

[G.R. No. 143016, August 30, 2000]

MR. & MRS. RONNIE DAR, MR. & MRS. RANDY ANGELES, MR. & MRS. JOY CONSTANTINO AND MR. & MRS. LIBERTY CRUZ, PETITIONERS, VS. HON. ROSE MARIE ALONZO-LEGASTO, IN HER CAPACITY AS THE PRESIDING JUDGE IN THE METROPOLITAN TRIAL COURT OF METRO MANILA, BRANCH 41, QUEZON CITY AND NENITA CO BAUTISTA REPRESENTED BY VICTORIO A. BAUTISTA, RESPONDENTS.

D E C I S I O N

KAPUNAN, J.:

If the petitioners are husband and wife and only one of them signs the petition (for review on certiorari and mandamus), is the petition dismissible for violation of the Rule on Certification of Non-Forum Shopping requiring all petitioners to certify it under oath? This is the sole issue raised by petitioners Mr. and Mrs. Ronnie Dar, Mr. and Mrs. Randy Angeles, Mr. and Mrs. Joy Constantino, and Mr. and Mrs. Liberty Cruz.

In a resolution, dated January 25, 2000, the Court of Appeals ruled in the affirmative.^[1] Said court dismissed petitioners' petition for review on certiorari and mandamus for failure to comply with the Rule on Certification of Non-Forum Shopping after finding that the petition "was signed only by Ronnie Dar, Randy Angeles, Joy Constantino, and Liberty Cruz, without authority attached thereto to sign for and in behalf of their co-petitioners."^[2] In other words, while petitioners Ronnie Dar, Randy Angeles, Joy Constantino and Liberty Cruz signed the Certification of Non-Forum Shopping, their respective spouses did not sign the same.

It appears from the records that herein private respondent Nenita Co Bautista filed a case for unlawful detainer against herein petitioners in the Metropolitan Trial Court, Quezon City. They were sued as "Mr. and Mrs." in the said case.^[3] Petitioners now contend that since what is involved in the instant case is their common rights and interest to abode under the the system of absolute community of property, either of the spouses can sign the petition.^[4]

We find merit in the petition.

Administrative Circular No. 04-94 issued by the Supreme Court on February 8, 1994 provides, among others:

Revised Circular No. 28-91, dated February 8, 1994 applies to and governs the filing of petitions in the Supreme Court and the Court of Appeals and is intended to prevent the multiple filing of petitions or complaints involving the same issues in other tribunals or agencies as a form of forum shopping.