

**JAIME G. BOHOL, PETITIONER, VS. ROBERT G. VERGARA,
PRESIDENT AND GENERAL MANAGER, GOVERNMENT SERVICE
INSURANCE SYSTEM (GSIS); SOL A. ORCULLO, GSIS BRANCH
MANAGER, TACLOBAN, RESP...**

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Mandamus under Section 3, Rule 65 of the Rules of Court seeking the issuance of the writ directing respondents to immediately release petitioner's retirement benefits pursuant to Republic Act No. 10154.

A persual of the petition reveals the following defects.

First, the date of posting the petition is not clear. The Court, therefore, has no way of verifying the timeliness of its filing.

Second, petitioners failed to pay the full docket fees. Specifically, his payment is short of P530.00. Section 3, Rule 46 of the Rules of Court, in relation to Section 1 of the same rules, requires the payment of the docket and other lawful fees at the time of the filing of the petition. The failure to comply with such requirement constitutes sufficient ground for the dismissal of the petition.[1]

Third, petitioner failed to explain why the preferred personal mode of filing was not availed of, in violation of Section 11,[2] Rule 13 of the Rules of Court. The violation of this Rule is a cause to consider petitioner's pleading as not filed.

Fourth, petitioner had his verification notarized by an associate provincial prosecutor instead of a notary public. More importantly, he failed to state in his Verification that the allegations in his petition are "based on authentic records," in violation of Section 4, Rule 7 of the Rules of Court, as amended by A.M. No. 00-2-10-SC. This also warrants the outright dismissal of this case.

The rule on verification reads, viz.:

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.

Verification of pleading is not an empty ritual bereft of any legal importance. It is intended to secure an assurance that the allegations contained in the pleading are true and correct; are not speculative or merely imagined; and have been made in good faith. 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.[3]

ACCORDINGLY, for the foregoing defects, the Petition is hereby DISMISSED.

SO ORDERED.

[1] Section 2. To what actions applicable. — This Rule shall apply to original actions for certiorari, prohibition, mandamus and quo warranto.

Except as otherwise provided, the actions for annulment of judgment shall be governed by Rule 47, for certiorari, prohibition and mandamus by Rule 65, and for quo warranto by Rule 66.

Section 3. Contents and filing of petition; effect of noncompliance with requirements. — xxx

xxx xxx xxx

The petitioner shall pay the corresponding docket and other lawful fees to the clerk of court and deposit the amount of P500.00 for costs at the time of the filing of the petition.

The failure of the petitioner to comply any of the requirements shall be sufficient ground for the dismissal of the petition.

[2] Section 11. Priorities in modes of service and filing. — Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

[3] See Mahinay v. Gako, Jr., G.R. No. 165338 and Sorensen v. Mahinay, G.R. No. 179375. November 28, 2011.

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