

CRIS ALLAN BONGCAWIL, PETITIONER, VS. JOSE U. YAMUT, JUDGE OF REGIONAL TRIAL COURT, BRANCH 11, MANOLO FORTICH, BUKIDNON AND RITO CARACOT, PRIVATE COMPLAINANT IN CRIMINAL CASE NO...

Ponente: PEREZ, J.

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PEREZ, J.:

A careful and thorough reading of the instant petition for certiorari[1] revealed several procedural defects and infirmities which warrant its outright dismissal.

First, petitioner failed to implead the People of the Philippines as party to the case, unmindful that the instant petition arose from a criminal case for bigamy, as required under Section 5, Rule 65 of the Rules of Court.[2]

Second, the Office of the Solicitor General (OSG), as counsel for the People of the Philippines, was not furnished a copy of the petition which ignores Section 35(l), Chapter 12, Title III of Book IV of Executive Order No. 292 (The Administrative Code of 1987), which mandates the OSG to represent “the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party,” and violates Section 3, Rule 46 of the Rules of Court.[3]

Third, the notarial certificates of the Verification and Certification of Non-Forum Shopping and the Proof of Service did not indicate the serial number of the notary public’s commission and the province/city where he is commissioned, required under Rule VIII, Section 2 of the 2004 Rules on Notarial Practice.[4]

Fourth, petitioner failed to completely indicate the statement of material dates showing when he received the 25 November 2014 RTC Order as required under Section 3, Rule 46 of the Rules of Court.[5]

The foregoing procedural missteps are fatal and enough for this Court to reject petitioner’s cause.

Indeed, procedural rules are not to be disdained as mere technicalities. They may not be ignored to suit the convenience of a party. Adjective law ensures the effective enforcement of substantive rights through the orderly and speedy administration of justice. Public order and our system of justice are well served by a conscientious observance by the parties of the procedural rules.[6]

In view of the afore-mentioned infirmities, the dismissal of the petition for certiorari is in order.

WHEREFORE, the petition for certiorari is hereby DISMISSED.

SO ORDERED.

Camello, J., Chairperson, and Inting, JJ., concur.

[1] Filed under Rule 65 of the Rules of Court.

[2] Section 5. Respondents and costs in certain cases. – When the petition filed relates to the acts or omissions of a judge, court, quasi-judicial agency, tribunal, corporation, board, officer or person, the petitioner shall join, as private respondent or respondents, the person or persons interested in sustaining the proceedings in the court; and it shall be duty of such private respondents to appear and defend, both in his or their own behalf and in behalf of the public respondent or respondents affected by the proceedings, and the costs awarded in such proceedings in favor of the petitioner shall be against the private respondents only, and not against the judge, court, quasi-judicial agency, tribunal, corporation, board, officer or person impleaded as public respondent or respondents.

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[3] Section 3. Contents and filing of petition; effect of non-compliance 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. (Cir. No. 39-98).xxx

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

[4] Section 2. Contents of the Concluding Part of the Notarial Certificate. – The notarial certificate shall include the following:ch xxx xxx xxx (b) the serial number of the commission of the notary public; xxx.

[5] Id., at 3.

[6] Iloilo La Filipina Uygongco Corporation v. Court of Appeals, G.R. No. 170244, November 28, 2007.

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