NINTH DIVISION

[CA-G.R. SP NO. 131865, November 26, 2014]

DIRECT FUNDERS HOLDINGS CORPORATION, PETITIONER, VS. HON. ERNESTO L. MARAJAS, PRESIDING JUDGE OF REGIONAL TRIAL COURT OF BATANGAS CITY, BRANCH 8, AND CITY OF BATANGAS, RESPONDENTS.

D E C I S I O N

PERALTA, JR., E. B., J.:

Through the Petition for Certiorari[1] before Us, sought to be rectified by petitioner was the alleged default Order against it, inclusive of the subsequent disposition of the court *a quo,* in regard to the denial of petitioner's Motion for Reconsideration therefrom.

We unfurl some pertinent available datum of the backdrop.

Following the filing of a suit by public respondent City of Batangas for nullity of title and reconveyance principally against petitioner, petitioner supposedly filed the Answer. In the course of the pre-trial conference on October 20, 2011, petitioner caused the marking of exhibits and entered into stipulations. On an unspecified date, the pre-trial conference resumed on another occasion and because of non-appearance of Juan Javier, Jr. who was presumably a different defendant in the suit, Javier, Jr. was declared in default, inclusive of petitioner, per the Order of March 6, 2012.

After a lull, petitioner presented a Motion for Reconsideration on April 11, 2013 to secure relief from the Order of default. Subsequent to public respondent's Opposition, the court below resolved to deny petitioner's recourse which constrained it to utilize the current Petition based on three ascriptions on the propriety of the Order of March 6, 2012, the rebuff of petitioner's Motion for Reconsideration, and the concept of "immutability of decisions."

In keeping with the incipient Resolution of September 30, 2013,[2] public respondent City of Batangas' Comment[3] materialized which essentially demurred to petitioner's thesis of wanton exercise of discretion.

We resolve to reject the Petition for Certiorari.

Insofar as technical glitches, it was beyond cavil that petitioner is a domestic corporation[4] but the Verification and Certification of Non-Forum Shopping was signed by a certain Richard Neil S. Chua as authorized representative *sans* any concrete authority therefor from the Board of Directors of petitioner. On this score,

pertinent excerpt of Mr. Justice Regalado assumes resonance:[5]

> "*This requirement is intended to apply to both natural and juridical persons. Where the petitioner is a corporation, the certification against forum shopping should be signed by its duly authorized director or representative. The same is true with respect to any juridical entity since it has of necessity the proper officer to represent it in its other transactions (Digital Microwave Corp. vs. CA, et al., G.R. No. 128550, Mar. 16, 2000). In National Steel Corp. vs. CA, et al. (G.R. No. 134468, Aug. 29, 2002), the rule was liberally applied pro hac vice in view of the peculiar circumstances of the case and in the interest of substantial justice.*"
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> *However, in BA Savings Bank vs. Sia, et al. (G.R. NO. 131214, July 27, 2000), it was held that the certification of non-forum shopping may be signed, for and on behalf of a corporation, by a specifically authorized lawyer who has personal knowledge of the facts required to be disclosed in such document. This does not mean, though, that any lawyer representing the corporation may routinely sign that certification. That lawyer must be specifically authorized in order to validly sign the same. Further, while said counsel may be the counsel of record, there must be a resolution of the board of directors that specifically authorizes him to file the action and execute the certification (BPI Leasing Corp. vs. CA, et al., G.R. No. 127624, Nov. 18, 2003).* "

Neither was the Petition accompanied with a certified true copy of the so-called Order of default on March 6, 2012[6] which was likewise assailed by petitioner.[7] *A contrario,* what was appended was only a certified true copy of the Resolution of July 9, 2013 from the trial court in regard to the denial of petitioner's Motion for Reconsideration.

Independently of the foregoing hitches, it was clarified by public respondent's Comment that after petitioner's 'default' on August 23, 2011 was lifted, petitioner was again subjected to the identical sanction referred to in Section 5, Rule 18 of the 1997 Rules of Civil Procedure during the hearing of March 6, 2012 as prelude to presentation of the plaintiff's evidence.[8] Even on the assumption that there was an inaccuracy on the part of the court below, relative to terminology[9] for the repercussion of a defendant's non-appearance during pre-trial conference, inclusive of the aspect of "immutability of decision", such misconceptions will not necessarily denigrate the disputable inference of regularity in the performance of official duty enjoyed by every magistrate.[10] Certainly, the procedural *faux pas* as attributed by petitioner to the court below only amounted to a 'harmless error' in Section 6, Rule 51 of the 1997 Rules of Civil Procedure:

> "No error in either the admission or the exclusion of evidence and no error *or defect in any ruling or order or in anything done or omitted by the trial court or by any of the parties is ground for granting a new trial or for setting aside, modifying, or otherwise disturbing a judgment or*