

SECOND DIVISION

[G.R. No. 196651, February 03, 2016]

**UWE MATHAEUS, PETITIONER, VS. SPOUSES ERIC AND
GENEVIEVE MEDEQUISO; RESPONDENTS.**

DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the September 14, 2009 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CEB SP No. 04236 dismissing petitioner Uwe Mathaeus' Petition for Review, as well as the CA's April 6, 2011 Resolution^[3] denying petitioner's Motion for Reconsideration.^[4]

Factual Antecedents

In Civil Case No. 5579, the Tagbilaran Municipal Trial Court in Cities (MTCC), Branch 1 issued a January 12, 2007 Decision^[5] ordering petitioner to pay respondents spouses Eric and Genevieve Medequiso, the amount of P30,000.00 with legal interest, attorney's fees, and costs.

Petitioner interposed an appeal, docketed as Civil Case No. 7269, before the Regional Trial Court (RTC) of Bohol, Branch 48. On September 30, 2008, the RTC issued a Decision^[6] affirming the MTCC judgment.

Petitioner moved to reconsider,^[7] but the RTC - in an April 13, 2009 Order^[8] - upheld its judgment.

Ruling of the Court of Appeals

Petitioner filed a Petition for Review^[9] with the CA, docketed as CA-G.R. CEB SP No. 04236. However, in its assailed September 14, 2009 Resolution, the CA dismissed the Petition, decreeing thus:

Perusal of the instant petition filed by the petitioner within the period prayed for discloses that the required Verification and Certification on Non-Forum Shopping was sworn to not before a notary public but before a clerk of court of the Regional Trial Court in Tagbilaran City, Bohol.

Although Section 242 of Article III of the Revised Administrative Code authorizes clerks of court to act as notaries public *ex-officio*, the Supreme Court has consistently ruled that clerks of court may notarize or administer oaths only when the matter is related to the exercise of their official functions.^[10] A Verification in an appeal via a Petition for Review is not within the scope of the matters wherein clerks of court are at

liberty to notarize or administer oath. Hence, the same is considered improperly verified and treated as unsigned and dismissible.

WHEREFORE, the petition is hereby DISMISSED.

SO ORDERED.^[11]

Petitioner moved for reconsideration,^[12] but in its assailed Resolution, the CA stood its ground.

Hence, the instant Petition.

In a December 4, 2013 Resolution,^[13] this Court resolved to give due course to the Petition.

Issues

Petitioner raises the following issues for resolution:

I

WHETHER OR NOT THERE WAS A PROPER VERIFICATION AND CERTIFICATION OF THE PETITION FOR REVIEW UNDER RULE 42 THAT WARRANTS A DISMISSAL OF THE PETITION BY THE COURT OF APPEALS.

II

WHETHER OR NOT A STRICT ADHERENCE TO SECTION 6 OF THE REVISED RULE ON SUMMARY PROCEDURE IS TO BE RESORTED [TO] TAKING INTO CONSIDERATION THAT THE ANSWER OF THE PETITIONER WAS NOT EXPUNGED FROM THE RECORDS OF THE MTCC CASE.

III

WHETHER OR NOT THE PECULIARITY OF THE MTCC CASE AND THE ADVENT OF A.M. 08-9-7-SC (RULE OF PROCEDURE FOR SMALL CLAIMS CASES) ENTITLES A LIBERAL INTERPRETATION OF THE RULES TO GIVE THE PETITIONER HIS DAY IN COURT AND ALLOW HIM TO PRESENT HIS EVIDENCE DURING A FULL BLOWN TRIAL.^[14]

Petitioner's Arguments

In his Petition and Reply^[15] seeking reversal of the assailed CA dispositions and the RTC's September 30, 2008 Decision, as well as the remand of the case to the MTCC for further proceedings, petitioner argues that - contrary to the CA's pronouncement that a clerk of court's administration of an oath in a verification contained in a petition for review is not within the scope of his official functions - Atty. Romulo T. Puangang (Clerk of Court of the Bohol RTC) may validly notarize the verification in the CA petition, as it is merely a continuation of the proceedings in Civil Case No. 5579; that the *Astorga*^[16] case refers to documents that are alien to a clerk of court's functions - the CA petition cannot be said to be alien to the proceedings in