Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DR. JOSEPH L. MALIXI, DR. EMELITA Q. FIRMACION, MARIETTA MENDOZA, AURORA AGUSTIN, NORA AGUILAR, MA. THERESA M. BEFETEL, and MYRNA NISAY, Petitioners,	**G.R. No. 208224** Present: VELASCO, JR., **J.*, BERSAMIN, **Acting Chairperson, LEONEN, MARTIRES, and GESMUNDO, *JJ.*
-versus-	
DR. GLORY V. BALTAZAR, Respondent.	**Promulgated:** November 22, 2017

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DECISION

LEONEN, *J.*:

This is a Petition for Review on Certiorari[1] under Rule 45 of the 1997 Rules of Civil Procedure, praying that the January 22, 2013[2] and July 16, 2013[3] Resolutions of the Court of Appeals in CA-G.R. SP No. 127252 and the October 17, 2011 Decision[4] and July 17, 2012 Resolution[5] of the Civil

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* On official leave.

** Designated Acting Chairperson per S.O. No. 2514 dated November 8, 2017.

1 *Rollo*, pp. 8–38.

2 Id. at 39. The Resolution was witnessed by Associate Justices Rebecca De Guia-Salvador, Apolinario D. Bruselas, Jr., and Samuel H. Gaerlan of the Third Division, Court of Appeals, Manila.

3 Id. at 40. The Resolution was witnessed by Associate Justices Rebecca De Guia-Salvador, Apolinario D. Bruselas, Jr., and Samuel H. Gaerlan of the Third Division, Court of Appeals, Manila.

4 Id. at 173–186. The Decision was penned by Commissioner Mary Ann Z. Fernandez-Mendoza and signed by Chairman Francisco T. Duque III. Commissioner Rasol L. Mitmug was on leave.

5 Id. at 188–191. The Resolution was penned by Commissioner Mary Ann Z. Fernandez-Mendoza and

Service Commission be reversed and set aside.[6] The Civil Service Commission dismissed the administrative complaint of herein petitioners Dr. Jose L. Malixi (Dr. Malixi), Dr. Emelita Q. Firmacion (Dr. Firmacion), Marietta Mendoza (Mendoza), Aurora Agustin (Agustin), Nora Aguilar (Aguilar), Ma. Theresa M. Befetel (Befetel), and Myrna Nisay (Nisay) against herein respondent Dr. Glory V. Baltazar (Baltazar) for violating the rule on forum shopping.[7] The Court of Appeals dismissed the Petition for Certiorari filed by petitioners on procedural grounds.[8]

In their Complaint[9] dated December 15, 2010, petitioners prayed before the Civil Service Commission that respondent Dr. Baltazar be held administratively liable for gross misconduct and that she be dismissed from service.[10]

Petitioners were employees of Bataan General Hospital holding the following positions: Dr. Malixi was the Vice President of the Samahan ng Manggagawa ng Bataan General Hospital, Dr. Firmacion was a Medical Specialist II, Mendoza and Agustin were both Nurse III, Aguilar and Befetel were both Nurse II, and Nisay was a Nursing Attendant II. Meanwhile, Dr. Baltazar was the Officer-in-Charge Chief of Bataan General Hospital.[11]

Petitioners alleged that sometime in May 2008, the Department of Health and the Province of Bataan entered into a Memorandum of Agreement regarding the construction of Bataan General Hospital's three (3)-storey building. While this Memorandum was in effect, the Department of Health, through then Secretary Francisco T. Duque (Duque), issued Department Personnel Order No. 2008-1452, appointing Dr. Baltazar as the hospital's Officer-in-Charge.[12]

According to petitioners, the Department of Health and the Province of Bataan entered into a Supplemental Memorandum.[13] One (1) of the provisions stated that the parties agreed to give the supervision of the hospital to the Secretary of Health or "his duly authorized representative with a minimum rank of Assistant Secretary[.]"[14] A third Memorandum of Agreement was executed by the parties on June 16, 2009, but the Department of Health refused to renew the agreement "due to a complaint

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signed by Chairman Francisco T. Duque III.

6 Id. at 35, Petition for Review.

7 Id. at 186, Civil Service Commission Decision.

8 Id. at 39, Court of Appeals Resolution dated January 22, 2013.

9 Id. at 58–72.

10 Id. at 71.

11 Id. at 60–61.

12 Id. at 61.

13 Id. at 61–62.

14 Id. at 62.

already filed before the Honorable Congresswoman Herminia Roman, and before the Department of Health."[15]

In their Complaint, petitioners questioned the validity of Dr. Baltazar's appointment and qualifications.[16] They alleged that her appointment was "without any basis, experience[,] or expertise[.]"[17] They claimed that she was appointed only by virtue of an endorsement of the Bataan Governor and without the prescribed Career Service Executive Board qualifications.[18] Thus, her appointment violated Sections 8(1)(c), 8(2), 21(1), and 22 of Book V of the Administrative Code, which provide:

> SECTION 8. Classes of Positions in the Career Service. — (1) Classes of positions in the career service appointment to which requires examinations shall be grouped into three major levels as follows:
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> . . . .
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> (c) The third level shall cover positions in the Career Executive Service.
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> (2) Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall be open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification in the lower level. **Entrance to the third level shall be prescribed by the Career Executive Service Board.**
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> . . . .
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> SECTION 21. Recruitment and Selection of Employees. — (1) Opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. **Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions.**
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> . . . .
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> SECTION 22. Qualification Standards. — (1) A qualification standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.
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> **Qualification standards shall be used as basis for civil service examinations for positions in the career service, as guides in appointment and other personnel actions, in the adjudication of**

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15 Id.
16 Id. at 62–66.
17 Id. at 63.
18 Id. at 64.

