



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

LYNMAN BACOLOR,
JEFFREY R. GALURA,
HELEN B. TORRES,
FRITZIE C. VILLEGAS,
RAYMOND CANLAS and
ZHEILA C. TORRES,*

Petitioners,

- versus -

VL MAKABALI MEMORIAL
HOSPITAL, INC.,
ALEJANDRO S. MAKABALI,
MELCHOR CATAMBING
and DAX M. TIDULA,

Respondents.

GR. No. 204325

Present:

CARPIO, *Chairperson,*
BRION,
DEL CASTILLO,
MENDOZA, *and*
LEONEN, *JJ.*

Promulgated:
18 APR 2016

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DECISION

DEL CASTILLO, *J.:*

Rules of procedure must be used to achieve speedy and efficient administration of justice and not derail it. When strict application of the rules on verification and non-forum shopping will result in patent denial of substantial justice, these rules may be construed liberally. After all, the ends of justice are better served when cases are determined on the merits, not on mere technicality.¹

This Petition for Review on *Certiorari* assails the Resolution² dated July 12, 2012 of the Court of Appeals (CA) in CA-GR. SP No. 125333. The CA dismissed the Petition for *Certiorari* filed therewith because of the purported defective Verification/Certificate of Non-Forum Shopping with Undertaking appended to the Petition; and of petitioners' violation of Section 3, Rule 46 of the Rules of Court. Also challenged is the CA Resolution³ dated October 22, 2012

* Referred to as Cortez in some parts of the records.

¹ *Ateneo de Naga University v. Manalo*, 497 Phil. 635, 645 (2005).

² *CA rollo*, Vol. II, pp. 860-861; penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Isaias P. Diccican and Michael P. Elbinias.

³ *Rollo*, pp. 82-83.

which denied the Motion for Reconsideration for lack of merit.

Factual Antecedents

The case stemmed from an amended Complaint⁴ for illegal dismissal and money claims filed by Drs. Lynman Bacolor (Dr. Bacolor), Jeffrey R. Galura (Dr. Galura), Helen B. Torres (Dr. Helen), Fritzie C. Villegas (Dr. Villegas), Raymond Canlas (Dr. Canlas), Zheila C. Torres (Dr. Zheila) and Dax Tidula (Dr. Tidula) against VL Makabali Hospital Inc. (the Hospital), Alejandro S. Makabali, its owner and President, and Melchor Catambing (Catambing), its Emergency Room (ER) Manager.⁵

Allegedly, the Hospital engaged Drs. Bacolor, Galura, Villegas and Canlas as resident physicians assigned in its ER for one year, commencing in October 2000 until October 2001. It engaged Drs. Helen and Zheila, also as ER resident physicians, starting in March 2001 until March 2002, and January 2002 until January 2003 respectively. Despite the expiration of their contracts, the Hospital continued to employ Drs. Bacolor, Galura, Villegas, Canlas, Helen and Zheila (petitioners).⁶

Petitioners stated that on May 3, 2006, Catambing and one Dr. Lopez instructed them to resign, and re-apply to the Hospital as resident physicians under a one year fixed term contract. They further alleged that Catambing and Dr. Lopez later directed them to sign a waiver and offered them “gratitude” pay of ₱27,000.00 but they refused to resign; and because of their refusal, respondents demoted them as assistant physicians in the Operating Room (OR) of the Hospital.⁷

Additionally, petitioners insisted that to compel them to resign, respondents issued notices to explain to Drs. Bacolor, Galura, Helen, Villegas and Canlas. In particular, Drs. Bacolor, Galura and Helen were charged with dishonesty for allegedly directing patients to secure laboratory examinations outside the Hospital; while Drs. Villegas and Canlas were charged with violation of timekeeping procedure and habitual violation of rules and regulations.⁸

Consequently, petitioners filed a case for constructive illegal dismissal against respondents. They argued that despite their complaint, respondents still conducted an administrative investigation against them.⁹ On June 30, 2006, Drs. Bacolor and Galura received notices of termination from the Hospital.¹⁰

⁴ CA *rollo*, Vol. I, pp. 159-162.

⁵ Id. at 165.

⁶ Id. at 166-167.

⁷ Id. at 167-168.

