	1997 RULES OF COURT	2019 AMENDMENT	Comments
RULE 6: KINDS OF PLEADINGS			
Rule 6, Sec. 2	*Pleadings allowed.* The claims of a party are asserted in a complaint, counterclaim, cross-claim, third (fourth, etc.)-party complaint, or complaint-in-intervention. The defenses of a party are alleged in the answer to the pleading asserting a claim against him. An answer may be responded to by a reply.	*Pleadings allowed.* The claims of a party are asserted in a complaint, counterclaim, cross-claim, third (fourth, etc.)-party complaint, or complaint-in-intervention. The defenses of a party are alleged in the answer to the pleading asserting a claim against him **or her**. An answer may be responded to by a reply **only if the defending party attaches an actionable document to the answer**.	Previously, the filing of reply had no qualification or limitation. With the amendment, a reply may only be filed if there is an actionable document attached to the answer.
Rule 6, Sec. 3	*Complaint.* The complaint is the pleading alleging the plaintiff's cause or causes of action. The names and residences of the plaintiff and defendant must be stated in the complaint.	*Complaint.* The complaint is the pleading alleging the plaintiff's **or claiming party's** cause or causes of action. The names and residences of the plaintiff and defendant must be stated in the complaint.	Even prior to the amendment, it was understood that the filing of complaint is not limited to that of the plaintiff. A defendant may also file a complaint in the form of a counterclaim. The amendment just reiterates or emphasizes that the filing of the complaint is not limited to the plaintiff, as any claiming party, including a defendant, may file the same.
Rule 6, Sec. 5 (b) second paragraph – **new insertion**	*Defenses.* Defenses may either be negative or affirmative. (a) A negative defense is the specific denial of the material fact or facts alleged in the pleading of the claimant essential to his or her cause or causes of action. (b) An affirmative defense is an allegation of a new matter which, while hypothetically admitting the material allegations in the pleading of the claimant, would nevertheless prevent or	*Defenses.* *xxx* **Affirmative defenses may also include grounds for the dismissal of a complaint, specifically, that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment.**	The amendment just reiterates or emphasizes that these grounds may included as affirmative defenses.

	bar recovery by him or her. The affirmative defenses include fraud, statute of limitations, release, payment, illegality, statute of frauds, estoppel, former recovery, discharge in bankruptcy, and any other matter by way of confession and avoidance.		
Rule 6, Sec. 7	*Compulsory counterclaim*. A compulsory counterclaim is one which, being cognizable by the regular courts of justice, arises out of or is connected with the transaction or occurrence constituting the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. Such a counterclaim must be within the jurisdiction of the court both as to the amount and the nature thereof, except that in an original action before the Regional Trial Court, the counter-claim may be considered compulsory regardless of the amount.	*Compulsory counterclaim.* A compulsory counterclaim is one which, being cognizable by the regular courts of justice, arises out of or is connected with the transaction or occurrence constituting the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. Such a counterclaim must be within the jurisdiction of the court both as to the amount and the nature thereof, except that in an original action before the Regional Trial Court, the counterclaim may be considered compulsory regardless of the amount. **A compulsory counterclaim not raised in the same action is barred, unless otherwise allowed by these Rules.**	Even prior to the amendment, it is settled that as a rule, a compulsory counterclaim should be raised in the same action, and the failure to do so shall bar one from claiming it in another or subsequent action, subject also to exceptions. The amendment seems to just emphasize or reiterate this rule.
Rule 6, Sec. 8	*Cross-claim*. A cross-claim is any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.	*Cross-claim.* A cross-claim is any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein. Such crossclaim **may cover all or part of the original claim**.	The amendment merely paraphrased the previous rule, making it less verbose.
Rule 6, Sec. 10	*Reply*.	*Reply.*	With the amendment, a reply may only be filed if the answer attaches an actionable document.

	A reply is a pleading, the office or function of which is to deny, or allege facts in denial or avoidance of new matters alleged by way of defense in the answer and thereby join or make issue as to such new matters. If a party does not file such reply, all the new matters alleged in the answer are deemed controverted. If the plaintiff wishes to interpose any claims arising out of the new matters so alleged, such claims shall be set forth in an amended or supplemental complaint.	**All new matters alleged in the answer are deemed controverted. If the plaintiff wishes to interpose any claims arising out of the new matters so alleged, such claims shall be set forth in an amended or supplemental complaint.** **However, the plaintiff may file a reply only if the defending party attaches an actionable document to his or her answer.** A reply is a pleading, the office or function of which is to deny, or allege facts in denial or avoidance of new matters alleged **in, or relating to, said actionable document**. **In the event of an actionable document attached to the reply, the defendant may file a rejoinder if the same is based solely on an actionable document**.	The failure to file a reply when the answer is based on an actionable document will still be an admission of the genuineness and due execution of the actionable document attached to the answer. A rejoinder may only be filed if the reply attaches an actionable document. The rejoinder shall only be based on said actionable document.
Rule 6, Sec. 11.	*Third, (fourth, etc.)-party complaint.* A third (fourth, etc.) — party complaint is a claim that a defending party may, with leave of court, file against a person not a party to the action, called the third (fourth, etc.) — party defendant for contribution, indemnity, subrogation or any other relief, in respect of his opponent's claim.	*Third, (fourth, etc.)-party complaint.* A third (fourth, etc.) – party complaint is a claim that a defending party may, with leave of court, file against a person not a party to the action, called the third (fourth, etc.)-party defendant for contribution, indemnity, subrogation or any other relief, in respect of his **or her** opponent's claim. **The third (fourth, etc.) – party complaint shall be denied admission, and the court shall require the defendant to institute a separate action, where:** **(a) the third (fourth, etc.)- party defendant cannot be located within thirty (30) calendar days from the grant of such leave; (b) matters extraneous to the issue in the principal case are raised; or (c) the effect would be to introduce**	The second paragraph in the amendment is a new inclusion. It appears that in certain instances, leave of court to file said third (fourth, etc.) - party complaint will not be granted. Also, if the third (fourth, etc.) – party defendant cannot be located within 30 calendar days from grant of such leave, then it would appear that the third (fourth, etc.) – party complaint would be dismissed. The proper remedy in any of the foregoing instances would instead be to file a separate action.

		a new and separate controversy into the action.	
RULE 7: PARTS **AND CONTENTS** OF A PLEADING			
Rule 7, Sec. 3	*Signature and address.* Every pleading must be signed by the party or counsel representing him, stating in either case his address which should not be a post office box. The signature of counsel constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. An unsigned pleading produces no legal effect. However, the court may, in its discretion, allow such deficiency to be remedied if it shall appear that the same was due to mere inadvertence and not intended for delay. Counsel who deliberately files an unsigned pleading, or signs a pleading in violation of this Rule, or alleges scandalous or indecent matter therein, or fails promptly report to the court a change of his address, shall be subject to appropriate disciplinary action.	*Signature and address.* **(a)** Every pleading **and other written submissions to the court** must be signed by the party or counsel representing him or her. **(b)** The signature of counsel constitutes a certificate by him **or her** that he **or she** has read the pleading **and document;** that to the best of his **or her** knowledge, information, and belief**, formed after an inquiry reasonable under the circumstances:** **(1) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;** **(2) The claims, defenses, and other legal contentions are warranted by existing law or jurisprudence, or by a nonfrivolous argument for extending, modifying, or reversing existing jurisprudence;** **(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after availment of the modes of discovery under these rules; and**	Violation of the warranties exposes the responsible attorney, law firm, or party to court sanctions. This provision applies to "every pleading and other written submissions to the court".

		(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. **(c) If the court determines, on motion or *motu proprio* and after notice and hearing, that this rule has been violated, it may impose an appropriate sanction or refer such violation to the proper office for disciplinary action, on any attorney, law firm, or party that violated the rule, or is responsible for the violation.** **Absent exceptional circumstances, a law firm shall be held jointly and severally liable for a violation committed by its partner, associate, or employee. The sanction may include, but shall not be limited to, non-monetary directive or sanction; an order to pay a penalty in court or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation, including attorney's fees for the filing of the motion for sanction. The lawyer or law firm cannot pass on the monetary penalty to the client.**	
Rule 7, Sec. 6,	*Verification.* Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit. A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his personal knowledge or based on authentic records.	*Verification.* Except when otherwise specifically required by law or rule, pleadings need not be under oath or verified or accompanied by affidavit. A pleading is verified by an affidavit **of an affiant duly authorized to sign said verification. The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of**	The amended rule requires that the authority of the affiant to sign the verification (either a Secretary's Certificate of a Special Power of Attorney) should be attached to the pleading. Additionally, the amendment requires the affiant to state that the pleading was not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and that the factual allegations have evidentiary support or if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

	A pleading required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief", or lacks a proper verification, shall be treated as an unsigned pleading.	**attorney, should be attached to the pleading, and shall allege the following attestations:** **(a) The allegations in the pleading are true and correct based on his or her personal knowledge, or based on authentic documents;** **(b) The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and** **(c) the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.** **The signature of the affiant shall further serve as a certification of the truthfulness of the allegations in the pleading.** A pleading required to be verified **that** contains a verification based on "information and belief", or upon "knowledge, information and belief", or lacks a proper verification, shall be treated as an unsigned pleading.	
Rule 7, Sec. 5	*Certification Against Forum Shopping.* The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is	*Certification Against Forum Shopping.* The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he **or she** has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he **or she** should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report	A new second paragraph was inserted, similar to the requirement under verification, that requires the proof of authority to execute the certification should be attached to the pleading.

	pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed. Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.	that fact within five (5) **calendar** days therefrom to the court wherein his **or her** aforesaid complaint or initiatory pleading has been filed. **The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading.** Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or noncompliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.	
Rule 7, Sec. 6 (new provision)		**Section 6. Contents. —** **Every pleading stating a party's claims or defenses shall, in addition to those mandated by Section 2, Rule 7, state the following:** **(a)Names of witnesses who will be presented to prove a party's claim or defense;** **(b)Summary of the witnesses' intended testimonies, provided that the judicial affidavits of said witnesses shall be attached to the pleading and form an integral part thereof. Only witnesses whose judicial affidavits are**	This means that anyone wishing to file a complaint or who finds itself being a respondent in a case, must immediately prepare the evidence in support of the Complaint or Answer. The failure to comply with the same shall prevent the party filing the pleading from presenting a witness not mentioned in said pleading, unless there are meritorious reasons to allow the same.

		attached to the pleading shall be presented by the parties during trial. Except if a party presents meritorious reasons as basis for the admission of additional witnesses, no other witness or affidavit shall be heard or admitted by the court; and **(c)Documentary and object evidence in support of the allegations contained in the pleading.**	
RULE 8: MANNER OF MAKING ALLEGATIONS IN PLEADINGS			
Rule 8, Section 1,	*In General*. Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim or defense, as the case may be, omitting the statement of mere evidentiary facts. If a defense relied on is based on law, the pertinent provisions thereof and their applicability to him shall be clearly and concisely stated.	*In **g**eneral*. Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts, **including the evidence** on which the party pleading relies for his or her claim or defense, as the case may be, ~~omitting the statement of mere evidentiary facts.~~ If a **cause of action** or defense relied on is based on law, the pertinent provisions thereof and their applicability to him **or her** shall be clearly and concisely stated.	The pleading, such as the complaint, is not anymore limited to ultimate facts. The pleading should contain the legal bases for the cause of action or defense.
Rule 8, Sec. 6	*Judgment*. In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it is sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it.	*Judgment*. In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it is sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it. **An authenticated copy of the judgment or decision shall be attached to the pleading.**	An authenticated copy of the judgment previously rendered is evidence thereof.

