

SPS. JUANITO SEBASTIAN AND AURELIA SEBASTIAN, PETITIONERS, VS. REMEDIOS M. ESLABRA, RESPONDENT.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

The present petition for review filed under Rule 42, 1997 Rules of Civil Procedure, as amended, assails the Regional Trial Court's (1) Decision dated September 24, 2013^[1] ordering petitioners “and all those claiming rights under them to peacefully vacate the subject property covered by TCT No. NT-43929 situated at Brgy. Gabaldon, Science City of Munoz, Nueva Ecija and surrender its possession” to respondent, and (ii) Order dated October 28, 2014^[2] denying petitioners' motion for reconsideration of said Decision.

The petition is fatally defective for the following reasons:

(1) Petitioners received copy of the assailed Order dated October 28, 2014 on November 27, 2014; thus, they had until December 12, 2014 only to file the petition.^[3] Accordingly, the filing of the petition by registered mail on December 19, 2014 was delayed by seven (7) days.

(2) There is no affidavit of service to show service of the petition upon respondent and the Regional Trial Court.^[4]

(3) The notarial certificate of the “Verification” and “Certification” on non-forum shopping is defective, given the failure of the notary public to indicate his office address/place of commission as required by Sec. 2 (b) and (c) Rule VIII of the 2004 Rules of Notarial Practice^[5]

(4) Copies of pertinent pleadings/documents and such material portions of the record as would support the allegations of the petition, namely: the complaint, answer, memorandum of appeal, motion for reconsideration, among others, are not attached as annexes to the petition.

WHEREFORE, the petition is dismissed outright.^[6]

SO ORDERED.

Cruz, S. C., and Hernando, R. P. L., JJ., concur.

[1] pp. 14-33, Rollo

[2] p. 40, Ibid.

[3] Section 1, Rule 42, 1997 Rules of Civil Procedure, as amended

[4] Section 1, Rule 42, in relation to Section 13, Rule 13, 1997 Rules of Civil Procedure, as amended.

[5] IN-N-OUT BURGER, INC. vs. Sehwan, Inc., 575 SCRA 535 (2008)

[6] Section 3, Rule 42, 1997 Rules of Civil Procedure, as amended.

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