> **protested appointments, in determining training needs, and as aid in the inspection and audit of the agencies' personnel work programs.**
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> It shall be administered in such manner as to continually provide incentives to officers and employees towards professional growth and foster the career system in the government service.
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> (2) The establishment, administration and maintenance of qualification standards shall be the responsibility of the department or agency, with the assistance and approval of the Civil Service Commission and in consultation with the Wage and Position Classification Office.[19] (Emphasis and underscoring in the original)

Petitioners pointed out that Dr. Baltazar's appointment was by virtue of a secondment pursuant to the Memorandum of Agreement. Her third year as Officer-in-Charge via secondment already violated the law for failing to comply with the required qualification standards.[20] Granting that there was compliance, secondment that exceeds one (1) year is subject to the Civil Service Commission's approval under Section 9(a),[21] Rule VII of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Department of Health Administrative Order No. 46, series of 2001. Civil Service Commission Memorandum Circular No. 15, series of 1999 likewise provides that the contract of secondment should be submitted to the Commission within 30 days from its execution. A year after Dr. Baltazar's secondment, the Commission did not issue any authority for her to continue to hold office as Officer-in-Charge of the hospital. Hence, her assumption without the required authority was deemed illegal.[22]

Petitioners averred that the non-renewal of the Memorandum of Agreement by the Department of Health rendered her appointment ineffective. Her holding of the position after this non-renewal was already illegal.[23]

In addition to Dr. Baltazar's alleged invalid appointment and lack of qualifications, petitioners contended that she committed several abusive and malevolent acts detrimental to Bataan General Hospital's officers and employees.[24] She authorized the collection of fees for the insertion and removal of intravenous fluids and fees for the Nurse Station without any legal basis.[25] She also caused the removal from payroll of an employee,

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19 Id. at 63–65.

20 Id. at 65.

21 Omnibus Rules Implementing Book V of Executive Order No. 292, Rule VII, Section 9(a) provides:
SECTION 9. Secondment is a movement of an employee from one department or agency to another which is temporary in nature and which may or may not require the issuance of an appointment but may either involve reduction or increase in compensation.
Secondment shall be governed by the following general guidelines:
(a) Secondment for a period exceeding one year shall be subject to approval by the Commission.

22 *Rollo*, pp. 65–66, Complaint.

23 Id. at 66.

24 Id. at 66–70.

25 Id. at 67.

who, up to the filing of the Complaint, had yet to receive remuneration, hazard pay, subsistence, and other allowances.[26]

Petitioners likewise alleged that Dr. Baltazar manipulated the creation of the Selection and Promotion Board to give her control over the personnel's employment and promotion. She also disregarded the next-in-line rule when it comes to appointment and promotion of employees.[27]

Furthermore, Dr. Baltazar allegedly employed two (2) doctors as contractual employees who were paid ₱20,000.00 but worked only half the time rendered by an employee-doctor of Bataan General Hospital. Lastly, petitioners claimed that Dr. Baltazar allowed her doctor siblings to accommodate private patients while expressly prohibiting other doctors to do the same.[28]

On October 17, 2011, the Civil Service Commission rendered a Decision[29] dismissing the Complaint on the ground of forum shopping. The Civil Service Commission found that all elements of forum shopping were present in the case and that petitioners' letter dated September 7, 2010 filed with the Department of Health contained the same allegations against Dr. Baltazar and sought for the same relief. Finally, the judgment by the Department of Health would result to *res judicata* in the case before the Civil Service Commission. It also noted that another case was pending before the Office of the Ombudsman in relation to the alleged removal of an employee in the hospital's payroll.[30]

Nevertheless, the Civil Service Commission resolved the issue of Dr. Baltazar's appointment "[f]or clarificatory purposes[.]"[31] It held that Dr. Baltazar was not appointed as Officer-in-Charge of Bataan General Hospital but was merely seconded to the position. Section 6 of the Civil Service Commission Circular No. 40, series of 1998, only requires that seconded employees occupy a "professional, technical and scientific position[.]"[32]

The Civil Service Commission added that the approval requirement for secondments that exceed one (1) year was already amended by Civil Service Commission Circular No. 06-1165.[33] The new circular merely required that the Memorandum of Agreement or the secondment contract be submitted to the Commission "for records purposes[.]"[34] Failure to submit

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26 Id. at 68.
27 Id. at 67–68.
28 Id. at 69–70.
29 Id. at 173–186.
30 Id. at 180–185.
31 Id. at 185.
32 Id.
33 Id.
34 Id.

within 30 days from the execution of the agreement or contract will only make the secondment in effect 30 days before the submission date.[35]

On the alleged violation of the next-in-line rule, the Civil Service Commission held that "[e]mployees holding positions next-in-rank to the vacated position do not enjoy any vested right thereto for purposes of promotion."[36] Seniority will only be considered if the candidates possess the same qualifications.[37]

The dispositive portion of the Civil Service Commission Decision read:

> **WHEREFORE,** the complaint of Dr. Joseph L. Malixi, Dr. Emelita Q. Firmacion, Marietta Mendoza, Aurora Agustin, Nora Aguilar, Ma. Theresa M. Befetel and Myrna Nisay against Dr. Glory V. Baltazar for Dishonesty; Misconduct; Oppression; Violation of Existing Civil Service Law and Rules or Reasonable Office Regulations; and Conduct Prejudicial to the Best Interest of the Service and Being Notoriously Undesirable is hereby **DISMISSED** for violation of the rule against forum-shopping.[38] (Emphasis in the original)

Petitioners moved for reconsideration and argued that the letter before the Department of Health was simply a request to meet the Secretary, and not a Complaint. Furthermore, the letter before the Department of Health and the Complaint before the Civil Service Commission did not contain the same parties or seek the same relief.[39]

On July 17, 2012, the Civil Service Commission promulgated a Resolution[40] denying the Motion for Reconsideration. It held that it was the Department of Health that considered petitioners' letter as their complaint, and not the Civil Service Commission. Moreover, the Department of Health already exercised jurisdiction over the case when it required Dr. Baltazar to comment on the letter-complaint.[41]

Petitioners elevated the case before the Court of Appeals.

On January 22, 2013, the Court of Appeals issued a Minute Resolution,[42] dismissing the appeal:

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35 Id.
36 Id. at 186.
37 Id.
38 Id.
39 Id. at 189–190, Civil Service Commission Resolution.
40 Id. at 188–191.
41 Id. at 190.
42 Id. at 39.