Rule 8, Sec. 7	*Action or Defense Based on Document.* Whenever an action or defense is based upon a written instrument or document, the substance of such instrument or document shall be set forth in the pleading, and the original or a copy thereof shall be attached to the pleading as an exhibit, which shall be deemed to be a part of the pleading, or said copy may with like effect be set forth in the pleading.	*Action or Defense Based on Document.* Whenever an action or defense is based upon a written instrument or document, the substance of such instrument or document shall be set forth in the pleading, and the original or a copy thereof shall be attached to the pleading as an exhibit, which shall be deemed to be a part of the pleading, ~~or said copy may with like effect be set forth in the pleading.~~	Copying the instrument in the pleading will no longer suffice. The substance of the actionable document must be alleged in the pleading and a copy thereof must be attached.
Rule 8, Sec. 11	*Allegations Not Specifically Denied Deemed Admitted.* Material averment in the complaint, other than those as to the amount of unliquidated damages, shall be deemed admitted when not specifically denied. Allegations of usury in a complaint to recover usurious interest are deemed admitted if not denied under oath	*Allegations Not Specifically Denied Deemed Admitted.* Material **averments** in a **pleading asserting a claim or claims**, other than those as to the amount of unliquidated damages, shall be deemed admitted when not specifically denied. ~~Allegations of usury in a complaint to recover usurious interest are deemed admitted if not denied under oath~~	
Rule 8, Sec. 12	*Striking Out of Pleading or Matter Contained Therein. —* Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these Rules, upon motion made by a party within twenty (20) days after the service of the pleading upon him, or upon the court's own initiative at any time, the court may order any pleading to be stricken out or that any sham or false, redundant, immaterial, impertinent, or scandalous matter be stricken out therefrom.	***Affirmative Defenses.*** **(a) A defendant shall raise his or her affirmative defenses in his or her answer, which shall be limited to the reasons set forth under Section 5 (b), Rule 6, and the following grounds:** **1. That the court has no jurisdiction over the person of the defending party;** **2. That venue is improperly laid;** **3. That the plaintiff has no legal capacity to sue;** **4. That the pleading asserting the claim states no cause of action; and** **5. That a condition precedent for filing the claim has not been complied with.**	The new amendment also provides that the failure to raise the affirmative defenses at the earliest opportunity shall be a waiver thereof, without prejudice to the nonwaivable grounds. Courts are required to rule on the affirmative defenses within the prescribed period. There may be a summary hearing on the affirmative defenses within 15 calendar days from the filing of answer, if based on the grounds in Section 5 (b), Rule 6. If there is a summary hearing, the affirmative defenses shall be resolved within 30 calendar days from the termination of said hearing.

		(b) Failure to raise the affirmative defenses at the earliest opportunity shall constitute a waiver thereof. **(c) The court shall *motu proprio* resolve the above affirmative defenses within thirty (30) calendar days from the filing of the answer.** **(d) As to the other affirmative defenses under the first paragraph of Section 5 (b), Rule 6, the court may conduct a summary hearing within fifteen (15) calendar days from the filing of the answer.** **Such affirmative defenses shall be resolved by the court within thirty (30) calendar days from the termination of the summary hearing.** **(e) Affirmative defenses, if denied, shall not be the subject of a motion for reconsideration or petition for *certiorari*, prohibition or *mandamus*, but may be among the matters to be raised on appeal after a judgment on the merits.**	
Rule 8, Sec. 13		*Striking out of pleading or matter contained therein.* Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these Rules, upon motion made by a party within twenty (20) calendar days after the service of the pleading upon him or her, or upon the court's own initiative at any time, the court may order any pleading to be stricken out or that any sham or false, redundant, immaterial, impertinent, or scandalous matter be stricken out therefrom.	The former Section 12 was moved to Section 13.

RULE 9: EFFECT OF FAILURE TO PLEAD			
Rule 9, Sec. 3	*Default; Declaration of.* If the defending party fails to answer within the time allowed therefor, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. Such reception of evidence may be delegated to the clerk of court. (a) *Effect of order of default.* A party in default shall be entitled to notice of subsequent proceedings, but not to take part in the trial. (b) *Relief from order of default.* A party declared in default may at any time after notice thereof and before judgment file a motion under oath to set aside the order of default upon proper showing that his failure to answer was due to fraud, accident, mistake or excusable negligence and that he has a meritorious defense. In such case, the order of default may be set aside on such terms and conditions as the judge may impose in the interest of justice. (c) *Effect of partial default.* When a pleading asserting a claim states a common cause of action against several defending parties, some of whom answer and the others fail to do so, the court shall try the case against all upon the answers thus filed and render judgment upon the evidence presented.	*Default; Declaration of.* If the defending party fails to answer within the time allowed therefor, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his **or her** pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. Such reception of evidence may be delegated to the clerk of court. (a) *Effect of order of default*. A party in default shall be entitled to notices of subsequent proceedings but **shall** not take part in the trial. (b) *Relief from order of default*. A party declared in default may at any time after notice thereof and before judgment**,** file a motion under oath to set aside the order of default upon proper showing that his **or her** failure to answer was due to fraud, accident, mistake or excusable negligence and that he **or she** has a meritorious defense. In such case, the order of default may be set aside on such terms and conditions as the judge may impose in the interest of justice. (c) *Effect of partial default*. When a pleading asserting a claim states a common cause of action against several defending parties, some of whom answer and the others fail to do so, the court shall try the case against all upon the answers thus filed and render judgment upon the evidence presented.	

	(d) *Extent of relief to be awarded.* A judgment rendered against a party in default shall not exceed the amount or be different in kind from that prayed for nor award unliquidated damages (e) *Where no defaults allowed*. If the defending party in an action for annulment or declaration of nullity of marriage or for legal separation fails to answer, the court shall order the prosecuting attorney to investigate whether or not a collusion between the parties exists, and if there is no collusion, to intervene for the State in order to see to it that the evidence submitted is not fabricated.	(d) *Extent of relief to be awarded*. A judgment rendered against a party in default shall **neither** exceed the amount or be different in kind from that prayed for nor award unliquidated damages. (e) *Where no defaults allowed*. If the defending party in an action for annulment or declaration of nullity of marriage or for legal separation fails to answer, the court shall order the **Solicitor General or his or her deputized public prosecutor,** to investigate whether or not a collusion between the parties exists, and if there is no collusion, to intervene for the State in order to see to it that the evidence submitted is not fabricated.	
RULE 10: AMENDED AND SUPPLEMENTAL PLEADINGS			
Rule 10, Sec. 3	*Amendments by Leave of Court. —* Except as provided in the next preceding section, substantial amendments may be made only upon leave of court. But such leave may be refused if it appears to the court that the motion was made with intent to delay. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard.	*Amendments by Leave of Court. —* Except as provided in the next preceding **S**ection, substantial amendments may be made only upon leave of court. But such leave **shall** be refused if it appears to the court that the motion was made with intent to delay **or confer jurisdiction on the court, or the pleading stated no cause of action from the beginning which could be amended**. Orders of the court upon the matters provided in this **S**ection shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard.	The amendment makes it mandatory for the court to deny leave if the motion was made with intent to delay, confer jurisdiction on the court, or the pleading stated no cause of action from the beginning which could be amended.
Rule 10, Sec. 5	*Amendment to Conform to or Authorize Presentation of Evidence.* When issues not raised by the pleadings are tried with the express or implied consent of the parties, they shall be treated in all respects as if they had	***No** Amendment **Necessary** to Conform to or Authorize Presentation of Evidence.* When issues not raised by the pleadings are tried with the express or implied consent of the parties, they shall be treated in all respects as if they had	The amended rules provide, that the issues not raised in the pleadings but tried with the consent of the parties shall already be treated as if they had been raised in the pleadings and as such, there no need to amend the pleadings to conform to evidence, as they are deemed amended already.

	been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure to amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so with liberality if the presentation of the merits of the action and the ends of substantial justice will be subserved thereby. The court may grant a continuance to enable the amendment to be made	been raised in the pleadings. **No** amendment **of such** pleadings **deemed amended is** necessary to cause them to conform to the evidence.	
Rule 10, Sec. 8	*Effect of amended pleadings.* An amended pleading supersedes the pleading that it amends. However, admissions in superseded pleadings may be received in evidence against the pleader; and claims or defenses alleged therein not incorporated in the amended pleading shall be deemed waived.	*Effect of amended pleadings.* An amended pleading supersedes the pleading that it amends. However, admissions in superseded pleadings may be **offered** in evidence against the pleader**,** and claims or defenses alleged therein not incorporated in the amended pleading shall be deemed waived.	The amended provision changes "received" to "offered" in evidence. This means that the admissions in the superseded pleading may be offered, but not necessarily received in evidence.
RULE 11: WHEN TO FILE RESPONSIVE PLEADINGS			
Rule 11, Sec. 1	*Answer to the complaint.* The defendant shall file his answer to the complaint within fifteen (15) days after service of summons, unless a different period is fixed by the court.	*Answer to the **c**omplaint.* The defendant shall file his **or her** answer to the complaint within **thirty (30) calendar** days after service of summons, unless a different period is fixed by the court.	There is a longer period within which to file an answer under the amended rule.
Rule 11, Sec. 2.	*Answer of a defendant foreign private juridical entity*. Where the defendant is a foreign private juridical entity and service of summons is made on the government official designated by law to receive the same, the answer shall be filed within thirty	*Answer of a defendant foreign private juridical entity*. Where the defendant is a foreign private juridical entity and service of summons is made on the government official designated by law to receive the same, the answer shall be filed within **sixty**	The amendment increased and qualified the period from 30 days to 60 calendar days.

	(30) days after receipt of summons by such entity.	**(60) calendar** days after receipt of summons by such entity.	
Rule 11, Sec. 3	*Answer to Amended Complaint.* Where the plaintiff files an amended complaint as a matter of right, the defendant shall answer the same within fifteen (15) days after being served with a copy thereof. Where its filing is not a matter of right, the defendant shall answer the amended complaint within ten (10) days from notice of the order of admitting the same. An answer earlier filed may serve as the answer to the amended complaint if no new answer is filed. This Rule shall apply to the answer to an amended counterclaim, amended crossclaim, amended third (fourth, etc.)-party complaint, and amended complaint-in-intervention	*Answer to Amended Complaint.* Where the plaintiff files an amended complaint as a matter of right, the defendant shall answer the same within **thirty (30) calendar** days after being served with a copy thereof. Where its filing is not a matter of right, the defendant shall answer the amended complaint within **fifteen (15) calendar** days from notice of the order of admitting the same. An answer earlier filed may serve as the answer to the amended complaint if no new answer is filed. This Rule shall apply to **an** answer to an amended counterclaim, amended crossclaim, amended third (fourth, etc.)-party complaint, and amended complaint-in-intervention	The first paragraph is amended with an increased the and qualified period - from 15 days to 30 calendar days. The second paragraph is amended with an increased the and qualified period - from 10 days to 15 calendar days.
Rule 11, Sec. 4	*Answer to counterclaim or crossclaim.* A counterclaim or crossclaim must be answered within ten (10) days from service.	*Answer to counterclaim or crossclaim.* A counterclaim or crossclaim must be answered within **twenty (20) calendar** days from service.	The amendment increased the and qualified the period from 10 days to 20 calendar days.
Rue 11, Sec. 6	*Reply.* A reply may be filed within ten (10) days from service of the pleading responded to.	*Reply.* A reply**, if allowed under Section 10, Rule 6 hereof,** may be filed within **fifteen (15) calendar** days from service of the pleading responded to.	The amendment should be read with Rule 6, Section 10, on the instances when a reply may only be filed. In which case, the period to file, if allowed, under the amended rule was increased and qualified – from 10 days to 15 calendar days.

