

P02 EVELYN ANDALES PENOLIO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

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INTING, S. B., J.:[*]

Before this Court is a Petition for Certiorari[1] filed on April 10, 2014. However, what is being assailed in the Petition is the Resolution No. 14-00108[2] issued by the Civil Service Commission dated January 27, 2014, a copy of which was received by the Petitioner on February 13, 2014. Thus, the proper remedy should be a Petition for Review pursuant to Rule 43 of the 1997 Revised Rules on Civil Procedure and should have been filed on February 28, 2014.

Further, the Petition also suffers from the following infirmities:

- 1) Both the Verification and Certification of Non-Forum Shopping contain defective jurats because the Notary Public before whom both documents were subscribed and sworn to failed to indicate the province or city where he was commissioned pursuant to section 2 (c) of Rule VIII of the 2004 Rules on Notarial Practice;
- 2) There was no Affidavit of Service with properly accomplished jurat;
- 3) Only the xeroxed copy of the assailed Resolution of the Civil Service Commission was attached to the Petition;
- 4) The entire records of the cases initiated before the Regional Internal Affairs Service 4-A (RIAS 4-A), then elevated to the Police Regional Office 4-A (PRO 4-A0), then elevated to the National Police Commission Regional Appellate Board Regional 4-A (RAB 4-A0), then elevated to the DILG, which finally culminated before the CSC, inclusive of all the pleadings filed before the said tribunals, the Decisions rendered by the said tribunals, as well as the oral and documentary evidence presented which would support the allegations in the Petition was not attached thereto.

IN VIEW OF THE FOREGOING, for being the wrong remedy, for having been filed out of time and for being formally defective the Petition for Review is hereby DISMISSED and the case is deemed CLOSED and TERMINATED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Galapate-Laguilles,[**] JJ., concur.

[*] Acting Senior Member vice J. Mario V. Lopez who is in Baguio for the summer session per Office Order No. 177-14-RDC dated May 2, 2014

[**] Acting Junior Member vice J. Socorro B. Inting who has been designated as acting Senior Member per Office Order No. 177-14-RDC dated May 2, 2014

[1] Rollo, pp. 4-17

[2]Rollo, pp. 31-34

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