The petition is DISMISSED in view of the following:

1. the dates when the assailed Decision was received and when [a Motion for Reconsideration] thereto was filed are not indicated;
2. the attached October 17, 2011 Decision and July 17, 2012 Resolution are mere photocopies;
3. petitioner's counsel's [Mandatory Continuing Legal Education] date of compliance is not indicated; and
4. there are no proofs of competent evidence of identities.[43]

Petitioners moved for reconsideration, which was denied by the Court of Appeals in its July 16, 2013 Minute Resolution.[44]

On September 4, 2013, petitioners filed a Petition for Review[45] against Dr. Baltazar before this Court. They pray for the reversal of the Decision and Resolution of the Court of Appeals and of the Decision and Resolution of the Civil Service Commission.[46]

Petitioners maintain that they indicated the important dates in their appeal before the Court of Appeals and that they attached certified true copies of the assailed Decision and Resolution.[47] However, they admit that they failed to indicate the date of their counsel's Mandatory Continuing Legal Education (MCLE) compliance and to provide proof of "competent evidence of identities."[48]

Petitioners also deny that they committed forum shopping. The alleged Complaint sent to the Department of Health was a mere letter stating the employees' grievances and objections to the illegalities and violations committed by respondent. It was a mere request for the Department of Health Secretary to tackle the issues and investigate the concerns in the hospital's management. This letter was not intended to serve as a formal Complaint. They request that this Court set aside the issue on forum shopping and that the case be resolved on its merits.[49]

On January 14, 2014, respondent filed her Comment[50] and prayed for the dismissal of the petition. She argues that the procedural infirmities of petitioners' appeal are fatal to their case.[51]

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43 Id.
44 Id. at 40.
45 Id. at 8–38.
46 Id. at 35.
47 Id. at 27–29.
48 Id. at 29–30.
49 Id. at 30–35.
50 Id. at 204–213.
51 Id. at 206–209.

On February 27, 2014, petitioners filed their Reply.[52] They reiterated their request for the relaxation of procedural rules and the resolution of the case based on its merits. They also disclosed that Civil Service Commission Chairman Duque, who signed the October 17, 2011 Decision, was formerly the Department of Health Secretary who seconded respondent as Bataan General Hospital's Officer-in-Charge. Lastly, petitioners added that their letter to the Department of Health was not a Complaint since it was not assigned a case number.[53]

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in dismissing the petition based on procedural grounds.

I

Procedural rules are essential in the administration of justice. The importance of procedural rules in the adjudication of disputes has been reiterated in numerous cases.[54] In *Santos v. Court of Appeals, et al.*:[55]

> Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in insuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed, to provide for a system under which suitors may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge. The other alternative is the settlement of their conflict through the barrel of a gun.[56]

Moreover, in *Le Soleil Int'l. Logistics Co., Inc,. et al. v. Sanchez, et al.*:[57]

> Time and again, we have stressed that procedural rules do not exist for the convenience of the litigants; the rules were established primarily to provide order to, and enhance the efficiency of, our judicial system.[58]

In this case, the Court of Appeals pointed out four (4) procedural infirmities:

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52 Id. at 214–220.
53 Id. at 216–218.
54 See *Lazaro v. Court of Appeals*, 386 Phil. 412, 417–418 (2000) [Per J. Panganiban, Third Division], *Samala v. Court of Appeals*, 416 Phil. 1, 7 (2001) [Per J. Pardo, First Division], *Norris v. Hon. Parentela, Jr.*, 446 Phil. 462, 472 (2003) [Per J. Quisumbing, Second Division], and *National Power Corporation v. Southern Philippines Power Corporation*, G.R. No. 219627, July 4, 2016, 795 SCRA 540, 551 [Per J. Leonen, Second Division].
55 275 Phil. 894 (1991) [Per J. Cruz, First Division].
56 Id. at 898.
57 769 Phil. 466 (2015) [Per J. Perez, First Division].
58 Id. at 473.

1. the dates when the assailed Decision was received and when [a Motion for Reconsideration] thereto was filed are not indicated;
2. the attached October 17, 2011 Decision and July 17, 2012 Resolution are mere photocopies;
3. petitioner's counsel's [Mandatory Continuing Legal Education] date of compliance is not indicated; and
4. there are no proofs of competent evidence of identities.[59]

Technical rules serve a purpose. They are not made to discourage litigants from pursuing their case nor are they fabricated out of thin air. Every section in the Rules of Court and every issuance of this Court with respect to procedural rules are promulgated with the objective of a more efficient judicial system.

On the first procedural rule that petitioners allegedly failed to comply with, this Court explained the rationale of the requisite material dates in *Lapid v. Judge Laurea*:[60]

> There are three material dates that must be stated in a petition for *certiorari* brought under Rule 65. *First*, the date when notice of the judgment or final order or resolution was received; *second*, the date when a motion for new trial or for reconsideration was filed; and *third*, the date when notice of the denial thereof was received . . . As explicitly stated in the aforementioned Rule, failure to comply with any of the requirements shall be sufficient ground for the dismissal of the petition.
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> The rationale for this strict provision of the Rules of Court is not difficult to appreciate. As stated in *Santos vs. Court of Appeals*, the requirement is for purpose of determining the timeliness of the petition, thus:
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> > The requirement of setting forth the three (3) dates in a petition for *certiorari* under Rule 65 is for the purpose of determining its timeliness. Such a petition is required to be filed not later than sixty (60) days from notice of the judgment, order or *Resolution* sought to be assailed. Therefore, that the petition for *certiorari* was filed forty-one (41) days from receipt of the denial of the motion for reconsideration is hardly relevant. *The Court of Appeals was not in any position to determine when this period commenced to run and whether the motion for reconsideration itself was filed on time since the material dates were not stated . . .*
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> Moreover, as reiterated in *Mabuhay vs. NLRC*, . . . "As a rule, the perfection of an appeal in the manner and within the period prescribed by law is jurisdictional and failure to perfect an appeal as required by law renders the judgment final and executory."[61] (Emphasis in the original,

