MeTC clerk of court to ask whether he could pay filing fees on a per case basis instead of being required to pay the total filing fees for all the BP Blg. 22 cases all at once.<sup>6</sup> The MeTC clerk of court opined that petitioner could not.<sup>7</sup> Petitioner was thus unable to pay any filing fees.

Due to non-payment of the required filing fees, the MeTC designated the forty (40) counts of violation of BP Blg. 22 as undocketed cases under UDK Nos. 12001457 to 96. Subsequently, the OCP moved for consolidation of the said cases.<sup>8</sup>

On 18 April 2012, petitioner filed before the Executive Judge of the MeTC a motion entitled “*Urgent Motion to Allow Private Complainant to Pay Filing Fee on a Per Case Basis*” (*Urgent Motion*).<sup>9</sup> In it, petitioner reiterated his request that he be allowed to pay filing fees on a per case basis instead of being required to pay the total amount of filing fees in its entirety.

On 26 June 2012, the Executive Judge issued an Order denying petitioner’s *Urgent Motion*. In rebuffing petitioner’s *Urgent Motion*, the Executive Judge of the MeTC ratiocinated that granting petitioner’s plea would constitute a *deferment* in the payment of filing fees that, in turn, contravenes Section 1(b) of the Rule 111 of the Rules of Court.<sup>10</sup>

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<sup>3</sup> The complaint was docketed in the OCP as I.S. No. XV-07-INV—12A-00329.

<sup>4</sup> *Rollo*, p. 21.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 24.

<sup>9</sup> *Id.* at 21.

<sup>10</sup> *Id.* at 22. Section 1(b) of Rule 111 of the Rules of Court provides:

(b) The criminal action for violation of Batas Pambansa Blg. 22 shall be deemed to include the corresponding civil action. No reservation to file such civil action separately shall be allowed.

Upon filing of the aforesaid joint criminal and civil actions, the offended party shall pay **in full** the filing fees based on the amount of the check involved, which shall be considered as the actual damages claimed. Where the complaint or information also seeks to recover liquidated, moral, nominal, temperate or exemplary damages, the offended party shall pay additional filing fees based on the amounts alleged therein. If the amounts are not so alleged but any of these damages are subsequently awarded by the court, the filing fees based on the amount awarded shall constitute a first lien on the judgment. (Emphasis supplied)

Petitioner moved for reconsideration, but to no avail.

Hence, this appeal.

### OUR RULING

Prefatorily, it must be pointed out that petitioner availed of the wrong remedy in assailing the Orders dated 26 June 2012 and 26 July 2012 of the Executive Judge of the MeTC *via* the present petition for review on *certiorari*. The assailed orders are not, technically, *final orders* that are appealable,<sup>11</sup> let alone the proper subjects of an appeal by *certiorari*.<sup>12</sup> The assailed orders do not, at least for the moment, completely dispose of the B.P. 22 cases filed before the MeTC.

The correct remedy for the petitioner, in view of the unavailability of an appeal or any other remedy in the ordinary course of law, is a *certiorari* petition under Rule 65 of the Rules of Court.<sup>13</sup> But then again, the petitioner should have filed such a petition, not directly with this Court, but before the appropriate Regional Trial Court pursuant to the *principle of hierarchy of courts*.<sup>14</sup>

In the weightier interest of substantial justice, however, this Court forgives such procedural lapses and treats the instant appeal as a *certiorari* petition filed properly before this Court. To this Court, the *grave abuse of discretion* on the part of the Executive Judge was patent on the undisputed facts of this case and is serious enough to warrant a momentary deviation from the procedural norm.

Thus, We come to the focal issue of whether the Executive Judge of the MeTC committed *grave abuse of discretion*, in light of the facts and circumstances herein obtaining, in refusing petitioner's request of paying filing fees on a per case basis.

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Where the civil action has been filed separately and trial thereof has not yet commenced, it may be consolidated with the criminal action upon application with the court trying the latter case. If the application is granted, the trial of both actions shall proceed in accordance with section 2 of this Rule governing consolidation of the civil and criminal actions.

<sup>11</sup> See *Miranda v. Court of Appeals*, 163 Phil. 285, 321-322 (1976).

<sup>12</sup> Section 1, Rule 45 of the Rules of Court.

<sup>13</sup> Section 1, Rule 65 of the Rules of Court.

<sup>14</sup> See *Jumaquio v. Villarosa*, G.R. No. 165924, 19 January 2009, 576 SCRA 204, 209.

We answer in the affirmative. We grant the petition.

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 BP 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) BP Blg. 22 cases.

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

*First.* The Executive Judge erred when she treated the entire ₱540,668.00 as one indivisible obligation, when that figure was nothing but the sum of individual filing fees due for each count of violation of BP 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.<sup>15</sup> 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.<sup>16</sup> 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 BP Blg. 22.<sup>17</sup> 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 BP Blg. 22 were brought about by a single complaint filed before the OCP

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<sup>15</sup> See Section 1 of Rule 141 of the Rules of Court.

<sup>16</sup> See Section 1(b) of Rule 111 of the Rules of Court. See also *Rollo* p. 55.

<sup>17</sup> See Section 13, Rule 110 of the Rules of Court.

and are now consolidated before the court, the payment of their filing fees should be made for *all* or none at all.<sup>18</sup>

That all forty (40) counts of violation of BP 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 BP 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 purposes of trial.<sup>19</sup> 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 BP 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. 12001457 to 96 on a per information basis.

No costs.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

<sup>18</sup> *Rollo*, pp. 48-49.

<sup>19</sup> *See* Section 22 of Rule 119 of the Rules of Court.

WE CONCUR:



**ANTONIO T. CARPIO**

Associate Justice

Chairperson



**ARTURO D. BRION**

Associate Justice



**MARIANO C. DEL CASTILLO**

Associate Justice

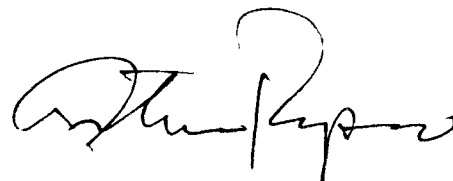


**ESTELA M. PERLAS-BERNABE**

Associate Justice

### ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**

Associate Justice

Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.



**MARIA LOURDES P. A. SERENO**  
Chief Justice