COL. ARTURO C. FERRER (RET.), PETITIONER, VS. ATTY. ARACELI E. VILLANUEVA, DALISAY SORIANO AND WILSON DE LOS REYES, EMBERS, PREQUALIFICATION, BIDDING AND AWARDS COMMITTEE, PHILI...

G.R. No. 155025. August 24, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing (1) the Resolution[1] of the Court of Appeals (Special Former Fifth Division) dated March 29, 2001 and (2) the Resolution[2] dated September 3, 2002 in CA-G.R. SP No. 63645.

Col. Arturo C. Ferrer (ret.), petitioner herein, is the president and general manager of Odin Security Agency, Inc. (Odin), a private corporation engaged in providing security and watchman services. Sometime in August 1999, Odin was one of the bidders for the Philippine International Convention Center (PICC) security services.

On October 3, 1999, the Prequalification, Bidding and Awards Committee (PBAC) of the Philippine International Convention Center (PICC) disqualified Odin from further participating in the bidding due to the results of a survey among its clients showing that it has not rendered a "very satisfactory performance."

Petitioner sought reconsideration of the PBAC ruling and requested that he be furnished the names of the informants. However, the PBAC refused to divulge their names on the ground of confidentiality.

Petitioner then filed with the Ombudsman a complaint for violation of Republic Act No. 6713[3] against the members of the PBAC of the PICC, docketed as OMB-ADM-0-00-0055.

On July 26, 2000, the Ombudsman dismissed the complaint for lack of substantial evidence.

Forthwith, petitioner filed a motion for reconsideration, but in an Order dated October 26, 2000, the Ombudsman denied the same.

Petitioner filed a petition for certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 63645 but it was dismissed in a Resolution dated November 29, 2002, thus:

> There being no proof of service on the private respondents and the agency a quo as required under Sec. 13, Rule 13 of the 1997 Rules of Civil Procedure and as the petition is not accompanied with copies of all pleadings (such as Joint Counter-Affidavit) and documents relevant and pertinent thereto.
>
> WHEREFORE, this petition for certiorari is DISMISSED outright.
>
> SO ORDERED.

Petitioner timely filed a motion for reconsideration but the Court of Appeals in its Resolution of September 3, 2002 denied the same, thus:

> x x x
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> An examination of the records shows that even in the said motion, petitioner still failed to attach the required affidavit of service of the petition. What was attached only was the affidavit of service of the motion (p. 68, rollo). Further, the petition is still fatally flawed because other relevant and pertinent documents, such as the joint counter-affidavit, were not appended to the motion as required under par. 3, Sec. 3, Rule 46 of the 1997 Rules of Civil Procedure.
>
> It cannot be overemphasized that procedural rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality. (Republic v. Hernandez, 253 SCRA 509, 513).
>
> WHEREFORE, the said Compliance with Motion for Reconsideration is DENIED, and the resolution dated March 29, 2001 STANDS.
>
> SO ORDERED.

Hence, the instant petition raising the sole issue of whether the Court of Appeals erred in dismissing the petition in CA-G.R. SP No. 63645 for petitioner's failure to comply with Section 13, Rule 13 of the 1997 Rules of Civil Procedure, as amended.

The petition lacks merit.

Section 13, Rule 13 of the 1997 Rules of Civil Procedure, as amended, provides:

> SEC. 13. Proof of service. - Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place, and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

There is no question that petitioner herein was remiss in complying with the foregoing Rule. In Cruz v. Court of Appeals,[4] we ruled that with respect to motions, proof of service is a mandatory requirement. We find no cogent reason why this dictum should not apply and with more reason to a petition for certiorari, in view of Section 3, Rule 46 which requires that the petition shall be filed "together with proof of service thereof." We agree with the Court of Appeals that the lack of proof of service is a fatal defect. The utter disregard of the Rule cannot be justified by harking to substantial justice and the policy of liberal construction of the Rules. Technical rules of procedure are not meant to frustrate the ends of justice. Rather, they serve to effect the proper and orderly disposition of cases and thus effectively prevent the clogging of court dockets.

In the instant case, we find no persuasive reason to relax the Rule. Moreover, even if we do so, petitioner's failure to attach the material and relevant documents to his petition filed with the Court of Appeals is a sufficient ground to dismiss it. The second paragraph of Section 1, Rule 65 of the same Rules clearly states:

> SEC. 1. Petition for certiorari. -
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> x x x
>
> The petition shall be accompanied by a certified true copy of the judgment, order, or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46.

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The foregoing Rule should be read in relation with Section 3, Rule 46, thus:

> SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. -
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> x x x x x x x x x
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> It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. x x x
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> x x x x x x x x x
>
> The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.

Petitioner should have attached to his petition material portions of the record, such as the Joint Counter-Affidavit of respondents herein and other supporting documents. For without those supporting documents, petitioner's allegations in his petition in CA-G.R. SP No. 63645 are nothing but bare allegations.

In Cusi-Hernandez v. Diaz,[5] Atillo v. Bombay[6] and Manila Hotel Corporation v. Court of Appeals,[7] we ruled that petitioner's failure to attach certified true copies of such material parts of the record as would support the allegations in the petition is a sufficient ground to dismiss the petition.

Verily, we sustain the questioned Resolutions of the Court of Appeals.

WHEREFORE, we DENY the petition. The challenged Resolutions of the Court of Appeals in CA-G.R. SP No. 63645 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, pp. 34. Penned by Associate Justice Roberto A. Barrios (deceased) and concurred in by Associate Justice Ramon Mabutas, Jr. (retired) and Associate Justice Edgardo P. Cruz.

[2]Id., pp. 31-32. Associate Justice Ramon Mabutas, Jr. was replaced by Associate Justice Rodrigo V. Cosico.

[3] An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office Being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes.

[4] G.R. No. 123340, August 29, 2002, 388 SCRA 72.

[5] G.R. No. 140436, July 18, 2000, 336 SCRA 113.

[6] G.R. No. 136096, February 7, 2001, 351 SCRA 361.

[7]G.R. No. 143574, July 11, 2002, 384 SCRA 520.

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