



Republic of the Philippines
Supreme Court
Manila

CIRCULAR NO. 28-91

TO : THE INTEGRATED BAR OF THE PHILIPPINES, ALL OTHER BAR ASSOCIATIONS, THE OFFICE OF THE SOLICITOR GENERAL AND THE DEPARTMENT OF JUSTICE

SUBJECT : ADDITIONAL REQUISITES FOR PETITIONS FILED WITH THE SUPREME COURT AND THE COURT OF APPEALS TO PREVENT FORUM SHOPPING OR MULTIPLE FILING OF PETITIONS AND COMPLAINTS

The attention of the Court has been called to the filing of multiple petitions and complaints involving the same issues in the Supreme Court, the Court of Appeals or different Divisions thereof, or any other tribunal or agency, with the result that said tribunals or agency have to resolve the same issues.

To avoid the foregoing, every petition or complaint filed with the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, shall comply with the following requirements, aside from pertinent provisions of the Rules of Court and existing circulars:

1. Caption of petition or complaint. - The caption of the petition or complaint must include the docket number of the case in the lower court or quasi-judicial agency whose order or judgment is sought to be reviewed.

2. Certification. - The party must certify under oath that he has not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, and that to the best of his knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency. If there is any other action pending, he must state the status of the same. If he should learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, he should notify the court, tribunal or agency within five (5) days from such notice.

3. Penalties. -

(a) Any violation of this Circular shall be a cause for the summary dismissal of the multiple petition or complaint;

(b) Any wilful and deliberate forum shopping by any party and his lawyer with the filing of multiple petitions or complaints to ensure favorable action shall constitute direct contempt of court.

(c) The submission of a false certification under Par. 2 of the Circular shall likewise constitute contempt of Court, without prejudice to the filing of criminal action against the guilty party. The lawyer may also be subjected to disciplinary proceedings.

4. Effectivity Date. - This Circular shall take effect on January 1, 1992.

September 4, 1991



MARCELO B. FERNAN
Chief Justice