

ARNOLFO DACO, ET. AL., PETITIONERS, VS. RUBEN E. CABAJAR AND THE HON. REGIONAL HEARING OFFICER OF THE NCIP-IV, RESPONDENTS.

Ponente: BUESER, J.

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BUESER, J.:

A perusal of the instant petition filed under Rule 43 of the Rules of Court[1] reveals that it is defective based on the following grounds, to wit:

- a. No payment for docket and other legal fees was remitted by herein petitioners and records of the instant petition indicate that there is no motion filed to litigate as pauper litigants;
- b. The title as well as the body of the instant petition failed to contain the full names of the co-petitioners of Arnolfo Daco who allegedly are the latter's "siblings and direct descendants of the deceased Ciriaco Daco." Moreover, there is no Special Power of Attorney authorizing Arnolfo Daco to sign the Verification and Certification on behalf of his co-petitioners[2];
- c. There is no explanation why service of the instant petition on adverse counsel and/or the National Council for Indigenous Peoples ("NCIP" for brevity) was not done personally;
- d. The notarization of the Affidavit of service of the instant petition failed to comply with Sections 6 and 12, Rule II of the 2004 Rules on Notarial Practice, there being no properly accomplished jurat showing that the affiant exhibited before the notary public competent evidence of her identity - at least one current identification document issued by an official agency bearing the photograph and signature of the affiant[3];
- e. Herein petitioner's counsel's IBP details[4] does not appear to be current; and
- f. Pertinent pleadings and documents mentioned in the assailed Decision as would support the allegations in the instant petition were not appended therein, such as the Complaint, Answer, herein parties' respective Position Papers, herein private respondents' Application for Issuance of Ancestral Domain, and Assumption Over Ancestral Domains issued by then NCIP Chairperson Atty. Eugenio Insigne .

At this juncture, herein petitioners are reminded of what should be the contents of a Petition for Review pursuant to Section 6, Rule 43 of the Rules of Court, to wit:

"Section 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 material dates showing that it was filed within the period fixed herein."

Hence, pursuant to Section 7, Rule 43 of the Rules of Court, the dismissal of the instant petition is in order for failure to comply with the above-mentioned requirements, viz:

Section 7. Effect of failure to comply with requirements. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

WHEREFORE, in view of the foregoing, the instant petition is hereby DISMISSED.

IT IS SO ORDERED.

BRUSELAS, JR., A.D. Chairman and [*]Paredes, V.I., A., JJ., concur.

[*] Acting Junior Member for fifteen (15) working days only from February 24, 2015 per Office Order No. 55-15-ABR dated February 23, 2015.

[1] Rollo, p. 3

[2] Rollo, p. 5

[3] Rollo, p. 12

[4] Rollo, p. 10 (IBP No. 895599/12-12-13)

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