

MECHATRENDS CONTRACTORS CORPORATION/VELARDO PAPA, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND JOHN C. VIGO, RESPONDENTS.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Certiorari under Rule 65 of the Rules of Court seeking to reverse the Decision dated June 30, 2014[1] issued by the National Labor Relations Commission (NLRC) Sub-Regional Arbitration Branch No. VI, Iloilo City; and partially reverse the Decision dated September 10, 2014[2] and Resolution dated October 31, 2014,[3] both issued by the NLRC, Seventh Division. A perusal of the petition shows that it was filed out of time.

Section 4 of Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC, explicitly provides the time-frame within which to file a petition for certiorari, thus:

Sec. 4. When and where to file the petition. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

xxx xxx xxx

Petitioners themselves claimed to have received the October 31, 2014 NLRC Resolution denying their motion for reconsideration on November 20, 2014.[4] Hence, the expiration for the filing of their petition was on January 19, 2015. The petition was, however, filed after the lapse of such due date.

The petition was received by this Court through LBC, a private courier only on January 21, 2015, which date is considered to be the date when the petition was filed. It is an established rule that the date of delivery of pleadings to a private letter-forwarding agency is not to be considered as the date of filing thereof in court, and that in such cases, the date of actual receipt by the court, and not the date of delivery to the private carrier, is deemed the date of filing of that pleading.[5]

It is further observed that, in violation of Section 11, Rule 13 of the Rules of Court, petitioners failed to explain why the preferred personal mode of filing was not availed of.

Also, petitioner had not shown any competent evidence as to his identity when he subscribed the Verification and Certification of Non-Forum shopping, in violation of Section 12, Rule II of the 2004 Rules on Notarial Commission.

Finally, the Notarial Certificate in the Verification and Certification of Non-Forum Shopping did not contain the serial number of the commission of the notary public and his office address, as well as the province or city where such notary public was commissioned, all in violation of Section 2 (b) and (c) of Rule VIII of the 2004 Rules on Notarial Practice.

WHEREFORE, due to the abovementioned fatal infirmities, the petition is hereby DISMISSED.

SO ORDERED.

Hernando, Chairperson and [*]Lopez, JJ., concur.

[*] Vice Justice Marie Christine Azcarraga-Jacob, per Office Order No. 01-15-GTI dated January 22, 2015.

[1] Rollo, pp. 186-194.

[2] Erroneously indicated in the petition as dated September 15, 2014, see rollo, pp. 307-317.

[3] Erroneously indicated in the petition as dated November 6, 2014, see rollo, pp. 335-336.

[4] See Allegation in the Petition under Timeliness of the Petition, rollo, p. 5.

[5] See *Industrial Timber Corp., et. al., v. NLRC*, G.R. No. 111985. June 30, 1994, citing *Benguet Electric Cooperative, Inc. v. NLRC*, 209 SCRA 55, May 18, 1992.

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