

EMELY B. GOM-OS, PROVINCIAL BOARD MEMBER, SIQUIJOR, SIQUIJOR, SALARY GRADE 27, PETITIONER, VS. ANTONIO G. MANIGO, RESPONDENT

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

This refers to the Petition for Review[1] under Rule 43 of the Rules of Court seeking to reverse the Joint Review[2] dated April 10, 2012 and the Joint Resolution[3] dated March 8, 2013 both issued by the Office of Ombudsman, Ombudsman Building, Agham Road, Government Center, North Triangle, Diliman, Quezon City.

A perusal of the petition the Court NOTES the following defects.

- Petitioner failed to indicate in the Petition the material date showing when the Motion for Reconsideration of the April 10, 2012 Joint Review subject thereof was filed before the Office of the Ombudsman, in violation of Section 6, Rule 43 of the 1997 Rules of Civil Procedure.

- Petitioner failed to incorporate therein a written explanation why the preferred personal mode of filing of the Petition under Section 11, Rule 13 of the 1997 Rules of Civil Procedure was not availed of[4].

- Petitioner failed to attach copies of all pleadings and documents which are necessary for a thorough understanding and resolution of the instant Petition, such as but not limited to the following[5]:

- a. The March 9, 2009 letter cum Affidavit and the Reply-Affidavit of respondent.

- b. The Counter-Affidavit of petitioner.

- c. The annexes referred to in respondent's Position Paper, all filed before the Office of the Deputy Ombudsman for Visayas, pursuant to Section 6, Rule 43 of the 1997 Rules of Civil Procedure.

- Petitioner's counsel failed to indicate in the May 17, 2013 Petition, the following:

- a. Petitioner 2013 Integrated Bar of the Philippines (IBP) number, date and place of issuance thereof, in violation of Bar Matter No. 287 dated July 9, 1985 .

- b. Professional tax receipts' (PTR) number, date and place of issuance thereof, in violation and Bar Matter No. 1132 dated November 12, 2002.

- The Notarial Certificate in the Verification and Certification of Non-Forum Shopping did not contain the following:[6]

- a. Serial number of the commission of the notary public.

- b. The province or city where the notary public was commissioned.

- c. The office address of the notary public, in violation of Section 2 (b) and (c), Rule VIII of the 2004 Rules on Notarial Practice.

WHEREFORE, with all the above-noted defects, We DISMISS the Petition upon authority of Section 5, Rule 46 of the 1997 Rules of Civil Procedure.⁷

SO ORDERED.

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

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

[1] Rollo, pages 3-12.

[2] Rollo, pages 41-51.

[3] Rollo, pages 131-136.

[4] Martin Peñoso and Elizabeth Peñoso, vs. Macrosman Dona, G.R. No. 154018, April 3, 2007, citing, Solar Team Entertainment, Inc. v. Judge Ricafort, 355 Phil. 404, 413-414 (1998), See also, Section 11, Rule 13 of the Rules of Court provides:

Sec. 11. Priorities in modes of service and filing. – Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

[5] Herrera, Oscar M., REMEDIAL LAW, Vol. II, 2007 Edition, Rule 43, p. 695.

SEC. 6. Contents of the Petition. - The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42. The petition shall state the specific materials dates showing that it was filed within the period fixed herein.

[6] 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC), effective Aug. 1, 2004, amended on Feb. 19, 2008.

Sec. 2 Contents of the Concluding Part of the Notarial Certificate. - The notarial certificate shall include the following:

(a) the name of the notary public as exactly indicated in the commission;

(b) the serial number of the commission of the notary public;

(c) the words "Notary Public" and the province or city where the notary public is commissioned, the expiration date of the commission, the office address of the notary public; and

(d) the roll of attorney's number, the professional tax receipt number and the place and date of issuance thereof, and the IBP membership number.

[7] Regalado, Florenz D., REMEDIAL LAW COMPENDIUM, Vol. 1, Notes on the Revised Rules of Court, Rule 46, p. 564.

Section 5. Action by the Court. - The court may dismiss the petition outright with specific reasons for such dismissal or require the respondent to file a comment on the same within ten (10) days from notice. Only

pleadings required by the court shall be allowed. All other pleadings and papers may be filed only with leave of court.

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