⁸ Id. at 169-170.

⁹ Id. at 171.

¹⁰ Id. at 172-173.

Petitioners contended that they were constructively dismissed when respondents demoted them as assistant physicians in the OR of the Hospital.¹¹ They stated that such demotion was neither necessary nor temporary, and was arbitrarily done to force them to resign. They further averred that Drs. Bacolor and Galura were actually illegally dismissed after they were given respective notices of termination.¹²

On the other hand, Dr. Tidula stated that the Hospital engaged him as resident physician for a year commencing on January 1, 2001 to December 31, 2001; the Hospital renewed his contract for the year 2002 to 2003; and after his contract expired, the Hospital continued to engage his services.¹³

Dr. Tidula likewise alleged that in 2005, several resident physicians in the Hospital resigned. As a result, the remaining resident physicians were made to fill in their duties. Allegedly, it was agreed upon that when a resident doctor was absent, a reliever would take his place; and the reliever's fee would be charged against the salary of the absent doctor. Dr. Tidula claimed that the reliever shall punch in the time card of the absent doctor for recording, accounting and expediency purposes.¹⁴

Furthermore, Dr. Tidula asserted that in February 2006, Dr. Amelita Lising (Dr. Lising) who was a resident physician went on leave. He averred that being the acting Chief Resident, he implemented the agreement regarding the designation of reliever. He stated that the relievers of Dr. Lising were made to punch in and out her time card to prove that they had taken her place; and they received salary from that intended for Dr. Lising.¹⁵

Dr. Tidula narrated that on May 3, 2006, he and his fellow residents were directed to resign with the promise that they would be re-engaged under a fixed term of one year. He averred that Catambing and Dr. Lopez also instructed him and the other resident physicians to tender their resignation and sign a waiver in favor of the Hospital. He alleged that they were also offered ₱27,000.00, as financial assistance; however, he and the other resident physicians refused to resign.¹⁶

Additionally, Dr. Tidula alleged that on May 16, 2006, he was ordered to report exclusively at the OR of the Hospital as assistant physician; and this demotion was a result of his refusal to resign. Consequently, he filed a complaint for constructive dismissal against the Hospital.¹⁷

¹¹ Id. at 174.

¹² Id. 177-178.

¹³ Id. at 400.

¹⁴ Id. at 400-401.

¹⁵ Id. at 402.

¹⁶ Id. at 403-404.

¹⁷ Id. at 404.

Later, Catambing gave Dr. Tidula a Notice¹⁸ of dismissal for violation of timekeeping procedure. Dr. Tidula stated that he inquired from Catambing why he was not given any notice to explain. Purportedly, Catambing informed him that a notice to explain was sent through a private courier. Upon verification, Dr. Tidula discovered that the notice was delivered to a person unknown to him. He informed the Hospital about the matter but the Hospital insisted that he was given the opportunity to explain and was invited to an investigation, as such, the sanction against him remains.¹⁹

Dr. Tidula argued that he was illegally dismissed since he did not receive a notice to explain; and he did not violate any of the company rules.²⁰

For their part, respondents asserted that Drs. Tidula, Bacolor and Galura were validly dismissed. In particular, they alleged that Dr. Tidula violated timekeeping procedure of the Hospital when he punched in Dr. Lising's time card on February 2, 6, 10 and 12, 2006.²¹ On the other hand, Drs. Bacolor and Galura were found guilty of referring patients to other clinics for laboratory examination in February 2006.²²

Moreover, respondents claimed that the Hospital did not dismiss Drs. Helen, Villegas and Canlas; thus, they should be dropped from the complaint. They added that Dr. Zheila was never cited for any infraction but she abandoned her work as she had been absent since July 2006.²³

Ruling of the Labor Arbiter

On July 23, 2010, the LA rendered a Decision²⁴ finding respondents guilty of illegally dismissing petitioners and Dr. Tidula, as well as ordering respondents to pay them backwages from the time of their dismissal until finality of the Decision, and separation pay. The LA also ordered the Hospital to pay petitioners and Dr. Tidula moral damages of ₱100,000.00 each and exemplary damages of ₱100,000.00 each, and attorney's fees.