Rule 11, Sec. 7	*Answer to supplemental complaint.* A supplemental complaint may be answered within ten (10) days from notice of the order admitting the same, unless a different period is fixed by the court. The answer to the complaint shall serve as the answer to the supplemental complaint if no new or supplemental answer is filed.	*Answer to supplemental complaint.* A supplemental complaint may be answered within **twenty (20) calendar** days from notice of the order admitting the same, unless a different period is fixed by the court. The answer to the complaint shall serve as the answer to the supplemental complaint if no new or supplemental answer is filed.	The amendment increased the and qualified the period from 10 days to 20 calendar days.
Rule 11, Sec. 11	*Extension of Time to Plead.* Upon motion and on such terms as may be just, the court may extend the time to plead provided in these Rules. The court may also, upon like terms, allow an answer or other pleading to be filed after the time fixed by these Rules.	*Extension of Time to **File an Answer.*** **A defendant may, for meritorious reasons, be granted an additional period of not more than thirty (30) calendar days to file an answer.** **A defendant is only allowed to file one (1) motion for extension of time to file an answer.** **A motion for extension to file any pleading, other than an answer, is prohibited and considered a mere scrap of paper. The court, however, may allow any other pleading to be filed after the time fixed by these Rules.**	The extension of time to file an answer now has a limit of 30 calendar days and said motions shall only be allowed once. No such limitation was present under the old rule. The second paragraph categorically prohibits the filing of motion for extension of time to file a pleading other than the answer. Such motion shall be considered a mere scrap of paper.
RULE 13: FILING AND SERVICE OF PLEADI NGS, JUDGMENTS AND OTHER PAPERS			
Rule 13, Sec. 1	*Coverage.* This Rule shall govern the filing of all pleadings and other papers, as well as the service thereof, except those for which a different mode of service is prescribed.	*Coverage.* This Rule shall govern the filing of all pleadings**, motions and other court submissions**, as well as the service thereof, except those for which a different mode of service is prescribed.	The amendment specifies that the rule also covers motions and other court submissions, in addition to pleadings.
Rule 13, Sec. 2	*Filing and Service, Defined*. Filing is the act of presenting the pleading or other paper to the clerk of court.	*Filing and Service, Defined*. Filing is the act of **submitting** the pleading or other paper to the **court**.	The amendment changed the definition of filing from presenting the pleading to submitting the pleading. The amendment also changed the entity with whom the filing is done.

	Service is the act of providing a party with a copy of the pleading or paper concerned. If any party has appeared by counsel, service upon him shall be made upon his counsel or one of them, unless service upon the party himself is ordered by the court. Where one counsel appears for several parties, he shall only be entitled to one copy of any paper served upon him by the opposite side.	Service is the act of providing a party with a copy of the pleading **or any other court submission**. If **a** party has appeared by counsel, service upon **such party** shall be made upon his **or her** counsel or one of them, unless service upon the party **and the party's counsel** is ordered by the court. Where one counsel appears for several parties, **such counsel** shall only be entitled to one copy of any paper served upon him by the opposite side. **Where several counsels appear for one party, such party shall be entitled to only one copy of any pleading or paper to be served upon the lead counsel if one is designated or upon any one of them is there no designation of a lead counsel.**	The service of paper was amended to any other court submission. The last paragraph is a new insertion.
Rule 13, Sec. 3	*Manner of Filing.* The filing of pleadings, appearances, motions, notices, orders, judgments and all other papers shall be made by presenting the original copies thereof, plainly indicated as such, personally to the clerk of court or by sending them by registered mail. In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second case, the date of the mailing of motions, pleadings, or any other papers or payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case.	*Manner of Filing.* The filing of pleadings **and other court submissions** shall be made by: **(a) Submitting personally the original thereof, plainly indicated as such, to the court;** **(b) Sending them by registered mail;** **(c) Sending them by accredited courier; or** **(d) Transmitting them by electronic mail or other electronic means as may be authorized by the Court in places where the court is electronically equipped**. In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second **and third cases**, the date of the mailing of motions, pleadings, and **other court submissions, and** payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court.	The amended rule provides 4 ways of filing: (1) personal; (2) registered; (3) accredited courier; and (4) e-mail or other electronic means. The amendment states that filing is made with the court and not the clerk of court.

		The envelope shall be attached to the record of the case. **In the fourth case, the date of electronic transmission shall be considered as the date of filing.**	
Rule 13, Sec. 5	*Modes of service.* Service of pleadings, motions, notices, orders, judgments and other papers shall be made either\ personally or by mail	*Modes of Service.* ~~Service of~~ Pleadings, motions, notices, orders, judgments, and **other court submissions** shall be **served** either personally or by **registered** mail, **accredited courier, electronic mail, facsimile transmission, other electronic means as may be authorized by the Court, or as provided for in international conventions to which the Philippines is a party**.	
Rule 13, Sec. 6	*Personal Service.* Service of the papers may be made by delivering personally a copy to the party or his counsel, or by leaving it in his office with his clerk or with a person having charge thereof. If no person is found in his office, or his office is not known, or he has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's or counsel's residence, if known, with a person of sufficient age and discretion then residing therein.	*Personal service.* **Court submissions may be served by personal delivery of** a copy to the party or **to the party's** counsel, or **to their authorized representative named in the appropriate pleading or motion**, or by leaving it in **his or her** office with **his or her** clerk, or with a person having charge thereof. If no person is found in **his or her office**, or **his or her** office is not known, or **he or she** has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's or counsel's residence, if known, with a person of sufficient age and discretion residing therein	The amendment qualifies that the personal service under this section applies to court submissions. The amendment adds that personal may be done to the authorized representative of the party or the party's counsel, but the authorized representative must be named in the appropriate pleading or motion.
Rule 13, Sec. 9	*Service of Judgments, Final Orders or Resolutions.* Judgments, final orders or resolutions shall be served either personally or by registered mail. When a party summoned by publication has failed to appear in the action, judgments, final	*Service by Electronic Means and Facsimile.* **Service by electronic means and facsimile shall be made if the party concerned consents to such modes of service.**	The new Section 9 pertains to the manner of service by electronic means and facsimile, which may only be done if the party concerned consents to such mode of service.

	orders or resolutions against him shall be served upon him also by publication at the expense of the prevailing party.	**Service by electronic means shall be made by sending an email to the party's or counsel's electronic mail address, or through other electronic means of transmission as the parties may agree on, or upon direction of the court.** **Service by facsimile shall be made by sending a facsimile copy to the party's or counsel's given facsimile number.**	
Rule 13, Sec. 10	*Completeness of Service.* Personal service is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of ten (10) days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) days from the date he received the first notice of the postmaster, whichever date is earlier.	***Presumptive Service.*** **There shall be presumptive notice to a party of a court setting if such notice appears on the records to have been mailed at least twenty (20) calendar days prior to the scheduled date of hearing and if the addressee is from within the same judicial region of the court where the case is pending, or at least thirty (30) calendar days if the addressee is from outside the judicial region.**	There is a presumption that a party was given notice of a court setting if such notice appears on the records to have been mailed in accordance with the provision. It appears that with this revision, the proceedings may proceed with the presumption that the other party received notice.
Rule 13, Sec. 11	*Priorities in Modes of Service and Filing.* Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.	***Change of Electronic Mail Address or Facsimile Number.*** **A party who changes his or her electronic mail address or facsimile number while the action is pending must promptly file, within five (5) calendar days from such change, a notice of change of email address or facsimile number with the court and serve the notice on all other parties.** **Service through the electronic mail address or facsimile number of a party shall be presumed valid unless such party notifies the court of any change, as aforementioned.**	Under the amendment, any change in email address or facsimile number must be make known to the court and to the parties within 5 days from such change.

Rule 13, Sec. 12	*Proof of filing.* The filing of a pleading or paper shall be proved by its existence in the record of the case. If it is not in the record, but is claimed to have been filed personally, the filing shall be proved by the written or stamped acknowledgment of its filing by the clerk of court on a copy of the same; if filed by registered mail, by the registry receipt and by the affidavit of the person who did the mailing, containing a full statement of the date and place of depositing the mail in the post office in a sealed envelope addressed to the court, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if not delivered.	***Electronic Mail and Facsimile Subject and Title of Pleadings and Other Documents.*** **The subject of the electronic mail and facsimile must follow the prescribed format: case number, case title and the pleading, order or document title. The title of each electronically-filed or served pleading or other document, and each submission served by facsimile shall contain sufficient information to enable the court to ascertain from the title: (a) the party or parties filing or serving the paper, (b) nature of the paper, (c) the party or parties against whom relief, if any, is sought, and (d) the nature of the relief sought.**	Section 12, under the amendment, is a new insertion. It deals with the format for filing by email or facsimile. The purpose of the format is for the same to contain sufficient information to enable to court to ascertain the parties from the title.
Rule 13, Sec. 13	See: Section 9: *Service of Judgments, Final Orders or Resolutions.* Judgments, final orders or resolutions shall be served either personally or by registered mail. When a party summoned by publication has failed to appear in the action, judgments, final orders or resolutions against him shall be served upon him also by publication at the expense of the prevailing party.	*Service of Judgments, Final Orders or Resolutions.* Judgments, final orders, or resolutions shall be served either personally or by registered mail. **Upon ex parte motion of any party in the case, a copy of the judgment, final order, or resolution may be delivered by accredited courier at the expense of such party.** When a party summoned by publication has failed to appear in the action, judgments, final orders or resolutions against him **or her** shall be served upon him **or her** also by means of publication at the expense of the prevailing party.	The amendment adds that service may be done by accredited courier upon ex parte motion of any party, and said movant party shall bear the expense for the same. There is no need to notify the other party to be served that the service on that party shall be by courier, since such mode may be availed of upon ex-parte motion, or without notice to the other party.
Rule 13, Sec. 14	*Notice of Lis Pendens.* In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when affirmative relief is claimed in his answer, may record in the office of the registry of deeds of the province in which the	***Conventional Service or Filing of Orders, Pleadings and Other Documents.*** **Notwithstanding the foregoing, the following orders, pleadings, and other documents must be served or filed personally or by registered mail when allowed, and shall not be served or**	Section 14, under the amendment is a new insertion. It provides that certain documents must be served or filed conventionally, unless expressly permitted by the Court.

	property is situated a notice of the pendency of the action. Said notice shall contain the names of the parties and the object of the action or defense, and a description of the property in that province affected thereby. Only from the time of filing such notice for record shall a purchaser, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against the parties designated by their real names. The notice of *lis pendens* hereinabove mentioned may be cancelled only upon order of the court, after proper showing that the notice is for the purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be recorded.	**filed electronically, unless express permission is granted by the Court:** **(a) Initiatory pleadings and initial responsive pleadings, such as an answer;** **(b) Subpoenae, protection orders, and writs;** **(c) Appendices and exhibits to motions, or other documents that are not readily amenable to electronic scanning may, at the option of the party filing such, be filed and served conventionally; and** **(d) Sealed and confidential documents or records.**	
Rule 13, Sec. 15	See Section 10: *Completeness of Service.* Personal service is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of ten (10) days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) days from the date he received the first notice of the postmaster, whichever date is earlier.	*Completeness of Service.* Personal service is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of ten (10) **calendar** days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) **calendar** days from the date he **or she** received the first notice of the postmaster, whichever date is earlier. **Service by accredited courier is complete upon actual receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier.** **Electronic service is complete at the time of the electronic transmission of the document, or**	The amendment includes new provisions on when service by accredited courier, electronic service or service by facsimile transmission is done.

		when available, at the time that the electronic notification of service of the document is sent. **Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.** **Service by facsimile transmission is complete upon receipt by the other party, as indicated in the facsimile transmission printout.**	
Rule 13, Sec. 16	The old Section 12 provides: *Proof of filing.* The filing of a pleading or paper shall be proved by its existence in the record of the case. If it is not in the record, but is claimed to have been filed personally, the filing shall be proved by the written or stamped acknowledgment of its filing by the clerk of court on a copy of the same; if filed by registered mail, by the registry receipt and by the affidavit of the person who did the mailing, containing a full statement of the date and place of depositing the mail in the post office in a sealed envelope addressed to the court, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if not delivered.	*Proof of Filing.* The filing of a pleading or **any other court submission** shall be proved by its existence in the record of the case. (a) **If the pleading or any other court submission** is not in the record, but is claimed to have been filed personally, the filing shall be proven by the written or stamped acknowledgment of its filing by the clerk of court on a copy of the **pleading or court submission**; (b) **If the pleading or any other court submission was** filed by registered mail, **the filing shall be proven** by the registry receipt and by the affidavit of the person who **mailed it**, containing a full statement of the date and place of **deposit of** the mail in the post office in a sealed envelope addressed to the court, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) **calendar** days if not delivered. **(c) If the pleading or any other court submission was filed through an accredited courier service, the filing shall be proven by an affidavit of service of the person who brought**	Section 16 is a new insertion.

