

## **SECOND DIVISION**

**[ G.R. NO. 143088, January 24, 2006 ]**

**PHILIPPINE AIRLINES, INC., MANOLO AQUINO, JORGE MA. CUI, JR. AND PATRICIA CHIONG, PETITIONERS, VS. FLIGHT ATTENDANTS AND STEWARDS ASSOCIATION OF THE PHILIPPINES (FASAP) AND LEONARDO BHAGWANI, RESPONDENTS.**

### **D E C I S I O N**

**AZCUNA, J.:**

This petition for review on certiorari under Rule 45 of the Rules of Court presents a recurring question regarding the Court's requirement of a certification of non-forum shopping.

Petitioners Philippine Airlines, Inc. (PAL) and Manolo Aquino, Jorge Ma. Cui, Jr. and Patricia Chiong, in their capacity as Executive Vice-President Administration and Services, Manager International Cabin Crew and Assistant Vice-President Cabin Services, respectively, are before the Court seeking the reversal of the resolution of the Court of Appeals in C.A. G.R. No. SP-56850, dated January 31, 2000, dismissing their appeal and the resolution of May 11, 2000, denying the motion for reconsideration.

The facts on the conflict between PAL and respondents Flight Attendants and Stewards Association of the Philippines (FASAP) and Leonardo Bhagwani are not necessary for the Court's resolution of the petition. It is enough to state that on May 14, 1997 FASAP and Leonardo Bhagwani filed a complaint for unfair labor practice, illegal suspension and illegal dismissal against petitioners before the Labor Arbiter of the National Labor Relations Commission (NLRC). The Labor Arbiter rendered a decision holding that PAL committed unfair labor practice and illegal dismissal of Bhagwani and, consequently, ordered the payment of damages. The NLRC later modified the decision by setting aside the finding that PAL was guilty of unfair labor practice, but affirming the rest of the decision.

What is relevant to the case is the subsequent appeal to the Court of Appeals. When petitioners filed a petition for certiorari against the decision with the Court of Appeals, it was accompanied by a Certification of Non-Forum Shopping executed by Cesar R. Lamberte and Susan Del Carmen, Vice-President Human Resources and Assistant Vice-President Cabin Services of PAL, respectively, who are not parties to the case. The certification, however, was without proof that the two affiants had authority to sign in behalf of petitioners. As a result, the Court of Appeals dismissed the case for failure to show the authority of affiants to sign for PAL and for failure of the other petitioners to join in the execution of the certification. A motion for reconsideration was filed with a Secretary's Certificate attached evidencing that affiants Cesar R. Lamberte and Susan Del Carmen have been authorized by Board