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59 *Rollo*, p. 39, Court of Appeals Decision.
60 439 Phil. 887 (2002) [Per J. Quisumbing, Second Division].
61 Id. at 895–896.

citations omitted)

On the second procedural rule, this Court discussed the necessity of certified true copies in *Pinakamasarap Corporation v. National Labor Relations Commission*:[62]

> There is a sound reason behind this policy and it is to ensure that the copy of the judgment or order sought to be reviewed is a faithful reproduction of the original so that the reviewing court would have a definitive basis in its determination of whether the court, body or tribunal which rendered the assailed judgment or order committed grave abuse of discretion.[63] (Citation omitted)

On the third procedural rule, this Court clarified the importance of complying with the required MCLE information in *Intestate Estate of Jose Uy v. Atty. Maghari*:[64]

> The inclusion of information regarding compliance with (or exemption from) Mandatory Continuing Legal Education (MCLE) seeks to ensure that legal practice is reserved only for those who have complied with the recognized mechanism for "keep[ing] abreast with law and jurisprudence, maintain[ing] the ethics of the profession[,] and enhanc[ing] the standards of the practice of law."[65]

Lastly, proofs of competent evidence of identities are required to ensure "that the allegations are true and correct and not a product of the imagination or a matter of speculation, and that the pleading is filed in good faith."[66]

II

Time and again, this Court has relaxed the observance of procedural rules to advance substantial justice.[67]

In *Acaylar, Jr. v. Harayo*,[68] the Court of Appeals denied petitioner's Petition for Review for failure to state the date he received the assailed

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62 534 Phil. 222 (2006) [Per J. Austria-Martinez, First Division].

63 Id. at 230.

64 768 Phil. 10 (2015) [Per J. Leonen, En Banc].

65 Id. at 25, *citing* Bar Matter No. 850 (2001), Rule 1, sec. 1.

66 *Heirs of Amada Zaulda v. Zaulda*, 729 Phil. 639, 650 (2014) [Per J. Mendoza, Third Division].

67 *City of Dagupan v. Maramba*, 738 Phil. 71, 87–89 (2014) [Per J. Leonen, Third Division], *citing Sy v. Local Government of Quezon City*, 710 Phil. 549, 557–558 (2013) [Per J. Perlas-Bernabe, Second Division], *United Airlines v. Uy*, 376 Phil. 688, 697 (1999) [Per J. Bellosillo, Second Division], and *Samala v. Court of Appeals*, 416 Phil. 1, 7 (2001) [Per J. Pardo, First Division]. *See also National Power Corporation v. Southern Philippines Power Corporation*, G.R. No. 219627, July 4, 2016, 795 SCRA 540, 551 [Per J. Leonen, Second Division], *citing Bagalanon v. Court of Appeals*, 166 Phil. 699, 702 (1977) [Per J. Martin, First Division].

68 582 Phil. 600 (2008) [Per J. Chico-Nazario, Third Division].

Decision of the Regional Trial Court and the date he filed his Motion for Reconsideration.[69] This Court held:

> [F]ailure to state the material dates is not fatal to his cause of action, provided the date of his receipt, *i.e.*, 9 May 2006, of the RTC Resolution dated 18 April 2006 denying his Motion for Reconsideration is duly alleged in his Petition. In the recent case of *Great Southern Maritime Services Corporation v. Acuña*, we held that "the failure to comply with the rule on a statement of material dates in the petition may be excused since the dates are evident from the records." The more material date for purposes of appeal to the Court of Appeals is the date of receipt of the trial court's order denying the motion for reconsideration. The other material dates may be gleaned from the records of the case if reasonably evident.
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> Accordingly, the parties are now given the amplest opportunity to fully ventilate their claims and defenses brushing aside technicalities in order to truly ascertain the merits of this case. Indeed, judicial cases do not come and go through the portals of a court of law by the mere mandate of technicalities. Where a rigid application of the rules will result in a manifest failure or miscarriage of justice, technicalities should be disregarded in order to resolve the case. In *Aguam v. Court of Appeals*, we ruled that:
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> > The court has [the] discretion to dismiss or not to dismiss an appellant's appeal. It is a power conferred on the court, not a duty. The "discretion must be a sound one, to be exercised in accordance with the tenets of justice and fair play, having in mind the circumstances obtaining in each case." Technicalities, however, must be avoided. The law abhors technicalities that impede the cause of justice. The court's primary duty is to render or dispense justice. "A litigation is not a game of technicalities." "Law suits, unlike duels, are not to be won by a rapier's thrust. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts." Litigations must be decided on their merits and not on technicality. Every party litigant must be afforded the amplest opportunity for the proper and just determination of his cause, free from the unacceptable plea of technicalities. Thus, dismissal of appeals purely on technical grounds is frowned upon where the policy of the court is to encourage hearings of appeals on their merits and the rules of procedure ought not to be applied in a very rigid, technical sense; rules of procedure are used only to help secure, not override substantial justice. It is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually

[69] Id. at 610.

> resulting in more delay, if not a miscarriage of justice.[70]
> (Citations omitted)

In *Barroga v. Data Center College of the Philippines, et al.*,[71] petitioner likewise failed to state in his Petition for Certiorari before the Court of Appeals the date he received the assailed Decision of the National Labor Relations Commission and the date he filed his Partial Motion for Reconsideration.[72] This Court held that "this omission is not at all fatal because these material dates are reflected in petitioner's Partial Motion for Reconsideration[.]"[73] This Court, citing *Acaylar*, further held:

> In *Acaylar, Jr. v. Harayo*, we held that failure to state these two dates in the petition may be excused if the same are evident from the records of the case. It was further ruled by this Court that the more important material date which must be duly alleged in the petition is the date of receipt of the resolution of denial of the motion for reconsideration. In the case at bar, petitioner has duly complied with this rule.
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> . . . .
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> The Court has time and again upheld the theory that the rules of procedure are designed to secure and not to override substantial justice. These are mere tools to expedite the decision or resolution of cases, hence, their strict and rigid application which would result in technicalities that tend to frustrate rather than promote substantial justice must be avoided. The CA thus should not have outrightly dismissed petitioner's petition based on these procedural lapses.[74] (Citations omitted)

