

ROSE ANG TEE, PETITIONER-APPELLANT, VS. THE LOCAL CIVIL REGISTRAR, TANAUAN CITY, BATANGAS AND ADORACION BANZUELA, Respondents-Appellees.

Ponente: SADANG, J.

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SADANG, J.:

For action by the Court is the Motion for Reconsideration[1] dated June 18, 2014 filed by petitioner-appellant seeking the reversal and setting aside of the Resolution[2] dated June 6, 2014 dismissing the instant appeal for failure of said party to file appellant's brief within the reglementary period. Earlier, on June 5, 2014, petitioner-appellant filed her Appellant's Brief[3] by registered mail.

The motion must be denied.

Section 1 (e) of Rule 50[4] of the Rules of Court grants to the Court of Appeals the discretion to dismiss an appeal either *motu proprio* or on motion of the appellee should the appellant fail to serve and file the required number of copies of the appellant's brief within the time provided by the Rules of Court.

There is no gainsaying that the right to appeal is not a natural right but a statutory privilege, and it may be exercised only in the manner and in accordance with the provisions of law.[5] It is true that a litigation is not a game of technicalities and that the rules of procedure should not be strictly enforced at the cost of substantial justice. However, it does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Like all rules, they are required to be followed except only for the most persuasive of reasons.[6]

Records show that petitioner-appellant received notice to file appellant's brief on February 25, 2014, thus, she had forty-five (45) days or until April 11, 2014, within which to do so. However, petitioner-appellant filed her Appellant's Brief only on June 5, 2014 or almost two (2) months past the reglementary period. In her motion, appellant averred that the "inability of the petitioner-appellant to file the said brief was not intentional nay any malice but solely due to inadvertence committed by the secretary of the undersigned counsel."

Under the circumstances, the failure to file the appellant's brief on time rightly deserved the outright rejection of the appeal.[7] The very long period of delay in the filing of appellant's brief does not merit the liberal application of the rules. Moreover, the inadvertence of the secretary of petitioner-appellant's counsel is not a justifiable reason to deviate from the norm, otherwise, the rules shall become ineffectual and meaningless.

WHEREFORE, the Court RESOLVES to DENY petitioner-appellant's Motion for Reconsideration. The Resolution dated June 6, 2014 STANDS.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concur.

[1] Rollo, pp. 66-73.

[2] Id. at 30-31.

[3] Id. at 32-53.

[4] Rule 50 of the Rules of Court states: Section 1. Grounds for dismissal of appeal. — An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

xxx xxx xxx

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

[5] Dolorita C. Beatingo v. Lilia Bu Gasis, G.R. No. 179641, February 9, 2011 citing Cariño v. Espinoza, G.R. No. 166036, June 19, 2009, 590 SCRA 43, 48.

[6] Sea Power Shipping Enterprises, Inc. v. Court of Appeals, 412 Phil. 603, 611-612 (2001).

[7] See Victorio Diaz v. People of the Philippines and Levi Strauss [Phils.], Inc., G.R. No. 180677, February 18, 2013.

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