

EDWIN S. MACADANGDANG, PETITIONER, VS. OFFICE OF THE OMBUDSMAN AND ATTY. BEDA A. EPRES, RESPONDENTS.

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Review[1] under Rule 43 of the Rules of Court assailing the March 20, 2013 Decision[2] and February 14, 2014 Order[3] of the Office of the Ombudsman in OMB-C-A-11-0520-H. The assailed Decision found substantial evidence against petitioner for grave misconduct and conduct prejudicial to the best interest of the service and dismissed him from service with accessory penalties, while the assailed Order denied the motion for reconsideration.

On April 3, 2014, petitioner filed a Motion for Extension[4] of 15 days or until April 19, 2014 within which to file an appeal. In the interest of justice, the said motion is hereby GRANTED.

Subsequently, on April 15, 2014, within the extension period prayed for, petitioner filed a Motion to Admit Attached Petition for Review.[5] The Motion to Admit and Petition for Review are hereby ADMITTED and NOTED.

However, a perusal of the petition shows that the same is procedurally infirmed, warranting its outright dismissal, to wit:

- All the documents attached to the petition were not properly marked and the material portions of the records referred to in the petition were neither certified true copies nor clear and legible duplicate copies of the original;
- The following pertinent records were not attached to the petition: a.) Counter-Affidavit of the Petitioner dated February 20, 2012; and b.) Administrative Complaint dated August 2, 2011 complete with annexes;
- There was no proof of service appended to the petition;
- Edwin S. Macadangdang failed to present a competent proof of identity before the notary public, in violation of A.M. No. 02-8-13-SC.

It bears stressing that an appeal under Rule 43 of the Rules of Court shall be taken by filing a verified petition with proof of service of a copy thereof on the adverse party and on the court or agency a quo.[6] Similarly, the petition for review should 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.[7] For petitioner's failure to comply with the foregoing mandatory requirements, We are constrained to dismiss the instant petition.[8]

The right to appeal is neither a natural right nor is it a component of due process. It is a mere statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law. An appealing party must strictly comply with the requisites laid down in the Rules of Court. Deviations from the Rules cannot be tolerated and its observance cannot be left to the whims and caprices of appellants.[9]

WHEREFORE, the instant petition is hereby DISMISSED.

SO ORDERED.

Villon, J., Chairperson and Macalino, JJ., concur.

[1] Rollo, pages 10-23.

[2] Ibid., pages 24-32.

[3] Ibid., pages 43-45.

[4] Ibid., pages 3-5.

[5] Ibid., pages 6-9.

[6] Section 5, paragraph 1, Rule 43 of the Rules of Court.

[7] Section 6, paragraph 1, Rule 43 of the Rules of Court.

[8] Section 7, Rule 43 of the Rules of Court - 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.

[9] Boardwalk Business Ventures, Inc. v. Villareal, G.R. No. 181182. April 10, 2013.

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