		the pleading or other document to the service provider, together with the courier's official receipt and document tracking number. **(d) If the pleading or any other court submission was filed by electronic mail, the same shall be proven by an affidavit of electronic filing of the filing party accompanied by a paper copy of the pleading or other document transmitted or a written or stamped acknowledgment of its filing by the clerk of court. If the paper copy sent by electronic mail was filed by registered mail, paragraph (b) of this Section applies.** **(e) If the pleading or any other court submission was filed through other authorized electronic means, the same shall be proven by an affidavit of electronic filing of the filing party accompanied by a copy of the electronic acknowledgment of its filing by the court.**	
Rule 13, Sec. 17	The old Section 13 provides for proof of service: *Proof of Service.* Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with Section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return	*Proof of Service*. Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a statement of the date, place, and manner of service. **If the service is made by:** (a) Ordinary mail. — Proof ~~thereof~~ shall consist of an affidavit of the person mailing stating the facts showing Rule. (b) Registered mail. — Proof shall be made **by the** affidavit **mentioned above** and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its	Section 17 under the amended rule is a new insertion. This new insertion may be compared with the old Section 13, which deals with the same subject matter of proof of service.

	card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.	receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee. **(c) Accredited courier service. — Proof shall be made by an affidavit of service executed by the person who brought the pleading or paper to the service provider, together with the courier's official receipt or document tracking number.** **(d) Electronic mail, facsimile, or Other Authorized electronic means of transmission. — Proof shall be made by an affidavit of service executed by the person who sent the e-mail, facsimile, or other electronic transmission, together with a printed proof of transmittal.**	
Rule 13, Sec. 18	There is no Section 18 under the old rule.	***Court-issued Orders and Other Documents.*** **The court may electronically serve orders and other documents to all the parties in the case which shall have the same effect and validity as provided herein. A paper copy of the order or other document electronically served shall be retained and attached to the record of the case.**	This provision is a new insertion. This should be read in relation to Section 13, Rule 13, which provides that service of judgments, final orders or resolutions shall be done personally or registered mail. The court also **may** electronically serve documents. Thus it appears that judgments, final orders or resolutions **shall** be served personally or by registered mail, **and may also, in addition to the foregoing, be served electronically.**
Rule 13, Sec. 19	There is no section 19 under the old rule. See: Section 14 *Notice of Lis Pendens.*	*Notice of Lis Pendens.* In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when affirmative relief is claimed in his **or her** answer, may record in the office of the registry of deeds of the province in which the property is situated a notice of the pendency of	Section 19 under the amended rule is a new insertion. This new insertion may be compared with the old Section 14, which deals with the same subject matter of notice of *lis pendens.*

	In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when affirmative relief is claimed in his answer, may record in the office of the registry of deeds of the province in which the property is situated a notice of the pendency of the action. Said notice shall contain the names of the parties and the object of the action or defense, and a description of the property in that province affected thereby. Only from the time of filing such notice for record shall a purchaser, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against the parties designated by their real names. The notice of *lis pendens* hereinabove mentioned may be cancelled only upon order of the court, after proper showing that the notice is for the purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be recorded.	the action. Said notice shall contain the names of the parties and the object of the action or defense, and a description of the property in that province affected thereby. Only from the time of filing such notice for record shall a purchaser, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against the parties designated by their real names. The notice of *lis pendens* hereinabove mentioned may be cancelled only upon order of the court, after proper showing that the notice is for the purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be recorded.	
	RULE 14: SUMMONS		
Rule 14, Sec. 1	*Clerk to Issue Summons.* Upon the filing of the complaint and the payment of the requisite legal fees, the clerk of court shall forthwith issue the corresponding summons to the defendants.	*Clerk to Issue Summons.* **Unless the complaint is on its face dismissible under Section 1, Rule 9, the court shall, within five (5) calendar days from receipt of the initiatory pleading and proof of** payment of the requisite legal fees, **direct** the clerk of court ~~shall forthwith~~ **to** issue the corresponding summons to the defendants.	Under the amended Section 1, before issuance of summons, it appears that the court may dismiss the complaint outright if on the face of the complaint, it is shown that: (1) the court has no jurisdiction over the subject matter; (2) there is another action pending between the same parties for the same cause; (3) the action is barred by prior judgment; or (4) the action is barred by statute of limitations. Also, with the amendment, payment of legal fees is not enough as there must be proof thereof which must be submitted to court together with the initiatory pleading filed.

Rule 14, Sec. 2	*Contents.* The summons shall be directed to the defendant, signed by the clerk of court under seal, and contain: (a) the name of the court and the names of the parties to the action; (b) a direction that the defendant answer within the time fixed by these Rules; (c) a notice that unless the defendant so answers, plaintiff will take judgment by default and may be granted the relief applied for. A copy of the complaint and order for appointment of guardian *ad litem*, if any, shall be attached to the original and each copy of the summons.	*Contents.* The summons shall be directed to the defendant, signed by the clerk of court under seal, and contain: (a) the name of the court and the names of the parties to the action; **(b) When authorized by the court upon ex parte motion, an authorization for the plaintiff to serve summons to the defendant;** **(c)** a direction that the defendant answer within the time fixed by these Rules; **and** (d) a notice that unless the defendant so answers, plaintiff will take judgment by default and may be granted the relief applied for. A copy of the complaint and order for appointment of guardian *ad litem*, if any, shall be attached to the original and each copy of the summons.	Section 2 includes an additional provision, that the summons shall contain an authorization issued by the court upon plaintiff for the plaintiff to serve summons on defendant. The plaintiff my move ex-parte to be authorized to serve summons on defendant. This is a new insertion and allows the plaintiff, if authorized by the court, to effect service of summons.
Rule 14, Sec. 3	*By Whom Served.* The summons may be served by the sheriff, his deputy, or other proper court officer, or for justifiable reasons by any suitable person authorized by the court issuing the summons.	*By Whom Served*. The summons may be served by the sheriff, his **or her** deputy, or other proper court officer, **and in case of failure of service of summons by them, the court may authorize the plaintiff — to serve the summons — together with the sheriff.**	The plaintiff may thus move ex-parte to serve summons only when the sheriff, the sheriff's deputy or proper court officer fails to serve summons. The plaintiff will serve summons together with the sheriff, unless the service is to be done outside the judicial region of the court where the case is pending.

		In cases where summons is to be served outside the judicial region of the court where the case is pending, the plaintiff shall be authorized to cause the service of summons. **If the plaintiff is a juridical entity, it shall notify the court, in writing, and name its authorized representative therein, attaching a board resolution or secretary's certificate thereto, as the case may be, stating that such representative is duly authorized to serve the summons on behalf of the plaintiff.** **If the plaintiff misrepresents that the defendant was served summons, and it is later proved that no summons was served, the case shall be dismissed with prejudice, the proceedings shall be nullified, and the plaintiff shall be meted appropriate sanctions.** **If summons is returned without being served on any or all the defendants, the court shall order the plaintiff to cause the service of summons by other means available under the Rules.** **Failure to comply with the order shall cause the dismissal of the initiatory pleading without prejudice.**	In that case, there is no need of failure to serve by the sheriff. The sheriff's deputy or proper court before the plaintiff may be authorized to serve summons.
Rule 14, Sec. 4	See Section 5 and Section 4: *Issuance of Alias Summons.* If a summons is returned without being served on any or all of the defendants, the server shall also serve a copy of the return on the plaintiff's counsel, stating the reasons for the failure of service, within five (5) days therefrom. In such a case, or if the summons has been lost, the clerk,	***Validity of Summons and Issuance of Alias Summons.*** **Summons shall remain valid until duly served, unless it is recalled by the court. In case of loss or destruction of summons, the court may, upon motion, issue an *alias* summons.** **There is failure of service after unsuccessful attempts to personally serve the summons on**	With the amendment, it appears that if the summons is not served, the summons should be served by means of substituted service sanctioned by the rules, without the need of seeking alias summons since the amendment provides that the summons remains valid until duly served.

	on demand of the plaintiff, may issue an alias summons. The old Section 4 provides: *Return.* When the service has been completed, the server shall, within five (5) days therefrom, serve a copy of the return, personally or by registered mail, to the plaintiff's counsel, and shall return the summons to the clerk who issued it, accompanied by proof of service.	**the defendant in his or her address indicated in the complaint. Substituted service should be in the manner provided under Section 6 of this Rule.**	
Rule 14, Sec. 5	See Section 6: *Service in Person on Defendant.* Whenever practicable, the summons shall be served by handing a copy thereof to the defendant in person, or, if he refuses to receive and sign for it, by tendering it to him.	*Service in Person on Defendant.* Whenever practicable, the summons shall be served by handing a copy thereof to the defendant in person **and informing the defendant that he or she is being served, or, if he or she refuses to receive and sign for it, by leaving the summons within the view and in the presence of the defendant.**	The amendment is still the same as the original provision that states that it is done by tendering to the defendant. The amendment explains what tendering means or how it is done.
Rule 14, Sec. 6	See Section 7: *Substituted Service*. If, for justifiable causes, the defendant cannot be served within a reasonable time as provided in the preceding section, service may be effected (a) by leaving copies of the summons at the defendant's residence with some person of suitable age and discretion then residing therein, or (b) by leaving the copies at defendant's office or regular place of business with some competent person in charge thereof.	*Substituted Service*. If, for justifiable causes, the defendant cannot be served ~~within a reasonable time as provided in the preceding section~~ **personally after at least three (3) attempts on two (2) different dates,** service may be effect: (a) By leaving copies of the summons at the defendant's residence **to a person at least eighteen (18) years of age and of sufficient discretion** residing **therein**; (b) By leaving copies **of the summons** at the defendant's office or regular place of business with some competent person in charge thereof. **A competent person includes, but is not limited**	The amended rule requires service on those of legal age with sufficient discretion, residing therein.

		to, one who customarily receives correspondences for the defendant; **(c) By leaving copies of the summons, if refused entry upon making his or her authority and purpose known, with any of the officers of the homeowners' association or condominium corporation, or its chief security officer in charge of the community or the building where the defendant may be found; and** **(d) By sending an electronic mail to the defendant's electronic mail address, if allowed by the court.**	
Rule 14, Sec. 8	See Section 9: *Service Upon Prisoners.* When the defendant is a prisoner confined in a jail or institution, service shall be effected upon him by the officer having the management of such jail or institution who is deemed deputized as a special sheriff for said purpose.	*Service upon Prisoners.* When the defendant is a prisoner confined in a jail or institution, service shall be effected upon him **or her** by the officer having the management of such jail or institution who is deemed deputized as a **special sheriff for** said purpose. **The jail warden shall file a return within five (5) calendar days from service of summons to the defendant**.	The amended provision adds the obligation of the jail warden to file a return within 5 calendar days from service of summons on defendant.
Rule 14, Sec. 9		***Service Consistent with International Conventions.*** **Service may be made through methods which are consistent with established international conventions to which the Philippines is a party.**	
Rule 14, Sec. 10	*Service Upon Minors and Incompetents.* When the defendant is a minor, insane or otherwise an incompetent, service shall be made upon him personally and on his legal guardian if he has one, or if none, upon his guardian *ad litem* whose appointment shall be applied for by the	*Service upon Minors and Incompetents.* When the defendant is a minor, insane or otherwise an incompetent **person**, service **of summons** shall be made upon him **or her** personally and on his **or her** legal guardian if he **or she** has one, or if none, upon his **or her**	In case defendant is a minor, service shall be made upon the minor personally and on the guardian. So that guardian is either the parent or a court appointed guardian.

