

JOSELITO D. DALOOS, PETITIONER, VS. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) REPRESENTED BY DEMETRIO L. IGNACIO, JR., CLARENCE L. BAGUILAT, ERNESTO M. ATON, FERNAN...

Ponente: LANTION, J.A.C., J.

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LANTION, J.A.C., J.:

Before Us is a Petition for Certiorari, Mandamus & Prohibition[1] filed by Petitioner Joselito D. Daloos (“Petitioner”) assailing the Memorandum[2] dated 11 April 2013 issued by the Department of Environment and Natural Resources through Undersecretary for Field Operations Demetrio L. Ignacio, Jr. concerning the Supplemental Position Paper and/or Appeal of Mr. Joselito Daloos Re: FLGLA Application in Manabo, Abra.

After a careful review of the instant Petition, this Court finds the following infirmities which warrant its outright dismissal, scilicet:

1. Petitioner did not file a motion for reconsideration of the assailed Memorandum dated 11 April 2013, which omission is a fatal defect;[3]
2. Petitioner filed the present Petition before this Court without observing the rule on exhaustion of administrative remedies;[4]
3. The verification/certification of non-forum shopping does not contain a statement asserting that if Petitioner should learn that the same or similar action has been filed or is pending, he shall report such fact within five (5) days therefrom to the court, in violation of Section 5, Rule 7 of the Rules of Court.[5]
4. The notarization of the verification/certification of non-forum shopping lacks a properly accomplished jurat as a “CTC” is not competent evidence of the identity of Petitioner Joselito D. Daloos, in violation of Sections 6[6] and 12[7] of the 2004 Rules on Notarial Practice.
5. The notaries public who notarized the verification/certification of non-forum shopping and the affidavit of service did not indicate their office addresses and/or places of commission, in violation of Section 2(c), Rule VIII of the 2004 Rules on Notarial Practice.[8]

ACCORDINGLY, the Petition for Certiorari, Mandamus & Prohibition is DISMISSED.

SO ORDERED.

Veloso, (Chairperson), and Antonio-Valenzuela, JJ., concur.

[1] Rollo, pp. 3-31.

[2] Id. at 35.

[3] In *Causing v. COMELEC* (G.R. No. 199139, September 9, 2014), the Supreme Court teaches:

The well-established rule is that the motion for reconsideration is an indispensable condition before an aggrieved party can resort to the special civil action for certiorari under Rule 65 of the Rules of Court. The filing of the motion for reconsideration before the resort to certiorari will lie is intended to afford to the public respondent the opportunity to correct any actual or fancied error attributed to it by way of re-examination of the legal and factual aspects of the case. (Emphasis supplied)

[4] In *Ejera v. Merto* (G.R. No. 163109, January 22, 2014), the Highest Court held:

[T]he rule requiring the exhaustion of administrative remedies rests on the principle that the administrative agency, if afforded a complete chance to pass upon the matter again, will decide the same correctly. There are both legal and practical reasons for the rule. The administrative process is intended to provide less expensive and speedier solutions to disputes. Where the enabling statute indicates a procedure for administrative review and provides a system of administrative appeal or reconsideration, therefore, the courts — for reasons of law, comity and convenience — will not entertain a case unless the available administrative remedies have been resorted to and the appropriate authorities have been given an opportunity to act and correct the errors committed in the administrative forum. (Emphasis supplied)

[5] The cited provision states:

SEC. 5. Certification against forum shopping. - The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: xxx (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

[6] Section 6 of the Rules on Notarial Practice stipulates:

SECTION 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;
- (b) is personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules;
- (c) signs the instrument or document in the presence of the notary; and
- (d) takes an oath or affirmation before the notary public as to such instrument or document.

[7] As amended by A.M. No. 02-8-13-SC dated 19 February 2008, which postulates:

xxx

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 Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and 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/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disabled Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or (Emphasis supplied)

xxx

[8] The said provision states:

SECTION 2. Contents of the Concluding Part of the Notarial Certificate. — The notarial certificate shall include the following:

xxx

(c) the words "Notary Public" and the province or city where the notary public is commissioned, the expiration date of the commission, the office address of the notary public; and

xxx

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