In *Paras v. Judge Baldado*,[75] the Court of Appeals dismissed petitioners' Petition for Certiorari on purely procedural grounds. It found that petitioners failed to attach the required certified true copy of the assailed Regional Trial Court Order in their petition.[76] This Court set aside the resolutions of the Court of Appeals and held:

> [T]he records reveal that duplicate original copies of the said RTC orders were in fact attached to one of the seven copies of the petition filed with the Court of Appeals; moreover, copies of the same orders, this time accomplished by the clerk of court, were submitted by petitioners in their motion for reconsideration. Thus, the Court finds that there was substantial compliance with the requirement and the Court of Appeals should have given the petition due course.
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> "Cases should be determined on the merits, after full opportunity to all parties for ventilation of their causes and defenses, rather than on

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70 Id. at 612–613.
71 667 Phil. 808 (2011) [Per J. Del Castillo, First Division].
72 Id. at 815 and 817.
73 Id. at 817.
74 Id. at 817–818.
75 406 Phil. 589 (2001) [Per J. Gonzaga-Reyes, Third Division].
76 Id. at 592–593.

> technicality or some procedural imperfections. In that way, the ends of justice would be served better."[77] (Citations omitted)

In *Durban Apartments Corporation v. Catacutan*,[78] petitioner also failed to attach certified true copies of the assailed decisions of the Labor Arbiter and of the National Labor Relations Commission in their petition before the Court of Appeals. The Court of Appeals dismissed the petition on procedural grounds; but this Court, upon review, decided the case on its merits.[79] This Court held:

> [I]n the exercise of its equity jurisdiction, the Court may disregard procedural lapses so that a case may be resolved on its merits. Rules of procedure should promote, not defeat, substantial justice. Hence, the Court may opt to apply the Rules liberally to resolve substantial issues raised by the parties.
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> It is well to remember that this Court, in not a few cases, has consistently held that cases shall be determined on the merits, after full opportunity to all parties for ventilation of their causes and defense, rather than on technicality or some procedural imperfections. In so doing, the ends of justice would be better served. The dismissal of cases purely on technical grounds is frowned upon and the rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override, substantial justice, and thereby defeat their very ends. Indeed, rules of procedure are mere tools designed to expedite the resolution of cases and other matters pending in court. A strict and rigid application of the rules that would result in technicalities that tend to frustrate rather than promote justice must be avoided.[80] (Citations omitted)

In *Manila Electric Company v. Gala*,[81] respondent sought for the denial of petitioner's Petition for Review on Certiorari before this Court for allegedly violating procedural rules. Among the grounds that respondent relied upon was the failure of petitioner's counsels to state in the petition their updated MCLE certificate numbers.[82] This Court brushed aside the technical infirmity and held:

> We stress at this point that it is the spirit and intention of labor legislation that the NLRC and the labor arbiters shall use every reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law or procedure, provided due process is duly observed. In keeping with this policy and in the interest of substantial justice, we deem it proper to give due course to the petition, especially in view of the conflict between the findings of the labor arbiter, on the one hand, and the NLRC and the CA, on the other. As we said in *S.S. Ventures*

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77 Id. at 596.
78 514 Phil. 187 (2005) [Per J. Ynares-Santiago, First Division].
79 Id. at 194.
80 Id. at 195.
81 683 Phil. 356 (2012) [Per J. Brion, Second Division].
82 Id. at 364.

> *International, Inc. v. S.S. Ventures Labor Union*, "the application of technical rules of procedure in labor cases may be relaxed to serve the demands of substantial justice."[83] (Citations omitted)

In *Doble, Jr. v. ABB, Inc.*,[84] this Court held that the Court of Appeals erred when it dismissed the Petition for Certiorari due to the failure of petitioner's counsel to provide information regarding his MCLE compliance.[85] Citing *People v. Arrojado*,[86] this Court held:

> On point is *People v. Arrojado* where it was held that the failure of a lawyer to indicate in his or her pleadings the number and date of issue of his or her MCLE Certificate of Compliance will no longer result in the dismissal of the case:
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> > In any event, to avoid inordinate delays in the disposition of cases brought about by a counsel's failure to indicate in his or her pleadings the number and date of issue of his or her MCLE Certificate of Compliance, this Court issued an *En Banc* Resolution, dated January 14, 2014 which amended B.M. No. 1922 by repealing the phrase "Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records" and replacing it with "Failure to disclose the required information would subject the counsel to appropriate penalty and disciplinary action." Thus, *under the amendatory Resolution, the failure of a lawyer to indicate in his or her pleadings the number and date of issue of his or her MCLE Certificate of Compliance will no longer result in the dismissal of the case and expunction of the pleadings from the records.* Nonetheless, such failure will subject the lawyer to the prescribed fine and/or disciplinary action.
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> Granted that the Petition for *Certiorari* was filed before the CA on October 29, 2013 even before the effectivity of *En Banc* Resolution dated January 14, 2014 which amended B.M. No. 1922, it bears to stress that petitioner's counsel later submitted Receipts of Attendance in the MCLE Lecture Series for his MCLE Compliance IV on March 3, 2014 and the Certificate of Compliance albeit on January 26, 2015. Hence, the CA erred in issuing the assailed November 28, 2014 Resolution denying Doble's motion for reconsideration, there being no more reason not to reinstate the petition for *certiorari* based on procedural defects which have already been corrected. Needless to state, liberal construction of procedural rules is the norm to effect substantial justice, and litigations should, as much as possible, be decided on the merits and not on technicalities.[87] (Emphasis in the original, citations omitted)

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83 Id. at 364.

84 G.R. No. 215627, June 5, 2017 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/june2017/215627.pdf> [Per J. Peralta, Second Division].

85 Id. at 12.

86 772 Phil. 440, 448–449 (2015) [Per J. Peralta, Third Division].

