

DANIEL CAPILI, PETITIONER, V. DTT TECHNICAL TRAINING CENTER REPRESENTED BY CHARLENE MALLARI, AND THE NATIONAL LABOR RELATIONS COMMISSION, RESPONDENTS.

Ponente: CORALES, J.

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CORALES, J.:

On December 13, 2013, this Court rendered a Resolution[1] dismissing the instant petition for failure on the part of petitioner and his counsel to comply with procedural rules.

On January 3, 2014, petitioner filed a Motion for Reconsideration[2] of Our Resolution arguing that the failure of his counsel to sign the petition was due to oversight and inadvertence. Petitioner asserts the verification which states that “the allegations therein are true and correct of my personal knowledge and/or on the basis of copies of documents and records in my possession” substantially complied with Section 4, Rule 7 of the Rules of Court. Furthermore, petitioner alleged that failure to notarize the Verification and Certification of Non-forum Shopping was a mistake on his part.

On the other hand, private respondent filed a Comment and Opposition[3] on February 24, 2014 contending that despite the Motion for Reconsideration petitioner still did not comply with the mandatory provisions of the Rules of Court. Hence, private respondent prayed for the denial of the Motion for Reconsideration.

This Court is not convinced to reconsider. Notwithstanding the motion for reconsideration, the petition is still laden with defects warranting the dismissal of this case. Contrary to petitioner's argument, he did not substantially comply with the rule on verification. In *Mahinay v. Gako*,[4] the Supreme Court enunciated, viz.:

A pleading may be verified by stating that the pleaders have read the allegations in their petition and that the same are true and correct based either on their personal knowledge or authentic records, or based both on their personal knowledge and authentic records. While the rule gives the pleaders several ways of verifying their pleading, the use of the phrase personal knowledge or authentic records is not without any legal signification and the pleaders are not at liberty to choose any of these phrases fancifully.

Even if We consider the petitioner to have substantially complied with the requirement on verification, the present petition is still dismissible for failure to comply with the rule on certification of non-forum shopping. It bears stressing that petitioner's neglect in certifying under oath the certification of non-forum shopping is not curable by mere amendment but is a cause for the dismissal of the case.[5]

Moreover, counsel for petitioner claimed inadvertence and oversight in failing to sign the petition but did not explain the circumstances thereof. Absent valid and compelling reasons, the requested leniency and liberality in the observance of procedural rules appears to be an afterthought, hence, cannot be granted.[6]

WHEREFORE, the motion for reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Villon (Chairperson) and Gaerlan, JJ., concur.

[1] Rollo, pages 165-167.

[2] Ibid., pages 168-170.

[3] Ibid., pages 192-196.

[4] G.R. No. 165338. November 28, 2011.

[5] See Section 5, Rule 7 of the Rules of Court.

[6] See Rivera-Pascual v. Spouses Lim, G.R. No. 191837. September 19, 2012.

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