

## EN BANC

[ G.R. No. 128772, February 03, 2000 ]

### RICARDO C. CADAYONA, PETITIONER, VS. COURT OF APPEALS AND THE PROVINCIAL GOVERNOR OF LEYTE, RESPONDENTS.

#### DECISION

##### GONZAGA-REYES, J.:

On January 13, 1997, petitioner Ricardo C. Cadayona filed a Petition for Review with the Court of Appeals to annul Resolution Nos. 96-7418 and 96-2569 of the Civil Service Commission, which affirmed his preventive suspension. The Petition was docketed as CA-G.R. SP. No.43104 entitled "Ricardo C. Cadayona vs. Provincial Governor of Leyte". In a Resolution<sup>[1]</sup> dated February 19, 1997, the Court of Appeals dismissed the petition outright on the following grounds:

- a. the certificate of non-forum shopping attached thereto was not executed by the petitioner himself but by his counsel;
- b. three annexes attached to it (Annexes D, E and F) were mere xerox or plain copies and not certified true copies.

On March 31, 1997, the Court of Appeals denied petitioner's motion for reconsideration of the dismissal stating that although there was substantial compliance with the Circular on forum shopping, the failure to submit certified true copies of Annexes D, E and F of the petition is a fatal flaw justifying dismissal of the petition:

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"The petitioner posits that under the Circular, 'What is required to be certified are the award, judgment, final order or resolution appealed from and material portions of, the record referred to in the petition. The other supporting papers do not have to be certified true copies.' He backs up his theory with the so-called doctrine of last antecedent supposedly enunciated in *Felipe vs. De la Cruz*, 99 Phil. 940, under which the qualifier succeeding phrase "such material portions of the record as are referred to therein," and does not include the remote phrase "other supporting papers."

Petitioner's legal hermeneutics is faulty and his reliance on the *Felipe* case is misplaced. The term "certified true copies," being the only qualifier in the phrase 'such material portions of the record as are referred to therein and other supporting papers,' must refer to both 'material portions of the record' and 'other supporting papers'. In the *Felipe* case, there were two qualifiers; hence, it was held that each must refer to the object nearest to it.

But even granting that petitioner's interpretation is correct, Annexes "D" (order of suspension), "E" (petitioner's letter refusing to sit and serve as a member of the special committee tasked to inspect/re-inspect the heavy equipment imported from Japan) and "F" (administrative charge against the petitioner) are portions of the record referred to in the petition. They were all mentioned in the Resolution of Civil Service Commission (CSC) Regional Director Vicente-Escarian as well as in the appealed Resolutions of the CSC. The purpose of the requirement that they should have been certified as true copies is to expedite the determination by this Court of whether or not the petition is *prima facie* meritorious on the basis of authentic documents so as to warrant further action or proceedings.

Petitioner's proffered excuse that it was totally impossible to obtain certified true copies of these annexes because the originals are with the respondent deserves no consideration. He could have secured certified true copies from the CSC. What is more, a copy, if not the original, of Annexes "D" and "F" were presumably served on him while Annex "E" is his own letter. He can not successfully plead time constraint for his counsel's office and the CSC's are both in Quezon City. The alleged political undertones of the case could not have prevented him or his counsel from going to the CSC to obtain the necessary certified true copies.

Accordingly, for being fatally flawed under Revised Administrative circular No.1-95, the dismissal of the petition is justified."<sup>[2]</sup>

Hence this petition where the petitioner assigns the following errors:

**"I. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT IMPOSED THE REQUIREMENT THAT ALL ANNEXES TO THE PETITION FOR REVIEW BE CERTIFIED.**

**II. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT DISMISSED THE PETITION FOR REVIEW."**<sup>[3]</sup>

Petitioner maintains that Administrative Circular 1-95 requires that only copies of the award, judgment, final order or resolution appealed from and material points of record referred in the petition shall be certified; said circular does not require that the annexes be certified true copies. Under the so-called doctrine of last antecedent, the phrase "certified true copies" does not qualify the remote phrase "other supporting papers"; the qualifier phrase "certified true copies" only refers to the immediately succeeding phrase "such material portions of the record as referred to therein". Petitioner further argues that even assuming that some of the annexes he submitted were not certified, the Court of Appeals could still have made a *prima facie* determination of the case based on the authentic or certified documents. Moreover, the Court of Appeals could have ordered the transmittal of certified true copies of the entire record of the proceeding under review. Petitioner also alleges that his failure to attach certified true copies of the questioned annexes was excusable. He claims that he only had a limited period of time within which to obtain certified documents after he received the resolution of the Civil Service Commission.