

**DR. CARLOS C. BUENDIA, PLAINTIFF-APPELLANT, VS. BRGY.
CHAIRMAN RENATO L. ANCIS AND ALL THE KAGAWADS AND/OR
SANGGUNIANG BARANGAY BURUUN, ILIGAN CITY,
DEFENDANTS-APPELLEES.**

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

On 20 September 2014, this Court issued a Resolution[1] resolving petitioner's Humble Motion for Additional Time to File Petition for Review[2], the dispositive portion of which reads:

"WHEREFORE, subject to the timeliness of the petition and compliance with the Rules, Petitioner's Motion for Additional Time is hereby GRANTED. He is given up to 10 September 2014 to file his Petition for Review." (Bold for emphasis.)

On 10 September 2014, petitioner served and filed the Petition for Review via private courier (LBC)[3] which the Court received only on 11 September 2014.

Under Section 3, Rule 13 of the 1997 Rules of Civil Procedure (Rules), pleadings may be filed in court either personally or by registered mail. In the first case, the date of filing is the date of receipt. In the second case, the date of mailing is the date of receipt[4].

In this case however, the Petition for Review was filed via LBC. Although not provided under the Rules, filing of pleadings through a private courier is allowed but jurisprudence dictates that the date of actual receipt by the court is regarded as the date of filing of such pleading[5].

Based thereon, the instant Petition for Review had been filed out of time in violation of Section 1, Rule 42 of the Rules as shown by the annotation stamped on the first page thereof, indicating that the Receiving Section of this Court received the petition on 11 September 2014.

Moreover, the petition suffers from the following defects, to wit:

- The Petition for Review is not accompanied by a Certification Against Forum Shopping in violation of Section 2, Rule 42 of the Rules ; and
- The following pleadings which are material portions of the record are not attached to the petition, to wit:

- 2.1. Complaint;
- 2.2. Answer;
- 2.3. Position Paper of Defendants; and
- 2.4. Defendants-appellee's Memorandum filed with the RTC.

Said defects are sufficient grounds for the dismissal of the Petition as provided in Section 3, Rule 42 of the Rules, which states:

"Section 3. Effect of failure to comply with requirements. - The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof."

The Court is constrained to terminate this case in light of the fact that petitioner ill-utilized the liberality afforded him when his motion for additional time had been granted. The enumerated defects of the Petition for Review warrants its outright dismissal.

IN VIEW WHEREOF, the instant Petition for Review, an appeal of the 30 July 2014 Decision of the Regional Trial Court, Branch 18, Manila in Case No. 14-131537 rendered in its appellate jurisdiction, is hereby DISMISSED.

SO ORDERED.

Dimaampao, (Chairperson), and Ybañez, JJ., concur.

[1] Rollo, P. 9.

[2] Id., P. 3.

[3] Id., P. 81, See Parcel wrap (LBC).

[4] Heirs of Miranda, Sr. v. Miranda, G.R. No. 179638, July 8, 2013.

[5] Ibid.

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