

JOSEPH DIZON, SR., JOSEPH DIZON, JR., JESUS TORRES AND FRANCISCO GIRONELLA, PETITIONERS, VS. DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY MUNICIPAL AGRARIAN REFORM OFFICER (MAR...

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us are petitioners' several Motions for Extension of Time to File a Petition for Review[1] ("Motions for Extension" for brevity) under Rule 43 of the Rules of Court. To the Motions for Extension, respondent filed an "OPPOSITION (to the Petitioners' Motions for Extension)"[2], praying that the "Honorable Court of Appeals DENY the motions for extension of time filed by petitioners"[3].

In the Motions for Extension, petitioners' counsel had stated the following reasons for the delay of the filing of the Petition: 1) "heavy load of paperwork in her other pending cases and also a busy trial schedule in her other cases"[4]; 2) "counsel needed more time to confer with petitioners who have different residences"[5]; 3) "undersigned counsel had an unusually heavy overload of paperwork and trial schedules during the past two (2) weeks"[6]; 4) "counsel's eyesight ha[d] been deteriorating causing a blurring of her vision due to diabetic complications"[7]; 5) "counsel's deteriorating vision due to diabetic complications ha[d] slowed down her capacity to use her eyes for extended periods"[8]; and 6) "for the same reasons stated in her previous motion for extension, referring to her deteriorating vision due to diabetic complications"[9].

A perusal of the records revealed that petitioners received a copy of the Resolution dated April 27, 2010 issued by the Department of Agrarian Reform Adjudication Board ("DARAB") on May 31, 2010[10].

However, despite the several extensions of time to file Petition for Review sought by petitioners, still, per Judicial Records Division Report dated March 10, 2014[11], no Petition for Review had been filed by petitioners.

Considering that more than three (3) years has elapsed since petitioners' receipt of the DARAB's assailed Resolution dated April 27, 2010, petitioners' failure to file their Petition for Review under Rule 43 of the Rules of Court within the period allowed by the Rules justifies the denial of petitioners' Motions for Extension.

The rule is well settled that "the perfection of an appeal in the manner and within the period set by law is not only mandatory, but jurisdictional as well[, thus,] [f]ailure to perfect an appeal renders the judgment appealed from final and executory"[12]. That this is so is pursuant to the following pronouncement of the Supreme Court in *Heirs of Emiliano San Pedro, represented by Luzviminda San Pedro Cunanan vs. Pablito Garcia and Jose Calderon*, G.R. No. 166988, July 03, 2009:

"xxx the CA ruled that the delay of two years in the filing of the appeal in the case at bar no longer fits the liberality rule.

xxx

xxx Since the perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional, the failure of petitioners to so perfect their appeal rendered the questioned decision final and executory. This rule is founded upon the principle that the right to appeal is not part of due process of law, but is a mere statutory privilege to be exercised only in the manner and in accordance with the provisions of the law.

xxx

Nothing is more in settled law than that once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land. Just as the losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of the case.

Litigation must end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final, the issue or cause involved therein should be laid to rest. The basic rule of finality of judgment is grounded on the fundamental principle of public policy and sound practice that at the risk of occasional error, the judgment of courts and the award of quasi-judicial agencies must become final at some definite date fixed by law. The orderly administration of justice requires that the judgment/resolutions of a court or quasi-judicial body must reach a point of finality set by law, rules and regulations. The noble purpose is to write finis to disputes once and for all. This is a fundamental principle in our justice system, without which there could be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who wield the power of adjudication. Any act which violates such principle must be struck down.

In sum, based on the foregoing discussion, this Court finds: (1) that the CA did not commit any error when it ruled that petitioners' delay of approximately one year and five months in filing an appeal did not fit the liberality rule xxx" (Emphasis supplied)

Thus, little choice is given but to dispose this matter accordingly as stated below.

IN VIEW OF ALL THESE, petitioners' Motions for Extension of Time to File a Petition for Review are DENIED. The case is DISMISSED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-7, "Motion for Extension of Time within which to File Petition for Review Pursuant to Rule 43 of the Revised Rules of Court"; Rollo, pp. 9-14, "Motion for Additional Extension of Ten (10) Days within which to File Petition for Review"; Rollo, pp. 15-19, "Motion for Additional Extension of Seven (7) Days within which to File Petition for Review"; Rollo, pp. 20-24, "Motion for a Last Extension of Five (5) Days within which to File Petition for Review"; Rollo, pp. 29-33, "Motion for a Final Extension of Five (5) Days from July 26, 2010 within which to File Petition for Review"

[2] Rollo, pp. 25-27

[3] Rollo, p. 27

[4] Rollo, p. 5

[5] Rollo, p. 10

[6] Rollo, p. 10

[7] Rollo, p. 10

[8] Rollo, p. 15

[9] Rollo, p. 20

[10] Rollo, p. 3

[11] Rollo, p. 33, dorsal portion

[12] Philippine National Bank vs. Commissioner of Internal Revenue, G.R. No. 172458, December 14, 2011

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