

LILIA DIZON GONZALES, PETITIONER, VS. PHOEBE VILLACORTA & MARTALINO VALERA, RESPONDENTS.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Appellant initiates this Notice of Appeal[1] assailing the Decision and Resolution dated 25 July 2013 and 21 October 2013, respectively, of the the Civil Service Commission, in Administrative Case No. 14-0314.

Plain as a pikestaff, the present recourse is a wrong mode of appeal.

First. Appropriately, appellant should have filed a petition for review in accordance with Rule 43 of the Revised Rules of Court. Sections 1, 3 and 5 thereof explicitly state:

"SECTION 1. Scope.— This Rule shall apply to appeals x x x from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission x x x.

x x x x x x

SEC. 3. Where to appeal. — An appeal under this Rule may be taken to the Court of Appeals within the period and in the manner herein provided, whether the appeal involves questions of fact, of law, or mixed questions of fact and law.

x x x x x x

SEC. 5. How appeal taken.— Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency a quo. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner." (Emphases Ours)

Appeal taken to either the Supreme Court or the Court of Appeals by the wrong mode or inappropriate mode shall be dismissed.[2] Such fatal procedural infirmity writ large upon appellant's present recourse.

It must be stressed that an appeal is not a constitutional right, but a mere statutory privilege. Thus, parties who seek to avail themselves of it must comply with the statutes or rules allowing it. Perfection of an appeal in the manner and within the period permitted by law is mandatory and jurisdictional. The requirements for perfecting an appeal must, as a rule, be strictly followed. Such requirements are considered indispensable interdictions against needless delays and are necessary for the orderly discharge of the judicial business.[3]

Second. Appellant failed to pay the required docket and other legal fees as mandated under Section 7, Rule 43 of the Revised Rules of Court—

"Sec. 7. Effect of failure to comply with requirements.- The failure of the petitioner to comply with any of the foregoing requirements regarding payment of 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.

Time and again, this Court has consistently held that payment of docket fee within the prescribed period is mandatory for the perfection of an appeal. Without such payment, the appellate court does not acquire jurisdiction over the subject matter of the action and the decision sought to be appealed from becomes final and executory.[4]

WHEREFORE, the instant Notice of Appeal is hereby DENIED.

SO ORDERED.

Ybañez and Manahan, JJ., concur.

[1] Rollo, p. 3.

[2] See *Republic of the Philippines v. Marcos II*, 595 SCRA 43,56-57 (4 August 2009).

[3] See *Philippine Long Distance Telephone Company v. Raut*, 597 SCRA 66, 72 (25 August 2009), quoting *Accessories Specialist, Inc. v. Alabanza*, 559 SCRA 550, 562-563 (23 July 2008).

[4] See *Enriquez v. Enriquez*, 468 SCRA 77, 84-85 (25 August 2005), citing *Spouses Manalili v. Spouses De Leon*, 370 SCRA 625 (27 November 2001).

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