

SPOUSES RAFAEL AND NORA CASTRONUEVO, PETITIONERS, VS. SPOUSES JOSE AND PURITA DADO, RESPONDENTS.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is the Petition for Review[1] (“Petition” for brevity) filed by petitioners spouses Rafael Castronuevo and Nora Castronuevo (“petitioners” for brevity) under Rule 42 of the Rules of Court.

To begin with, a perusal of the Petition[2] at bench reveals that it suffers from the following infirmities:

First, petitioners' counsel, Atty. June C. Reyes (“Atty. Reyes” for brevity) failed to indicate in the Petition[3] the date of issuance of his MCLE Certificate of Compliance. This is in violation of Bar Matter No. 1922, which provides:

Bar Matter No. 1922:

“Court further Resolved, upon the recommendation of the Committee on Legal Education and Bar Matters, to REQUIRE practicing members of the bar to INDICATE in all pleadings filed before the courts or quasi-judicial bodies, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records.” (Emphasis and Underlining Supplied)

That the failure of a party's counsel, such as Atty. Reyes, to disclose the date of issue of his MCLE Certificate of Compliance warrants the dismissal of the Petition, is in accordance with the following pronouncement of the Supreme Court in *Dr. Janos B. Vizca Yno vs. Judge Jasper Jesse G. Dacana, etc.*, A.M. No. MTJ-10-1772, December 5, 2012:

“xxx Under Bar Matter No. 1922 (2009), the failure of a practicing lawyer to disclose the number and date of issue of his MCLE Certificate of Compliance or Certificate of Exemption in his pleadings in court 'would cause the dismissal of the case and the expunction of the pleadings from the records.' xxx” (Emphasis supplied)

Second, material portions of the record and other supporting documents pertinent to the Petition[4] were not attached. These are: the Decision of the Metropolitan Trial Court of Makati City, Branch 42; Exhibits '1' to '20', which serve as evidence that petitioner Nora Dado-Castronuevo is a co-owner of the properties subject of the case; Transfer Certificate of Title covering the subject properties, and; the Letter of respondents' counsel ordering petitioners to vacate the subject property.

Considering that all of these documents were referred to in the Petition[5], petitioner's failure to attach them to the Petition[6] at bench is in contravention of Section 2, Rule 42 of the Rules of Court, which violation warrants the dismissal of the Petition[7] under Section 3, Rule 42, to wit:

“Section 2. Form and contents. — The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties

to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

xxx

Section 3. Effect of failure to comply with requirements. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. ” (Emphasis supplied)

The right to Appeal by Petition for Review is neither a natural right nor a component of due process but a “mere statutory privilege”, and “may be exercised only in the manner and in accordance with the provisions of law”. Petitioners' failure to strictly comply with the requirements under Rule 42 of the Rules of Court, renders the Petition[8] dismissible, as is in accordance with the following pronouncement of the Supreme Court in *Boardwalk Business Ventures, Inc. vs. Elvira A. Villareal, etc., et. al.*, G.R. No. 181182, April 10, 2013:

"The right to appeal is neither a natural right nor is it a component of due process. It is a mere statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law xxx.

x x x an appealing party must strictly comply with the requisites laid down in the Rules of Court. Deviations from the Rules cannot be tolerated. xxx

In this case, petitioner must comply with the following requirements laid down in Rule 42 of the Rules of Court:

Section 1. How appeal taken; time for filing. — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals xxx. The petition shall be filed and served within fifteen (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. xxx.

Sec. 2. Form and contents.

The petition shall be x x x accompanied by x x x copies x x x of the pleadings and other material portions of the record as would support the allegations of the petition.

xxx

And finally, Section 3 of Rule 42 provides that non-compliance 'with any of the foregoing requirements x x x shall be sufficient ground for the dismissal thereof.'" (Emphasis supplied)

GIVEN ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 7-11

[2] Rollo, pp. 7-11

[3] Rollo, pp. 7-11

[4] Rollo, pp. 7-11

[5] Rollo, pp. 7-11

[6] Rollo, pp. 7-11

[7] Rollo, pp. 7-11

[8] Rollo, pp. 7-11.

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