

# Summary procedure in civil cases

The only pleadings allowed are the complaint, compulsory counterclaim and cross-claims, and the answers.

1. The plaintiff files the complaint with the Metropolitan or Municipal Trial Court, and pays the filing fees with the office of the clerk of court.
2. The court may either dismiss the case outright, or summon the defendant.
3. Within ten days from service of the summons, the defendant must file his answer and serve a copy on the plaintiff.



## Effects of failure to file an answer, or to appear during the preliminary conference

**A.** If the defendant fails to answer within ten days of receipt of the summons, the court on its own motion, or on plaintiff's motion, may render a judgment based on the facts alleged in the complaint (damages and attorney's fees may be reduced).

**B.** The complaint may be dismissed if the plaintiff fails to appear during the conference. Defendant is entitled to judgment on his counterclaim (all cross-claims are dismissed).

**C.** If the defendant fails to appear, then the plaintiff is entitled to a judgment based on the complaint and the prayers or reliefs asked for.

5. Within five days after the termination of the conference, the court issues the order of record of the preliminary conference.

6. Within ten days from receipt of the court's order, the parties (and their witnesses) must submit their affidavits and position papers.

7. The court renders its judgment within thirty days after receipt of the last affidavits and position papers, or within fifteen days after the receipt of the clarificatory affidavits (or the expiration of the period for their filing).



4. Not later than thirty days after the last answer is filed, the parties hold a preliminary conference (the parties must appear personally or give a special power of attorney to their representatives).



Execution of the judgment