

**DOLE PHILIPPINES INCORPORATED, STANFILCO DIVISION,
PETITIONER, VS. THE HONORABLE JUDGE ROBERTO L. AYCO,
PRESIDING JUDGE OF THE REGIONAL TRIAL COURT 11TH JUDICIAL
REGION, BRANCH ...**

Ponente: PEREZ, J.

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PEREZ, J.:

This resolves the Motion for Reconsideration[1] filed by private respondents of this Court's Decision[2] dated 11 September 2014, annulling the 27 September 2012 and 17 December 2012 Orders[3] of the Regional Trial Court of Surallah, South Cotabato, Branch 26, which denied petitioner's motion to dismiss on the ground of fatally defective certification of non-forum shopping in violation of Section 5, Rule 7 of the Rules of Civil Procedure.[4]

In their Motion, private respondents mainly argued that Jonathan Estabillo, the one who signed the verification and certification of non-forum shopping was not counsel for private respondents but a close relative, related to private respondents as aunts or first cousins, being the son of plaintiff Engracita Estabillo Morales. To this, We reiterate that private respondents still fail to show any justifiable reason to warrant a relaxation of the rule on the certification against forum shopping. Even if so that Jonathan Estabillo signed as relative and not as counsel, the fact that the one who signed the verification and certification of non-forum shopping is not a plaintiff nor a principal party to the case, or private respondents' failure to show why some or not all of them can execute the necessary certification or why the appointment of a substitute is justifiable or compelling, this Court finds no reason to deviate from its previous findings.

Considering that the arguments in private respondents' Motion for Reconsideration are reiterations of facts and issues that have been disposed of by this Court, We resolve to DENY the motion.

SO ORDERED.

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

[1] Rollo, pp. 276-288.

[2] Id. at 260-268.

[3] Id. at 28-32; 33-34.

[4] 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 claim 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 of 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. (Emphasis supplied.)

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