

**SPS. APJA SALIM AND ABAS B. SALIM, PLAINTIFFS APPELLEES, VS.
SPS. HJL. LEONORA JUHAN AND JOHN JUHAN,
DEFENDANTS-APPELLANTS.**

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

In a Resolution[1] dated 30 October 2013, this Court dismissed the appellants' appeal in accordance with Section 1(e) of Rule 50 of the Rules of Court on the ground of failure to file their appellants' brief. Consequently, the appeal was withdrawn from the docket of active cases of this Court.

On 13 December 2013, the appellants filed their Motion for Reconsideration[2] attaching therewith their Appellants' Brief[3].

Per Registry Return[4], 27 November 2013 was the date of receipt by the appellants of the 30 October 2013 Resolution. The last day for the filing of the motion for reconsideration was on 12 December 2013. Thus, the appellants' motion for reconsideration was filed one (1) day late.

The motion for reconsideration must be denied.

FIRST. A perusal of the Motion for Reconsideration of the appellants reveals the absence of a single explanation why their motion was filed one day late.

SECOND. The reasons advanced by the appellants for their failure to file their appellants' brief on time deserve scant consideration.

The appellants advanced the following reasons:

When the undersigned counsel received the Notice to File Brief, he was about to take a vacation in observance of the month of Fasting, Ramadan, but by the time he reported back to his office, a serious crisis occurred, Zamboanga City came under siege by the MNLF rebels. The whole of Zamboanga City was affected. xxx The Hall of Justice which houses all the courts and the department of justice is situated right in the middle of the conflict zone and was heavily damaged. xxx

The fierce battle which began on September 9, 2013 lasted for more than 20 days but the clearing period extended up to many weeks thereafter. xxx[5]

This Court finds the appellants' excuse flimsy; hence, the propriety of the dismissal of their appeal.

Per Registry Return Card,[6] the appellants' counsel, Atty. Yaser H. Apion, received the Notice to file Brief on 05 July 2013, requiring them to file their brief within forty-five (45) days therefrom. Thus, the appellants had until 20 August 2013 within which to file their appellants' brief. Said date is about twenty (20) days earlier from the crisis in Zamboanga City which the appellants claimed to have started on 9 September 2009. Thus, the very reason relied upon by the appellants is inexistent. Neither may the appellants invoke the month of Fasting (Ramadan) for nothing precludes them from filing a motion for extension to file brief before this Court. This, the

appellants failed to do.

This Court is not unmindful of the principle that the Rules should be interpreted so as to give litigants ample opportunity to prove their respective claims and that a possible denial of substantial justice due to legal technicalities should be avoided.[7] It is equally true, however, that an appeal being a purely statutory right, an appealing party must strictly comply with the requisites laid down in the Rules of Court.[8]

Then and now, it has been held that procedural rules do not exist for the convenience of the litigants.[9] *Mejillano v. RTC*[10] held:

Rules of Procedure exist for a purpose, and to disregard such rules in the guise of liberal construction would be to defeat such purpose. Procedural rules were established primarily to provide order to and enhance the efficiency of our judicial system. It has been jurisprudentially held that, while the rules of procedure are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays, and are necessary to the orderly and speedy discharge of judicial business.

The right to appeal is not a natural right or a part of due process.[11] It is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law.[12] He who seeks to avail of the right to appeal must play by the rules.[13] This, the appellants did not do when they failed to file their appellants' brief on time. (Emphasis Supplied)

WHEREFORE, premises considered, the Motion for Reconsideration is hereby DENIED.

SO ORDERED.

Borja, J., Chairperson and Badelles, JJ., concur.

[1] Rollo, p. 14

[2] Rollo, pp. 16-20

[3] Rollo, pp. 21-39

[4] Rollo, p. 13, dorsal portion

[5] Rollo, p. 18

[6] Rollo, p. 12, dorsal portion

[7] *Quibuyen v. Court of Appeals*, 9 SCRA 741, 747 (1963); *Philippine Rabbit Bus Lines, Inc. v. Galauran and Pilaes Construction Corp.*, 118 SCRA 664, 668 (1982).

[8] *Republic v. The Register of Deeds of Quezon*, 314 Phil. 473, 482-483 (1995), citing *U-Sing Button & Buckle Industry v. National Labor Relations Commission*, 221 SCRA 680 (1993).

[9] *Ko v. Philippine National Bank*, G.R. Nos. 169131-32, 20 January 2006

[10] G.R. No. 154717, 19 June 2009

[11] *Producers Bank of the Phils. v. Court of Appeals*, 430 Phil. 812 (2002)

[12] *Producers Bank of the Phils. v. Court of Appeals*, 430 Phil. 812 (2002)

[13] *Mejillano v. RTC*, G.R. No. 154717, 19 June 2009

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