

NESTOR O. TECSON, PETITIONER, VS. STA. LUCIA READY MIX & CONST. CORPORATION & CESAR ABANILLA, RESPONDENTS.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For consideration is petitioner's Motion for Reconsideration[1] of this court's Resolution[2] dated December 13, 2013, with respondents' Comment/Opposition thereto.

In the aforementioned resolution, this court dismissed petitioner's Petition for Review[3] for failure of petitioner's counsel to comply with the requirement laid down in Bar Matter No. 1922, and to attach material portions of the records in violation of Section 2(d), Rule 42 of the Rules of Court.

While petitioner's counsel submitted his MCLE Compliance No. IV-0000373, he, again, failed to attach material portions of the records as required by the Rules. Instead, petitioner prayed that this Court give due course to his petition and thereafter, issue a resolution “ordering the Clerk of Court of the Regional Trial Court of Antipolo to elevate the original record of Civil Case No. 11-9312, including the oral and documentary evidence within a reasonable time”, contending that to attach the same to the petition is not only too bulky but a herculean job as well.

Instead of complying what was required of him, petitioner passed the buck to this Court. It is not the duty of this Court to do the task which is mandated by the Rules for petitioner to comply. Section 3, Rule 42 of the Rules of Court explicitly provides, viz:

“SEC. 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 docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of the documents which should accompany the petition shall be sufficient ground for the dismissal therefor.”

It is noteworthy that failure of the petitioner to attach the required documents shall be a sufficient ground for the dismissal of the petition. It is a basic legal construction that word of command such as “shall” is generally and ordinarily regarded as mandatory.[4] Hence, petitioner's failure to do so militates the dismissal of his petition for review.

WHEREFORE, premises considered, petitioner's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Gaerlan and Dimagiba, JJ., concur.

[1] Rollo, pp. 43-45

[2] id., pp. 41-42

[3] *id.*, pp. 3-17

[4] *Bank of the Philippine Islands vs. Dando*, 598 SCRA 378

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