87 *Doble, Jr. v. ABB, Inc.*, G.R. No. 215627, June 5, 2017 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/june2017/215627.pdf> 12–

In *Heirs of Amada Zaulda v. Zaulda*,[88] one (1) of the grounds cited by the Court of Appeals to support its dismissal of the Petition for Review was petitioners' failure to provide competent evidence of identities on the Verification and Certification against Forum Shopping.[89] On this point, this Court held:

> As regards the competent identity of the affiant in the Verification and Certification, records show that he proved his identity before the notary public through the presentation of his Office of the Senior Citizen (OSCA) identification card. Rule II, Sec. 12 of the *2004 Rules on Notarial Practice* requires a party to the instrument to present competent evidence of identity. Sec. 12, as amended, provides:
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> > Sec. 12. Competent Evidence of Identity. – The phrase "competent evidence of identity" refers to the identification of an individual based on:
> >
> > (a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual, such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, *Barangay* certification, Government Service Insurance System (GSIS) e-card, Social Security System (SSS) card, PhilHealth card, *senior citizen card*, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certificate from the National Council for the Welfare of Disabled Persons (NCWDP), Department of Social Welfare and Development certification [as amended by A.M. No. 02-8-13-SC dated February 19, 2008]; or
> >
> > (b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.
>
> It is clear from the foregoing provisions that a *senior citizen card* is one of the competent identification cards recognized in the 2004 Rules on Notarial Practice. For said reason, there was compliance with the requirement. Contrary to the perception of the CA, attachment of a photocopy of the identification card in the document is not required by the 2004 Rules on Notarial Practice. Even A.M. No. 02-8-13-SC, amending Section 12 thereof, is silent on it. Thus, the CA's dismissal of the petition

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13 [Per J. Peralta, Second Division].

88 729 Phil. 639 (2014) [Per J. Mendoza, Third Division].

89 Id. at 641–642.

for lack of competent evidence on the affiant's identity on the attached verification and certification against forum shopping was without clear basis.

Even assuming that a photocopy of competent evidence of identity was indeed required, non-attachment thereof would not render the petition fatally defective. It has been consistently held that verification is merely a formal, not jurisdictional, requirement, affecting merely the form of the pleading such that non-compliance therewith does not render the pleading fatally defective. It is simply intended to provide an assurance that the allegations are true and correct and not a product of the imagination or a matter of speculation, and that the pleading is filed in good faith. The court may in fact order the correction of the pleading if verification is lacking or it may act on the pleading although it may not have been verified, where it is made evident that strict compliance with the rules may be dispensed so that the ends of justice may be served . . .

. . . .

Again, granting *arguendo* that there was non-compliance with the verification requirement, the rule is that courts should not be so strict about procedural lapses which do not really impair the proper administration of justice. After all, the higher objective of procedural rule is to ensure that the substantive rights of the parties are protected. Litigations should, as much as possible, be decided on the merits and not on technicalities. Every party-litigant must be afforded ample opportunity for the proper and just determination of his case, free from the unacceptable plea of technicalities.

In *Coca-Cola Bottlers v. De la Cruz*, where the verification was marred only by a glitch in the evidence of the identity of the affiant, the Court was of the considered view that, in the interest of justice, the minor defect can be overlooked and should not defeat the petition.

The reduction in the number of pending cases is laudable, but if it would be attained by precipitate, if not preposterous, application of technicalities, justice would not be served. The law abhors technicalities that impede the cause of justice. The court's primary duty is to render or dispense justice. "It is a more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal rather than dispose of the case on technicality and cause a grave injustice to the parties, *giving a false impression of speedy disposal of cases* while actually resulting in more delay, if not miscarriage of justice."

What should guide judicial action is the principle that a party-litigant should be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor, or property on technicalities. The rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed.[90] (Emphasis in the original, citations omitted)

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[90] Id. at 649–652.

In *Trajano v. Uniwide Sales Warehouse Club*,[91] respondent prayed for this Court's outright denial of the Petition for Review due to petitioner's failure to provide competent evidence of identity in the verification page.[92] This Court brushed aside this technicality and held:

> Contrary to Uniwide's claim, the records of the case show that the petition's verification page contains Trajano's competent evidence of identity, specifically, Passport No. XX041470. Trajano's failure to furnish Uniwide a copy of the petition containing his competent evidence of identity is a minor error that this Court may and chooses to brush aside in the interest of substantial justice. This Court has, in proper instances, relaxed the application of the Rules of Procedure when the party has shown substantial compliance with it. In these cases, we have held that the rules of procedure should not be applied in a very technical sense when it defeats the purpose for which it had been enacted, *i.e.*, to ensure the orderly, just and speedy dispensation of cases. We maintain this ruling in this procedural aspect of this case.[93] (Citations omitted)

Despite the number of cases wherein this Court relaxed the application of procedural rules, this Court has repeatedly reminded litigants that:

> [T]he bare invocation of "the interest of substantial justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. "Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed." The Court reiterates that rules of procedure . . . "have oft been held as absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of business. . . . The reason for rules of this nature is because the dispatch of business by courts would be impossible, and intolerable delays would result, without rules governing practice . . . . Such rules are a necessary incident to the proper, efficient and orderly discharge of judicial functions." Indeed, in no uncertain terms, the Court held that the said rules may be relaxed only in "exceptionally meritorious cases."[94] (Citations omitted)

Circumstances that may merit the relaxation of procedural rules are enumerated in *Barnes v. Hon. Quijano Padilla*,[95] citing *Sanchez v. Court of Appeals*:[96]

> In the *Sanchez* case, the Court restated the range of reasons which may provide justification for a court to resist a strict adherence to

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91 736 Phil. 264 (2014) [Per J. Brion, Second Division].
92 Id. at 272.
93 Id. at 273–274.
94 *Lazaro v. Court of Appeals*, 386 Phil. 412, 417–418 (2000) [Per J. Panganiban, Third Division]. See also *Valderrama v. People*, G.R. No. 220054, March 27, 2017 [Per J. Leonen, Second Division].
95 500 Phil. 303 (2005) [Per J. Austria-Martinez, Second Division].
96 452 Phil. 665 (2003) [Per J. Bellosillo, En Banc].

