

MITCHELLE M. BARREDO, PETITIONER, VS. 5TH ACCESS GENERAL MERCHANDISE/ GETER MARC MELLIJOR/GLOBELYN ECONAS AND NATIONAL LABOR RELATIONS COMMISSION, RESPONDENTS

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Before Us is a Petition for Certiorari[1] under Rule 65 of the Revised Rules of Court seeking to nullify and annul the Decision dated September 16, 2013[2] and Resolutions dated October 31, 2013[3] and November 28, 2013[4] of the National Labor Relations Commission (NLRC) in NLRC Case No. VAC-06-000390-2013.

A perusal of the petition reveals the following infirmities:

- Petitioner failed to indicate in the Petition the material date⁵ showing when notice of the September 16, 2013 Decision of the NLRC was received, in violation of Section 3, Rule 46 of the 1997 Rules of Civil Procedure.
- Petitioner failed to comply with the requirement on proper proof of service of the Petition to the adverse party and the agency a quo as he failed to attached the pertinent registry receipts, in violation of Section 13, Rule 13 of the 1997 Rules of Civil Procedure[6].
- Petitioner failed to attach copies of all pleadings and documents, which are necessary for a thorough understanding understanding and resolution of the instant Petition, such as, but not limited to[7]:
 - a.Private respondents' Position Paper, including its annexes, filed before the Regional Arbitration Branch No. VII of the NLRC.
 - b.Private respondents' Answer to the Memorandum on Appeal filed with NLRC.
- While petitioner's counsel, Atty. Daniel Francis D. Arguedo, indicated his Mandatory Continuing Legal Education (MCLE) Compliance Certificate Number and its date of issuance, he failed to indicate therein the covering compliance period, in violation of Bar Matter No. 1922 dated September 2, 2008.
- Petitioner failed to attach the Affidavit of a disinterested person to support his prayer to be declared pauper litigant, in violation of Section 19, Rule 141 of the Revised Rules of Court. While a Joint Affidavit dated March 10, 2014 was attached to the Ex Parte Motion to Declare Pauper Litigant, it pertained to another person, and not to petitioner.

The foregoing noted defects warrant an outright dismissal of the instant petition[8]. With this Resolution, We find it no longer necessary to resolve Ex Parte Motion to Declare Pauper Litigant.

IN VIEW OF THE FOREGOING, the Petition is hereby DISMISSED.

SO ORDERED.

Lagura-Yap, and * Quijano-Padilla, JJ., concur.

* Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] Rollo, pages 9-18.

[2] Rollo, pages 29-38.

[3] Rollo, pages 27-28.

[4] Rollo, pages 24-25.

[5] Oscar M. Herrera, Remedial Law, 2007 Edition, page 781, Vol. II Rule 46,

Sec. 3. Contents and filing of petition; effect of non-compliance 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 the denial thereof was received.

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[6] Florenz D. Regalado, Remedial Law Compendium, Tenth Edition, page 237, Rule 13,

Sec.13. Proof of Service. - Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

[7] Iligan Concrete Products v. Magadan, 157 SCRA 525 (1988), See also Oscar M. Herrera, Remedial Law, 2007 Edition, page 259, Vol. III, Rule 65,

Section 1. Petition for Certiorari. - xxx xxx xxx

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46.

[8] See Revised Rules of Court, Rule 46,

Section 2. To what actions applicable. - This Rule shall apply to original actions for certiorari, prohibition, mandamus, quo warranto.

Section 3. Contents and filing of petition; effect of non-compliance with requirements. -

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

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