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CERTIFICATION AGAINST FORUM-SHOPPING

BI MEMORANDUM ORDER NO. ADD-03-009, June 02, 2003

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It has been observed that some complainants in deportation cases file multiple suits that are based on a common cause of action in different fora, for the purpose of obtaining a favorable judgment for deportation. To address this concern, all complaints for deportation shall comply with Rule 7, Section 5 of the Revised Rules of Court in the Philippines as follows:

> Sec. 5. Certification against Forum Shopping — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or calm has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.
>
> Failure to comply with the foregoing requirements shall not be curable by mere amendment to the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions. (n).

However, nothing in this Memorandum Order would prevent the Bureau from taking appropriate action where the violation/s of immigration law is clear.

This memorandum shall take effect immediately.

Adopted: 02 June 2003

(SGD.) ANDREA D. DOMINGO
Commissioner

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