

NORMA C. BAJA, PETITIONER, VS. HON. AIDA C. SANTOS, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH VII, BATANGAS CITY AND AMELIA GONZALES, RESPONDENTS.

Ponente: CARANDANG, J.

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CARANDANG, J.:

For resolution is petitioner's Motion for Reconsideration of Our 12 December 2013 Resolution which dismissed her Petition for Certiorari. Petitioner maintains that the public respondent has acted with grave abuse of discretion when it denied due course her Notice of Appeal for failure to pay the docket fees within the reglementary period.

We deny the motion.

Appeal is a mere statutory privilege. Corollarily, its requirements must be strictly complied with.[1] In *Bello v. Fernando*[2], the Supreme Court stressed that "(t)he right to appeal is not a natural right nor a part of due process; it is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law."

Petitioner admits that she did not pay the docket fees within the reglementary period. She however prays for the relaxation of the application of the rules on the payment of docket fees on the ground of equity. Although the Supreme Court, in a number of cases[1], has applied the exception to the general rule and allowed the appeal to prosper despite the non-payment of docket fees within the reglementary period, said cases presented persuasive and compelling reasons to call for the relaxation of the rules. In the instant case, We find petitioner's excuse, i.e., her former counsel had no time to pay the docket fees within the reglementary period, inexcusable.

In *Rodillas vs. Commission on Elections*,[2] the Supreme Court held that the mere filing of the notice of appeal was not enough. It should be accompanied by the payment of the correct amount of appeal fee. In other words, the payment of the full amount of the docket fee is an indispensable step for the perfection of an appeal. In both original and appellate cases, the court acquires jurisdiction over the case only upon the payment of the prescribed docket fees.

Well-rooted is the principle that perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional and failure to do so renders the questioned decision final and executory, and deprives the appellate court or body of jurisdiction to alter the final judgment much less to entertain the appeal.[3] This requirement of an appeal fee is by no means a mere technicality of law or procedure. It is an essential requirement without which the decision appealed from would become final and executory, as if no appeal was filed at all.[4]

WHEREFORE, in view of the foregoing, We DENY the Motion for Reconsideration for lack of merit.

SO ORDERED.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Pedrosa vs. Spouses Hill G.R. No. 120804. June 14, 1996.

[2] No. L-16970, 30 January 1962, 4 SCRA 138.

[1] Go vs. Tong, G.R. No. 151942, 27 November 2003; Planters Products, Inc. vs. Fertiphil Corporation, G.R. No. 156278 29 March 2004; Camposagrado vs. Camposagrado, G.R. No. 143195, 13 September 2005.

[2] G.R. No. 119055, 10 July 1995, 245 SCRA 702.

[3] Acda vS. Minister of Labor, G.R. No. 51607, 15 December 1982, 119 SCRA 306.

[4] Pedrosa vs. Spouses Hill, supra.

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