

## JONAH PILAPIL, PETITIONER VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: LAGURA-YAP, J.

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### LAGURA-YAP, J.:

On March 17, 2014 petitioner filed his Urgent Motion for Time to File Petition for Review[1], praying for an additional time of at least thirty (30) days from March 17, 2014 or until April 16, 2014.

On April 15, 2014, petitioner filed a Second Urgent Motion for Time to File Petition for Review[2], praying for additional time of at least thirty (30) days from April 16, 2014 or until May 19, 2014.

Subsequently, on May 19, 2014, petitioner filed a Final Urgent Motion for Time to File Petition for Review[3], praying for additional time of at least additional thirty (30) days from May 19, 2014 or until June 18, 2014.

On June 19, 2014, petitioner filed an Urgent Motion for Time to File Petition for Review[4] praying for an additional time of at least additional thirty (30) days from June 19, 2014 or until July 19, 2014.

A perusal of the rollo, reveals that petitioner filed several Motions for Time to File Petition for Review dated March 17, 2014, April 15, 2014, May 19, 2014 and June 19, 2014. After the lapse of the period to file Petition on the third motion or until June 18, 2014, no petition was filed but instead on June 19, 2014, petitioner filed an Urgent Motion for Time to File Petition for Review or until July 19, 2014, thereby rendering the motion as having been filed out of time.

As of date, the Judicial Records Division (CA-JRD) made a report[5] that no petition was filed by the petitioner as per Cebu Criminal docket entry dated July 22, 2014.

Under Section 1, Rule 42, of the Revised Rules of Court, which reads:

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, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. 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 the petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case exceed fifteen (15) days. (emphasis supplied)

In the case of Policarpio T. Cuevas, vs. Bais Steel Corporation, et al[6], the Supreme Court ruled that procedural rules setting the period for perfecting an appeal or filing a petition for review are generally inviolable. The perfection of an appeal in the manner and within the period permitted by law is not only mandatory, but also jurisdictional. Failure to perfect the appeal renders the judgment of the court final and executory.

Rules of procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit.[7] As a corollary, rules prescribing the time for doing specific acts or for taking certain proceedings are considered absolutely indispensable to prevent needless delays and to orderly and promptly discharge judicial business. By their very nature, these rules are regarded as mandatory.[8]

WHEREFORE, premises considered, the instant petition is DISMISSED for failure of the petitioner to file the petition within the reglementary period.

**SO ORDERED.**

Delos Santos, and Lopez, JJ., concur.

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[1] Rollo, pages 2-3.

[2] Rollo, pages 8-9.

[3] Rollo, pages 10-11.

[4] Rollo, pages 12-13.

[5] Rollo, dorsal portion of page 13.

[6] G.R. No. 142689. October 17, 2002.

[7] Yutingco v. Court of Appeals, 435 Phil. 83 (2002).

[8] Gonzales v. Torres, A.M. No. MTJ-06-1653, 30 July 2007, 528 SCRA 490.

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