	plaintiff. In the case of a minor, service may also be made on his father or mother.	guardian *ad litem* whose appointment shall be applied for by the plaintiff. In the case of a minor, service **shall** be made on his **or her parent or guardian**.	
Rule 14, Sec. 11		***Service upon Spouses.*** **When spouses are sued jointly, service of summons should be made to each spouse individually.**	The amended Section 11 is a new insertion not present under the old rules. It provides that summons served on any of the spouses, if sued jointly, is not enough. Summons should be made to each spouses individually.
Rule 14, Sec. 12	See old Section 11: *Service Upon Domestic Private Juridical Entity.* When the defendant is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel.	*Service upon Domestic Private Juridical Entity.* When the defendant is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel **of the corporation wherever they may be found, or in their absence or unavailability, on their secretaries.** **If such service cannot be made upon any of the foregoing persons, it shall be made upon the person who customarily receives the correspondence for the defendant at its principal office.** **In case the domestic juridical entity is under receivership or liquidation, service of summons shall be made on the receiver or liquidator, as the case may be.** **Should there be a refusal on the part of the persons abovementioned to receive summons despite at least three (3) attempts on two (2) different dates, service may be made**	Service of summons may be done through electronic mail to the defendant's electronic mail address, with the court's permission. Service may also be made not only on the president, managing partner, general manager, corporate secretary, treasurer, or in house counsel of the said corporations, but also on their respective secretaries, in their absence or unavailability. If service cannot be made upon such secretary, it shall be made upon the person who "customarily receives correspondence for the defendant at its principal office." If there is a refusal on the aforementioned persons to receive the summons despite at least 3 attempts on 2 different dates, service may be made to the corporation via e-mail, if allowed by the court.

		electronically, if allowed by the court, as provided under Section 6 of this Rule.	
Rule 14, Sec. 13		***Duty of Counsel of Record.*** **Where the summons is improperly served and a lawyer makes a special appearance on behalf of the defendant to, among others, question the validity of service of summons, the counsel shall be deputized by the court to serve summons on his or her client.**	If a party, who claims that summon was not properly served on it, sends a lawyer to make a special appearance in its behalf to question the validity of the service of summons, the said counsel shall be deputized by the court to serve summons on his or her client. This will discourage the present practice wherein parties have their counsels enter special appearance for the sole purpose of challenging the validity of the service of summons, which often delays court proceedings.
Rule 14, Sec. 14	See Section 12: *Service Upon Foreign Private Juridical Entity.* When the defendant is a foreign private juridical entity which has transacted business in the Philippines, service may be made on its resident agent designated in accordance with law for that purpose, or, if there be no such agent, on the government official designated by law to that effect, or on any of its officers or agents within the Philippines. If the foreign private juridical entity is not registered in the Philippines or has no resident agent, service may, with leave of court, be effected out of the Philippines through any of the following means: (a) By personal service coursed through the appropriate court in the foreign country with the assistance of the Department of Foreign Affairs; (b) By publication once in a newspaper of general circulation in the country where the defendant may be found and by serving a copy of the summons and the court order by registered mail at the last known address of the defendant;	*Service upon Foreign Private Juridical Entities*. When the defendant is a foreign private juridical entity which has transacted **or is doing** business in the Philippines, **as defined by law**, service may be made on its resident agent designated in accordance with law for that purpose, or, if there be no such agent, on the government official designated by law to that effect, or on any of its officers or**,** agents, **directors or trustees** within the Philippines. **If the foreign private juridical entity is not registered in the Philippines, or has no resident agent but has transacted or is doing business in it, as defined by law, such service may, with leave of court, be effected outside of the Philippines through any of the following means:** **(a) By personal service coursed through the appropriate court in the foreign country with the assistance of the department of foreign affairs;** **(b) By publication once in a newspaper of general circulation in the country where the**	There is a revision on the coverage of the rule. It clarifies that it covers foreign judicial entities that transacted or is doing business in the Philippines as defined by law. Service of summons was also revised to add directors or trustees within the Philippines. The Revised Rules now make it clear that the rule on extraterritorial service of summons on foreign corporations not registered in the Philippines or without a resident agent, apply if such corporation "has transacted or is doing business in the Philippines".

	(c) By facsimile or any recognized electronic means that could generate proof of service; or (d) By such other means as the court may in its discretion direct (As amended by A.M. No. 11-3-6-SC, 15 March 2011)	**defendant may be found and by serving a copy of the summons and the court order by registered mail at the last known address of the defendant;** **(c) By facsimile** ~~or any recognized electronic means that could generate proof of service~~**;** **(d) By electronic means with the prescribed proof of service; or** **(e) By such other means as the court, in its discretion, may direct.**	
Rule 14, Sec. 15		*Service Upon Public Corporations.* When the defendant is the Republic of the Philippines, service may be effected on the Solicitor General; in case of a province, city or municipality, or like public corporations, service may be effected on its executive head, or on such other officer or officers as the law or the court may direct.	The former Section 13 was moved to Section 15
Rule 14, Sec. 16	See Section 14: *Service Upon Defendant Whose Identity or Whereabouts are Unknown.* In any action where the defendant is designated as an unknown owner, or the like, or whenever his whereabouts are unknown and cannot be ascertained by diligent inquiry, service may, by leave of court, be effected upon him by publication in a newspaper of general circulation and in such places and for such time as the court may order.	*Service upon Defendant Whose Identity or Whereabouts are Unknown*. In any action where the defendant is designated as an unknown owner, or the like, or whenever his **or her** whereabouts are unknown and cannot be ascertained by diligent inquiry, **within ninety (90) calendar days from the commencement of the action**, service may, by leave of court, be effected upon him or her by publication in a newspaper of general circulation and in such places and for such time as the court may order. **Any order granting such leave shall specify a reasonable time, which shall not be less than sixty (60) calendar days after notice, within which the defendant must answer.**	With the amendment, there is now a period of 90 calendar days from the commencement of action. Additionally, if leave is granted, the order should specify a reasonable time that is not less than 60 calendar days from notice within which the defendant must answer.

Rule 14, Sec. 17	See Section 15: *Extraterritorial Service.* When the defendant does not reside and is not found in the Philippines, and the action affects the personal status of the plaintiff or relates to, or the subject of which is, property within the Philippines, in which the defendant has or claims a lien or interest, actual or contingent, or in which the relief demanded consists, wholly or in part, in excluding the defendant from any interest therein, or the property of the defendant has been attached within the Philippines, service may, by leave of court, be effected out of the Philippines by personal service as under Section 6; or by publication in a newspaper of general circulation in such places and for such time as the court may order, in which case a copy of the summons and order of the court shall be sent by registered mail to the last known address of the defendant, or in any other manner the court may deem sufficient. Any order granting such leave shall specify a reasonable time, which shall not be less than sixty (60) days after notice, within which the defendant must answer.	*Extraterritorial Service.* When the defendant does not reside and is not found in the Philippines, and the action affects the personal status of the plaintiff or relates to, or the subject of which is, property within the Philippines, in which the defendant has or claims a lien or interest, actual or contingent, or in which the relief demanded consists, wholly or in part, in excluding the defendant from any interest therein, or the property of the defendant has been attached within the Philippines, service may, by leave of court, be effected out of the Philippines by personal service as under Section 6; **or as provided for in international conventions to which the Philippines is a party**; or by publication in a newspaper of general circulation in such places and for such time as the court may order, in which case a copy of the summons and order of the court shall be sent by registered mail to the last known address of the defendant, or in any other manner the court may deem sufficient. Any order granting such leave shall specify a reasonable time, which shall not be less than sixty (60) **calendar** days after notice, within which the defendant must answer.	The old and new provision are essentially the same except for the addition of service as provided for in international conventions to which the Philippines is a party and the 60-day period was changed to 60 calendar days.
Rule 14, Sec. 18		*Residents Temporarily Out of the Philippines.* When any action is commenced against a defendant who ordinarily resides within the Philippines, but who is temporarily out of it, service may, by leave of court, be also effected out of the Philippines, as under the preceding section.	The former Section 16 was moved to Section 18.

Rule 14, Sec. 19		*Leave of Court.* Any application to the court under this Rule for leave to effect service in any manner for which leave of court is necessary shall be made by motion in writing, supported by affidavit of the plaintiff or some person on his behalf, setting forth the grounds for the application.	The former Section 17 was moved to Section 19.
Rule 14, Sec. 20	See Section 4: *Return.* When the service has been completed, the server shall, within five (5) days therefrom, serve a copy of the return, personally or by registered mail, to the plaintiff's counsel, and shall return the summons to the clerk who issued it, accompanied by proof of service.	*Return.* **Within thirty (30) calendar days from issuance of summons by the clerk of court and receipt thereof, the sheriff or process server, or person authorized by the court, shall complete its service. Within five (5) calendar days from service of summons, the server shall file with the court and serve a copy of the return to the plaintiff's counsel, personally, by registered mail, or by electronic means authorized by the Rules.** **Should substituted service have been effected, the return shall state the following:** **(1) The impossibility of prompt personal service within a period of thirty (30) calendar days from issue and receipt of summons;** **(2) The date and time of the three (3) attempts on at least (2) two different dates to cause personal service and the details of the inquiries made to locate the defendant residing thereat; and** **(3) The name of the person at least eighteen (18) years of age and of sufficient discretion residing thereat, name of competent person in charge of the defendant's office or regular place of business, or name of the officer of the homeowners' association or condominium**	The amended Section 20 may be compared with the old Section 4, which deals with the same subject of return. Under the amended rule, it provides that the return shall be made within 5 calendar days by filing it with the court and serving on plaintiff's counsel. The amended rule also provides for guidelines on what the return should contain in case of substituted service.

		corporation or its chief security officer in charge of the community or building where the defendant may be found.	
Rule 14, Sec. 21	See Section 18: *Proof of Service.* The proof of service of a summons shall be made in writing by the server and shall set forth the manner, place, and date of service; shall specify any papers which have been served with the process and the name of the person who received the same; and shall be sworn to when made by a person other than a sheriff or his deputy.	*Proof of Service.* The proof of service of a summons shall be made in writing by the server and shall set forth the manner, place, and date of service; shall specify any papers which have been served with the process and the name of the person who received the same; and shall be sworn to when made by a person other than a sheriff or his **or her** deputy. **If summons was served by electronic mail, a printout of said e-mail, with a copy of the summons as served, and the affidavit of the person mailing, shall constitute as proof of service.**	The second paragraph is a new insertion. The proof of service by e-mail shall be a print out of the e-mail with a copy of the summons as served, and the affidavit of the person mailing.
Rule 14, Sec. 22	See Section 19: *Proof of Service by Publication.* If the service has been made by publication, service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the defendant by registered mail to his last known address.	*Proof of Service by Publication.* If the service has been made by publication, service may be proved by the affidavit of the **publisher**, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached and by an affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the defendant by registered mail to his **or her** last known address.	The amended provision changed printer to publisher, and deleted “the foreman or principal clerk: from those who may execute the affidavit.

Rule 14, Sec. 23	See Section 20: *Voluntary Appearance.* The defendant's voluntary appearance in the action shall be equivalent to service of summons. The inclusion in a motion to dismiss of other grounds aside from lack of jurisdiction over the person of the defendant shall not be deemed a voluntary appearance.	*Voluntary Appearance.* The defendant's voluntary appearance in the action shall be equivalent to service of summons. The inclusion in a motion to dismiss of other grounds aside from lack of jurisdiction over the person of the defendant **shall be deemed** a voluntary appearance.	With the amendment, raising the ground of lack of jurisdiction together with other grounds shall be deemed as voluntary appearance. Thus, to effectively assail jurisdiction, the defendant must only raise the ground of lack of jurisdiction. If he raises other grounds, he is deemed to have submitted his person to the jurisdiction of the court. This rule is now consistent with the rule on motion to quash information for lack of jurisdiction over the person of accused. This provision should be read with Section 13, which provides that if the defendant assails jurisdiction over his person (and in doing so he should not raise other grounds), his lawyer may be deputized by the court to effect service of summons on him.
	RULE 15: MOTIONS		
Rule 15, Sec. 2	*Motions Must Be in Writing.* All motions shall be in writing except those made in open court or in the course of a hearing or trial.	*Motions Must be in Writing.* All motions shall be in writing except those made in open court or in the course of a hearing or trial. **A motion made in open court or in the course of a hearing or trial should immediately be resolved in open court, after the adverse party is given the opportunity to argue his or her opposition thereto.** **When a motion is based on facts not appearing on record, the court may hear the matter on affidavits or depositions presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions.**	The second and third paragraphs under the amended rule are new insertions.