> procedure, enumerating the elements for an appeal to be given due course by a suspension of procedural rules, such as: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.[97]

In *Republic v. Dagondon*,[98] the Court of Appeals dismissed petitioner's appeal for failure to timely file a motion for reconsideration of the trial court decision.[99] The Court of Appeals held that the trial court decision "could no longer be assailed pursuant to the doctrine of finality and immutability of judgments."[100] This Court relaxed its application of the doctrine on immutability of judgment and held:

> The mandatory character, however, of the rule on immutability of final judgments was not designed to be an inflexible tool to excuse and overlook prejudicial circumstances. Hence, the doctrine must yield to practicality, logic, fairness, and substantial justice.
>
> . . . .
>
> [A] departure from the doctrine is warranted since its strict application would, in effect, circumvent and undermine the stability of the Torrens System of land registration adopted in this jurisdiction. Relatedly, it bears stressing that the subject matter of the instant controversy, i.e., Lot 84, is a sizeable parcel of real property. More importantly, petitioner had adequately presented a strong and meritorious case.
>
> Thus, in view of the aforesaid circumstances, the Court deems it apt to exercise its prerogative to suspend procedural rules and to resolve the present controversy according to its merits.[101] (Citations omitted)

In *People v. Layag*,[102] this Court likewise relaxed the rule on immutability of judgment due to a special or compelling circumstance. This Court held that the death of accused-appellant is a compelling circumstance that warrants a re-examination of the criminal case.[103]

In *Philippine Bank of Communications v. Yeung*,[104] petitioner belatedly

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97 *Barnes v. Hon. Quijano Padilla*, 500 Phil. 303, 311 (2005) [Per J. Austria-Martinez, Second Division], *citing Sanchez v. Court of Appeals*, 452 Phil. 665, 674 (2003) [Per J. Bellosillo, En Banc].

98 G.R. No. 210540, April 19, 2016, 790 SCRA 414 [Per J. Perlas-Bernabe, First Division].

99 Id. at 419.

100 Id.

101 Id. at 420–421.

102 G.R. No. 214875, October 17, 2016 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/october2016/214875.pdf> [Per J. Perlas-Bernabe, First Division].

103 Id. at 3.

104 722 Phil. 710 (2013) [Per J. Brion, Second Division].

filed its Motion for Reconsideration before the Court of Appeals.[105] Nonetheless, this Court gave due course to the Petition for Review and held:

> [W]e find the delay of 7 days, due to the withdrawal of the petitioner's counsel *during the reglementary period of filing an MR*, excusable in light of the merits of the case. Records show that the petitioner immediately engaged the services of a new lawyer to replace its former counsel and petitioned the CA to extend the period of filing an MR due to lack of material time to review the case. There is no showing that the withdrawal of its counsel was a contrived reason or an orchestrated act to delay the proceedings; the failure to file an MR within the reglementary period of 15 days was also not entirely the petitioner's fault, as it was not in control of its former counsel's acts.
>
> Moreover, after a review of the contentions and the submissions of the parties, we agree that suspension of the technical rules of procedure is warranted in this case in view of the CA's erroneous application of legal principles and the substantial merits of the case. If the petition would be dismissed on technical grounds and without due consideration of its merits, the registered owner of the property shall, in effect, be barred from taking possession, thus allowing the absurd and unfair situation where the owner cannot exercise its right of ownership. This, the Court should not allow. In order to prevent the resulting inequity that might arise from the outright denial of this recourse – that is, the virtual affirmance of the writ's denial to the detriment of the petitioner's right of ownership – we give due course to this petition despite the late filing of the petitioner's MR before the CA.[106] (Emphasis in the original)

In *Development Bank of the Philippines v. Court of Appeals*,[107] petitioner failed to file its appellant's brief within the extended period granted by the Court of Appeals. Thus, the Court of Appeals dismissed petitioner's appeal.[108] This Court reversed the dismissal and held:

> Similarly, the case at bar is impressed with public interest. If petitioner's appeal is denied due course, a government institution could lose a great deal of money over a mere technicality. Obviously, such an appeal is far from being merely frivolous or dilatory.
>
> . . . .
>
> Time and again, this Court has reiterated the doctrine that the rules of procedure are mere tools intended to facilitate the attainment of justice, rather than frustrate it. A strict and rigid application of the rules must always be eschewed when it would subvert the rules' primary objective of enhancing fair trials and expediting justice. Technicalities should never be used to defeat the substantive rights of the other party. Every party-litigant must be afforded the amplest opportunity for the proper and just

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105 Id. at 718.
106 Id. at 722–723.
107 411 Phil. 121 (2001) [Per J. Gonzaga-Reyes, Third Division].
108 Id. at 131.

> determination of his cause, free from the constraints of technicalities.[109] (Citations omitted)

In *Parañaque Kings Enterprises, Inc. v. Court of Appeals*,[110] respondents prayed for the denial of the petition on the ground that petitioner failed to file 12 copies of its brief, in violation of Rule 45, Section 2 of the Rules of Court.[111] This Court dismissed the technical defect and held:

> We have ruled that when non-compliance with the Rules was not intended for delay or did not result in prejudice to the adverse party, dismissal of appeal on mere technicalities — in cases where appeal is a matter of right — may be stayed, in the exercise of the court's equity jurisdiction. It does not appear that respondents were unduly prejudiced by petitioner's nonfeasance. Neither has it been shown that such failure was intentional.[112] (Citation omitted)

III

Due to compelling circumstances in this case, this Court opts for a liberal application of procedural rules. First, Department Personnel Order No. 2008-1452,[113] which designated respondent as Officer-in-Charge of Bataan General Hospital, was signed by then Department of Health Secretary Duque. Duque was also the signatory in the 2008 Memorandum of Agreement,[114] the undated Supplemental Memorandum of Agreement,[115] and the June 16, 2009 Memorandum of Agreement,[116] which were the bases of respondent's secondment. Duque was later appointed as Civil Service Commission Chairman and signed the October 17, 2011 Decision and the July 17, 2012 Resolution of the Civil Service Commission, dismissing the complaint against respondent. Clearly, a conflict of interest existed when the public officer authorizing the secondment of respondent was also the same person dismissing the complaint questioning respondent's secondment.

