

**BIYANG, RICARDIA, G., RESPONDENT-APPELLANT.**

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/960a8db3ca21/>

---

**MACALINO, J:**

Aggrieved with the Decision[1] dated 30 July 2014 rendered by the Civil Service Commission (“CSC”) affirming the Decision of the Civil Service Commission-Cordillera Administrative Region (“CSC-CAR”)[2] finding her guilty of “Serious Dishonesty, Falsification of Official Documents and Conduct Prejudicial to the Best Interest of the Service” while imposing the penalty of dismissal from service with accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations, Ricardia G. Biyang (“Respondent-Appellant”) filed a motion for reconsideration on the aforementioned Decision of the CSC on grounds of newly discovered evidence. Having been denied[3], Respondent-Appellant files this instant Petition for Review with this Court pursuant to Rule 43 of the Revised Rules of Court.

Sections 4-6, Rule 43 of the Revised Rules of Court provide for the requirements needed in order to properly and timely file a Petition for Review, viz.:

“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. (n)

SECTION 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.

Upon the filing of the petition, the petitioner shall pay to the clerk of court of the Court of Appeals the docketing and other lawful fees and deposit the sum of P500.00 for costs. Exemption from payment of docketing and other lawful fees and the deposit for costs may be granted by the Court of Appeals upon a verified motion setting forth valid grounds therefor. If the Court of Appeals denies the motion, the petitioner shall pay the docketing and other lawful fees and deposit for costs within fifteen (15) days from notice of the denial. (n)

SECTION 6. Contents of the petition. — The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42. The petition shall state the specific material dates showing that it was filed

within the period fixed herein. (2a)” (Emphasis Ours)

Upon careful examination of the records submitted by Respondent-Appellant, there appears to be several infirmities present in the instant Petition, namely: (1) the date of receipt of the assailed judgment of the CSC was not alleged; (2) the date of denial of the CSC of Respondent-Appellant's motion for reconsideration was not alleged; (3) the date of receipt of the denial of Respondent-Appellant's motion for reconsideration was not alleged; (4) there is a failure to abide by the rules on the payment of the docket and other fees as he inadvertently used the heading of another case, “Diyawan, Julieta T., Disciplinary Admin. Case No. KA-12-046 DC” twice when he filed Motions for Extension of Time due to extreme pain brought about by her gout arthritis; and lastly, (4) a copy of the alleged Resolution denying Respondent-Appellant's motion for reconsideration of the Decision of the CSC is not attached.

Given the following antecedents, this Court is persuaded to dismiss the instant Petition, pursuant to Section 7 of the Revised Rules of Court:

SECTION 7. Effect of failure to comply with requirements. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the 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. (n)

According to jurisprudence, the need to allege the receipt of the assailed judgment of the CSC, the date of denial of the motion for consideration, and the date of receipt of the denial of the Respondent-Appellant's motion for consideration is “intended to immediately enable the CA to determine whether to give due course to the appeal or not by having all the material necessary to make such determination before it. This is because an appeal under Rule 43 is a discretionary mode of appeal, which the CA may either dismiss if it finds the petition to be patently without merit, or prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration; or may process by requiring the respondent to file a comment on the petition, not a motion to dismiss, within 10 days from notice.”[4] Thus, without alleging the following dates, this Court has no way to determine whether the Petition before it has been timely filed and from which date the fifteen (15)-day requirement in filing the said Petition will be reckoned.

As to the failure of the Respondent-Appellant to pay the docket fees due to inadvertence, this Court is not persuaded to relax the rules of procedure due to the lack of weighty and persuasive reasons. The case of *Saint Louis University v. Cordero*[5] is clear that the timely payment as well as the manner of payment provided by law should be complied with, to wit:

XXX

“The perfection of an appeal within the reglementary period and in the manner prescribed by law is jurisdictional, and noncompliance with such legal requirement is fatal. 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. In view of petitioners' failure to pay the docket fees on time and in the manner mandated by the Rules of Court, their appeal cannot be deemed perfected.” (Emphasis Ours)

XXX

In the case at bench, this Court is not convinced of her reasons that due to her gout arthritis, she inadvertently used the heading of another case. In fact, she had the opportunity to correct such error upon her filing of a second Motion for Extension of Time to File Appeal/Petition for Review which she failed to do.

Thus, the filing a Petition for Review under Rule 43 of the Revised Rules of Court requires strict adherence to the requirements under the law as an appeal is merely discretionary upon evaluation of this Court. Thus, a blatant

disregard of such laws merits the dismissal of the Petition. As stated in the case of *Maniebo v. Court of Appeals*[6],

XXX

Evidently, the petitioner repeatedly disregarded the rules too many times to merit any tolerance by the Court, thereby exhibiting a deplorable tendency to trivialize the rules of procedure. Yet, such rules were not to be belittled or dismissed simply because their non-observance might have resulted in prejudicing a party's substantive rights. The bare invocation of substantial justice was not a magic wand that would compel the suspension of the rules of procedure. Of necessity, the reviewing court had also to assess whether the appeal was substantially meritorious on its face, or not, for only after such finding could the review court ease the often stringent rules of procedure. Otherwise, the rules of procedure would be reduced to mere trifles."

XXX

WHEREFORE, based on the foregoing, the Petition for Review is DISMISSED pursuant to Section 7, Rule 43 of the Revised Rules of Court.

**SO ORDERED.**

Castillo, M., Chairperson, and Galapate-Laguilles, Z.T., JJ., concur.

---

[\*] Pursuant to Rule 43 of the Revised Rules of Court, Ricardia G. Biyang should be addressed as "Petitioner."

[\*\*] Pursuant to Section 6, Rule 43 of the Revised Rules of Court, the proper caption of the case at bench should be as follows: "Biyang, Ricardia, G. v. Civil Service Commission."

[1] Rollo, p. 20.

[2] Rollo, p. 27

[3] Rollo, p. 9.

[4] *Maniebo v. Court of Appeals*, G.R. No. 158708, August 10, 2010.

[5] *Saint Louis University v. Cordero*, G.R. No. 144118, July 21, 2004.

[6] *Maniebo v. Court of Appeals*, supra note 4.

## ABOUT BATAS.ORG

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

### **The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

### **Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

### **Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

### **The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

### **Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

### **A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.