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**SUPREME COURT
FIRST DIVISION**

**MR. & MRS. RONNIE DAR, MR. & MRS.
RANDY ANGELES, MR. & MRS. JOY
CONSTANTINO and MR. & MRS.
LIBERTY CRUZ,**

Petitioners,

-versus-

**G.R. No. 143016
August 30, 2000**

**HON. ROSE MARIE ALONZO-
LEGASTO, in her capacity as the
Presiding Judge in the Metropolitan
Trial Court of Metro Manila, Branch 41,
Quezon City and NENITA CO BAUTISTA
represented by VICTORIO A.
BAUTISTA,**

Respondents.

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DECISION

KAPUNAN, J.:

If the petitioners are husband and wife and only one of them signs the Petition for Review on *Certiorari* and *Mandamus*, is the petition dismissible for violation of the Rule on Certification of Non-Forum Shopping requiring all petitioners to certify it under oath? This is the

sole issue raised by petitioners Mr. and Mrs. Ronnie Dar, Mr. and Mrs. Randy Angeles, Mr. and Mrs. Joy Constantino, and Mr. and Mrs. Liberty Cruz.

In a Resolution, dated January 25, 2000, the Court of Appeals ruled in the affirmative.^[1] Said court dismissed petitioners' petition for review on certiorari and mandamus for failure to comply with the Rule on Certification of Non-Forum Shopping after finding that the petition "was signed only by Ronnie Dar, Randy Angeles, Joy Constantino, and Liberty Cruz, without authority attached thereto to sign for and in behalf of their co-petitioners."^[2] In other words, while petitioners Ronnie Dar, Randy Angeles, Joy Constantino and Liberty Cruz signed the Certification of Non-Forum Shopping, their respective spouses did not sign the same.

It appears from the records that herein private respondent Nenita Co Bautista filed a case for unlawful detainer against herein petitioners in the Metropolitan Trial Court, Quezon City. They were sued as "Mr. and Mrs." in the said case.^[3] Petitioners now contend that since what is involved in the instant case is their common rights and interest to abide under the system of absolute community of property, either of the spouses can sign the petition.^[4]

We find merit in the petition.

Administrative Circular No. 04-94 issued by the Supreme Court on February 8, 1994 provides, among others:

Revised Circular No. 28-91, dated February 8, 1994 applies to and governs the filing of petitions in the Supreme Court and the Court of Appeals and is intended to prevent the multiple filing of petitions or complaints involving the same issues in other tribunals or agencies as a form of forum shopping.

Complementary thereto and for the same purpose, the following requirements, in addition to those in pertinent provisions of the Rules of Court and existing circulars, shall be strictly complied with in the filing of complaints, petitions, applications or other initiatory pleadings in all courts and agencies other than the

Supreme Court and the Court of Appeals and shall be subject to the same sanctions provided hereunder.

1. The plaintiff, petitioner, applicant or principal party seeking relief in the complaint, petition, application or other initiatory pleading shall certify under oath in such original pleading, or in a sworn certification annexed thereto and simultaneously filed therewith, to the truth of the following facts and undertakings: (a) he has not theretofore commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (b) to the best of his knowledge, no such action or proceedings is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (c) if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and (d) if he should thereafter learn that a similar action or proceedings has been filed or is pending before the Supreme Court, the Court of Appeals or any other tribunal or agency, he undertakes to report that fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certification contemplated herein have been filed.

The complaint and other initiatory pleadings referred to and subject of this Circular are the original civil complaint, counter-claim, cross-claim, third (fourth, etc.) party complaint, or complaint-in-intervention, petition, or application wherein a party asserts his claim for relief.

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With respect to the contents of the certification which the pleader may prepare, the rule of substantial compliance may be availed of. While this section requires that it be strictly complied with, it merely underscores its mandatory nature in that it cannot be altogether dispensed with or its requirements completely disregarded but it does not thereby prevent substantial compliance on this aspect of its provisions under justifiable circumstances.^[5] Circular No. 28-91 was designed to

serve as an instrument to promote and facilitate the orderly administration of justice and should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective or the goal of all rules of procedure — which is to achieve substantial justice as expeditiously as possible.^[6]

In the instant case, the Court of Appeals should have taken into consideration the fact that the petitioners were sued jointly, or as “Mr. and Mrs.” over a property in which they have a common interest. Such being the case, the signing of one of them in the certification substantially complies with the rule on certification of non-forum shopping.

WHEREFORE, the Resolutions of the Court of Appeals, dated January 25, 2000 and April 24, 2000, are hereby **REVERSED** and **SET ASIDE**. The case is hereby **REMANDED** to the Court of Appeals for proper disposition.

SO ORDERED.

Davide, Jr., C.J., Puno, Pardo and Ynares-Santiago, JJ., concur.

[1] Resolution of the Court of Appeals in CA-G.R. No. 56748 entitled “Mrs. Ronnie Dar, Mr. & Mrs. Randy Angeles, Mr. and Mrs. Joy Constantino and Mr. & Mrs. Liberty Cruz, Petitioners vs. Hon. Rose Marie Alonzo-Legasto, in her capacity as the Presiding Judge in the Metropolitan Trial Court in Metro Manila, Branch 41, Quezon City and Nenita Co Bautista, represented by Victorio A. Bautista, Rollo, pp. 24-25.

[2] Id.; at 25.

[3] Id.; at 29-33.

[4] 4. Petition, Id.; at 17-18.

[5] Regalado, Remedial Law Compendium, Volume 1, Sixth Revised Edition (1997).

[6] Gabionza vs. Court of Appeals, 234 SCRA 192 (1994).