

JOSE POBOCAN, PETITIONER, VS. SPECIFIED CONTRACTORS & DEVELOPMENT, INC., RESPONDENT.

Ponente: BUESER, J.

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BUESER, J.:

A perusal of the instant petition filed under Rule 65 of the Rules of Court is defective based on the following grounds, to wit:

- a. The instant petition was belatedly filed by two (2) days;
- b. The attached MTC Decision[1] is a mere photocopy and is neither a duplicate original nor a certified true copy pursuant to Section 2, Rule 42 of the Rules of Court;
- c. The statement of material dates is incomplete as petitioner failed to indicate the date he filed his motion for reconsideration;
- d. There is no explanation why service to the lower court was not done personally;
- e. The notarization of the Verification and Certification against Forum Shopping failed to comply with Sections 6 and 12, Rule II of the 2004 Rules on Notarial Practice as amended by A.M. No. 02-8-13-SC dated 19 February 2008, there being no properly accomplished jurat showing that the affiant exhibited before the notary public competent evidence of his identity;
- f. The notary public who notarized the Verification and Certification against Forum Shopping and Affidavit of Service failed to indicate the office address or place of commission as required by Section 2(b) and (c), Rule VIII of the 2004 Rules on Notarial Practice;
- g. Some pertinent pleadings mentioned in the instant petition and the assailed RTC Decision were not appended therein such as Motion for Reconsideration, herein petitioner's Appeal Memorandum and Respondent's Memorandum.

Thus, pursuant to Section 3, Rule 42 of the Rules of Court non compliance with any of the requisites provided therein will result in the dismissal of the petition, viz:

“Section 3. Effect of failure to comply with requirements. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.”

WHEREFORE, in view of the foregoing, the instant petition is hereby DISMISSED.

IT IS SO ORDERED.

Bruselas, JR., A.D., Chairman, and *Paredes, V.I., A., JJ., concur.

[*]Acting Junior Member for fifteen (15) working days only from February 24, 2015 per Office Order No. 55-15-ABR dated February 23, 2015.

[1] Rollo, p. 492.

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