Second, resolving the merits of the case would "give more efficacy to the constitutional mandate on the accountability of public officers and employees[.]"[117] In *Executive Judge Paredes v. Moreno*,[118] this Court found respondent "guilty of conduct prejudicial to the best interest of the service"[119] for his continued absence of almost three (3) months.[120] This Court held:

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109 Id. at 136–138.
110 335 Phil. 1184 (1997) [Per J. Panganiban, Third Division].
111 Id. at 1193–1194.
112 Id. at 1194.
113 *Rollo*, p. 44.
114 Id. at 41–43.
115 Id. at 45–46.
116 Id. at 47–50.
117 *Executive Judge Paredes v. Moreno*, 187 Phil. 542, 546 (1980) [Per J. De Castro, First Division].
118 187 Phil. 542 (1980) [Per J. De Castro, First Division].
119 Id. at 546.
120 Id. at 545.

> His misconduct is prejudicial to the service. Although a mere employee/laborer in the City Court of Manila, respondent is as much duty-bound to serve with the highest degree of responsibility, integrity, loyalty and efficiency as all other public officers and employees . . . We find respondent's shortcomings to warrant a sanction to serve as deterrent not only to him but also to other court employees who shall commit the same or any and all forms of official misconduct which undermine the people's faith in their fitness for public service.[121]

Furthermore, in the interest of judicial economy, the Court of Appeals should avoid dismissal of cases based merely on technical grounds. Judicial economy requires the prosecution of cases "with the least cost to the parties"[122] and to the courts' time, effort, and resources.[123]

IV

On a final note, this Court clarifies the concept of forum shopping.

Forum shopping is generally judicial. It exists:

> [W]henever a party "repetitively avail[s] of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in, or already resolved adversely by, some other court." It has also been defined as "an act of a party against whom an adverse judgment has been rendered in one forum of seeking and possibly getting a favorable opinion in another forum, other than by appeal or the special civil action of *certiorari*, or the institution of two or more actions or proceedings grounded on the same cause on the supposition that one or the other court would make a favorable disposition." Considered a pernicious evil, it adversely affects the efficient administration of justice since it clogs the court dockets, unduly burdens the financial and human resources of the judiciary, and trifles with and mocks judicial processes.[124] (Citations omitted)

The test to determine whether or not forum shopping was committed was explained in *Dy, et al. v. Yu, et al.*:[125]

> To determine whether a party violated the rule against forum shopping, the most important factor to ask is whether the element *of litis pendentia* is present, or whether a final judgment in one case will amount to *res judicata* in another. Otherwise stated, the test for determining forum

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121 Id. at 545–546.

122 *E.I. Dupont De Nemours and Co. v. Francisco*, G.R. No. 174379, August 31, 2016 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/august2016/174379.pdf> 9 [Per J. Leonen, Second Division].

123 *See Bank of Commerce v. Perlas-Bernabe*, 648 Phil. 326 (2010) [Per J. Peralta, Second Division].

124 *Canuto, Jr. v. National Labor Relations Commission*, 412 Phil. 467, 474 (2001) [Per J. De Leon, Jr., Second Division].

125 763 Phil. 491 (2015) [Per J. Perlas-Bernabe, First Division].

> shopping is whether in the two (or more) cases pending, there is identity of parties, rights or causes of action, and reliefs sought. If a situation of *litis pendentia* or *res judicata* arises by virtue of a party's commencement of a judicial remedy identical to one which already exists (either pending or already resolved), then a forum shopping infraction is committed.[126] (Emphasis in the original, citation omitted)

In *Ligtas v. People*,[127] this Court reiterated that *res judicata* may also be applied to "decisions rendered by agencies in judicial or quasi-judicial proceedings and not to purely administrative proceedings[.]"[128] In *Salazar v. De Leon*,[129] this Court further held:

> *Res judicata* is a concept applied in the review of lower court decisions in accordance with the hierarchy of courts. But jurisprudence has also recognized the rule of administrative *res judicata*: "The rule which forbids the reopening of a matter once judicially determined by competent authority applies as well to the judicial and quasi-judicial facts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general judicial powers. . . It has been declared that whenever final adjudication of persons invested with power to decide on the property and rights of the citizen is examinable by the Supreme Court, upon a writ of error or a *certiorari*, such final adjudication may be pleaded as *res judicata*." To be sure, early jurisprudence was already mindful that the doctrine of *res judicata* cannot be said to apply exclusively to decisions rendered by what are usually understood as courts without unreasonably circumscribing the scope thereof; and that the more equitable attitude is to allow extension of the defense to decisions of bodies upon whom judicial powers have been conferred.[130] (Citations omitted)

Thus, forum shopping, in the concept of *res judicata*, is applicable to judgments or decisions of administrative agencies performing judicial or quasi-judicial functions.

WHEREFORE, the Petition is **GRANTED**. The Resolutions dated January 22, 2013 and July 16, 2013 of the Court of Appeals in CA-G.R. SP No. 127252 are **REVERSED and SET ASIDE**. The case is hereby **REMANDED** to the Court of Appeals for a resolution on the merits of the case.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

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126 Id. at 511.
127 766 Phil. 750 (2015) [Per J. Leonen, Second Division].
128 Id. at 771.
129 596 Phil. 472 (2009) [Per J. Chico-Nazario, Third Division].
130 Id. at 489.

WE CONCUR:

On official leave
PRESBITERO J. VELASCO, JR.
Associate Justice

LUCAS P. BERSAMIN
Associate Justice
Acting Chairperson

SAMUEL R. MARTIRES
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

LUCAS P. BERSAMIN
Associate Justice
Acting Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
FEB 12 2018