

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

RICARDO C. CADAYONA,
Petitioner,

-versus-

G.R. No. 128772
February 3, 2000

**COURT OF APPEALS and THE
PROVINCIAL GOVERNOR OF LEYTE,**
Respondents.

X-----X

DECISION

GONZAGA-REYES, J.:

On January 13, 1997, petitioner Ricardo C. Cadayona filed a Petition for Review with the Court of Appeals to annul Resolution Nos. 96-7418 and 96-2569 of the Civil Service Commission, which affirmed his preventive suspension. The Petition was docketed as CA-G.R. SP. No.43104 entitled "Ricardo C. Cadayona vs. Provincial Governor of Leyte". In a Resolution^[1] dated February 19, 1997, the Court of Appeals dismissed the petition outright on the following grounds:

- a. the certificate of non-forum shopping attached thereto was not executed by the petitioner himself but by his counsel;

- b. three annexes attached to it (Annexes D, E and F) were mere xerox or plain copies and not certified true copies.

On March 31, 1997, the Court of Appeals denied petitioner's motion for reconsideration of the dismissal stating that although there was substantial compliance with the Circular on forum shopping, the failure to submit certified true copies of Annexes D, E and F of the petition is a fatal flaw justifying dismissal of the petition:

X X X

“The petitioner posits that under the Circular, ‘What is required to be certified are the award, judgment, final order or resolution appealed from and material portions of, the record referred to in the petition. The other supporting papers do not have to be certified true copies.’ He backs up his theory with the so-called doctrine of last antecedent supposedly enunciated in Felipe vs. De la Cruz, 99 Phil. 940, under which the qualifier succeeding phrase “such material portions of the record as are referred to therein,” and does not include the remote phrase “other supporting papers.”

Petitioner's legal hermeneutics is faulty and his reliance on the Felipe case is misplaced. The term “certified true copies,” being the only qualifier in the phrase ‘such material portions of the record as are referred to therein and other supporting papers,’ must refer to both ‘material portions of the record’ and ‘other supporting papers’. In the Felipe case , there were two qualifiers; hence, it was held that each must refer to the object nearest to it.

But even granting that petitioner's interpretation is correct, Annexes “D” (order of suspension), “E” (petitioner's letter refusing to sit and serve as a member of the special committee tasked to inspect/re-inspect the heavy equipment imported from Japan) and “F” (administrative charge against the petitioner) are portions of the record referred to in the petition. They were all mentioned in the Resolution of Civil Service Commission (CSC) Regional Director Vicente-Escarian as well as in the appealed Resolutions of the CSC. The purpose of the requirement that they should have been certified as true copies is to expedite the determination by this Court of

whether or not the petition is prima facie meritorious on the basis of authentic documents so as to warrant further action or proceedings.

Petitioner's proffered excuse that it was totally impossible to obtain certified true copies of these annexes because the originals are with the respondent deserves no consideration. He could have secured certified true copies from the CSC. What is more, a copy, if not the original, of Annexes "D" and "F" were presumably served on him while Annex "E" is his own letter. He can not successfully plead time constraint for his counsel's office and the CSC's are both in Quezon City. The alleged political undertones of the case 'could not have prevented him or his counsel from going to the CSC to obtain the necessary certified true copies.

Accordingly, for being fatally flawed under Revised Administrative circular No.1-95, the dismissal of the petition is justified."^[2]

Hence this petition where the petitioner assigns the following errors:

- I. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT IMPOSED THE REQUIREMENT THAT ALL ANNEXES TO THE PETITION FOR REVIEW BE CERTIFIED.
- II. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT DISMISSED THE PETITION FOR REVIEW."^[3]

Petitioner maintains that Administrative Circular 1-95 requires that only copies of the award, judgment, final order or resolution appealed from and material points of record referred in the petition shall be certified; said circular does not require that the annexes be certified true copies. Under the so-called doctrine of last antecedent, the phrase "certified true copies" does not qualify the remote phrase "other supporting papers"; the qualifier phrase "certified true copies" only refers to the immediately succeeding phrase "such material portions of the record as referred to therein". Petitioner further argues that even assuming that some of the annexes he submitted were not certified, the Court of Appeals could still have made a prima facie determination of the case based on the authentic or certified

documents. Moreover, the Court of Appeals could have ordered the transmittal of certified true copies of the entire record of the proceeding under review. Petitioner also alleges that his failure to attach certified true copies of the questioned annexes was excusable. He claims that he only had a limited period of time within which to obtain certified documents after he received the resolution of the Civil Service Commission. This was impossible to do since he had to file his petition with the Court of Appeals on January 13, 1997 but he was only able to engage the services of counsel on January 5, 1997. Finally, petitioner begs that this court liberally construe the rules in his favor given that his appeal was dismissed on a technicality.^[4]

On the other hand, respondents contend that the right to appeal is merely a statutory right and one must comply with the requirements of the law in order to properly exercise said right. Respondent's application of the doctrine of last antecedent is misleading for the proper application of the doctrine shows that the phrase "certified true copies" qualifies the words nearest to it i.e. "such material portion of the record as are referred to therein and other supporting papers" (Emphasis supplied).

