

SPOUSES JOSE AND PACITA BLANZA AND SPOUSES RODOLFO AND JANE ENDERINA, PETITIONERS, VS. VIRGILIO C. IGNACIO, JR., REPRESENTED BY HIS ATTORNEY-IN-FACT, CARLO VIRGILIO R. IGNACIO, ...

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

A perusal of the instant Petition for Review reveals several fatal infirmities warranting its dismissal:

(a) The petition was filed beyond the fifteen(15)-day reglementary period provided under Section 1, Rule 42 of the Revised Rules of Court. As the assailed Joint Decision of the Regional Trial Court (RTC), Branch 74, Malabon City was received on November 17, 2014[1], petitioners only had until December 2, 2014 to file the petition for review before this Court. However, due to their resort to a wrong mode of appeal, the petition was filed only on February 16, 2015[2], or more than two (2) months after the expiration of the reglementary period. Contrary to petitioners' stance, such improper mode of appeal and the consequent denial[3] by the RTC of their Notice of Appeal did not in any way toll the reglementary period to file a Petition for Review under Rule 42. This error is clearly fatal to their cause as it resulted in rendering the assailed Joint Decision final and executory. Indeed, it has been held that an improper appeal does not stop the running of the reglementary period to file the proper petition.[4]

(b) Petitioners Jose Blanza and Rodolfo Enderina, who appear to be already deceased[5], should have been properly substituted before the filing of the instant petition, in line with Section 16, Rule 3 of the Revised Rules of Court on the matter of substitution of parties.

(c) In her Verification and Certification[6], petitioner Pacita Blanza did not present any competent evidence of her identity in violation of Sections 6 (b) and 12, Rule II of the 2004 Rules on Notarial Practice.[7]

(d) Further, the petition did not contain any Affidavit of Service[8] as required under Section 13, Rule 13 of the Revised Rules of Court. It should be stressed that failure to comply with this requirement regarding proof of service is sufficient ground[9] for the dismissal of the petition.

(e) Lastly, the material portions of the record such as the Complaint, Answer, Motion to Dismiss, Comment on the Motion to Dismiss, Memorandum of Appeal, as well as all the pertinent exhibits, judicial affidavits, and transcripts of stenographic notes were not annexed to the petition. Under Section 2, Rule 42 of the Revised Rules of Court, the petitioners are required to attach the material portions of the record supporting their allegations. The documents they appended to the petition, particularly the assailed Joint Decisions of the MeTC and the RTC, are not sufficient for this Court to arrive at a comprehensive and intelligent resolution of this case.

It should be borne in mind that the right to appeal is not a natural right or a part of due process, but is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law.[10] The perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but also jurisdictional.[11] Thus, the party who seeks to avail of the same must comply with the requirements of the Rules.

Failing to do so, the right to appeal is lost.[12]

Verily, the procedural requirements of the rules on appeal are not harmless and trivial technicalities that can just be discarded.¹³ They serve a noble purpose in the orderly and speedy administration of justice. These rules are there to be followed, otherwise, they are useless.

WHEREFORE, premises considered, the Petition for Review is hereby DENIED DUE COURSE and ordered DISMISSED.

SO ORDERED.

Gonzales-Sison, M. B., and Cruz, R. A., JJ., concur.

[1] Rollo, p. 4

[2] Rollo, p. 3

[3] Rollo, p. 10

[4] Land Bank of the Philippines v. Court of Appeals, G.R. No. 190660. April 11, 2011; Ricardo Silverio, Jr. v. Court of Appeals, G.R. No. 178933. September 16, 2009.

[5] Rollo, p. 9

[6] Rollo, p. 9

[7] A.M. No. 02-8-13-SC, 2004 Rules on Notarial Practice

[8] See Rollo, pp. 8-10

[9] Rule 42, Section 3, Revised Rules of Court

[10] Adelia Mendoza v. United Coconut Planters Bank, Inc. G.R. No. 165575. February 2, 2011; Republic v. Court of Appeals, G.R. No. 132425. August 31, 1999.

[11] Land Bank of the Philippines v. Court of Appeals, G.R. No. 190660. April 11, 2011.

[12] Heirs of Barredo v. Spouses Asis, G.R. No. 153306. August 27, 2004.

[13] Spouses Baniqued v. Teresita Ramos, G.R. No. 158615. March 4, 2005.

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