

MILQUIADESA K. BRILLANTES, CRUZ R. KUIZON, OLIMPIA K. SCHENECKERT, SHERRY SILVERIA C. OBERST AND SERVANDO R. KUIZON, REPRESENTED BY RAMONA F. KUIZON, PETITIONERS, VS. HEIRS OF P...

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before this Court is a petition for review[1] under Rule 42 of the Rules of Civil Procedure. Initially petitioners filed an ex-parte motion to extend period to file petition for review praying for a fifteen (15) day extension from December 5, 2014 or until December 20, 2014 within which to file their petition for review. Although the petition for review was filed[2] within the extension period requested, the Court noted the following infirmities in the said petition:

1. Payment for the docket and other legal fees is short in the amount of Php 225.00.
2. Petitioners failed to show proof of service of the petition to the Regional Trial Court and to the respondents as required by Section 1 Rule 42 of the Revised Rules on Civil Procedure[3];
3. Petitioners failed to attached a copy of the November 3, 2014 resolution which denied their motion for reconsideration, as required by Section 2 of Rule 42 of the Revised Rules on Civil Procedure[4]
4. Ramona F. Kuizon, representing petitioners, failed to show any competent evidence of her identity (at least one current identification/document issued by any official agency bearing his/her photograph and signature) in violation of Rule IV Section 2(b)(2) in relation to Rule II, Section 12 of the 2004 Rules on Notarial Practice;
5. There is no showing that Ramona F. Kuizon, representing petitioners, attached a copy of a Special Power of Attorney appointing her as their representative.

Section 3 of Rule 42 provides that:

“Effect of failure to comply with requirements. - The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.”

Pursuant to the abovementioned rules, petitioner’s failure to comply with the requirements laid down under Rule 42 is a sufficient ground for the dismissal of the petition. Although the Supreme Court has allowed the liberal application of the rules for meritorious reasons, in the instant petition, the petitioner gave no explanation why they were not able to comply with the requirements laid down under Rule 42 despite having been given an extension of fifteen (15) days to prepare their petition for review.

In view thereof, failing to comply with Sections 1 and 2 of Rule 42, of the Rules of Court, without just cause, the instant petition for review is hereby DISMISSED.

SO ORDERED.

Ingles, G.T., Chairperson and Lagura-Yap, M.B., JJ., concur.

[1] Rollo, pp.3-11

[2] Ibid., p.3

[3] Section 1. How appeal taken; time for filing. - A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. ... xxx.

[4] Sec. 2. Form and contents. - The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition. ... xxx.

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