



Republic of the Philippines  
Supreme Court  
Manila

CIRCULAR NO. 19-91

TO : ALL MEMBERS OF THE BAR

SUBJECT: PRESCRIBING STRICT COMPLIANCE WITH SECTIONS 3 AND 5 IN RELATION TO SECTION 10 OF RULE 13 OF THE RULES OF COURT ON SERVICE OF PETITION OR MOTION FOR EXTENSION.

This Court has observed the practice of counsel who, in filing motions for extension or petitions fail to comply with the requirements of Circular No. 1-88 which took effect on January 1, 1989, as revised on July 1, 1991 particularly paragraph 2 thereof (Form and Service of petition) in conjunction with Sections 3, 5, and 10 of Rule 13 of the Rules of Court.

For the guidance of all concerned, Section 10 of Rule 13 of the Rules of Court is reproduced hereunder:

Sec. 10. Proof of service.— Proof of personal service shall consist of a written admission of the party served, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 5 of this rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon receipt thereof by the sender, or in lieu thereof the letter unclaimed together with certified or sworn copy of the notice the given by the postmaster to the addressee. (Underscoring supplied).

*ADP.*



The aforementioned Rule finds implementation in paragraph 2, Revised Circular No. 1-88, which reads:

(2) Form and Service of petition

A petition filed under Rule 45, or under Rule 65, or a motion for extension may be denied outright if it is not clearly legible, or there is no proof of service on the lower court, tribunal, or office concerned and on the adverse party in accordance with Sections 3, 5 and 10 of Rule 13, attached to the petition or motion for extension when filed.

Effective September 15, 1991, henceforth, a petition or motion for extension filed before this Court shall be dismissed/denied outright if there is no such proof of service in accordance with Sections 3 and 5 in relation to Section 10 of Rule 13 of the Rules of Court attached to the petition/motion when filed.

The form of Affidavit of Service is attached herewith as Annex "A".

Strict compliance with this Circular is hereby enjoined.

The Clerk of Court of this Court is directed to cause the publication on Friday, August 16, 1991 of this Circular in two (2) newspapers of general circulation.

August 13, 1991



MARCELO B. FERNAN  
Chief Justice

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