

NORMAN LEANO, PETITIONER, VS. THE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF SANCHEZ MIRA, CAGAYAN, BRANCH 12 AND HILDA PASCUA, RESPONDENTS.

Ponente: VELOSO, J.

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VELOSO, J.:

The Court is constrained to DISMISS outright the instant Petition for Review dated September 6, 2014 on account of the following infirmities, viz.:

1. The mode of review adopted by petitioner is wrong. In assailing the Decision[1] dated May 23, 2014 and Order[2] dated August 20, 2014 of public respondent, which affirmed with modification the Decision[3] dated December 15, 2011 of the First Municipal Circuit Trial Court of Claveria-Sta. Praxedes, Cagayan, the petitioner initially claimed that “(t)his is a Petition for Review xxx under the auspices of Rule 43 of the 1997 Rules of Civil Procedure, as amended.”[4]. Later, he averred that what We have is a Petition for Certiorari under Rule 42 xxx.[5]

But petitioner should have known that Rule 43 of the Rules of Court concerns only “appeals from final judgments or final orders” of “Quasi-Judicial Agencies” as enumerated in Section 1 of said Rule 43. That subject of the instant petition for review is the May 23, 2014 Decision of the Regional Trial Court of Sanchez Mira, Cagayan, Branch 12,[6] it therefore cannot be a proper subject of a petition for review under Rule 43 of the Rules of Court.

Neither can We treat such petition as a “petition for certiorari under Rule 42” as so claimed in petitioner's “Verification and Certificate of Non-Forum Shopping,” because this Court's jurisdiction to entertain a petition for certiorari lies not in Rule 42 but Rule 65 of the Rules of Court.

2. The Jurat of the Verification and Certification Against Non-Forum Shopping is defective and violates Sections 6 and 12(1), 2004 Rules on Notarial Practice, as amended.

Petitioner-affiant claimed that he executed said verification and certification on the strength of his Driver's License Card issued by the Land Transportation Office bearing (his) signature and photograph to the Notary Public.[7] However, instead of attaching the photocopy of his Driver's License, he attached a photocopy of his U.S. Passport No. 035423742 which expired on June/July 11, 2005.[8]

3. The Jurat of the Affidavit of Service is likewise defective, and violates as well Section 12(1), 2004 Rules on Notarial Practice, as amended, as affiant Yuril Mikhail Bugaring did not provide the details of his Driver's License as allegedly issued by the Land Transportation Office.[9]

4. The date of issue of the IBP Lifetime No. 7230[10] of counsel for petitioner is not indicated in the petition, in violation of Bar Matter No. 1132.

It is axiomatic that the right to appeal is not a natural right or a part of due process.[11] Such right is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law. Rules of procedure must be faithfully followed except only when, for persuasive and weighty reasons, they may be

relaxed to relieve a litigant of an injustice commensurate with his failure to comply with the prescribed procedure.[12] Here, petitioner did not present any persuasive and weighty reason to exempt him from complying with the requirements of the Rules.

ACCORDINGLY, the instant Petition is DISMISSED.

SO ORDERED.

Inting,[*] and Antonio-Valenzuela, JJ., concur.

[*] Vice J. Jane Aurora C. Lantion, per Office Order No. 455-14-ABR dated October 31, 2014.

[1] Ibid., p. 24

[2] Ibid., p. 45.

[3] Ibid., p. 144.

[4] Rollo, p. 4.

[5] Ibid., p. 21.

[6] Rollo, pp. 24-33.

[7] Rollo, p. 21.

[8] Ibid., p. 22.

[9] Ibid., p. 23.

[10] Ibid., p. 20.

[11] Fernando vs. Santamaria, 446 SCRA 136, 148 (2004).

[12] Navarro vs. Metrobank, 429 SCRA 439, 446 (2004).

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