

**NATIONAL HOME MORTGAGE FINANCE CORPORATION,
PETITIONER-APPELLEE, V. SPOUSES LEONCIO & PERLITA
PADOLINA, OPPOSITORS-APPELLANTS.**

Ponente: TIJAM, J.

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TIJAM, J.:

Our Resolution[1] dated July 29, 2013 granted the Oppositors- Appellants' Motion for Extension of Time of 45 days, reckoned from the last day of the original period within which to file Appellants' Brief. Hence, from August 2, 2013, Oppositors-Appellants had until September 16, 2013 within which to file such Brief. However, per Judicial Records Division's Report, as of October 16, 2013, no Appellants' Brief has been filed. Consequently, Our Resolution[2] dated January 21, 2014 ordered Oppositors-Appellants to show cause within 5 days from receipt thereof why the appeal should not be dismissed for failure to file the required Brief within the extension granted to them pursuant to Sec. 1 (e) of Rule 50 of the Rules of Court.[3] A copy of Our Resolution was received by the Oppositors-Appellants on January 30, 2014 per the postmaster's certification.[4]

On February 3, 2014, Oppositors-Appellants filed a Motion to Remand the Case to the Regional Trial Court in Lieu of Appellant's Brief[5], stating that they were not given the opportunity to present evidence before the court a quo, thus, it is difficult for them to prepare the Appellants' Brief.[6]

We resolve as follows:

The Motion to Remand the Case to the Regional Trial Court in Lieu of Appellant's Brief does not save the Oppositors-Appellants from their negligence in failing to file the Appellants' brief. For one, the said motion is couched in general terms, vague, and the conclusion that they were not given the opportunity to present evidence before the RTC or they were denied their day in court, is unsupported. In other words, the motion is wanting in substance to merit Our attention and consideration. For another, the most prudent way to seek relief, if, indeed, Oppositors-Appellants were denied of their day in court, is to avail of the legal remedy of appeal, not to move that the case be remanded to the court of origin; the Oppositors-Appellants' counsel is presumably aware that an appeal throws the whole case open for review.

The Oppositors-Appellants' failure to file the Appellants' Brief within the reglementary period and despite extension of time to do so, therefore, warrants the dismissal of the case. Jurisprudence is replete with cases enunciating that the right to appeal may be exercised only in the manner and in accordance with the provisions of law.[7] That an appeal must be perfected in the manner and within the period fixed by law is not only mandatory but jurisdictional.[8] For emphasis, a right to appeal is not a constitutional, natural or inherent right. It is a statutory privilege of statutory origin and, therefore, available only if granted or provided by statute.

Premises considered, We resolve to dismiss the appeal on ground of failure to file and serve the required Appellants' Brief pursuant to Sec. 1 (e) of Rule 50 of the Rules of Court. Let it be noted that Oppositors-Appellants, in the interest of justice, were given reasonable time to file the Appellants' Brief but they failed to comply. Hence, as an oft-repeated principle in law, litigation must end at some point; once the case is

finally adjudged, the parties must learn to accept victory or defeat.[9]

WHEREFORE, the appeal is hereby DISMISSED for failure to file the required Appellants' Brief pursuant to Rule 50, Section 1 (e) of the Rules of Court.

SO ORDERED.

Baltazar-Padilla and Sorongon,[*] JJ., concur.

[*] Vice J. Agnes Reyes Carpio, per Office Order No. 200-14-ABR.

[1] Rollo, p. 12.

[2] Id., pp. 20-21.

[3] Section 1. Grounds of dismissal of appeal. – An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds: x x x

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules. x x x

[4] Rollo, p. 15.

[5] Rollo, pp. 22-23.

[6] Id. p. 22.

[7] Yao v. Court of Appeals, et al., G.R. No. 132428, October 24, 2000.

[8] Id.

[9] Cuenco v. Talisay Tourist Sports Complex, Inc., et al., G.R. No. 174154, July 30, 2009.

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