

MATEO G. DELA ROSA AND NESTOR F. NARAG, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND WE ENTERPRISES AND CONTRACTORS, INC. AND/OR LIZA L. GAN, RESPONDENTS.

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Certiorari[1] under Rule 65 of the Rules of Court seeking to annul the November 17, 2014 Decision[2] and December 29, 2014 Resolution[3] of the National Labor Relations Commission (NLRC), Sixth Division in NLRC LAC No. 09-002291-14. The assailed Decision dismissed petitioners' appeal from the Decision[4] of the Labor Arbiter dismissing their complaint for illegal dismissal against private respondents. On the other hand, the questioned Resolution denied petitioners' subsequent motion for reconsideration.

After a careful perusal of the present petition, this Court finds the same to be laden with formal and jurisdictional defects, warranting its outright dismissal, to wit:

- The petition failed to state the date of receipt of the assailed November 17, 2014 Decision of the NLRC as well as the date of filing of the motion for reconsideration, in violation of Section 3, paragraph 2, Rule 46 of the Rules of Court;
- The complete and current addresses of petitioners Mateo G. Dela Rosa and Nestor F. Narag were not indicated in the petition, in violation of Section 3, paragraph 1, Rule 46 of the same Rules;
- The petition lacks proper verification as it failed to state that the affiants caused the preparation of the petition, they have read the pleading, and the allegations therein are true and correct of their personal knowledge or based on authentic records, in violation of Section 4, Rule 7 of the same Rules;
- Petitioners failed to submit certified true copies of the November 17, 2014 Decision and December 29, 2014 Resolution of the NLRC; and clear and legible copies of the material portions of the records as would support the allegations of the petition and are relevant to the resolution of this case, such as, but not limited to, the parties' respective position papers, complaint, and memorandum dated October 10, 2012, were not attached to the petition, in violation of Section 3, paragraph 3, Rule 46 of the same Rules; and
- The notary public before whom the verification and certificate of non-forum shopping was subscribed and sworn to did not indicate the place of his notarial commission, as required in Section 2, Rule VIII of the 2004 Rules on Notarial Practice.

Pursuant to Section 3, paragraph 6, Rule 46 of the Rules of Court, petitioners' failure to comply with any of the foregoing requirements is a sufficient ground for the dismissal of the petition.

It must be borne in mind that a petition for certiorari is an extraordinary remedy. As such, the party who seeks to avail of the same must strictly observe the procedural rules laid down by law, and non-observance thereof may not be brushed aside as mere technicality. The decision on whether or not to accept a petition for certiorari, as well as to grant due course thereto, is generally addressed to the sound discretion of the court.[5]

WHEREFORE, the instant petition for certiorari is hereby DISMISSED.

SO ORDERED.

Villon, J., Chairperson and Zalameda, JJ., concur.

[1] Rollo, pages 3-15.

[2] Penned by Commissioner Isabel G. Panganiban-Ortiguerra, *ibid.*, pages 22-32.

[3] *Ibid.*, pages 17-20.

[4] Penned by Labor Arbiter Jaime M. Reyno, *ibid.*, pages 33-44.

[5] *Congressman Chong v. Hon. De la Cruz*, G.R. No. 184948. July 21, 2009.

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