The Hospital appealed to the National Labor Relations Commission (NLRC).²⁵

Ruling of the National Labor Relations Commission

On November 11, 2011, the NLRC reversed and set aside the LA Decision

¹⁸ Id. at 428-432.

¹⁹ Id. at 408.

²⁰ Id. 410-412.

²¹ Id. at 252, 254.

²² Id. at 258.

²³ Id. at 253.

²⁴ Id. at 493-525; penned by Labor Arbiter Reynaldo V. Abdon.

²⁵ CA *rollo*, Vol. II, pp. 528-551.

and dismissed the complaints.²⁶ It held that there was no showing that petitioners and Dr. Tidula were demoted, and that such demotion amounted to constructive dismissal. It ruled that “it would be difficult to discern the differences between the duties of a resident and assistant physician, as both indubitably perform doctor’s duties.”²⁷ Also, the NLRC decreed that Dr. Zheila did not even sign the verification and certificate of non-forum shopping in this case.

Moreover, the NLRC gave credence to respondents’ position that Drs. Bacolor and Galura were validly dismissed because they repeatedly referred patients to another clinic for laboratory examinations. It ruled that such was an act of deceit because the Hospital offered the same services.

On April 18, 2012, the NLRC denied petitioners and Dr. Tidula’s motion for reconsideration.²⁸

Aggrieved, petitioners filed a Petition for *Certiorari* with the CA ascribing grave abuse of discretion on the part of the NLRC in giving due course to the appeal despite its alleged lack of appeal bond; and in reversing the LA Decision.

The Petition was accompanied by three separate Verifications/Certificates of Non-Forum Shopping signed by Drs. Galura, Bacolor and Helen.²⁹ Atty. Carlos Raphael N. Francisco executed and signed a Verification/Certificate of Non-Forum Shopping with Undertaking in behalf of Drs. Villegas, Canlas and Zheila.³⁰

Ruling of the Court of Appeals

On July 12, 2012, the CA issued the assailed Resolution, the pertinent portions of which read:

The Petition for *Certiorari* contains the following infirmities, hence is DISMISSED:

1. The Verification/Certification of Non-Forum Shopping With Undertaking attached to the Petition is executed by Atty. Carlos Raphael N. Francisco, allegedly [sic] counsel of record of petitioners Fritzie C. Villegas, Raymond Canlas and Zeila C. Torres, not by the three petitioners themselves, in violation of Rule 7, Section 5 of the Rules of Court, and the ruling in *Far Eastern Shipping Company v. Court of Appeals et al.*
2. The Petition does not indicate in its title that Dax Tidula is a party respondent, although in the portion entitled ‘Parties’ he is so

²⁶ CA *rollo*, Vol. I, pp. 64-76; penned by Commissioner Dolores M. Peralta-Beley and concurred in by Presiding Commissioner Leonardo L. Leonida and Commissioner Mercedes R. Posada-Lacap.

²⁷ Id. at 73.

²⁸ Id. at 77-80.

²⁹ Id. at 56-59.

³⁰ Id. at 60-61.

named, and does not indicate the address of Dax Tidula, all in violation of Rule 46, Section 3 of the Rules of Court, in relation to Rule 65 of the same Rules.

SO ORDERED.³¹

On October 22, 2012, the CA denied petitioners' Motion for Reconsideration.³²

Aggrieved, petitioners filed this Petition raising the following assignment of errors:

