

FIRST DIVISION

[G.R. No. 127393, December 04, 1998]

**SPOUSES VALENTINO ORTIZ AND CAMILLA MILAN ORTIZ,
PETITIONERS, VS. COURT OF APPEALS AND SPOUSES
FRANCISCO AND BERNARDINA RODRIGUEZ, RESPONDENTS.**

D E C I S I O N

QUISUMBING, J.:

Petitioners seeks a review of the decision^[1] of the Court of Appeals in CA- G.R. CV 42238 dated October 18, 1996, and it's resolution^[2] dated December 03, 1996, on the motion for reconsideration, dismissing the case for failure of the petitioners to comply strictly with the Rules of Court. The appellate court decreed, thus:

"WHEREFORE, for not being sufficient in form and substance, the instant Petition for Review is hereby DENIED due course and accordingly DISMISSED outright."^[3]

The factual background of this petition is as follows:

The spouses Francisco and Bernardina Rodriguez, herein private respondents (hereafter the "Rodriguezes"), filed an action for ejectment in the Metropolitan Trial Court (MeTC) of Parañaque, Branch 77, against Valentin and Camilla Ortiz, herein petitioners (hereafter the "Ortizs"), who are lessees of Cristopher and Angelica Barramedas, on the ground that they are the real owners of the house and lot or the subject property. MeTC, Branch 77, awarded the possession of the property in favor of the Rodriguezes.

The Ortizs appealed the Parañaque MeTC decision to the RTC of Parañaque, Branch 257. On August 30, 1996, the latter court found no reversible error in the assailed judgment, and thus affirmed it in toto. On September 27, 1996, the Rodriguezes filed the Motion for Issuance of Writ of Execution of judgment, which was opposed by the herein petitioners on October 24, 1996.

Upon the Parañaque RTC's denial of the Opposition to Motion for Issuance of Writ of Execution, the petitioner Ortizs appealed to the Court of Appeals ("CA"). The petition was dismissed on the following grounds: (1) the certification of non-forum shopping was signed by the counsel and not by the petitioners themselves, and (2) the copy of the RTC decision is not duly certified as a true copy as required by Sec. 3 (b), Rule 6 of the Revised Internal Rules of CA. Further, the supposed duplicate original copy of said decision does not bear the dry seal of the trial court, but merely stamped "Original Signed," which appears above the name of the judge.

Hence, the petitioners now come before us, and raise the following grounds in support of the petition:

"I The Court of Appeals is clear contravention of the rules of Court, and the ruling in Gabionza v. Court of Appeals, 234 SCRA 192, Loyola v. Court of Appeals, 245 SCRA 477 and Kavinta v. Castillo, 249 SCRA 604 gravely erred in dismissing the Ortizes' petition review, and/or in failing to reconsider such dismissal.

II. The Court of Appeals gravely erred in failing to rule on the issue of lack of jurisdiction of the MTC which had decided the issue of ownership.

III. The Court of Appeals gravely erred in ignoring the issue of forum shopping raised against the Rodriguezes, and thus sanctioned a violation of Circular Nos. 28-91 and 04-94."^[4]

From the foregoing factual and procedural antecedents, the main issue for our resolution is:

DID THE RESPONDENT COURT OF APPEALS ERR IN DISMISSING THE PETITION FOR REVIEW UNDER RULE 41 OF THE REVISED RULES OF COURT AS AMENDED, FOR FAILURE OF PETITIONERS TO FAITHFULLY COMPLY WITH THE PROCEDURAL REQUIREMENTS SET FORTH IN SC CIRCULAR NO. 28-91 AND SC ADMINISTRATIVE CIRCULARS NO. 3-96?

To resolve the issue, it should be recalled that Revised Circular No. 28-91^[5] provides that the party must certify under oath that he has not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, and that to the best of his knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or different Division thereof, or any other tribunal or agency^[6] (Emphasis supplied)

Petitioners admit that their lawyer, Atty. Ma. Filomena Singh-Paulite, signed the Certification on Non-Forum Shopping. Allegedly, Atty. Paulite has personal knowledge that the Ortizes had not commenced any other action or proceeding involving the same parties and causes of action. Petitioners now assert that their lawyer's signature must be accepted as substantial compliance with the requirements of the Circular.

Regrettably, we find that substantial compliance will not suffice in a matter involving strict observance as provided for in Circular No. 28-91. The attestation contained in the certification on non-forum shopping requires personal knowledge by the party who executed the same. To merit the Court's consideration, petitioners here must show reasonable cause for failure to personally sign the certification. The petitioners must convince the court that the outright dismissal of the petition would defeat the administration of justice. However, the petitioners did not give any explanation to warrant their exemption from the strict application of rule. Utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction.

Concerning the second ground for the appellate court's dismissal of the petition, it is required that:

"2 The duplicate original copy must be duly signed or initialled by the authorities or the corresponding officers or representative of the issuing