

WILHELMINO S. KASILAG, PETITIONER, V. CIVIL SERVICE COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM AND ITS PRESIDENT AND GENERAL MANAGER, RESPONDENTS.

Ponente: DIAMANTE, F. N., J.

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DIAMANTE, F. N., J.:

We resolve to DENY the petitioner's present Motion For Leave To Admit Petition[1] and consequently, the Petition for Review[2] under Rule 43 of the Revised Rules of Civil Procedure is hereby DISMISSED for having been filed out of time.

Rule 43 of the 1997 Rules of Civil Procedure governs the filing of the Petition for Review with this Court from a decision of the Civil Service Commission (CSC) in the exercise of its appellate jurisdiction. Section 4 thereof reads:

“Section 4. Period of appeal.--The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner’s motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee 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 to exceed fifteen (15) days.”

Section 1, Rule 22 of the 1997 Rules of Civil Procedure provides the procedure in computing time, viz.:

“Section 1. How to compute time. – In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

In the case at bench, the Record shows that the CSC's February 11, 2014 Resolution[3] denying petitioner's Motion for Reconsideration of the CSC's February 17, 2012 Decision[4] was received by the petitioner on February 20, 2014.[5] According to the intent of Section 4, Rule 43 of the 1997 Rules of Civil Procedure, the petitioner should file his Petition for Review with this Court within fifteen (15) days from February 21, 2014 or until March 7, 2014.

Otherwise stated, the petitioner's last day within which to file the present Petition for Review with this Court was March 7, 2014 or within fifteen (15) days tacked from February 20, 2014 (the date when the petitioner received the CSC's February 11, 2014 Resolution). In fine, it behooved upon him, through his counsel, to comply with such directive and file his Petition for Review within the said period. Considering that the present Motion and Petition was only filed with this Court on April 22, 2014, it only goes to show that the same was filed 46 days late, hence,

beyond the required time.

We find it difficult to accept the petitioner's defense that the delay was caused by the negligence of his former counsel since Rules of Procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit.[6] 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.[7]

Time and again, perfection of an appeal in the manner and within the period laid down by law is not only mandatory but also jurisdictional.[8] The failure to perfect an appeal as required by the rules has the effect of defeating the right to appeal of a party and precluding the appellate court from acquiring jurisdiction over the case.[9] 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 the law.[10] The party who seeks to avail of the same must comply with the requirement of the rules. Failing to do so, the right to appeal is lost.[11] For the herein petitioner's failure to comply with the Rule, We necessarily reject the present Petition for Review.

SO ORDERED.

Peralta, Jr.[*][**] and Sadang, JJ., concur.

[*] Justice Jane Aurora C. Lantion Vice Justice Librea-Leagogo, C. per Office Order No. 160-14-AGT dated April 24, 2014

[**] Justice Eduardo B. Peralta, Jr. Vice Justice Jane Aurora C. Lantion per Office Order No. 182-14-ABR dated May 05, 2014

[1] Rollo, pages 3-17

[2] Id. at 18-56

[3] Rollo, pages 81-87

[4] Id. at 57-unnumbered; CSC's' Decision, pages 1-6

[5] Id. at 20-21; Petition, Number 2.3, pages 3-4

[6] Yutingco v. Court of Appeals, et al., 435 Phil. 83

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

[8] Villanueva v. Court of Appeals, et al., 205 SCRA 537, citing Reyes v. Carrasco, 38 SCRA 296; Republic, et al. v. Reyes, etc., et al., 71 SCRA 450; Borre, et al., v. CA, et al., 158 SCRA 560; Sublay v. NLRC, et al. 324 SCRA 188

[9] Villanueva v. CA, et al., supra citing Martha Lumber Mill, Inc. v. Lagradante, et al., 99 Phil 434; Pabores v. Workmen's Compensation Commission, et al., 104 Phil 505; A.L. Ammen Transportation, Co., Inc. v. Workmen's Compensation Commission, et al., 12 SCRA 508

[10] Ibid, citing Tropical Homes, Inc. v. National Housing Authority, et al., 152 SCRA 540; Borre, et al v. CA, et al., supra

[11] Ibid, citing Ozaeta vs. CA, et al., 179 SCRA 800

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