Rule 15, Sec. 4	*Hearing of Motion.* Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.	***Non-Litigious Motions*.** **Motions which the court may act upon without prejudicing the rights of adverse parties are non-litigious motions. These motions include:** **a) Motion for the issuance of an *alias* summons;** **b) Motion for extension to file answer;** **c) Motion for postponement;** **d) Motion for the issuance of a writ of execution;** **e) Motion for the issuance of an *alias* writ of execution;** **f) Motion for the issuance of a writ of possession;** **g) Motion for the issuance of an order directing the sheriff to execute the final certificate of sale; and** **h) Other similar motions.** **These motions shall not be set for hearing and shall be resolved by the court within five (5) calendar days from receipt thereof.**	Prior to the amendment, all motions that the court cannot act on without prejudicing the rights of the adverse party must be set for hearing. Non-litigious motions are resolved by the court within 5 calendar days from receipt, without having to wait for the other party's comment or opposition. The other party is not even given a period to file any comment or opposition.
Rule 15, Sec. 5		***Litigious Motions*.** **(a) Litigious motions include:** **1) Motion for bill of particulars;** **2) Motion to dismiss;** **3) Motion for new trial;** **4) Motion for reconsideration;** **5) Motion for execution pending appeal;** **6) Motion to amend after a responsive pleading has been filed;** **7) Motion to cancel statutory lien;** **8) Motion for an order to break in or for a writ of demolition;** **9) Motion for intervention;** **10) Motion for judgment on the pleadings;** **11) Motion for summary judgment;** **12) Demurrer to evidence;**	Litigious motions, on the other hand, are no longer to be set for hearing by the moving party, unlike how it is done at present. It is up to the court if it considers a hearing necessary. The other party should file an opposition to the litigious motion within 5 calendar days from receipt thereof, without waiting for the court to order it to do so. No other submissions shall be considered by the court.

		13) Motion to declare defendant in default; and **14) Other similar motions.** **(b) All motions shall be served by personal service, accredited private courier or registered mail, or electronic means so as to ensure their receipt by the other party.** **(c) The opposing party shall file his or her opposition to a litigious motion within five (5) calendar days from receipt thereof. No other submissions shall be considered by the court in the resolution of the motion.** **The motion shall be resolved by the court within fifteen (15) calendar days from its receipt of the opposition thereto, or upon expiration of the period to file such opposition.**	
Rule 15, Sec. 6	See Section 5: *Notice of Hearing.* The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.	***Notice of Hearing on Litigious Motions; Discretionary.*** **The court may, in the exercise of its discretion, and if deemed necessary for its resolution, call a hearing on the motion.** The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing.	
Rule 15, Sec. 7	See Section 6: *Proof of Service Necessary.* No written motion set for hearing shall be acted upon by the court without proof of service thereof.	*Proof of Service Necessary.* No written motion ~~set for hearing~~ **shall be acted upon** by the court without proof of service thereof, **pursuant to Section 5 (b) hereof.**	

Rule 15, Sec. 8	See Section 7: *Motion Day.* Except for motions requiring immediate action, all motions shall be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next working day.	*Motion Day.* Except for motions requiring immediate action, **where the court decides to conduct hearing on a litigious motion,** the same shall be set on a Friday.	With the amended Section 8, the motion day, in instances where the court decides to conduct hearing on a litigious motion, will only be set on Fridays, unless there are motions that require immediate action.
Rule 15, Sec. 9	See Section 8: *Omnibus Motion.* Subject to the provisions of Section 1 of Rule 9, a motion attacking a pleading, order, judgment, or proceeding shall include all objections then available, and all objections not so included shall be deemed waived.	*Omnibus Motion.* Subject to the provisions of Section 1 of Rule 9, a motion attacking a pleading, order, judgment, or proceeding shall include all objections then available, and all objections not so included shall be deemed waived.	The new Section 9 may be compared with the old Section 8, which deals with the same subject matter of Omnibus Motion.
Rule 15, Sec. 10	See Section 9: *Motion for Leave.* A motion for leave to file a pleading or motion shall be accompanied by the pleading or motion sought to be admitted.	*Motion for Leave.* A motion for leave to file a pleading or motion shall be accompanied by the pleading or motion sought to be admitted.	The old Section 9 and the new Section 10 on Motion for leave are exactly the same.
Rule 15, Sec. 11	See Section 10: *Form.* The Rules applicable to pleadings shall apply to written motions so far as concerns caption, designation, signature, and other matters of form.	*Form.* The Rules applicable to pleadings shall apply to written motions so far as concerns caption, designation, signature, and other matters of form.	Section 10 under the old rule and the new Section 11 both dealing with Form are exactly the same.
Rule 15, Sec. 12	There is no Section 12 under the old rule.	***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;**	This is a new insertion. There was no provision on prohibited motions under the old rules. The amended rules provide that a motion to dismiss shall not be allowed except only for the non-waivable grounds under Section 1, Rule 9.

		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. If the motion is granted based on such exceptions, the moving party shall be warned that the presentation of its evidence must still be terminated on the dates previously agreed upon.** **A motion for postponement, whether written or oral, shall, at all times, be accompanied by the original official receipt from the office of the clerk of court evidencing payment of the postponement fee under Section 21 (b), Rule 141, to be submitted either at the time of the filing of said motion or not later than the next hearing date.**	It appears that the other grounds for motion to dismiss previously under Rule 16 may no longer be availed of. Thus, the court may dismiss the case *motu proprio* on grounds under Section 1, Rule 9, or a motion to dismiss will be filed therefor, anytime, but it will not toll the period to file an Answer.

		The clerk of court shall not accept the motion unless accompanied by the original receipt.	
Rule 15, Sec. 13	The new Section 13 may be compared with the old (now deleted) Section 5 Rule 16, which provides: *Effect of Dismissal.* Subject to the right to appeal, an order granting a motion to dismiss based on paragraphs (f), (h) and (i) of Section 1 hereof shall bar the refiling of the same action or claim.	***Dismissal with Prejudice*.** Subject to the right of appeal, an order granting a motion to dismiss **or an affirmative defense that the cause of action is barred by a prior judgment or by the statute of limitations; that the claim or demand set forth in the plaintiff's pleading has been paid, waived, abandoned or otherwise extinguished; or that the claim on which the action is founded is unenforceable under the provisions of the statute of frauds, shall bar the refiling of the same action or claim**.	These grounds that cause dismissal with prejudice under the old rule are the same as the amended rule. Nevertheless, any other grounds for dismissal available under the present rules must, under the Revised Rules, be pleaded as an affirmative defense in the Answer which the court will have to resolve within 30 calendar days. If a Motion to Dismiss is allowed, the same shall be resolved within 15 calendar days from the court's receipt of the opposition or upon expiration of the period within which to file such opposition (i.e., 5 calendar days from receipt of the Motion to Dismiss). While the Revised Rules generally prohibit a Motion to Dismiss, the changes will have a positive effect as they will expedite the resolution of the issue of whether the complaint should be dismissed.
RULE 16: MOTION TO DISMISS			
Rule 16	Motion to Dismiss	Provisions either deleted or transposed.	
RULE 18: PRE-TRIAL			
Rule 18, Sec. 1	*When Conducted*. After the last pleading has been served and filed, it shall be the duty of the plaintiff to promptly move ex parte that the case be set for pretrial.	*When Conducted*. After the last **responsive** pleading has been served and filed, **the branch clerk of court shall issue, within five (5) calendar days from filing, a notice of pre-trial which shall be set not later than sixty (60) calendar days from the filing of the last responsive pleading.**	The amendment qualifies the last pleading filed as the last responsive pleading filed. Without the need for plaintiff to move ex parte, the clerk of court should issue the notice of pre-trial within 5 calendar days from filing of the last responsive pleading, which shall set the pre-trial not later than 60 calendar days from said filing. With the amendment, there is no need for the plaintiff to file or the clerk of court to await the lapse

			of the period to file an ex-parte motion to set case for pretrial, before a notice of pre trial shall be issued.
Rule 18, Sec. 2	*Nature and Purpose.* The pre-trial is mandatory. The court shall consider: (a) The possibility of an amicable settlement or of a submission to alternative modes of dispute resolution; (b) The simplification of the issues; (c) The necessity or desirability of amendments to the pleadings; (d) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof; (e) The limitation of the number of witnesses; (f) The advisability of a preliminary reference of issues to a commissioner; (g) The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground therefor be found to exist; (h) The advisability or necessity of suspending the proceedings; (i) Such other matters as may aid in the prompt disposition of the action.	*Nature and Purpose.* The pre-trial is mandatory **and should be terminated promptly.** (a) The possibility of an amicable settlement or of a submission to alternative modes of dispute resolution; (b) The simplification of the issues; ~~(c) The necessity or desirability of amendments to the pleadings;~~ **(c)** The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof; **(d)** The limitation of the number **and identification** of witnesses **and the setting of trial dates**; **(e)** The advisability of a preliminary reference of issues to a commissioner; **(f)** The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground therefor be found to exist; ~~(h) The advisability or necessity of suspending the proceedings;~~ **(g) The requirement for the parties to:**	The amended rules adds that the pre-trial should be terminated promptly. With the amendment, it is not enough to state the number of witnesses. The witness must be identified, and the trial dates must be set. Marking of evidence, stipulations and comparisons with originals, are to be done during the pre-trial hearing under the Revised Rules. There is a judicial admission of the genuineness and due execution and faithful reproduction of the evidence of the other party if both the party and counsel fail to appear the pre-trial despite due notice. During the pre-trial, the evidence if not marked in the judicial affidavits shall be marked. All evidence that were not brought during pre-trial, if done without just cause, shall be a waiver of presentation of the same.