- [1] THE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT PROBABLY IN ACCORD WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE HONORABLE COURT WHEN THE COURT OF APPEALS DISMISSED THE PETITION FOR CERTIORARI OF THE PETITIONERS DESPITE THE FACT THAT SEVERAL OF THE PETITIONERS HAD VALIDLY EXECUTED VERIFICATIONS AND CERTIFICATES OF NON-FORUM SHOPPING WHICH WERE ATTACHED TO SAID PETITION FOR CERTIORARI;
- [2] THE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT PROBABLY IN ACCORD WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE HONORABLE COURT WHEN THE COURT OF APPEALS DISMISSED THE PETITION FOR CERTIORARI OF THE PETITIONERS DESPITE THE FACT THAT THE PETITIONERS HAD SUBSTANTIALLY COMPLIED WITH THE RULES ON THE EXECUTION OF A VERIFICATION AND CERTIFICATE OF NON-FORUM SHOPPING;
- [3] THE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT PROBABLY IN ACCORD WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE HONORABLE COURT WHEN THE COURT OF APPEALS DISMISSED THE PETITION FOR CERTIORARI OF THE PETITIONERS DESPITE THE FACT THAT THE ONLY KNOWN ADDRESS OF RESPONDENT TIDULA WAS INCLUDED IN THE PETITION FOR CERTIORARI AND THAT RESPONDENT TIDULA, THROUGH HIS COUNSEL, WAS SERVED WITH A COPY OF SUCH PETITION FOR CERTIORARI;
- [4] THE COURT OF APPEALS SANCTIONED A DEPARTURE BY THE NLRC IN NLRC CASE NO[.] RAB. III-06-10180-06 FROM THE ACCEPTED OR USUAL COURSE OF JUDICIAL PROCEEDINGS AS THE COURT OF APPEALS ALLOWED THE NLRC TO VIRTUALLY EXTEND THE PERIOD OF THE RESPONDENT HOSPITAL TO FILE AN APPEAL FOR ALMOST FOUR MONTHS FROM THE EXPIRATION OF THE PERIOD TO FILE SUCH APPEAL;

³¹ CA *rollo*, Vol. II, pp. 860-861.

³² *Rollo*, pp. 82-83.

- [5] THE COURT OF APPEALS SANCTIONED A DEPARTURE BY THE NLRC IN NLRC CASE NO[.] RAB. III-06-10180-06 FROM THE ACCEPTED OR USUAL COURSE OF JUDICIAL PROCEEDINGS AS THE COURT OF APPEALS ALLOWED THE NLRC TO GIVE DUE COURSE TO AN APPEAL THAT WAS CLEARLY FILED OUT OF TIME AND TO MODIFY THE DECISION OF THE LABOR ARBITER THAT WAS ALREADY FINAL AND EXECUTORY; and
- [6] THE COURT OF APPEALS SANCTIONED A DEPARTURE BY THE NLRC IN NLRC CASE NO[.] RAB. III-06-10180-06 FROM THE ACCEPTED OR USUAL COURSE OF JUDICIAL PROCEEDINGS AS THE COURT OF APPEALS TOLERATED THE GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION COMMITTED BY THE NLRC IN REVERSING IN TOTO THE DECISION OF THE LABOR ARBITER DESPITE THE FACT THAT SUCH REVERSAL IS NOT SUPPORTED BY ANY EVIDENCE ON RECORD AND BY THE APPLICABLE LAWS.³³

Petitioners argue that the verifications executed by three of the six petitioners and the verification executed by their counsel constituted full compliance with the required verification. They contended that the three petitioners who made their verification are real parties-in-interest, and their counsel who also verified the Petition had been in possession of authentic and relevant records of the case.

Also, petitioners posit that the failure of Drs. Villegas, Canlas and Zheila to execute a certificate of non-forum shopping should not have caused the dismissal of the Petition for *Certorari*. They insist that under justifiable circumstances, the signature of one of the petitioners in the certificate against forum shopping substantially complies with the rules. They further point out that all of them share a common interest and invoke a common cause of action under the same set of facts.

Moreover, petitioners submit that they complied with Section 3, Rule 46 of the Rules of Court. They contend that they included Dr. Tidula in the Petition for *Certiorari* as respondent because he remains interested in the reversal of the NLRC Decision and Resolution. They add that from the inception of the case, all pleadings had been coursed through Dr. Tidula's counsel; and they are unaware of the address of Dr. Tidula as he never indicated it in his position paper. Hence, they maintain that it is fair that in the present proceeding, any pleading intended for Dr. Tidula be sent to his counsel.

In addition, petitioners state that the non-inclusion of Dr. Tidula is not a fatal defect but a mere typographical error which does not prejudice the rights of any party.

Finally, petitioners fault the CA in not finding that the NLRC committed

³³ Id. at 23-24.

grave abuse of discretion in giving due course to the Hospital's appeal despite its failure to post appeal bond within the period to perfect an appeal. They also maintain that the NLRC committed grave abuse of discretion in holding that they were not illegally dismissed by respondents.

