

**DURAN, CLETO NOEL O., RE: SERIOUS DISHONESTLY(SIC),
FALSIFICATION OF OFFICIAL DOCUMENT, GRAVE MISCONDUCT
AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE
SERVICE, PETITIONER,**

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

On October 2, 2013, this Court received a Motion for Extension of Time to File Verified Petition for Review with Prayer for Preliminary Injunction/TRO[1], praying for an extension of fifteen (15) days from October 3, 2013 or until October 18, 2013.

On October 10, 2013, this Court issued a Minute Resolution[2] which granted the Motion for Extension of Time to File Verified Petition for Review with Prayer for Preliminary Injunction/TRO.

Subsequently, another Motion or Extension of Time to File Verified Petition for Review with Prayer for Preliminary Injunction/TRO[3] dated October 21, 2013 was filed by petitioner, praying for another extension of fifteen (15) days within which to file Petitioner's Verified Petition for Review with Prayer for Injunction/TRO.

On October 29, 2013, petitioner filed a Verified Petition for Review with Prayer for Preliminary Injunction/TRO[4] under Section 4 Rule 43 of the 1997 Rules of Civil Procedure seeking to set aside the Decision of the Civil Service Commission dated September 10, 2013 and the Resolution dated April 15, 2013.

A perusal of the petition reveals the following infirmities:

- Petitioner failed to attach copies of all pleadings and documents, which are relevant and pertinent to the Petition, pursuant to Section 6, Rule 43 of the 1997 Rules of Civil Procedure, such as, but not limited to, the following:
 - The pertinent December 14, 2006 Request by Director Merlinda Flores-Quillano to the Regional Director of the Civil Service Commission (CSC), Region VII and the letter-reply by the CSC Integrated Records Management Office.
 - The February 23, 2007 Order issued by Editha D. Luzano, Dir. III, directing petitioner to submit Counter-Affidavit.
 - Petitioner's May 25, 2007 Counter-Affidavit.
 - The June 4, 2007 Formal Charge against petitioner.
 - Petitioner's July 13, 2007 Answer to the Formal Charge.
 - The Prosecution's Formal Offer of Evidence and the corresponding documentary exhibits.
 - The March 7, 2011 and May 25, 2011 Resolutions, both issued by the CSC.
 - The Prosecution's Motion to Submit the Case for Resolution and the October 6, 2011 CSC Resolution granting

the same.

- Petitioner's September 20, 2011 Motion and Manifestation filed before the CSC.
- Petitioner's November 8, 2011 Entry of Appearance with Verified Motion for Reconsideration of the October 6, 2011 CSC Resolution.
- The January 13, 2012 CSC Resolution denying petitioner's Verified Motion for Reconsideration of the October 6, 2011 CSC Resolution.
- Petitioner's January 25, 2012 Motion for Extension of Time to File Position Paper.
- The respective Position Papers of petitioner and the prosecution.
- Petitioner's Verified Motion for Reconsideration of the February 4, 2013 Decision of the CSC, Region VII.
- The Prosecution's Comment to petitioner's Verified Motion for Reconsideration of the February 4, 2013 Decision of the CSC, Region VII, if any.
- Petitioner's Notice of Appeal with the Appeal Memorandum filed before the CSC.
- The Prosecution's Answer to the Appeal Memorandum filed before the CSC, if any.
- The petitioner failed to show and attach competent evidence of their identity (at least one current identification document issued by an official agency bearing the photograph and signature of the affiant), in violation of Section 6(a), Rule II, in relation to Section 12, of the Rules of Notarial Practice[5] (A.M. 02-8-13-SC).
- Petitioner failed to indicate the respondent of this case.[6]

The foregoing defects warrant an outright dismissal of the instant petition.

WHEREFORE, the Petition is hereby DISMISSED. Accordingly, the Temporary Restraining Order (TRO) is hereby DENIED for having become moot and academic and without a leg to stand on.

SO ORDERED.

Lagura-Yap, and *Quijano-Padilla, JJ., concur.

* Received from the Office of Justice Marilyn Lagura-Yap on February 12, 2014.

* Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] Rollo, pages 3-8.

[2] Rollo, page 8.

[3] Rollo, pages 10-13.

[4] Rollo, pages 18-51.

[5] 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC), effective Aug. 1, 2004, amended on Feb. 19, 2008. "Rule II, Sec. 6. Jurat.- "Jurat" refers to an act in which an individual on a single occasion: (a) appears in person before the notary public and presents an instrument or document;"

Sec. 13. Competent Evidence of Identity. - The phrase "competent evidence of identify" refers to the identification of an individual based on: (a) at least one current identification document issued by an official

agency bearing the photograph and signature of the individual; or (b) x x x. (emphasis supplied)

[6] See Revised Rules of Court, Rule 7,

Sec. 1. Caption – The caption sets forth the name of the court, the title of the action, and the docket number if assigned.

The title of the action indicates the names of the parties. They shall all be named in the original complaint or petition; xxx xxx xxx

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