		1. Mark their respective evidence if not yet marked in the judicial affidavits of their witnesses; **2. Examine and make comparisons of the adverse parties' evidence *vis-a-vis* the copies to be marked;** **3. Manifest for the record stipulations regarding the faithfulness of the reproductions and the genuineness and due execution of the adverse parties' evidence;** **4. Reserve evidence not available at the pre-trial, but only in the following manner:** **i. For testimonial evidence, by giving the name or position and the nature of the testimony of the proposed witness;** **ii. For documentary evidence and other object evidence, by giving a particular description of the evidence.** **No reservation shall be allowed if not made in the manner described above** (h) Such other matters as may aid in the prompt disposition of the action **The failure without just cause of a party and counsel to appear during pre-trial, despite notice, shall result in a waiver of any objections to the faithfulness of the reproductions marked, or their genuineness and due execution.** **The failure without just cause of a party and/or counsel to bring the evidence required shall be deemed a waiver of the presentation of such evidence.** **The branch clerk of court shall prepare the minutes of the pretrial, which shall have the following format: (See prescribed form)**	

Rule 18, Sec. 3	*Notice of Pre-Trial.* The notice of pre-trial shall be served on counsel, or on the party who has no counsel. The counsel served with such notice is charged with the duty of notifying the party represented by him.	*Notice of Pre-Trial.* **The notice of pre-trial shall include the dates respectively set for:** **(a) Pre-trial;** **(b) Court-Annexed Mediation; and** **(c) Judicial Dispute Resolution, if necessary.** The notice of pre-trial shall be served on counsel, or on the party if he **or she** has no counsel. The counsel served with such notice is charged with the duty of notifying the party represented by him **or her**. **Non-appearance at any of the foregoing settings shall be deemed as non-appearance at the pre-trial and shall merit the same sanctions under Section 5 hereof.**	The Pre-Trial Order will contain tentative schedules for CAM and JDR. As per Section 9, JDR is no longer mandatory but just discretionary if the court finds that settlement is still possible.
Rule 18, Sec. 4	*Appearance of Parties.* It shall be the duty of the parties and their counsel to appear at the pre-trial. The non-appearance of a party may be excused only if a valid cause is shown therefor or if a representative shall appear in his behalf fully authorized in writing to enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and of documents.	*Appearance of Parties.* It shall be the duty of the parties and their counsel to appear at the pretrial, **court-annexed mediation, and judicial dispute resolution, if necessary.** The nonappearance of a party and counsel may be excused only **for acts of God, force majeure, or duly substantiated physical inability.** A representative **may** appear **on** behalf **of a party, but must b**e fully authorized in writing to enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and documents.	Section 4 as amended categorically states that it is the duty of the parties and their counsel to appear at the CAM, JDR (if necessary) and pre-trial, and limits the instances where non-appearance is excused.
Rule 18, Sec. 5	*Effect of Failure to Appear.* The failure of the plaintiff to appear when so required pursuant to the next preceding section shall be cause for dismissal of the action. The	*Effect of Failure to Appear.* **When duly notified,** the failure of the plaintiff **and counsel** to appear **without valid cause** when so required, pursuant to the next preceding	The amended Section 5 includes the counsel of plaintiff and the defendant. For the sanctions to apply, there must be due notice and failure to appear without valid cause.

	dismissal shall be with prejudice, unless otherwise ordered by the court. A similar failure on the part of the defendant shall be cause to allow the plaintiff to present his evidence ex parte and the court to render judgment on the basis thereof.	Section, shall cause the dismissal of the action. The dismissal shall be with prejudice, unless otherwise ordered by the court. A similar failure on the part of the defendant **and counsel** shall be cause to allow the plaintiff to present his **or her** evidence ex parte **within ten (10) calendar days from termination of the pre-trial**, and the court to render judgment on the basis **of the evidence offered**.	The amended rule also now sets a period within which the ex parte presentation of evidence shall be set.
Rule 18, Sec. 6	*Pre-Trial Brief.* The parties shall file with the court and serve on the adverse party, in such manner as shall ensure their receipt thereof at least three (3) days before the date of the pre-trial, their respective pre-trial briefs which shall contain, among others: (a) A statement of their willingness to enter into amicable settlement or alternative modes of dispute resolution, indicating the desired terms thereof; (b) A summary of admitted facts and proposed stipulation of facts; (c) The issues to be tried or resolved; (d) The documents or exhibits to be presented, stating the purpose thereof; (e) A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and (f) The number and names of the witnesses, and the substance of their respective testimonies. Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.	*Pre-Trial Brief.* The parties shall file with the court and serve on the adverse party, in such manner as shall ensure their receipt thereof at least three (3) calendar days before the date of the pre-trial, their respective pre-trial briefs which shall contain, among others: ~~(a) A statement of their willingness to enter into amicable settlement or alternative modes of dispute resolution, indicating the desired terms thereof;~~ **(a) A concise statement of the case and the reliefs prayed for;** **(b)** A summary of admitted facts and proposed stipulation of facts; (c) **The main factual and legal** issues to be tried or resolved; **(d) The propriety of** referral **of factual issues** to commissioners**;** ~~(e) A manifestation of their having availed or their intention to avail themselves of discovery procedures;~~ **(e)** The documents or **other object evidence to be marked,** stating the purpose thereof; (f) ~~The number~~ and names of the witnesses, and the summary of their respective testimonies; and **(g) A brief statement of points of law and citation of authorities.**	The amended rule removes and adds to the requirements in the Pre-Trial Brief.

		Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.	
Rule 18, Sec. 7	*Record of Pre-Trial.* The proceedings in the pre-trial shall be recorded. Upon the termination thereof, the court shall issue an order which shall recite in detail the matters taken up in the conference, the action taken thereon, the amendments allowed to the pleadings, and the agreements or admissions made by the parties as to any of the matters considered. Should the action proceed to trial, the order shall explicitly define and limit the issues to be tried. The contents of the order shall control the subsequent course of the action, unless modified before trial to prevent manifest injustice.	*Pre-Trial Order.* **Upon termination of the pre-trial, the court shall issue an order within ten (10) calendar days** which shall recite in detail the matters taken up. **The order shall include:** **(a) An enumeration of the admitted facts;** **(b) The minutes of the pre-trial conference;** **(c) The legal and factual issue/s to be tried;** **(d) The applicable law, rules, and jurisprudence;** **(e) The evidence marked;** **(f) The specific trial dates for continuous trial, which shall be within the period provided by the Rules;** **(g) The case flowchart to be determined by the court, which shall contain the different stages of the proceedings up to the promulgation of the decision and the use of time frames for each stage in setting the trial dates;** **(h) A statement that the one-day examination of witness rule and most important witness rule under A.M. No. 03-1-09- SC (Guidelines for Pre-Trial) shall be strictly followed; and** **(i) A statement that the court shall render judgment on the pleadings or summary judgment, as the case may be.** **The direct testimony of witnesses for the plaintiff shall be in the form of judicial affidavits. After the identification of such affidavits, cross-examination shall proceed immediately.** **Postponement of presentation of the parties' witnesses at a scheduled date is prohibited,**	The amended rule provides a period within which the court shall issue the pre-trial order (10 calendar days). The amended rule is more specific as to what shall be contained in the pre-trial order, which even includes the applicable law, rules and jurisprudence. Should the opposing party fail to appear without valid cause, the witnesses' testimony will be admitted and even if there is no cross-examination, it is deemed as admissible and not hearsay as the right to cross-examine is deemed waived.

		except if it is based on acts of God, force majeure or duly substantiated physical inability of the witness to appear and testify. The party who caused the postponement is warned that the presentation of its evidence must still be terminated within the remaining dates previously agreed upon. **Should the opposing party fail to appear without valid cause stated in the next preceding paragraph, the presentation of the scheduled witness will proceed with the absent party being deemed to have waived the right to interpose objection and conduct cross-examination.** **The contents of the pre-trial order shall control the subsequent proceedings, unless modified before trial to prevent manifest injustice.**	
Rule 18, Sec. 8	There is no Section 8 under the old Rule.	***Court-Annexed Mediation.*** **After pre-trial and, after issues are joined, the court shall refer the parties for mandatory court-annexed mediation.** **The period for court-annexed mediation shall not exceed thirty (30) calendar days without further extension.**	Under the amended rule, it makes clear that pre-trial proper shall first proceed. Once the court refers the parties to CAM, it should be finished within a non-extendible period of 30 calendar days. If CAM fails, the court will determine if JDR is still necessary.
Rule 18, Sec. 9	There is no Section 9 under the old Rule.	***Judicial Dispute Resolution.*** **Only if the judge of the court to which the case was originally raffled is convinced that settlement is still possible, the case may be referred to another court for judicial dispute resolution. The judicial dispute resolution shall be conducted within a non-extendible**	JDR is to be conducted within a non-extendible 15 calendar days. If JDR fails, the case will be returned to the court where the case originated, for trial as scheduled in the Pre-Trial Order.

		period of fifteen (15) calendar days from notice of failure of the court-annexed mediation. **If judicial dispute resolution fails, trial before the original court shall proceed on the dates agreed upon.** **All proceedings during the court-annexed mediation and the judicial dispute resolution shall be confidential.**	
Rule 18, Sec. 10	There is no Section 10 under the old Rule.	***Judgment after Pre-Trial.*** **Should there be no more controverted facts, or no more genuine issue as to any material fact, or an absence of any issue, or should the answer fail to tender an issue, the court shall, without prejudice to a party moving for judgment on the pleadings under Rule 34 or summary judgment under Rule 35, *motu proprio* include in the pre-trial order that the case be submitted for summary judgment or judgment on the pleadings, without need of position papers or memoranda. In such cases, judgment shall be rendered within ninety (90) calendar days from termination of the pre trial.** **The order of the court to submit the case for judgment pursuant to this Rule shall not be the subject to appeal or certiorari.**	The court can, under the Revised Rules, make its own determination as to whether or not to render judgment on the pleadings or summary judgment (and thereby dispense with further trial). In such cases, judgment shall be rendered within 90 calendar days from termination of the pre-trial. A party is not allowed to appeal the court's determination to the Court of Appeals. If there is later on judgment on the case, then it will just be assailed by appeal as it will effectively be a judgment on the merits. This is without prejudice to a party moving for judgment on the pleadings or summary judgment.

RULE 21: SUBPOENA			
Rule 21, Sec. 6	*Service.* Service of a subpoena shall be made in the same manner as personal or substituted service of summons. The original shall be exhibited and a copy thereof delivered to the person on whom it is served, tendering to him the fees for one day's attendance and the kilometrage allowed by these Rules, except that, when a subpoena is issued by or on behalf of the Republic of the Philippines or an officer or agency thereof, the tender need not be made. The service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance. If the subpoena is *duces tecum*, the reasonable cost of producing the books, documents or things demanded shall also be tendered.	*Service.* Service of a subpoena shall be made in the same manner as personal or substituted service of summons. The original shall be exhibited and a copy thereof delivered to the person on whom it is served, ~~tendering to him the fees for one day's attendance and the kilometrage allowed by these Rules, except that, when a subpoena is issued by or on behalf of the Republic of the Philippines or an officer or agency thereof, the tender need not be made.~~ The service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance. ~~If the subpoena is *duces tecum*, the reasonable cost of producing the books, documents or things demanded shall also be tendered~~. **Costs for court attendance and the production of documents and other materials subject of the subpoena shall be tendered or charged accordingly.**	In lieu of the deleted provisions, the amended rule provides that the costs for court attendance and production of documents and other materials subject of subpoena shall be tendered or charged accordingly, which is essentially the same as the deleted provisions.
RULE 23: DEPOSITIONS PENDING ACTION			
Rule 23, Sec. 1	*Depositions Pending Action, When May Be Taken.* By leave of court after jurisdiction has been obtained over any defendant or over property which is the subject of the action, or without such leave after an answer has been served, the testimony of any person, whether a party or not, may be taken, at the instance of any party, by deposition upon oral examination or written interrogatories. The attendance of witnesses may be compelled by the use of a subpoena as	*Depositions Pending Action, When May be Taken* ~~By leave of court after jurisdiction has been obtained over any defendant or over property which is the subject of the action, or without such leave after an answer has been served~~, **Upon ex parte motion of a party**, the testimony of any person, whether a party or not, may be ~~taken, at the instance of any party~~, by deposition upon oral examination or written interrogatories. The attendance of witnesses may be compelled by the use of a subpoena as provided in Rule 21.	The amended rule simplifies the old rule.

	provided in Rule 21. Depositions shall be taken only in accordance with these Rules. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.	Depositions shall be taken only in accordance with these Rules. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.	
Rule 23, Sec. 16	*Orders for the Protection of Parties and Deponents.* After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.	*Orders for the Protection of Parties and Deponents.* After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and for good cause shown, the court in which the action is pending may make **the following orders:** (a) That the deposition shall not be taken; (b) That the deposition may be taken only at some designated place other than that stated in the notice; (c) That the deposition may be taken only on written interrogatories; (d) That certain matters shall not be inquired into; (e) That the scope of the examination shall be held with no one present except the parties to the action and their officers or counsel; (f) That after being sealed the deposition shall be opened only by order of the court; (g) That secret processes, developments, or research need not be disclosed; or (h) That the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court. The court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.	Same as old rule, but reformatted

