

**GIL OGOY, JR., PETITIONER, V. SOUTH ASIALINK FINANCE CORP.,
ROBERT JORDAN, JR., JOEL CRUZ, JERWIN MANIBOG, CONSULT
ASIA BUSINESS SOLUTIONS AND ADVISORY SERVICES, INC., AND
NATIO...**

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2ebf639a2785/>

ELBINIAS, J.:

Before Us is the Petition for Certiorari[1] ("Petition" for brevity) filed by petitioner Gil Ogoy, Jr. ("petitioner" for brevity) under Rule 65 of the Rules of Court.

To begin with, a perusal of the Petition[2] at bench reveals that it suffers from the following infirmities:

First, there is no statement of material dates as to when the Notices of the assailed Order and Resolution of public respondent National Labor Relations Commission ("NLRC" for brevity) were received by petitioner. Such statement of material dates is required under Section 3, Rule 46 of the Rules of Court, as amended by Bar Matter No. 803, which provides:

"Section 3. Contents and filing of petition; effect of noncompliance 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.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.

xxx

The failure of the petitioner to comply any of the requirements shall be sufficient ground for the dismissal of the petition." (Emphasis supplied)

Petitioner's failure to indicate the material dates showing the timeliness of the filing of the Petition[3] at bench, renders his Petition[4] dismissible, as is in accordance with the following declaration of the Supreme Court in Davao Contractors Development Cooperative (DACODECO), etc. vs. Marilyn A. Pasawa, G.R. No. 172174, July 9, 2009:

"On the matter of material dates, the petition for certiorari failed to indicate the material dates that would show the timeliness of the filing thereof with the Court of Appeals. It is settled that the following material dates must be stated in a petition for certiorari brought under Rule 65: first, the date when notice of the judgment or final order or resolution was received; second, the date when a motion for new trial or for reconsideration was filed; and third, the date when notice of the denial thereof was received. In the case before us, petitioner failed to indicate the first and second dates, particularly the date of receipt of the NLRC resolution and the date of filing of the motion for reconsideration. As explicitly stated in Rule 65, failure to comply with any of the requirements shall be sufficient ground for the dismissal of the petition." (Emphasis supplied)

Second, the jurat of the Verification and Certification of Non- Forum Shopping[5] signed by petitioner did not have any competent evidence of the affiant's identity. This is in violation of Section 12 of Rule II of the 2004 Rules on Notarial Practice, as amended by A.M. 02-08-13SC, which provides:

"Sec. 12. Component Evidence of Identity. The phrase 'competent evidence of identity' 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, such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/ immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disable Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or

(b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification." (Emphasis supplied)

Last, the copies of the assailed Order[6] and Resolution[7] of public respondent NLRC that was attached to the Petition[8] were mere photocopies. This is in violation of Section 1, Rule 65 of the Rules of Court, to wit:

"Section 1. Petition for certiorari. — When any tribunal, board or officer exercising judicial or quasijudicial functions has acted without or in excess its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46." (Emphasis supplied)

Petitioner's failure to attach certified true copies of public respondent NLRC's assailed Order[9] and Resolution[10] in his Petition[11] at bench renders his Petition[12] insufficient in form and therefore, dismissible. That this is the consequence is in accordance with the following pronouncement of the Supreme Court in *Pinakamasarap Corporation vs. National Labor Relations Commission*, G.R. No. 155058, September 26, 2006, to wit:

"There are strict requirements petitioner ought to have followed when it sought to avail of the extraordinary remedy of certiorari. It should have attached clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject of the petition. There is a sound reason behind this policy and it is to ensure that the copy of the judgment or order sought to be reviewed is a faithful reproduction of the original so that the reviewing court would have a definitive basis in its determination of whether the court, body or tribunal which rendered the assailed judgment or order committed grave abuse of discretion. Also, it should have appended photocopies of material portions of the record as are referred to in the assailed judgment or final order and other documents relevant or pertinent thereto unless a summary thereof can already be found in a document, a certified true copy of which is attached to the petition.

By 'duplicate original' and 'certified true copy' we mean the following:

1. The 'duplicate original copy' shall be understood to be that copy of the decision, judgment, resolution or order which is intended for and furnished to a party in the case or proceeding in the court or adjudicative body which rendered and issued the same. The 'certified true copy' thereof shall be such other copy furnished to a party at his instance or in his behalf, duly authenticated by the authorized officers or representatives of the issuing entity as herein before specified.

2. The duplicate original copy must be duly signed or initialed by the authorities or the corresponding officer or representative of the issuing entity, or shall at least bear the dry seal thereof or any other official indication of the authenticity and completeness of such copy. x x x

3. The certified true copy must further comply with all the regulations therefor of the issuing entity and it is the authenticated original of such certified true copy, and not a mere xerox copy thereof, which shall be utilized as an annex to the petition or other initiatory pleading. xxx

Petitioner's Annexes 'A', 'B', and 'C' to the Petition are neither duplicate original copies nor certified true copies of the LA Decision and assailed NLRC Decision and Resolution, respectively. While every page of said attachments bear the marking 'certified true copy', it is readily apparent that these are not original authenticated copies but mere xerox copies of certified true copies.

xxx

There is no question then that Annexes 'A', 'B' and 'C' are mere xerox copies of certified true copies of the assailed NLRC Decision and Resolution. As the use of such xerox copies contravene paragraph 3 of Administrative Circular No. 3-96, it rendered the Petition insufficient in form. The CA committed no error in rejecting said attachments and dismissing the Petition." (Emphasis supplied)

Indeed, the rule is settled that procedural rules are designed to provide order to, and enhance the efficiency of, our judicial system[13]. Consequently, procedural rules must be strictly observed, especially in Petitions for Certiorari such as the instant case, as is pursuant to the following declaration of the Supreme Court in *Marcelino Domingo vs. Court of Appeals, et. al.*[14]:

"In petitions for certiorari, procedural rules must be strictly observed. In *Athena Computers, Inc. v. Reyes*, the Court held that:

Certiorari, being an extraordinary remedy, the party who seeks to avail of the same must strictly observe the rules laid down by law.

x x x x

The acceptance of a petition for certiorari as well as the grant of due course thereto is, in general, addressed to the sound discretion of the court. Although the court has absolute discretion to reject and dismiss a petition for certiorari, it does so only x x x when there are procedural errors, like violations of the Rules of Court." (Emphasis Supplied; Italics was made in the original)

GIVEN ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-17.

[2] Rollo, pp. 3-17.

[3] Rollo, pp. 3-17.

[4] Rollo, pp. 3-17.

[5] Rollo, p. 18.

[6] Rollo, pp. 20-22.

[7] Rollo, pp. 23-25.

[8] Rollo, pp. 3-17.

[9] Rollo, pp. 20-22.

[10] Rollo, pp. 23-25.

[11] Rollo, pp. 3-17.

[12] Rollo, pp. 3-17.

[13] Francisco A. Labao vs. Lolito N. Flores, et. al., G.R. No. 187984, November 15, 2010; Saint Louis University Inc. vs. Evangeline C. Cobarrubias, G.R. No. 187104, August 3, 2010; Bonifacio M. Mejillano vs. Enrique Lucillo, et. al., G.R. No. 154717, June 19, 2009

[14] G.R. No. 169122, February 2, 2010

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.