

LOURDES LAILO, PETITIONER, VS. FLORA GERALDO AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Review[1] under Rule 42 of the Rules of Court assailing the December 23, 2014 Decision[2] of the Regional Trial Court (RTC), Branch 270, Valenzuela City in Criminal Case No. 1372-V-14 denying petitioner Lourdes Lailo's (Lailo) appeal from the Decision[3] of the Metropolitan Trial Court finding her guilty beyond reasonable doubt of the crime of simple slander.

A perusal of the petition shows that the same is procedurally infirmed, warranting its outright dismissal, to wit:

- Clear and legible copies of the material portions of the records that would support the allegations of the petition and are relevant to the resolution of this case, such as, but not limited to, the criminal complaint for oral defamation, information, transcript of stenographic notes of Flora Q. Geraldo, Francis de Jesus, and Lailo, and the parties' memorandum filed before the RTC, were not attached to the petition, in violation of Section 2(d), Rule 42 of the Rules of Court;
- The notary public before whom the verification and certificate of non-forum shopping was subscribed and sworn to did not indicate his office address and serial number of his notarial commission, as required in Section 2, Rule VIII of the 2004 Rules on Notarial Practice; and
- The present petition was filed beyond the 15-day reglementary period provided under Rule 42 of the Rules of Court.

It bears stressing that a petition for review under Rule 42 of the Rules of Court shall be filed and served within 15 days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Corollary thereto, Section 8 thereof provides that the appeal is deemed perfected as to the petitioner upon the timely filing of a petition for review and the payment of the corresponding docket and other lawful fees. Here, Lailo received on January 13, 2014 a copy of the December 23, 2014 Decision of the RTC, thereby giving her until January 28, 2014 within which to file the petition for review. However, Lailo filed the instant petition on February 24, 2015 which is 27 days beyond the reglementary period. Thus, for having been filed out of time, Lailo's appeal is deemed not perfected and should be dismissed.

We remind petitioner that the right to appeal is statutory and one who seeks to avail of it must comply with the statute or rules. The requirements for perfecting an appeal within the reglementary period specified in the law must be strictly followed as they are considered indispensable interdictions against needless delays. Moreover, the perfection of an appeal in the manner and within the period set by law is not only mandatory but jurisdictional as well, hence failure to perfect the same renders the judgment final and executory.[4]

WHEREFORE, the instant petition is hereby DISMISSED.

SO ORDERED.

Villon, J., Chairperson and Zalameda, JJ., concur.

[1] Rollo, pages 3-18.

[2] Penned by Presiding Judge Evangeline M. Francisco, *ibid.*, pages 28-32.

[3] Penned by Presiding Judge Teresita Asuncion M. Lacandula-Rodriguez, *ibid.*, pages 20-27.

[4] Boardwalk Business Ventures, Inc. v. Villareal, G.R. No. 181182. April 10, 2013.

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