RULE 25: INTERROGATORIES TO PARTIES			
Rule 25, Sec. 1	*Interrogatories to Parties; Service Thereof.* Under the same conditions specified in Section 1 of Rule 23, any party desiring to elicit material and relevant facts from any adverse parties shall file and serve upon the latter written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer thereof competent to testify in its behalf.	*Interrogatories to Parties; Service Thereof.* ~~Under the same conditions specified in Section 1 of Rule 23~~, **Upon ex parte motion**, any party desiring to elicit material and relevant facts from any adverse parties shall file and serve upon the latter written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer thereof competent to testify in its behalf.	The old Section 1, Rule 25 referred to Section 1, Rule 23. With the amendment of Section 1, Rule 23, which deleted the provision on taking deposition with leave of court after jurisdiction has been obtained over any defendant or over property which is the subject of the action, or without such leave after an answer has been served, written interrogatories may now be availed of upon ex parte motion of any party.
RULE 30: TRIAL			
Rule 30, Sec. 1	*Notice of Trial.* Upon entry of a case in the trial calendar, the clerk shall notify the parties of the date of its trial in such manner as shall ensure his receipt of that notice at least five (5) days before such date.	***Schedule of Trial.*** **The parties shall strictly observe the scheduled hearings as agreed upon and set forth in the pretrial order.** **(a) The schedule of the trial dates, for both plaintiff and defendant, shall be continuous and within the following periods:** **i. The initial presentation of plaintiff's evidence shall be set not later than thirty (30) calendar days after the termination of the pre-trial conference. Plaintiff shall be allowed to present its evidence within a period of three (3) months or ninety (90) calendar days which shall include the date of the judicial dispute resolution, if necessary;** **ii. The initial presentation of defendant's evidence shall be set not later than thirty (30) calendar days after the court's ruling on plaintiff's formal offer of evidence. The**	This provision, as amended, should be read in relation to Section 7, Rule 18, which provides that the pretrial order shall contain the case flowchart, or the different stages of the proceedings up to the promulgation as well as the specific dates for continuous trial which shall be within the period provided by the rules. The schedule in the pre-trial order operates as notice, and hence, the deletion of the old Section 1 on Notice of Trial. The schedule must be followed and even if there will be postponements for exceptional causes, the schedule will still be followed and the period to present will not be adjusted or extended in favor of the party who sought postponement, as provided under Section 2(f) of Rule 15.

		defendant shall be allowed to present its evidence within a period of three (3) months or ninety (90) calendar days; **iii. The period for the presentation of evidence on the third (fourth, etc.)-party claim, counterclaim or crossclaim shall be determined by the court, the total of which shall in no case exceed ninety (90) calendar days; and** **iv. If deemed necessary, the court shall set the presentation of the parties' respective rebuttal evidence, which shall be completed within a period of thirty (30) calendar days.** **(b) The trial dates may be shortened depending on the number of witnesses to be presented, provided that the presentation of evidence of all parties shall be terminated within a period of ten (10) months or three hundred (300) calendar days. If there are no third (fourth, etc.)-party claim, counterclaim or crossclaim, the presentation of evidence shall be terminated within a period of six (6) months or one hundred eighty (180) calendar days.** **(c) The court shall decide and serve copies of its decision to the parties within a period not exceeding ninety (90) calendar days from the submission of the case for resolution, with or without memoranda**	
Rule 30, Sec. 2	*Adjournments and Postponements.* A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all,	*Adjournments and Postponements*. A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all,	The presentation of its evidence must still be terminated on the remaining dates previously agreed upon. There will be no extension.

	except when authorized in writing by the Court Administrator, Supreme Court.	except when authorized in writing by the Court Administrator, Supreme Court. **The party who caused the postponement is warned that the presentation of its evidence must still be terminated on the remaining dates previously agreed upon.**	
Rule 30, Sec. 3	[deleted]: *Requisites of Motion to Postpone Trial for Absence of Evidence.* A motion to postpone a trial on the ground of absence of evidence can be granted only upon affidavit showing the materiality or relevancy of such evidence, and that due diligence has been used. See Section 4: *Requisites of Motion to Postpone Trial for Illness of Party or Counsel.* A motion to postpone a trial on the ground of illness of a party or counsel may be granted if it appears upon affidavit or sworn certification that the presence of such party or counsel at the trial is indispensable and that the character of his illness is such as to render his nonattendance excusable.	*Requisites of Motion to Postpone Trial for Illness of Party or Counsel.* A motion to postpone a trial on the ground of illness of a party or counsel may be granted if it appears upon affidavit or sworn certification that the presence of such party or counsel at the trial is indispensable and that the character of his **or her** illness is such as to render his or her nonattendance excusable.	The old Section 3 was deleted because absence of evidence cannot anymore be used as basis for postponement.
Rule 30, Sec. 4		***Hearing Days and Calendar Call.*** **Trial shall be held from Monday to Thursday, and courts shall call the cases at exactly 8:30 a.m. and 2:00 p.m., pursuant to Administrative Circular No. 3-99. Hearing on**	Section 4 is a new insertion. It provides the days and time when trial and motion hearings, when applicable, shall be held.

		motions shall be held on Fridays, pursuant to Section 8, Rule 15. **All courts shall ensure the posting of their court calendars outside their courtrooms at least one (1) day before the scheduled hearings, pursuant to OCA Circular No. 250-2015.**	
Rule 30, Sec. 6		***Oral Offer of Exhibits.*** **The offer of evidence, the comment or objection thereto, and the court ruling shall be made orally in accordance with Sections 34 to 40 of Rule 132**.	The new Section 6 is a new insertion. After presentation of evidence, the offer of exhibits shall be made orally and thereupon, the objections thereto shall be made and the court shall also orally rule on the same.
Rule 30, Sec. 7	See Section 6: *Agreed Statement of Facts.* The parties to any action may agree, in writing, upon the facts involved in the litigation, and submit the case for judgment on the facts agreed upon, without the introduction of evidence. [deleted: Section 7] *Statement of Judge.* During the hearing or trial of a case any statement made by the judge with reference to the case, or to any of the parties, witnesses or counsel, shall be made of record in the stenographic notes.	*Agreed Statement of Facts.* The parties to any action may agree, in writing, upon the facts involved in the litigation, and submit the case for judgment on the facts agreed upon, without the introduction of evidence. If the parties agree only on some of the facts in issue, the trial shall be held as to the disputed facts in such order as the court shall prescribe.	The new Section 7 may be compared with the old Section 6. The old Section 7 on Statement of Judge was deleted.

RULE 33: DEMURRER TO EVIDENCE			
Rule 33, Sec. 2	There is no Section 2 under the old rule.	***Action on Demurrer to Evidence.*** **A demurrer to evidence shall be subject to the provisions of Rule 15.** **The order denying the demurrer to evidence shall not be subject of an appeal or petition for certiorari, prohibition or mandamus before judgment.**	The action on the demurrer to evidence makes reference to Rule 15, which means that the motion for demurrer to evidence is an allowable and litigious motion. There must be proof of service on the other party, who has 5 calendar days from notice thereof to file an opposition, after which, the court shall resolve the motion within 15 calendar days from receipt of the opposition. The new provision also adds that the order denying the demurrer to evidence shall not be subject of an appeal or petition for certiorari, prohibition or mandamus before judgment. The remedy is to proceed to trial, and if the party who filed demurrer to evidence loses, then to appeal and include in the errors raised on appeal the denial of the demurrer to evidence. The provision speaks only of denial, because if the demurrer is granted, then that is a judgment on the merits and the proper remedy would be an appeal.
RULE 34: JUDGMENT ON THE PLEADINGS			
Rule 34, Sec. 2	There is no Section 2 under the old rule.	***Action on Motion for Judgment on the Pleadings.*** **The court may *motu proprio* or on motion render judgment on the pleadings if it is apparent that the answer fails to tender an issue, or otherwise admits the material allegations of the adverse party's pleadings. Otherwise, the motion shall be subject to the provisions of Rule 15 of these Rules.**	This Section 2 is a new insertion. It provides that the court may render judgment on the pleadings *motu proprio*, which can also be found in Rule 18, Sec. 10.

		Any action of the court on a motion for judgment on the pleadings shall not be subject of an appeal or petition for certiorari, prohibition or mandamus.	
RULE 35: SUMMARY JUDGMENTS			
Rule 35, Sec. 3	*Motion and Proceedings Thereon.* The motion shall be served at least ten (10) days before the time specified for the hearing. The adverse party may serve opposing affidavits, depositions, or admissions at least three (3) days before the hearing. After the hearing, the judgment sought shall be rendered forthwith if the pleadings, supporting affidavits, depositions, and admissions on file, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.	*Motion and Proceedings Thereon.* ~~The motion shall be served at least ten (10) days before the time specified for the hearing. The adverse party may serve opposing affidavits, depositions, or admissions at least three (3) days before the hearing. After the hearing~~, **The motion shall cite the supporting affidavits, depositions or admissions, and the specific law relied upon. The adverse party may file a comment and serve opposing affidavits, depositions, or admissions within a non-extendible period of five (5) calendar days from receipt of the motion. Unless the court orders the conduct of a hearing**, judgment sought shall be rendered forthwith if the pleadings, supporting affidavits, depositions and admissions on file, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. **Any action of the court on a motion for summary judgment shall not be subject of an appeal or petition for certiorari, prohibition or mandamus.**	The new provision deleted the provision that the motion shall be served at least ten (10) days before the time specified for the hearing. The adverse party may serve opposing affidavits, depositions, or admissions at least three (3) days before the hearing. The new provision also adds that the order denying or granting the motion shall not be subject of an appeal or petition for certiorari, prohibition or mandamus before judgment. The remedy is to proceed to trial, and if the party who filed motion for summary judgment loses, then to appeal and include in the errors raised on appeal the denial of the said motion.

Rule 35, Sec. 4	*Case Not Fully Adjudicated on Motion.* If on motion under this Rule, judgment is not rendered upon the whole case or for all the reliefs sought and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel shall ascertain what material facts exist without substantial controversy and what are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. The facts so specified shall be deemed established, and the trial shall be conducted on the controverted facts accordingly.	*Case Not Fully Adjudicated on Motion.* If on motion under this Rule, judgment is not rendered upon the whole case or for all the reliefs sought and a trial is necessary, the court at the hearing of the motion **may**, by examining the pleadings and the evidence before it and by interrogating counsel, ascertain what material facts exist without substantial controversy, **including the extent to which the amount of damages or other relief is not in controversy, and direct such further proceedings in the action as are just.** The facts so **ascertained** shall be deemed established, and the trial shall be conducted on the controverted facts accordingly.	With the amended rule, hearing again is not mandatory, with the deletion of the provision on the hearing on the motion. Also, the provision on what are controverted was deleted, since it follows that if what is not controverted is established, then what is controverted is likewise established. The word "specified" was changed to "ascertained" as the facts are actually ascertained by the court.
Rule 144	*Effectiveness.* These rules shall take effect on January 1, 1964. They shall govern all cases brought after they take effect, and also all further proceedings in cases then pending, except to the extent that in the opinion of the court their application would not be feasible or would work injustice, in which event the former procedure shall apply.	*Effectiveness.* These rules shall take effect on January 1, 1964. They shall govern all cases brought after they take effect, and also all further proceedings in cases then pending, except to the extent that in the opinion of the court their application would not be feasible or would work injustice, in which event the former procedure shall apply. **The 2019 Proposed Amendments to the 1997 Rules of Civil Procedure shall govern all cases filed after their effectivity on May 1, 2020, and also all pending proceedings, except to the extent that in the opinion of the court, their application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern. The application and adherence to the said amendments shall be subject to periodic**	

		monitoring by the Sub-Committee, through the Office of the Court Administrator (OCA). For this purpose, all courts covered by the said amendments shall accomplish and submit a periodic report of data in a form to be generated and distributed by the OCA. **All rules, resolutions, regulations or circulars of the Supreme Court or parts thereof that are inconsistent with any provision of the said amendments are hereby deemed repealed or modified accordingly.**	