The Hospital, on the other hand, asserts that the CA correctly dismissed the Petition because it was filed by a counsel who had no authority from petitioners; and that the Certificate against Forum Shopping attached thereto was fatally defective. It also declares that the Petition for *Certiorari* improperly impleaded Dr. Tidula as respondent. Lastly, it contends that petitioners are not entitled to money claims.

Our Ruling

The Petition is meritorious.

In *Altres v. Empleo*,³⁴ the Court summarized the basic tenets involving non-compliance with the requirements on, or filing of defective verification and certificate against forum shopping, to wit:

- 1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.
- 2) As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective. The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.
- 3) Verification is deemed substantially complied with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification, and when matters alleged in the petition have been made in good faith or are true and correct.
- 4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons".
- 5) The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the Rule.
- 6) Finally, the certification against forum shopping must be executed by the

³⁴ 594 Phil. 246, 261-262 (2008).

party-pleader, not by his counsel. If, however, for reasonable or justifiable reasons, the party-pleader is unable to sign, he must execute a Special Power of Attorney designating his counsel of record to sign on his behalf.

The CA dismissed the Petition for *Certiorari* on the ground that the Verification/Certificate of Non-Forum Shopping executed by petitioners' counsel on behalf of Drs. Villegas, Canlas and Zheila violated Section 5, Rule 7 of the Rules of Court.³⁵

As properly pointed out by the CA, the Verification/Certificate of Non-Forum Shopping with Undertaking executed by petitioners' counsel is not valid. As stated in *Altres*, a certificate against forum shopping must be signed by the party and in case his counsel signs the same on his behalf, the counsel must be armed with a special power of attorney. Since petitioners' counsel is not shown to have been authorized by Drs. Villegas, Canlas and Zheila to sign a certificate of non-forum shopping on their behalf, the execution of said certificate by counsel violates the foregoing rules.

Nonetheless, the CA failed to consider the concept of "substantial compliance" to the requirements of verification and certificate of non-forum shopping, as it has been shown that three of the six petitioners executed their own verification and certificate against forum shopping.

The verification of a pleading is a formal and not a jurisdictional requirement. It is intended to assure that the allegations in a pleading are true and correct. As such, the court may order the correction of unverified pleadings, or it may act on them and waive strict compliance with the rules.³⁶

The verification requirement is deemed substantially complied with when a person who has sufficient knowledge to swear to the truth of the allegations in the complaint or petition signs the verification; and matters alleged therein have been made in good faith or are true and correct. Thus, there is substantial compliance if at least one of the petitioners makes a proper verification.³⁷

³⁵ SECTION 5. Certification Against Forum Shopping. — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed. Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions. (n)

³⁶ *Bello v. Bonifacio Security Services, Inc.*, 670 Phil. 563, 568 (2011).

³⁷ *Altres v. Empleo*, supra note 34 at 261.

In *Ateneo de Naga University v. Manalo*,³⁸ the signature of one of three petitioners therein was considered substantial compliance with the verification requirement. The Court held that Fr. Tabora, the petitioner who signed the verification, has sufficient knowledge to swear to the truth of the allegations in the petition filed with the CA; and his signature was ample assurance that the allegations have been made in good faith or are true and correct.

In *SKM Art Craft Corporation v. Bauca*,³⁹ the Court held that the verification and certificate against forum shopping signed by nine out of 23 respondents substantially complied with the verification requirement since they have common interest and cause of action. The Court likewise stated that the apparent merit of the petition and the conflicting findings of the LA and the NLRC also justified the decision of the CA to resolve the case on the merits.

In this case, three out of six petitioners signed three separate verifications appended to the Petition for *Certiorari*. Their signatures are sufficient assurance that the allegations in the Petition were made in good faith, or are true and correct. Thus, there is substantial compliance with the verification requirement.

On the other hand, as a rule, the certificate against forum shopping must be signed by all plaintiffs or petitioners; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable situations, such as when the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of one of them in the certificate against forum shopping is considered substantial compliance with the rules.⁴⁰

In *Abaria v. National Labor Relations Commission*,⁴¹ 47 out of 88 petitioners signed the certificate against forum shopping. The Court ruled that the petitioning employees shared a common interest and cause of action when they filed the case for illegal dismissal. The Court decreed that when petitioners therein appealed to the CA, they pursued the case as a collective body, invoking one argument in support of their cause of action, which is, the illegal dismissal purportedly committed by their employer when union members resorted to strike due to the employer's refusal to bargain with officers of the local chapter.

