

MANOLITO G. ABAPO, CLEMENTE A. TABILIRAN, AND ARTURO O. MIÑALDE, AO, PETITIONERS, VS. HUMPREY T. MONTEROSO, IN HIS CAPACITY AS DEPUTY OMBUDSMAN FOR MINDANAO, SAMUEL P. NAUNGAYA...

Ponente: SINGH, J.

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SINGH, J.:

On July 25, 2014, this Court issued a Resolution[1] dismissing the Petition for Application (sic) for a Temporary Restraining Order and/or Writ of Preliminary Injunction[2] filed by petitioners by reason of their failure to attach certified true copies of material portions of the record and for the commission of forum-shopping.

On August 13, 2014, petitioner Arturo Miñao filed a Motion for Reconsideration[3] of the July 25, 2014 Resolution alleging that contrary to the findings of this Court, he already filed a Petition for Review dated September 11, 2013 which is docketed as CA-G.R. SP No. 05743-MIN[4] and pending before the 22[nd] Division of this Court.

On August 15, 2014, petitioner Manolito Abapo filed a Motion for Partial Reconsideration[5] alleging that based on his honest understanding of the Resolution dated February 28, 2014,[6] only his co-petitioners were directed to submit certified true copies of material portions of the record, noting the filing of his Supplemental Petition of Review[7]. Despite the foregoing, petitioner Manolito Abapo attached to his Motion for Partial Reconsideration certified true copies of the material portions of the record the Court asked for.

The Court is constrained to deny petitioner Manolito Abapo's motion for reconsideration despite his belated compliance with the directive to attach certified true copies of material portions of the record.

To reiterate, by petitioners' own admission, a motion for reconsideration of the Resolution of the Office of the Ombudsman filed therein was pending when they filed the instant petition, seeking the reversal of the Decision of the Office of the Ombudsman dismissing them from service, the self-same relief sought in the petition filed before this Court. This is a clear violation of the proscription against forum-shopping.

Even the filing by petitioner Manolito Abapo of the Supplemental Petition for Review did not cure or erase the already consummated act of forum-shopping. Forum shopping exists when, as a result of an adverse decision in one forum, or in anticipation thereof, a party seeks a favorable opinion in another forum through means other than appeal or certiorari.[8]

As to petitioner Arturo Miñao's motion for reconsideration, the same is granted. With the filing of his Petition for Review which is now pending before the 22[nd] Division of this Court, granting the Motion to Withdraw Petition is in order.

WHEREFORE, the Motion for Partial Reconsideration of petitioner Manolito G. Abapo is DENIED for lack of merit.

The Motion for Reconsideration of petitioner Arturo Miñao is GRANTED with respect to the allowance of his Motion to Withdraw Petition. The petition of Antonio Miñao is declared WITHDRAWN.

SO ORDERED.

Borja, (Chairperson), and Badelles, JJ., concur.

[1] Rollo, pp. 312-317.

[2] Rollo, pp. 2-16.

[3] Rollo, pp. 319-322.

[4] Rollo, pp. 325-355.

[5] Rollo, pp. 417-422.

[6] Rollo, pp. 303-305.

[7] Rollo, pp. 257-266.

[8] UPSI Property Holdings, Inc. v. Diesel Construction Co., Inc., G.R. No. 200250, August 6, 2014.

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