

REVISED SC CIRCULAR NO. 28-91, February 08, 1994

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TO:

THE INTEGRATED BAR OF THE PHILIPPINES. ALL OTHER BAR ASSOCIATIONS. THE OFFICE OF THE SOLICITOR GENERAL AND THE DEPARTMENT OF JUSTICE

SUBJECT:

ADDITIONAL REQUISITES FOR PETITIONS FILED WITH THE SUPREME COURT AND THE COURT OF APPEALS TO PREVENT FORUM SHOPPING OR MULTIPLE FILING OF PETITIONS AND COMPLAINTS

The attention of the Court has been called to the filing of multiple petitions and complaints involving the same issues in the Supreme Court, the Court of Appeals or other tribunals or agencies, with the result that said courts, tribunals or agencies have to resolve the same issues.

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To avoid the foregoing, in every petition filed with the Supreme Court or the Court of Appeals, the petitioner, aside from complying with pertinent provisions of the Rules of Court and existing circulars, must certify under oath to all of the following facts or undertakings: (a) he has not theretofore commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (b) to the best of his knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency; (c) if there is such other action or proceeding pending, he must state the status of the same; and (d) if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and such other tribunal or agency of that fact within five (5) days therefrom.

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Any violation of this revised Circular will entail the following sanctions: (a) it shall be a cause for the summary dismissal of the multiple petitions or complaints; (b) any wilful and deliberate forum shopping by any party and his counsel through the filing of multiple petitions or complaints to ensure favorable action shall constitute direct contempt of court; and (c) the submission of a false certification shall constitute indirect contempt of court, without prejudice to the filing of criminal action against the guilty party and the institution of disciplinary proceedings against the counsel.

This revised Circular shall take effect on April 1, 1994.

February 8, 1994.

(SGD.) ANDRES R. NARVASA

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