

MARY LOUSIENE P. TRINIDAD, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: SADANG, J.

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SADANG, J.:

Petitioner Mary Lousiene Trinidad (hereafter, petitioner) filed a Petition for Review of the Decision[1] dated June 25, 2014 of the Regional Trial Court of Pasig City, Branch 160 in Criminal Case No. 152865, which affirmed the Decision[2] dated November 27, 2013 of the Metropolitan Trial Court of San Juan City, Branch 58, finding petitioner guilty of reckless imprudence resulting in damage to property and ordering her to indemnify Pepito Jabao the amount of P60,000.00 as temperate damages.

The petition must be dismissed outright.

Section 1, Rule 42 of the 1997 Rules of Court, as amended, provides that a party who desires to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction shall file a verified petition for review with the Court of Appeals.[3]

Section 2[4] of the same Rule further provides that the petitioner must submit together with the petition a sworn certification of non-forum shopping. The failure of the petitioner to comply with the submission of documents which should accompany the petition shall be sufficient ground for the dismissal thereof.[5]

The requirement of certificate of non-forum shopping is mandatory, and failure to comply therewith cannot be excused. The certification is a peculiar and personal responsibility of the party, an assurance given to the court or other tribunal that there are no other pending cases involving basically the same parties, issues and causes of action. Hence, the certification must be accomplished by the party himself because he has actual knowledge of whether or not he has initiated similar actions or proceedings in different courts or tribunals.[6]

A perusal of the present petition for review reveals that it is not verified. More important, petitioner omitted to submit a certificate of non-forum shopping together with her petition and such is a fatal defect that warrants outright dismissal of the petition.[7] In fact, the subsequent compliance with the requirement does not excuse a party's failure to comply therewith in the first instance. While there are cases in which non-compliance with the requirement to submit a certificate of non-forum shopping was excused, the Supreme Court found special circumstances or compelling reasons which made strict compliance clearly unjustified or inequitable. In this case, petitioner offered no valid justification for her failure to comply with the requirement.[8] Finally, while it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.[9]

WHEREFORE, premises considered, the petition is DISMISSED outright.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concur.

[1] Rollo, pp. 67-70.

[2] Id at 42-52.

[3] Section 1. How appeal taken; time for filing. — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals x x x.

[4] Section 2. Form and contents.

X x x x x x x x

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom. (n)

[5] Section 3. Effect of failure to comply with requirements. — The failure of the petitioner to comply with 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.

[6] Rural Bankers Association of the Philippines v. Ma. Rosario Tanghal-Salvaña, G.R. No. 175020, October 4, 2007 citing Expertravel & Tours, Inc. v. Court of Appeals, G.R. No. 152392, 26 May 2005, 459 SCRA 147, 157.

[7] Spouses Ong v. Court of Appeals, 433 Phil. 490 (2002).

[8] Mandaue Galleon Trade, Inc. et al. v. Isidto, et al., G.R. No. 181051, July 5, 2010.

[9] Rural Bankers v. Tanghal-Salvaña, supra citing Garbo v. Court of Appeals, 327 Phil. 780, 784 (1996).

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