

ROSALINA RIVERA, PETITIONER, VS. ATTY. ANSELMO ABUNGAN, IN HIS CAPACITY AS THE ASSISTANT SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, COASTAL HIGHPOINT VENT...

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Before Us is a petition for review under Rule 65 of the Rules of Court with a prayer for temporary restraining order and/or writ of preliminary injunction.

A careful reading of the petition reveals that it does not contain a factual background of the case, in violation of Rule 46, Section 3,[1] in relation to Rule 46, Section 2[2] of the Rules of Court. It appears that under the heading, “Brief Statement of Facts,”[3] petitioner merely narrated a summary of the proceedings a quo which can be more appropriately describe as a statement of the case. Obviously, the absence of a statement of facts prevents this Court from making a judicious and sound ruling on the controversy.

Moreover, We find that the petition contains several other infirmities:

- Petitioner failed to indicate the date of receipt of the May 31, 2013 Order and the date of filing of the motion for reconsideration thereof;
- Petitioner failed to append to the petition, a copy of an affidavit of service;
- Petitioner failed to attach a copy of the competent evidence of identity, she presented to the notary public when she signed the Verification and Certification against Non-Forum Shopping.

WHEREFORE, the petition is DISMISSED.

SO ORDERED.

Ingles,[*] and Lopez, JJ., concur.

[*] Per Office Order No. 13-14-GTI dated June 17, 2014 vice J. Delos Santos.

[1] Sec. 3. Contents and filing of petition; effect of non-compliance with requirements. The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

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The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.

[2] Sec. 2. To what actions applicable. This Rule shall apply to original actions for certiorari, prohibition, mandamus and quo warranto.

[3] Rollo, p. 5.

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