

**IAN FREDERICK LEMM, PETITIONER, VS. SIEGFRED B. MISON,
CHAIR, ABDULLAH S. MANGOTARA AND RONALDO P. LEDESMA,
MEMBERS, IN THEIR CAPACITY AS BOARD OF COMMISSIONERS,
BUREAU OF IMMIG...**

Ponente: PEREZ, J.

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PEREZ, J.:

This case comes to Us via a Petition for Certiorari[1] under Rule 65 of the Rules of Court seeking to annul the 4 April 2014 Order[2] of the Board of Commissioners of the Bureau of Immigration revoking petitioner's Permanent Resident visa and including him in the list of undesirable aliens.

At the outset, this Court notes that the petition appears to be filed prematurely contrary to Rule 65, Section 4 of the Rules of Court.[3] A motion for reconsideration was filed on 24 June 2014, as stated in the present petition, but there is no allegation if said motion has already been resolved by the Bureau of Immigration.

This Court also notes that the present petition suffers from various flaws and infirmities which warrant its outright dismissal. Petitioner has failed to comply with Rule 65 and other related provisions of law, particularly:

- There is no statement of material dates, as required under Rule 46, Section 3 of the Rules of Court;[4] thus, the timeliness of filing of the petition cannot be determined;
- Failure to attach clearly legible duplicate originals or certified true copies of the assailed 4 April 2014 order of the Board of Commissioners of the Bureau of Immigration, as required under Rule 46, Section 3 of the Rules of Court.[5] Attached is a mere photocopy of said order;
- The notarial certificate of the Affidavit of Service did not indicate competent evidence of affiant's identity, as required under Rule 4, Section 2 (b)[6] in relation to Rule II, Section 12[7] of the 2004 Rules on Notarial Practice. The notarial certificate stated that affiant exhibited her valid government-issued identification card but the card used, the card number and its period of effectivity were not indicated;
- The notarial certificates of the Verification and Certification of Non-Forum Shopping and the Affidavit of Service did not indicate the serial number of the notary public's commission and the province/city where he is commissioned, as required under Rule VIII, Section 2 of the 2004 Rules on Notarial Practice.[8]

ACCORDINGLY, for reasons stated above, the petition is DISMISSED.

SO ORDERED.

Camello, J., Chairperson, and Inting, JJ., concur.

[1] Rollo, pp 3-10.

[2] Rollo, pp 13-14.

[3] Section 4. When and where to file the petition. – The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not latter than sixty (60) days counted from the notice of the denial of the motion.

[4] Section 3. Contents and filing of petition; effect of noncompliance with requirements.- The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of denial thereof was received.

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. xxx xxx xxx

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

[5] Ibid.

[6] Section 2. Prohibitions. – xxx (b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document -

(1) is not in the notary's presence personally at the time of the notarization; and

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

[7] Section 12. Competent Evidence of Identity. - The phrase “competent evidence of identity” refers to the identification of an individual based on:chanroblesvirtuallawlibrary

(a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual; or

(b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

[8] Section 2. Contents of the Concluding Part of the Notarial Certificate. – The notarial certificate shall include the following:ch xxx xxx xxx (b) the serial number of the commission of the notary public; xxx.

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