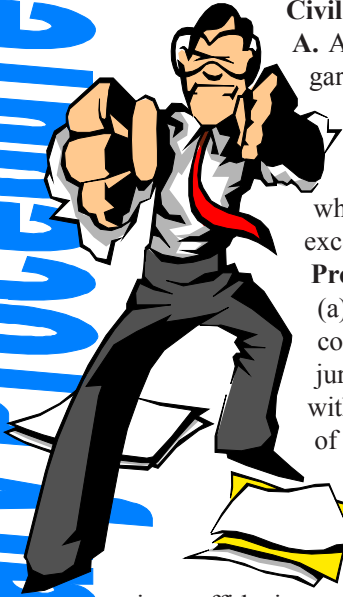


Cases under Summary Procedure



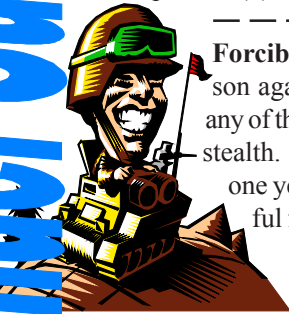
Civil cases under the Rules on Summary Procedure

A. All cases of forcible entry and unlawful detainer regardless of the amount of unpaid rentals or damages, but attorney's fees awarded by the court should not exceed Php 20,000.

B. All other civil cases except probate proceedings where the total amount claimed by the plaintiff does not exceed Php 200,000. exclusive of costs and interest.

Prohibited pleadings or motions :

(a) motion to dismiss the complaint, or to quash the complaint or information except on grounds of lack of jurisdiction over the subject matter, or failure to comply with the required barangay conciliation; b) motion for bill of particulars; (c) motion for new trial, or for reconsideration of judgment, or reopening of the trial; (d) petition for relief from judgment; (e) motion for extension of time to file pleadings, affidavits or any other papers; (f) memoranda; (g) petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court; (h) motion to declare defendant in default; (i) dilatory motions for postponement; (j) third party complaints; (k) interventions.



Forcible entry - the act of depriving a person against his will or consent of his land or building by any of the following means: force, intimidation, threat, strategy or stealth. The act takes place for a period of time not exceeding one year. The possession of the property in question is unlawful from the very beginning.

Unlawful detainer - the entry or occupancy of a land or building which is considered unlawful after the expiration of a right to entry or its possession by virtue of a contract, written or unwritten. The possession of the property in question was lawful in the beginning but ceased to be lawful after the expiration of the contract or the nonpayment of rent.

If the owner of a property has been dispossessed of his property for more than one year already, or by means other than those under Rule 70 of the Rules of Court, the proper case is "accion publiciana" (recovery of the right to possess), not forcible entry or unlawful detainer. It should be filed in the Regional Trial Court of the place where the property is located.

Mediation is also compulsory for cases under Summary Procedure.