

ABLE MARITIME SEAFARERS, INC., PETITIONER, VS. HON. MICHAEL G. AGUINALDO, IN HIS CAPACITY AS DEPUTY EXECUTIVE SECRETARY FOR LEGAL AFFAIRS, OFFICE OF THE PRESIDENT; DEPARTMENT OF...

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

The present petition for certiorari seeks to set aside the (i) Order dated September 17, 2014[1] of the Office of the President which dismissed petitioner's appeal from the Resolution dated October 17, 2011[2] of the Department of Labor and Employment (DOLE) affirming the finding by the Administrator, Philippine Overseas Employment Administration (POEA), of petitioner's guilt for three (3) counts of violation of Section 2(b), Rule V, Book II, 1991 POEA Rules and Regulations, among others, and (ii) Resolution dated December 10, 2014[3] which denied petitioner's motion for reconsideration of the Order dated September 17, 2014.

The petition is fatally defective for the following reasons:

(1) There is no allegation as to when petitioner received the assailed Order dated September 17, 2014 and when it filed a motion for reconsideration of said Order. Apropos is *Hilario S. Ramirez vs Court of Appeals, et al.*, [4] wherein the Supreme Court upheld the dismissal by the Court of Appeals of the petition for certiorari for failure to state therein the material dates. Thus:

For the same reasons above, we also find no reversible error in the assailed resolution of the Court of Appeals dismissing Ramirez's petition on the ground of failure to state material dates, because in filing a special civil action for certiorari without indicating the requisite material date therein, Ramirez violated basic tenets of remedial law, particularly Rule 65 of the Rules of Court, x x x

x x x. There are three material dates that 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, the petition filed with the Court of Appeals failed to indicate when the notice of the NLRC Resolution was received and when the Motion for Reconsideration was filed, in violation of Rule 65, Section 1 (2nd par.) and Rule 46, Section 3 (2nd par.). (Underlining supplied)

(2) The verification and certification of non-forum shopping signed by Frederick E. Ortega, allegedly the Vice President of petitioner, has defective jurat for failure to indicate therein the affiant's identity. There is also no Board Resolution attached to the petition to show Frederick E. Ortega's authority to file the petition in behalf of petitioner.

WHEREFORE, the petition is dismissed outright.

SO ORDERED.

Cruz, S.C., and Hernando, R.P.L., JJ., concur.

[1] p. 17, Rollo

[2] pp. 26-30, *ibid.*

[3] p. 19, *ibid.*

[4] 607 SCRA 752 (2009)

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