



7/1/03

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

Gentlemen:

*Quoted hereunder, for your information, is a resolution of the Third Division of this Court dated **May 28, 2003.***

G. R. No. 157844 (Alan Dale Edmonds vs. Shay Cullen, et al.) -

In accordance with the provisions of Rule 45 governing appeals by certiorari to the Supreme Court, and Rule 65, in relation to Rules 46 and 56, governing petitions for certiorari, prohibition and mandamus, as amended and provided in the 1997 Rules of Civil Procedure effective July 1, 1997, only petitions which are accompanied by or which comply strictly with the following requirements shall be entertained:

1. full payment upon the filing of the petition of the prescribed docket and other lawful fees, together with the deposit for costs, within the reglementary period, unless the petitioner has theretofore done so;
2. appropriate service of a copy of the petition upon the adverse party or parties and on the lower court, tribunal, agency or entity concerned, with the required proof of service thereof;
3. a clearly legible duplicate original or a certified true copy of the judgment, final order or resolution certified by the clerk of court of the court a quo or the official authorized to do so;
4. a verified statement indicating the material dates when notice of the judgment, final order or resolution was received, when a motion for new trial or reconsideration, if any, was filed, and when notice of the denial thereof was received; and

- Over -

/

- 2 -
5. a certification under oath by petitioner that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action 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 undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

ACCORDINGLY, the Court Resolved to **DISMISS** the petition for certiorari assailing the decision dated December 7, 2000 of the Office of the President in OP Case No. 00-J-9253 for failure to comply with requirement no. four (4), as it lacks a verified statement as to the date of receipt by counsel for petitioner of a copy of the assailed decision and of the filing of the motion for reconsideration thereof.

Also, the verification failed to conform with the requirements of Section 4, Rule 7 of the 1997 Rules of Civil Procedure, as amended by A.M. No. 00-2-10-SC and the copy of the assailed decision submitted was certified not by the proper certifying officer. 151

Very truly yours,

JULIETA Y. CARREON
Clerk of Court

By:

McCorrigan
LUCITA ABJELINA-SORIANO
Asst. Division Clerk of Court

18 June 2001

Atty. Edmundo S. Carian
Counsel for Petitioner
Dinalupihan, 2110 Bataan

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Judgment Division
Supreme Court, Manila

Atty. Estanislao
Counsel for Respondent
Olongapo City

Office of the President
Malacanang, Manila