

RYAN ELAGO Y BOCARILI, PETITIONERS, VS. HON. JUDGE ROSLYN M. RABARA-TRIA/99 NANCY PALOMAR AND JENALYN PALOMAR, RESPONDENT.

Ponente: SADANG, J.

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SADANG, J.:

Evaluation of the present petition reveals the following procedural deficiencies:

- 1) Failure to implead the People of the Philippines as party respondent in the case and to furnish OSG with copy of the Petition;
- 2) In the verification, there is no statement that the allegations contained in the Petition are based on personal knowledge and/or authentic records; and, there is no affiant's competent evidence of identity in the jurat;
- 3) There is no affidavit of service;
- 4) Failure to manifest willingness and ability to post the necessary injunction bond; and
- 5) Failure to attach the pertinent and relevant pleadings/documents and orders mentioned in Remarks A8 (a to f).

Non-compliance with procedural requirements justifies the dismissal of the petition.

It bears to stress, that rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings. It is a mistake to suppose that substantive law and adjective law are contradictory to each other; or, as has often been “suggested,” that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants. This is not exactly true; the concept is much misunderstood. As a matter of fact, the policy of the courts is to give effect to both kinds of law, as complementing each other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive and procedural rights is equally guaranteed by due process, whatever the source of such rights, be it the Constitution itself or only a statute or a rule of court.[1]

WHEREFORE, this Court RESOLVES to DISMISS the petition.

SO ORDERED.

Dimaampao, J., Chairperson, and Diamante, JJ., concur.

[1] G. R. No. 173375, September 25, 2008, citing *Tupas v. Court of Appeals*, 193 SCRA 597, citing *Limpot v. Court of Appeals*, 170 SCRA 367.

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