

JUANITO BUATIS, RODOLFO FAJARDO, ENRICO RAÑOSA, REYNALDO MEJARES, ENRIQUE BORJA, JOMAR AVILA, LEVINO RAÑOSA, SALVADOR BAZAR, JESSIE MAHINAY, EFREN ROMANTICO, ADOR DELOS SANTOS, ...

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

The present petition filed under Rule 65, 1997 Rules of Civil Procedure assails public respondent National Labor Relations Commission's (NLRC) (i) Decision dated June 24, 2014[1] which partly modified the labor arbiter's Decision dated December 3, 2013, and (ii) Resolution dated August 28, 2014[2] partly granting petitioners' motion for partial reconsideration of the Decision dated June 24, 2014.

The petition is defective for several reasons, to wit:

(1) There is no allegation as to the dates when petitioners received a copy of the assailed Decision dated June 24, 2014 and when they filed a motion for reconsideration of said Decision. Apropos is *Hilario S. Ramirez vs Court of Appeals, et al.*, [3] wherein the Supreme Court upheld the dismissal by the Court of Appeals of the petition for certiorari for failure to state therein the material dates. Thus:

For the same reasons above, we also find no reversible error in the assailed resolution of the Court of Appeals dismissing Ramirez's petition on the ground of failure to state material dates, because in filing a special civil action for certiorari without indicating the requisite material date therein, Ramirez violated basic tenets of remedial law, particularly Rule 65 of the Rules of Court, x x x

x x x. There are three material dates that must be stated in a petition for certiorari brought under Rule 65. First, the date when notice of the judgment or final order or resolution was received; second, the date when a motion for new trial or for reconsideration was filed; and third, the date when notice of the denial thereof was received. In the case before us, the petition filed with the Court of Appeals failed to indicate when the notice of the NLRC Resolution was received and when the Motion for Reconsideration was filed, in violation of Rule 65, Section 1 (2nd par.) and Rule 46, Section 3 (2nd par.).

(Underlining supplied)

(2) The Verification and Certification of Non-Forum Shopping and the Affidavit of Service have defective jurats, for absence of competent evidence of the affiants' identities.

(3) The notarial certification of the Verification and Certification of Non-Forum Shopping is also defective, as there is no indication therein of the office address/place of commission of the notary public as required by Sec. 2 (b) and (c), Rule VII of the 2004 Rules on Notarial Practice.

(4) Copies of pertinent pleadings/documents and other relevant portions of the record as would support the allegations in the petition, such as the labor arbiter's Decision dated December 3, 2013, complaint, position papers, memorandum of appeal, and motion for reconsideration, among others, are not attached as annexes to the petition.

WHEREFORE, the petition is dismissed outright.

SO ORDERED.

Acosta, and Garcia-Fernandez, JJ., concur.

[1] pp. 23-48, Rollo

[2] pp. 49-53, Ibid

[3] 607 SCRA 752 (2009)

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