

Title: Expertravel & Tours, Inc. v. Court of Appeals and Korean Airlines

Facts:

Korean Airlines (KAL) filed a complaint against Expertravel & Tours, Inc. (ETI) before the Regional Trial Court (RTC) of Manila on September 6, 1999, for the collection of P260,150.00 plus attorney's fees and exemplary damages. The complaint included a verification and certification against forum shopping signed by Atty. Mario Aguinaldo, KAL's resident agent and legal counsel.

ETI filed a motion to dismiss, arguing Atty. Aguinaldo was not authorized to execute the verification and certification of non-forum shopping as mandated by Section 5, Rule 7 of the Rules of Court. KAL opposed, presenting Atty. Aguinaldo's identification card indicating him as KAL's lawyer. During the hearing, Atty. Aguinaldo claimed he was authorized by a Board resolution from a teleconference on June 25, 1999, and was given time to produce this resolution but repeatedly extended deadlines without immediately providing said document.

On March 6, 2000, KAL submitted an affidavit by Suk Kyoo Kim, KAL's general manager, confirming the teleconference and the resolution. The RTC denied ETI's motion to dismiss. ETI appealed, contending the court improperly took judicial notice of the teleconference without evidence or a prior hearing.

The Court of Appeals (CA) affirmed the RTC's decision, deeming Atty. Aguinaldo's certification sufficient and allowing judicial notice of teleconferencing. ETI sought relief from the Supreme Court, alleging the RTC and CA erred procedurally and substantively in accepting KAL's assertions and documents.

Issues:

1. Whether the certification against forum shopping executed by Atty. Aguinaldo complied with Section 5, Rule 7 of the Rules of Court.
2. Whether the courts properly took judicial notice of the teleconference alleged by KAL to have authorized Atty. Aguinaldo's actions.

Court's Decision:

1. ****Certification Against Forum Shopping:****

- Section 5, Rule 7 requires the certification be signed by the plaintiff or a specifically authorized individual. The certification must affirm the non-filing of similar actions. Failure results in case dismissal.
- A certification signed by counsel requires proof of specific authorization.

- The Court found that Atty. Aguinaldo was not specifically authorized to sign the certification of non-forum shopping. His role as resident agent did not inherently include this authority under the law.

2. **Judicial Notice of Teleconference:**

- The concept of judicial notice requires facts to be of general knowledge or unquestionable accuracy.
- Although modern technology like teleconferencing is recognized, courts require concrete evidence to substantiate specific claims like the holding of a teleconference and decisions made therein.
- The Court was unconvinced of the teleconference's occurrence, noting inconsistencies and delayed claims regarding the alleged board resolution. The RTC and CA could not take judicial notice without definite evidence.

The Court ruled in favor of the petitioner, ETI, and ordered the RTC to dismiss KAL's complaint without prejudice due to non-compliance with the procedural requirements for the certification against forum shopping.

Doctrines:

1. **Certification Against Forum Shopping:**

- The certification must be executed by the principal party or a specifically authorized representative. Legal counsel may sign on behalf only with explicit authorization.
- Non-compliance with these procedural rules results in dismissal without prejudice.

2. **Judicial Notice:**

- Courts can recognize technological advancements (e.g., teleconferencing) but specific assertions related to such technology must be substantiated with concrete evidence.
- Facts must be of general knowledge or established without dispute to be judicially noticed without prior hearing.

Class Notes:

- **Elements of Certification Against Forum Shopping Per Sec. 5, Rule 7:**
 - Personal execution by party or authorized representative.
 - Must declare non-filing of identical issues in other courts.
 - Non-compliance leads to dismissal without prejudice.
- **Corporate Actions and Representation:**
 - Corporate acts must be authorized expressly by Board resolutions.

- Verification and certifications require explicit board-granted authority; operational roles like resident agentship are inadequate for presumed authority.
- **Judicial Notice:**
- Limited to universally accepted facts.
- Modern corporate practices may be recognized but require supporting evidence for specific claims in legal contexts.

Historical Background:

The case reflects the judicial system's grappling with modern technology's integration into legal proceedings. Amidst advancing corporate practices, courts emphasize adherence to procedural safeguards ensuring accuracy and veracity in legal process representations. The balance between technological facilitation and strict legal formalities is pivotal, highlighting evolving corporate governance frameworks and judicial oversight mechanisms.