

**PEDRITO REGALADO AND MARTIN REGALADO, JR., PETITIONERS,
VS. JOSEPH ANTIQUINA, ELIZABETH FONTELO, PILARDO FONTELO,
CHERIE FONTELO SEDILLO, AND JOEY MANACIO, RESPONDENTS.**

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

On April 29, 2014, this Court issued a Minute Resolution[1] requiring petitioners to pay the shortage in the payment of docket fees in the amount of P430.00 within five [5] days from receipt of notice.

The report[2] of Postmaster Rafael C. Quirante, Jr., shows that the Resolution dated April 29, 2014 was mailed to petitioners' counsel, Atty. Richard R. Enojo and was received by one Pedrita Ligo in his behalf on May 14, 2014, yet despite receipt of notice, petitioners did not pay the deficiency per Judicial Records Division report dated October 29, 2014.[3]

The payment of the full amount of the docket fees is an indispensable step for the perfection of an appeal. The Court acquires jurisdiction over any case only upon the payment of the prescribed docket fees.[4]

Rule 43, Section 4 of the Rules of Court, provides:

“Sec. 3. 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.”

In that regard, its well worth to quote the pronouncement of the Supreme Court in *Panay Railways, Inc. v. Heva Management and Development Corporation, et al.*[5] that “the right to appeal is not a natural right and is not part of due process. It is merely a statutory privilege, which may be exercised only in accordance with the law. Procedural rules are not to be belittled or dismissed simply because their non-observance may result in prejudice to a party’s substantive rights. Like all other rules, they are required to be followed, except only for the most persuasive of reasons when they may be relaxed to relieve litigants of an injustice not commensurate with the degree of their thoughtlessness in not complying with the procedure prescribed.”

Moreover, it must be noted that the term “substantial justice” is not a magic wand that would automatically compel this Court to suspend procedural rules.[6]

WHEREFORE, the instant appeal is DISMISSED pursuant to Section 4 of Rule 43 of the Rules of Court and WITHDRAWN from the docket of active cases of this Court.

SO ORDERED.

Hernando, J., Chairperson, and Azcarraga-Jacob, JJ., concur.

[1] Rollo, p. 145

[2] Rollo, p. 158

[3] Rollo, p. 156 (dorsal portion)

[4] Panay Railways, Inc. v. Heva Management and Development Corporation, et al ,G.R. No. 154061, January 25, 2012

[5] G.R. No. 154061, January 25, 2012

[6] Panay Railways, Inc. v. Heva Management and Development Corporation, et al ,G.R. No. 154061, January 25, 2012

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