

JOSEPHINE D. SUGABO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

Ponente: INTING, J.

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INTING, J.:

Before Us is a Petition for Review[1] taken under Rule 43 of the Rules of Court assailing the December 3, 2012 Decision[2] of the Civil Service Commission in Case No. 120853 and the August 13, 2013 Resolution denying her motion for reconsideration. The dispositive portion[3] of the assailed decision states:

“WHEREFORE, the petition for review of Josephine D. Sugabo is hereby DISMISSED. However, the Decision No. 12-0031 dated May 8, 2012 by the Civil Service Commission Regional Office (CSCRO) No. IX, Zamboanga City, finding her guilty of Serious Dishonesty and imposing on her the penalty of dismissal from the service with all its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations, is MODIFIED to the extent that she is found guilty of two (2) counts of Serious Dishonesty.”

A perusal, however, of the instant petition reveals the following defects and infirmities:

- Failure to state material dates showing timeliness of the petition required under Section 6, Rule 43 of the Rules of Court;
- A pertinent pleading mentioned in the petition, i.e., the motion for reconsideration dated May 31, 2012 is not attached in the petition as required under Section 6, Rule 43 of the Rules of Court;
- Improper verification as it is based on “my own personal knowledge” only when in fact a greater portion of the allegations in the petition are based on the records of the proceedings in the tribunal of origin and not solely on the personal knowledge of the petitioner;
- Failure to attach proof of service (Affidavit of Service) of copies of the petition on the tribunal concerned and on the adverse party pursuant to Section 5, Rule 43 in relation to Section 13, Rule 13 of the Rules of Court;
- Failure to explain why service and filing were not done personally as required under Section 11, Rule 13 of the Rules of Court;
- The notarial certificate of the Verification and Certification Against Forum Shopping does not show competent evidence of affiant’s identity required under Section 2 (b) Rule IV, in relation to Section 12, Rule II of the 2004 Rules of Notarial Practice; and
- The notarial certificates of the Verification and Certification Against Forum Shopping does not indicate the serial number of the notary’s public commission; the province or city where he is commissioned, and the office address of the notary public required under Section 12, Rule VIII of the 2004 Rules of Notarial Practice.

We are constrained to dismiss the petition in view of the foregoing defects appearing with it. Section 7, Rule 43 of the 1997 Rules of Civil Procedure, emphatically provides:

Section 7. Effect of failure to comply with requirement.-The failure of the petitioner to comply any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

In *Hyung Hyung Park v. Eng Won Choi*,^[4] the Supreme Court made the following pronouncement, to wit:

Verification is not an empty ritual or a meaningless formality. Its import must never be sacrificed in the name of mere expedience or sheer caprice. For what is at stake is the matter of verity attested by the sanctity of an oath to secure an assurance that the allegations in the pleading have been made in good faith, or are true and correct and not merely speculative.

This Court has strictly been enforcing the requirement of verification and certification and enunciating that the obedience to the requirements of procedural rules is needed if fair results are to be expected therefrom. Utter disregard of the rules cannot just be rationalized by harking on the policy of liberal construction. While the requirement is not jurisdictional in nature, it does not make it less a rule...

Further, Section 4, Rule 7 of the Rules of Court provides:

Sec. 4. 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.

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.^[5]

Notably, it is a settled principle of law that rules of procedure must be used to facilitate, not to frustrate the ends of justice.^[6] Corollary, petitioner and his counsel should bear in mind that the right to appeal is not a natural right. The right to appeal is a statutory privilege, and it may be exercised only in the manner and in accordance with the provisions of the law.^[7] A party who seeks to appeal must comply with the law's requirements; otherwise, he forfeits his privilege. Rules of procedure may be relaxed only to relieve a litigant of an injustice which is not commensurate with the degree of his thoughtlessness in not complying with the prescribed procedure.^[8]

WHEREFORE, the instant Petition for Review under Rule 43 is hereby DISMISSED.

Accordingly, the Cash Division of this Court is hereby directed to return to the petitioner the amount of P470.00 representing the excess payment of docket fees.

SO ORDERED.

Camello and Lopez, JJ., concur.

[1] Rollo, pp. 2-13.

[2] *Ibid.*, pp. 88-92.

[3] *Ibid.*, p. 92.

[4] G.R. No. 165496, February 12, 2007.

[5] As amended by A.M. No. 00-2-20-SC, which took effect on May 1, 2000.

[6] Cusi-Hernandez v. Sps. Diaz, 390 Phil. 1245 (2000).

[7] Spouses Ortiz v. Court of Appeals, 360 Phil. 95 (1998).

[8] Limpot v. Court of Appeals, G.R. No. 44642, 20 February 1989.

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