

WORKMEN'S INSURANCE CO., INC., PETITIONER, VS. AURORA R. AUGUSTO, ET AL., RESPONDENTS.*G.R. No. L-31060. July 29, 1971*

Ponente: TEEHANKEE, J.

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Appeal by certiorari from the resolution of respondent Court of Appeals dismissing petitioner's appeal from an adverse judgment of the Court of First Instance of Manila on the ground of non-compliance with the mandatory requirements of the Rules of Court, specifically, that petitioner's record on appeal failed to show and allege that the necessary appeal bond was timely filed within the reglementary period.

On a complaint filed on October 10, 1966 by respondent Aurora R. Augusto, widow, as plaintiff against petitioner corporation and others as defendants, the Court of First Instance of Manila rendered its judgment of April 22, 1968 in favor of respondent (plaintiff) and against therein defendants, as follows:

"WHEREFORE, the Court renders judgment declaring the indemnity agreement and the real estate mortgage executed by the Plaintiff null and void; sentencing the said defendants Workmen's Insurance Company, Inc., Constancio T. Villamar and Pedro S. Antonino to pay the plaintiff moral damages in the amount of P1,000.00 for having caused the latter to suffer and endure mental suffering as a consequence of their joint fraudulent acts; and the amount of P1,000.00 for attorney's fees, for having compelled plaintiff to engage counsel to protect her rights, plus the cost of this action. The preliminary writ of injunction heretofore issued is made permanent. The defendant sheriff of Manila is absolved. The counterclaim of the defendant Workmen's Insurance Company, Inc. is dismissed."

Respondent corporation interposed its appeal to the appellate court from the adverse judgment. On November 4, 1968, the printed record on appeal as presented to and approved by the lower court was submitted, but before petitioner could present its appellant's brief, respondent, as appellee, filed a motion to dismiss the appeal on the ground that the record on appeal had failed to comply with the explicit amendatory requirement provided in Rule 41, section 6 of the Revised Rules of Court that the record on appeal must state "such data as will show that the appeal was perfected on time."

The appellate court, finding that "the situation that confronts us is one where there is no mention in the notice of appeal or in any other pleading as reproduced in the record on appeal of appellant that the latter filed within the reglementary period an appeal bond", which is one of the essential conditions for the perfection of an appeal, under sections 3 and 9 of Rule 41, ordered the dismissal of the appeal, per its majority resolution of August 29, 1969,[1] on the strength of the Court's early jurisprudence on the intent and scope of the new amendment introduced in the cited rule since the Revised Rules of Court took effect on January 1, 1964.[2]

Its motion for reconsideration having been denied, petitioner appealed to this Court on certiorari, averring that the appellate court gravely abused its discretion in refusing to reinstate the appeal.

The Court sustains the dismissal of the appeal. With particular reference to the non-statement in the record on

appeal of the date of filing of the appeal bond so as to show in the record on appeal per se that it was timely filed, the Court has squarely recently ruled in *Reyes vs. Carrasco*,^[3] that "the Court of Appeals did not err in dismissing the appeal x x x for failure of petitioner's record on appeal to state that he had posted an appeal bond and the date on which he had done so, the filing of said bond within the reglementary period being one of the essential conditions for the perfection of an appeal, pursuant to Secs. 3 and 9, of Rule 41." Ten other cases were jointly decided with said case, all stressing the need of strict compliance with the requirement of Rule 41, section 6 that the record on appeal include the necessary data that will show that the appeal was perfected on time.

The Court reaffirms the ruling of *Reyes in de Guia vs. Court of Appeals*,^[4] promulgated this month as well as in the case at bar. As stated by Justice Reyes in *de Guia*: "This Court notes with regret that although these requirements on the contents of a record on appeal have been in effect since 1964, there are still lawyers and litigants who do not comply with the same: either they have not perused the Revised Rules, or choose not to comply therewith. Liberality in this regard is by now unwarranted, and would be unjust to numerous litigants or counsel who exercise diligence in observing the Rules of Court."

For as Justice Reyes also observed for the Court in *Bello vs. Fernando*,^[5] "the 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 law."^[6] It has long been recognized that strict compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business.^[7] For petitioner to seek exception for its failure to comply strictly with the statutory requirements for perfecting its appeal, strong compelling reasons such as serving the ends of justice and preventing a grave miscarriage thereof must be shown, in order to warrant the Court's suspension of the Rules.^[8] No such reasons have been shown to exist in this case.

ACCORDINGLY, the resolution appealed from is hereby affirmed and the petition is dismissed. With costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Fernando, Barredo, Villamor, and Makasiar, JJ., concur.
Dizon and Ruiz Castro, JJ., on official leave.

[1] Justices Cañizares, Perez and Muñoz Palma comprised the majority of the special division of five justices, with Justices Lucero and Gatmaitan dissenting.

[2] Citing *Gov't. vs. Antonio*, L-23736, Oct. 19, 1965; *DBP vs. Santos*, L-26387, Sept. 27, 1966; *Araneta vs. Madrigal & Co.*, L-26227-28, Oct. 25, 1966 and *Jocson vs. Robles*, 65 O.G. 5846.

[3] 38 SCRA 296 (March 31, 1971).

[4] L-33101.

[5] 4 SCRA 135 (Jan. 30, 1962).

[6] Citing *Aguila vs. Navarro*, 55 Phil. 898; *Santiago vs. Valenzuela*, 78 Phil. 397.

[7] *Alvero vs. de la Rosa*, 76 Phil. 434.

[8] *Ronquillo vs. Marasigan*, 5 SCRA 304 (May 31, 1962) and cases cited.

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