

JOHN FERDINAND C. TAN, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

Ponente: CARANDANG, J.

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CARANDANG, J.:

Before Us is petitioner's Motion for Reconsideration[1] of Our Resolution dated December 12, 2013 dismissing his petition for being filed out of time.

Petitioner admitted that his petition was filed late reasoning that the delay was due to valid grounds -- he was sick and his lawyer was not available at the time his petition is due for filing. Attached in his motion is a copy of his Medical Certificate[2] dated October 1, 2013. Petitioner also filed a Supplemental Motion for Reconsideration[3] manifesting that his true intention is to file a petition for certiorari under Rule 65 and not a petition for review.

It must be emphasized that an appeal is not a matter of right and may be availed of only in the manner provided by law and the rules.[4] Failure to follow procedural rules merits the dismissal of the case, especially when the rules themselves expressly say so, as in the instant case.[5] The provisions with respect to the rules on the manner and periods for perfecting appeals are strictly applied.[6]

We cannot accept petitioner's reasoning. The Medical Certification dated October 1, 2013 submitted by the petitioner did not support his claim that he was sick on those days material to the submission of his petition.

ACCORDINGLY, petitioner's Motion for Reconsideration of Our Resolution dated December 12, 2013 is DENIED.

SO ORDERED.

Rosario and Zalameda,[*] JJ., concur.

[*] Vice J. Leoncia R. Dimagiba per Office Order No. 334-13 RDS dated August 23, 2013.

[1] Rollo, p. 40

[2] Rollo, p. 43

[3] Rollo, p. 48

[4] Muñoz vs. People of the Philippines, G.R. No. 162772, March 12, 2008

[5] Ebrencio F. Indoyon, Jr., et al. vs. Court of Appeals, G.R. No. 193706, March 12, 2013

[6] Buenaflor vs. Court of Appeals, G.R. No. 142021, November 29, 2000

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