

**JOSE E. BAUTISTA, JR., PETITIONER VS. HON. MA. YOLANDA M. PANAGUITON-GAVIÑO, PRESIDING JUDGE, RTC-BRANCH 34, ILOILO CITY AND JACSANTOS DEVELOPMENT CORP., DULY REPRESENTED BY ITS...**

Ponente: LAGURA-YAP, J.

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**LAGURA-YAP, J.:**

This Petition, under Rule 65 of the 1997 Rules of Civil Procedure seeks to nullify and set aside the Orders dated February 25, 2014 and April 4, 2014 rendered by the Regional Trial Court (RTC), Branch 34, Iloilo City.

Petitioner stated in page 10 of the Petition, that he received the Order dated April 4, 2014 denying the Motion for Reconsideration on April 11, 2014. Petitioner had sixty (60) days from notice of the Order or until June 10, 2014, within which to file his petition. However, this Court received the Petition on June 13, 2014 as per date by the Receiving Section of this Court[1]. Based on this factual date, the petition was filed out of time.

In *Yutingco v. Court of Appeals*,[2] the Supreme Court explained why a petition for certiorari must be filed within a period of sixty (60) days.

The New Rules on Civil Procedure, Section 4, Rule 65, prescribes a period of sixty (60) days within which to file a petition for certiorari. The 60-day period is deemed reasonable and sufficient time for a party to mull over and to prepare a petition asserting grave abuse of discretion by a lower court. The period was specifically set to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case. For these reasons, the 60-day period ought to be considered inextendible.

Still in *Yutingco v. Court of Appeals*[3], the Supreme Court said that rules of procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit. The corollary rule was laid down in *Gonzales v. Torres*[4], that rules prescribing the time for doing specific acts or for taking certain proceedings are considered absolutely indispensable to prevent needless delays and to orderly and promptly discharge judicial business. By their very nature, these rules are regarded as mandatory.

A further perusal of the rollo, reveals the following defects: First, the petitioner failed to show and attach competent evidence of his identity (at least one current identification document issued by an official agency bearing the photograph and signature of the affiant), in violation of Section 6(a), Rule II, in relation to Section 12, of the Rules of Notarial Practice[5] (A.M. 02-8-13-SC); Second, petitioner failed to attach a copy of the Complaint as mentioned in his Petition[6]; Third; Petitioner's counsel failed to indicate his Notarial Commission number in violation of Section 2 (a) Rule VIII of the 2004 Rules on Notarial Practice.

WHEREFORE, with all the above-noted defects, We DISMISS the Petition upon authority of Section 5, Rule 46 of the 1997 Rules of Civil Procedure and for failure of the petitioner to file the petition within the reglementary period.

**SO ORDERED.**

Delos Santos, and Lopez, JJ., concur.

[1] See Rollo, page 6.

**[2] 386 SCRA 85 (2002).**

[3] Supra.

[4] A.M. No. MTJ-06-1653, 30 July 2007, 528 SCRA 490.

[5] 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC), effective Aug. 1, 2004, amended on Feb. 19, 2008. “Rule II, Sec. 6. Jurat. - “Jurat” refers to an act in which an individual on a single occasion: (a) appears in person before the notary public and presents an instrument or document;”

Sec. 13. Competent Evidence of Identity. - The phrase “competent evidence of identify” 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; or (b) x x x. (emphasis supplied)

[6] Rule 46, Sec. 3. Contents and filing of petition; effect of non-compliance with requirements. - xxx xxx xxx.

xxx xxx xxx.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

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