

RODZON MARKETING CORPORATION AND FREDERICK URSUA, PETITIONERS, VS. SPOUSES REYNALDO PUNSALAN AND ADELINA PUNSALAN, RESPONDENTS.

Ponente: DICDICAN, J.

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DICDICAN, J.:

This has reference to the Petition for Review on Certiorari filed in this case which, in the caption thereof, had been denominated as S.P. Civil Case No. 138476 for Certiorari.

After a cursory examination of the said petition, we have come up with a finding that the said petition is fatally defective and, thus, deserves to be dismissed.

For one, it is a wrong mode of seeking the setting aside of the decision rendered by Branch 96 of the RTC stationed in Quezon City. As it may be noted, the decision sought to be reviewed or set aside by the petitioners is a decision rendered by the RTC in the exercise of its appellate jurisdiction. Thus, the appeal from the said decision should be by means of a petition for review pursuant to Section 1 of Rule 42 of the Rules of Court. It should not be a petition for review on certiorari under Rule 45 of the Rules of Court. Neither should be a petition for certiorari under Rule 65 of the Rules of Court as the petitioners denominated it in the caption of their petition. So, the petition is fatally defective. According to the fourth paragraph of Supreme Court Circular No. 2-90[1] and the second paragraph of Section 2 of Rule 50 of the Rules of Court, an appeal erroneously taken to the Court of Appeals, that is, by the wrong or inappropriate mode, shall be dismissed.

For another, the petitioners had miserably failed to let their petition be accompanied by a true copy of the judgment of the decision rendered by Branch 41 of the Metropolitan Trial Court in Quezon City on July 3, 2009 which was appealed by them to the RTC in Quezon City. Section 2 of Rule 42 of the Rules of Court is very explicit in providing that a petition for review filed in the Court of Appeals must be accompanied by clearly legible duplicate originals or true copies of the judgments of both lower courts (meaning the MTC and the RTC). In the petition filed in the case at bench, the only documents attached thereto are a certified copy of the decision rendered by Branch 96 of the RTC in Quezon City on February 20, 2013 in Civil Case No. Q-10-68421, a certified true copy of the resolution issued on July 23, 2014 in the same civil case and a photocopy of the formal offer of evidence filed by the petitioners on November 27, 2008 in Branch 41 of the MTC of Quezon City in Civil Case No. 27773. Neither did the petitioners attach to their petition copies of relevant pleadings and other material portions of the record of their case as would support the allegations of the petition as required in Section 2 of Rule 42 of the Rules of Court. Section 3 of Rule 42 of the Rules of Court expressly states that the failure of petitioners to comply with any of the requirements regarding documents which should accompany their petition shall be sufficient ground for the dismissal of said petition.

WHEREFORE, in view of the foregoing premises, we hereby DISMISS the petition filed in this case.

SO ORDERED.

Ybañez, and Paredes, JJ., concur.

[1] Providing for Guidelines To Be Observed in Appeals To The Court of Appeals And To The Supreme Court.

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