

ERNESTO T. REYES, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, SAN MIGUEL FOODS INC., “FEEDS BUSINESS”; DR. NORMAN C. RAMOS – GENERAL MANAGER, RESPONDENTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before this Court is a petition for certiorari[1] under Rule 65 of the Rules of Civil Procedure. A perusal of the instant petition reveals the following infirmities:

1. Petitioner failed to comply with the requirement on proper proof of service of the petition to the adverse party and to the agency a quo, in violation of Section 13 of Rule 13 of the 1997 Rules of Civil Procedure[2]. The required Affidavit of Service and the corresponding registry receipts were not appended to the petition.
2. Petitioner failed to properly verify the petition in accordance with A.M. No.00-2-10-SC amending Section 4 of Rule 7 in relation to Section 1 of Rule 65 of the 1997 Rules of Civil Procedure[3] which now requires that a pleading must be verified by an affidavit that the affiant has read the pleading and the allegations therein are true and correct of his personal knowledge or based on authentic records.
3. Petitioner failed to attach copies of all pleadings and documents, pursuant to Section 3 of Rule 46 of the 1997 Rules of Civil Procedure[4] in relation with Section 1 of Rule 65 of the same rules, which are necessary for a thorough understanding and resolution of the instant petition, such as, but not limited to the following:
 - a. The Audit Report or Annex “L” of the petition;
 - b. The Logbook of accepted goods or Annex “M” of the petition;
 - c. The Reply of Jay Ronniel P. Flores dated August 7, 2013 to the Notice to Explain or the complete set of Annex “S”;
 - d. The pay slips of petitioners or Annex “D” to “D-10” of petitioner’s position papers;
 - e. Private respondents’ position paper, including annexes, filed with the NLRC Regional Arbitration Branch No.VII (NLRC-RAB VII);
 - f. Page 27 of the Labor Arbiter’s May 23, 2014 Decision;
 - g. Private respondents’ answer, including annexes, to the memorandum on appeal filed with the NLRC;
 - h. Private respondents’ Comment, including annexes, to the motion for partial reconsideration of the August 26, 2014 Decision filed with the NLRC, if any.

Section 3 of Rule 46 also provides that:

“x x x.

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.”

Pursuant to the abovementioned rules, petitioner’s failure to comply with the requirements laid down under Rule 46 is a sufficient ground for the dismissal of the petition. Although there are exceptions to the strict observation of the rules of procedure in case of exceptional circumstances, in the instant case petitioner has offered no

explanation why he was not able to comply with the rules laid down by the Rules of Court in the filing of a petition for certiorari.

In view thereof, failing to comply with Section 3 Rule 46 in relation with Section 1 of Rule 65 of the Rules of Civil Procedure, without just cause, the instant petition for certiorari is hereby DISMISSED.

SO ORDERED.

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

[1] Rollo, pp.3-48

[2] Section 13. Proof of service. - Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

[3] Section 4. Verification. - Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit. A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his knowledge and belief. A pleading required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned pleading.

[4] Section 3. Contents and filing of petition; effect of non-compliance with requirements –

x x x

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.

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