

OSCAR V. ECARMA, PETITIONER, VS. HON. CARLOS C. FERNANDO, ET. AL., RESPONDENTS.

Ponente: LEGASPI, J.

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LEGASPI, J.:

A perusal of the instant Petition for Certiorari reveals that it is fraught with several infirmities, to wit:

- In the Verification and Certification of Non-Forum Shopping, no competent evidence of the identity of the petitioner was shown, i.e., at least one current identification document issued by an official agency bearing the photograph and signature of the petitioner as required under Section 12, Rule II, of the 2004 Rules on Notarial Practice[1];
- The Verification and Certification of Non-Forum Shopping was merely subscribed and sworn before an Associate City Prosecutor; and
- Petitioner failed to furnish the Office of the Solicitor General a copy of the petition considering that the case stemmed from a Criminal Case for False Testimony under Art. 182 of the Revised Penal Code of the Philippines.

In any event, even if We set aside the aforementioned technical infirmities, the instant case will not prosper because petitioner had availed of a wrong mode of appeal. The proper remedy should have been an ordinary appeal to the Regional Trial Court (RTC) via notice of appeal under Section 2 (a) and Section 3 (a) of Rule 122 of the Rules of Court considering that the assailed Decision was rendered by the Municipal Trial Court in Cities (MTCC), Branch 2, of Mandaue City. Thus, the instant petition is improper since petitioner has an adequate, plain and speedy remedy, which is to appeal the MTCC's December 4, 2014 Decision to the RTC instead of filing a Petition for Certiorari before Us.

In light of the foregoing, We resolve to DISMISS the instant Petition for Certiorari filed under Rule 65 of the Rules of Court.

SO ORDERED.

Maxino, Chairperson and Francisco, JJ., concur.

[1] SEC. 12. Competent Evidence of Identity. – The phrase “competent evidence of identity” refers to the identification of an individual based on:

(a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual, such as but not limited to, passport, driver's license, Professional Regulation Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigration certificate of registration, government office ID, certification from the National

Council for the Welfare of Disable Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification (as amended by by A.M. No. 02-8-13-SC, February 19, 2008); or

(b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

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