

**INTERSERVE MANPOWER & MANAGEMENT RESOURCES, INC.,
REPRESENTED HEREIN BY MR. JEROME PADILLA, PETITIONER, V.
MITCHELL C. CHUA, DANILO CONTE, BOBBY MAGLASANG, RUANCE
CONRADO, MAXIM...**

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is the Petition for Certiorari[1] ("Petition" for brevity) filed by petitioner Interserve Manpower & Management Resources, ("petitioner" for brevity) under Rule 65 of the Rules of Court.

To begin with, a perusal of the Petition[2] at bench reveals that it suffers from the following infirmities:

First, petitioner's counsel, Atty. Joel C. Bantasan ("Atty. Bantasan" for brevity) failed to indicate in the Petition[3] the date of issuance of his MCLE Certificate of Compliance. This is in violation of Bar Matter No. 1922, which provides:

Bar Matter No. 1922:

"The Court further Resolved, upon the recommendation of the Committee on Legal Education and Bar Matters, to REQUIRE practicing members of the bar to INDICATE in all pleadings filed before the courts or quasi-judicial bodies, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records." (Emphasis and Underlining Supplied)

That the failure of a party's counsel, such as Atty. Bantasan, to disclose the date of issue of his MCLE Certificate of Compliance warrants the dismissal of the Petition, is in accordance with the following pronouncement of the Supreme Court in *Dr. Janos B. Vizcayno vs. Judge Jasper Jesse G. Dacanay, etc.*, A.M. No. MTJ-10- 1772, December 5, 2012:

"xxx Under Bar Matter No. 1922 (2009), the failure of a practicing lawyer to disclose the number and date of issue of his MCLE Certificate of Compliance or Certificate of Exemption in his pleadings in court 'would cause the dismissal of the case and the expunction of the pleadings from the records.' xxx" (Emphasis supplied)

Second, material portions of the record and other supporting documents pertinent to the Petition[4] were not attached. These are: the Complaint; the Answer; the Position Papers of both petitioner and private respondents; petitioner's Memorandum on Appeal; private respondents' Opposition to the Appeal, and; petitioner's Motion for Reconsideration before public respondent National Labor Relations Commission ("NLRC" for brevity).

Considering that all of these documents were referred to in the Petition[5], petitioner's failure to attach them to the Petition[6] at bench is in contravention of Section 3 of Rule 46 of the Rules of Court, which violation warrants the dismissal of the Petition[7] under the same Rule, to wit:

"Section 3. Contents and filing of petition; effect of noncompliance with requirements. — The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

xxx

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition." (Emphasis supplied)

Apart from these infirmities, a perusal of petitioner's "URGENT APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND/OR WRIT OF PROHIBITORY INJUNCTION"[8] reveals that petitioner filed such Motion without paying the legal fees for the issuance of a Temporary Restraining Order[9]. This is in violation of Section 1 and Section 5 of A.M. No. 00-2-01-SC[10], Resolution Amending Rule 141 (Legal Fees) of the Rules of Court, which provides:

"Section 1. Payment of fees. — Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed therefor shall be paid in full.

xxx

Section 5. Fees to be paid by the advancing party. — The fees of the clerk of the Court of Appeals or of the Supreme Court shall be paid to him at the time of the entry of the action or proceeding in the court by the party who enters the same by appeal, or otherwise, and the clerk shall in all cases give a receipt for the same and shall enter the amount received upon his book, specifying the date when received, person from whom received, name of action in which received and amount received. If the fees are not paid, the court may refuse to proceed with the action until they are paid and may dismiss the appeal or the action or proceeding." (Emphasis Supplied)

Indeed, the rule is settled that procedural rules are designed to provide order to, and enhance the efficiency of, our judicial system[11]. Consequently, procedural rules must be strictly observed, especially in Petitions for Certiorari such as the instant case, as is pursuant to the following declaration of the Supreme Court in *Marcelino Domingo vs. Court of Appeals, et. al.*, G.R. No. 169122, February 2, 2010:

"In petitions for certiorari, procedural rules must be strictly observed. In *Athena Computers, Inc. v. Reyes*, the Court held that:

Certiorari, being an extraordinary remedy, the party who seeks to avail of the same must strictly observe the rules laid down by law.

x x x x

The acceptance of a petition for certiorari as well as the grant of due course thereto is, in general, addressed to the sound discretion of the court. Although the court has absolute discretion to reject and dismiss a petition for certiorari, it does so only x x x when there are procedural errors, like violations of the Rules of Court." (Emphasis Supplied; Italics was made in the original)

GIVEN ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-29.

[2] Rollo, pp. 3-29.

[3] Rollo, pp. 3-29

[4] Rollo, pp. 3-29.

[5] Rollo, pp. 3-29.

[6] Rollo, pp. 3-29.

[7] Rollo, pp. 3-29.

[8] Rollo, pp. 130-134

[9] Rollo, p. 1

[10] March 1, 2000

[11] Francisco A. Labao vs. Lolito N. Flores, et. al., G.R. No. 187984, November 15, 2010; Saint Louis University Inc. vs. Evangeline C. Cobarrubias, G.R. No. 187104, August 3, 2010; Bonifacio M. Mejillano vs. Enrique Lucillo, et. al., G.R. No. 154717, June 19, 2009

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