Furthermore, in *Torres v. Specialized Packaging Development Corp.*,⁴² the Court allowed the relaxation of the rules on submission of certificate against forum shopping. One of the compelling grounds for the allowance of said certificate therein where only two of 25 petitioners signed the same was the "apparent merits of the substantive aspects of the case." It noted that the varying views of the LA and the NLRC give ample basis for the necessity of a review on the merits and the outright dismissal of the petition was prejudicial to the parties'

³⁸ Supra note 1 at 643.

³⁹ G.R. Nos. 171282 & 183484, November 27, 2013, 710 SCRA 652, 660-662.

⁴⁰ *Altres v. Empleo*, supra note 34 at 262.

⁴¹ 678 Phil. 64, 87-88 (2011).

⁴² 477 Phil. 540, 554 (2004).

substantive rights.

Here, three of six petitioners signed the certificate of non-forum shopping. At the least, the CA could have ordered that those who did not sign it be dropped as parties, but not the outright dismissal of the Petition.

The Court, nevertheless, holds that there are justifiable reasons for the relaxation of the rules on the filing of a certificate of non-forum shopping and that the certificate against forum shopping signed by three out of six petitioners suffices.

Specifically, petitioners' cause of action revolves on the same issue, that is, respondents illegally dismissed them under similar circumstances. They were all resident physicians who were purportedly 1) re-employed by the Hospital even after the expiration of their respective one year contracts; 2) forced to resign and offered to be re-engaged as fixed term employees but declined; 3) demoted; 4) accused of violations of the Hospital rules and regulations; and, 5) dismissed.

Moreover, substantial justice dictates that the Petition for *Certiorari* be given due course and be resolved on the merits. This is especially so since the findings of the LA are contrary to those of the NLRC,⁴³ particularly on the issues of whether respondents illegally dismissed petitioners and of whether they were afforded due process of law.

The requirement of strict compliance with the rules on filing of certificate against forum shopping highlights the mandatory character of the submission of such certificate. However, this mandatory requirement allows substantial compliance provided that there are justifiable circumstances for the relaxation of the rules.⁴⁴

Furthermore, the CA dismissed the Petition for *Certiorari* because it did not indicate in its title that Dr. Tidula is a party respondent and the Petition did not state Dr. Tidula's actual address. The CA held that these omissions violate Section 3,⁴⁵ Rule 46 of the Rules of Court, in relation to Rule 65 thereof.

We do not agree.

Since Dr. Tidula was included as one of the respondents in the body of the Petition, then the CA could have clarified with petitioners the non-inclusion of Dr. Tidula in the title and could have ordered the title rectified.

⁴³ *Heirs of Amada A. Zaulda v. Zaulda*, G.R. No. 201234, March 17, 2014, 719 SCRA 308, 320.

⁴⁴ *Fernandez v. Villegas*, G.R. No. 200191, August 20, 2014, 733 SCRA 548, 560.

⁴⁵ SECTION 3. Contents and Filing of Petition; Effect of Non-Compliance with Requirements. — The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

Likewise, the Court finds that the failure to state the address of Dr. Tidula is insufficient to cause the dismissal of the Petition. The lack of address of Dr. Tidula is not a fatal defect as he had been represented by his counsel in the case. The indication that the party "could be served with process care of his counsel was substantial compliance with the Rules." And, when a party has appeared through counsel, service is to be made upon the counsel, unless the court expressly orders that it be made upon the party.⁴⁶

In view of the foregoing, a remand of the case to the CA for proper disposition on the merits is deemed proper.

WHEREFORE, the Petition is **GRANTED**. The July 12, 2012 and October 22, 2012 Resolutions of the Court of Appeals in CA-GR. SP No. 125333 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for appropriate disposition.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

⁴⁶ *OSM Shipping Phil., Inc. v. National Labor Relations Commission*, 446 Phil. 793, 803-804 (2003).

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.



ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division 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

