

SPS. ALEXANDER MENDOZA, SPS. ALFONSO TUBOG, SPS. CRISPIN ESTACIO, SPS. EDGAR ADIRANO, SPS. BARTOLOME TUBOG, SPS. REYNALDO TUBOG, SPS. EXEQUIEL TUBOG, SPS. ROGELIO TUBOG, JR., FL...

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

Before this Court is a Petition for Review,[1] seeking the amendment of the Decision,[2] dated April 8, 2014, rendered by the Regional Trial Court of Cauayan City, Isabela, Branch 20 in Civil Case No. Br. 20-3201 entitled “Aurelia Paraguison vda. de Mapili, et al. vs. Sps Alexander Mendoza, et al.” for recovery of possession and damages.

In a Resolution,[3] dated June 27, 2014, this Court directed petitioners to correct several defects in the petition, to wit:

“Petitioners are directed to correct the following defects in the petition within five (5) days from notice to wit:

1) No explanation why the preferred mode of personal service of the copy of the petition to the adverse party and court of origin was not availed of.

2) Failed to attach pleadings and other material portions of the record as would support the allegations of the petition such as but not limited to complaint, answer, position papers, memorandum on appeal etc.

3) Verification and Certification on Non-Forum Shopping failed to comply with the Rules on Notarial Practice (Competent Evidence of Identity-Govt. Issued ID presented) with respect to petitioners Alexander Mendoza, Crispin Estacio, Bartolome Tubog, Rogelio Tubog, jr. and Mrs. Luneta Tubog.

4) Defective Certification on Non-Forum Shopping – no undertaking on the part of petitioners that should they learn later that there is a pending or subsequently filed case involving the same parties and issues as in the instant petition, that they will inform this Court of such fact within five (5) days from notice.

5) The Notary Public (who notarized the verification and certification on non-forum shopping) failed to state his Office Address, MCLE Compliance IV and the date of issuance thereof.

6) No Affidavit of Service.

) (sic) Counsel for petitioner (Atty. Nadine U. Dumlao of Dumlao Dumlao-Yasay Law Offices) failed to state her PTR No. and date of issuance thereof and and (sic) date of issuance of her MCLE Compliance IV.”[4]

Petitioners, however, failed to comply with the above-quoted directive, prompting this Court to issue another Resolution,[5] dated September 15, 2014, directing petitioners to show cause why the petition should not be dismissed for such failure.

To date, there is no explanation for petitioners' failure to comply with both Resolutions issued by this Court, warranting the dismissal of the instant action. Rule 17 of the 1997 Rules of Civil Procedure states:

“SEC. 3. Dismissal due to fault of plaintiff. – If, for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his evidence in chief on the complaint, or to prosecute his action for an unreasonable length of time, or to comply with these Rules or any order of the court, the complaint may be dismissed upon motion of the defendant or upon the court's own motion, without prejudice to the defendant's right to prosecute his counterclaim in the same or in a separate action. This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the court.” (Emphasis ours).

Despite the defects in the Petition for Review, this Court gave petitioners an opportunity to correct the same. However, petitioners chose to ignore this Court's directive as well as the opportunity granted to them to explain their non-compliance.

ACCORDINGLY, the Petition for Review is DISMISSED.

SO ORDERED.

Carandang, R.D., Chairperson, and Barza, R.F., JJ., concur.

[1] Rollo, pp. 3-12.

[2] Rollo, pp. 24-25.

[3] Rollo, p. 26.

[4] Rollo, p. 26.

[5] Rollo, p. 30.

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