We find merit in the petition. The outright dismissal of the petition for review is a reversible error.

A decision of the Civil Service Commission may be appealed to the Court of Appeals under Section 6 of Rule 43,^[5] which provides:

"SECTION 6. Contents of the Petition. — The petition or review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein."

The failure of the petitioner to comply with any of the requirements under Rule 43 including the contents of the petition and the documents which should accompany the petition, is a sufficient ground for the dismissal thereof.^[6]

Section 6 of Rule 1 states that the Rules “shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.” In line with this guideline, we do not construe the above-quoted section as imposing the requirement that all supporting papers accompanying the petition should be certified true copies. A comparison of this provision with the counterpart provision in Rule 42 (governing petitions for review from the RTC to the CA) would show that under the latter, only the judgments or final orders of the lower courts need be certified true copies or duplicate originals.^[7] Also under Rule 45 of the Rules of Court (governing Appeals by Certiorari to the Supreme Court), only the judgment or final order or resolution accompanying the petition must be a clearly legible duplicate original or a certified true copy thereof certified by the clerk of court of the court a quo.^[8] Even under Rule 65 governing certiorari and prohibition, petitions need be accompanied by certified true copies of the questioned judgment,^[9] it being sufficient that copies of all other relevant documents should accompany the petition. Numerous resolutions issued by this Court emphasize that in appeals by certiorari under Rules 45 and original civil actions for certiorari under Rule 65 in relation to Rules 46 and 56, what is required to be a certified true copy is the copy of the questioned judgment, final order or resolution.^[10] No plausible reason suggests itself why a different treatment, i.e. a stricter requirement, should be given to petitions under Rule 43, which governs appeals from the Court of Tax Appeals and quasi-judicial agencies to the Court of Appeals. None could have been intended by the framers of the Rules. A contrary ruling would be too harsh and would not promote the underlying objective of securing a just, speedy and inexpensive disposition of every action and proceeding. It must be conceded that obtaining certified true copies necessary entails additional expenses that will make litigation more onerous to the litigants. Moreover, certified true copies are not easily procurable and party litigants must wait for a period of time before

the certified true copies are released. At any rate, the entire records of the case will eventually be elevated to the appellate court.

In giving due course to the petition, we note that the petitioner substantially complied with the requirement of Section 6 since only three (Annexes D,^[11] E^[12] and F^[13]) out of seven annexes were not certified true copies. The allegation of petitioner that the annexes which were certified are the most important to the resolution of the case and a prima facie determination of the merits of the case could have been made on the basis thereof has not been disputed in the comment filed by respondent Provincial Governor. Neither is there any controversion of petitioner's allegation that the original of Annexes "D", "E" and "F" are in the possession of respondent rendering his failure to secure certificates thereof excusable.

The rules of procedure are not to be applied in a very rigid or technical sense, which would frustrate and not promote substantial justice. If a technical and rigid enforcement of the rules were made, their aim would be defeated.^[14] Under the circumstances of this case, the Court of Appeals should have directed the petitioner to comply with the rule if it doubted the authenticity of some of the supporting documents instead of dismissing the case outright.

WHEREFORE, the instant petition is hereby **GRANTED**. The order of the Court of Appeals dismissing the petition of herein petitioner is **REVERSED** and **SET ASIDE** and the case is **REMANDED** to the Court of Appeals for further proceedings.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Ynares-Santiago and De Leon, Jr., JJ., concur.

[1] Special Eighth Division composed of the ponente, J. Salvador J. Valdez, Jr.; and the members J. Corona Ibay Somera (Acting Chairman) and J. Romeo J. Callejo concurring.

[2] Decision, pp. 2-5; Rollo, pp. 22-25.

[3] Petition for Review, p. 4; Rollo. p. 10.

- [4] Petition for Review, pp. 4-9; Rollo, pp. 10-15.
- [5] Previously Administrative Circular 1-95.
- [6] § 7, Rule 43.
- [7] Sec. 2.
- [8] § 4.
- [9] §1 and 2.
- [10] Martinez vs. Magallanes, G.R. No.133766, January 13, 1999; Borja vs. Judge Hontanosas, Jr., G.R. No.134748, January 13, 1999; Regalado, et al vs. NLRC, et al., G.R. No.134671, January 13, 1999; G and M (Phils.), Inc. vs. NLRC, et al., G.R. No.133836, January 13, 1999; Dimalanta vs. People, G.R. No.134798, November 9, 1988.
- [11] Annex D – Letter of the Provincial Governor informing the petitioner of his preventive suspension.
- [12] Annex E – Letter from the petitioner refusing his appointment in the commission tasked to appraise, the condition of the machinery ordered from Japan.
- [13] Annex F – Letter of the Provincial Governor informing the petitioner of the charge of Insubordination against him.
- [14] Director of Lands vs. Court of Appeals, G.R. No. L-47380, February 23, 1999 at p. 11.