

DIMMY VICOY, EDMUND TUMLAD AND RAMIL CADUNGOG, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND REGIONAL TRIAL COURT BRANCH 63, RESPONDENTS.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Review seeking to reverse the Decision[1] of the Regional Trial Court (RTC), Branch 63, Bayawan City which affirmed the Judgment[2] of the Municipal Circuit Trial Court, Branch 1 of Bayawan City finding petitioners guilty beyond reasonable doubt of qualified direct assault upon an agent of a person in authority as defined in Article 148 of the Revised Penal Code and sentencing them to suffer the penalty of imprisonment ranging from four months and one day of arresto mayor to three years, six months and twenty-one days of prision correccional and to pay the fine of 1,000.00 with subsidiary imprisonment in case of insolvency.

A persual of the petition reveals the following defects.

Petitioners failed to state in their verification that the allegations in their petition are based on authentic records.

The rule on verification reads, viz.:

SEC. 4. Verification. — Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit.

A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

A pleading required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned pleading.

Verification of pleading is not an empty ritual bereft of any legal importance. It is intended to secure an assurance that the allegations contained in the pleading are true and correct; are not speculative or merely imagined; and have been made in good faith. A pleading may be verified by stating that the pleaders have read the allegations in their petition and that the same are true and correct based either on their personal knowledge or authentic records, or based both on their personal knowledge and authentic records. While the rule gives the pleaders several ways of verifying their pleading, the use of the phrase personal knowledge or authentic records is not without any legal signification and the pleaders are not at liberty to choose any of these phrases fancifully.[3]

Authentic records as a basis for verification bear significance in petitions wherein the greater portions of the allegations are based on the records of the proceedings in the court of origin and/or the court a quo, and not solely on the personal knowledge of the petitioner.[4]

In this case, petitioners assail the Decision of RTC (RTC), Branch 63, Bayawan City which affirmed the Judgment of the Municipal Circuit Trial Court, Branch 1, also of Bayawan City. In order to support the allegations in their petition, petitioners appended thereto, the material portions of the records of the proceedings

before both courts.

Other than the pleadings they filed in the proceedings of their criminal case, petitioner had no participation in the preparation of the assailed Decision, and of the other documents attached in support of the petition. There is a need to rely on the records to confirm the veracity of the attachments. Consequently, it is necessary for petitioners to state in the verification that the allegations in the petition are true and correct, not only based on personal knowledge, but also based on the information gathered from authentic records. This petitioners failed to do and such failure is fatal to their case.

The Court further observes that, in violation of Section 12, Rule II of the 2004 Rules on Notarial Commission, there is no competent evidence of the identity of petitioner Ramil Cadungog in the verification and certification of no forum shopping.

Finally, the notarial certificate in the verification and certification of non-forum shopping did not contain the serial number of the commission of the notary public, the province or city where he is commissioned and his office address, in violation of Section 2(b) and (c), Rule VIII of the 2004 Rules on Notarial Practice.

ACCORDINGLY, for the foregoing defects, the Petition is hereby DISMISSED.

SO ORDERED.

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Rollo, pp. 37-42.

[2] Rollo, pp. 27-34.

[3] See Mahinay v. Gako, Jr., G.R. No. 165338 and Sorensen v. Mahinay, G.R. No. 179375. November 28, 2011.

[4] See Hun Hyung Park v. Eung Won Choi, G.R. No. 165496, February 12, 2007.

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