

SPS. SONIA AND JIMMY REYES, PETITIONERS, V. MAURICIO SANDOVAL, RESPONDENT.

Ponente: TIJAM, J.

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TIJAM, J.:

In Our November 4, 2013 Resolution,[1] We directed Petitioners to correct certain defects in their June 28, 2013 Petition for Review.[2]

On November 28, 2013, Petitioners filed an Apology, Motion for Reconsideration and Submission/Compliance,[3] (Apology, etc.) to Our aforementioned Resolution.

On December 17, 2013 the Public Attorney's Office (PAO) filed a Notice of Appearance[4] as Counsel for Respondent.

In Our February 20, 2014 Resolution, We noted and admitted Petitioners' Apology, etc. as well was the Notice of Appearance filed by the PAO. Furthermore, We directed them for the last time to correct the following defects within a non-extendible period of 5 days from notice, viz:

- 1) Although Petitioners alleged that the certified true copy of the Decision dated December 21, 2012 and Order dated June 10, 2013 were attached to the Apology, Motion for Reconsideration and Submission/Compliance, no such compliance were attached therein;
- 2) Still failed to state the date of receipt of the December 21, 2012 Decision;
- 3) Although Petitioners alleged that the Complaint, Answer, Memorandum before the MTC and RTC were attached to the Apology, Motion for Reconsideration and Submission/Compliance, no such documents were attached therein;
- 4) Counsel's PTR and IBP Nos. are still dated December 17, 2012 and October 20, 2012 respectively without showing that payments of said date cover the year 2013.

On March 5, 2014, Petitioners' Counsel received[5] this Court's February 20, 2014 Resolution.

As per JRD Report[6] dated April 8, 2014, Petitioners have not yet complied with this Court's February 20, 2014 Resolution.

Procedural rules are tools designed to facilitate the adjudication of cases.[7] Courts and litigants alike are, thus, enjoined to abide strictly by the rules.[8] And while the High Court, in some instances, allows a relaxation in the application of the rules, this was never intended to forge a bastion for erring litigants to violate the rules with impunity.[9] While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.[10]

In the present case, we find no cogent reason to exempt the Petitioners from the effects of its failure to comply with the Rules of Court, particularly Section 1 (g), Rule 50, thus:

“RULE 50**Dismissal of Appeal**

Section 1. Grounds for dismissal of appeal. - An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds: xxx xxx xxx

(g) Failure of the appellant to take the necessary steps for the correction or completion of the record within the time limited by the court in its order;”

Records show that Petitioners were given a couple of opportunities to rectify the defects in their June 28, 2013 Petition for Review. This notwithstanding, they failed without proffering a reasonable explanation to persuade this Court to be liberal in applying the Rules.

We emphasize that the right to appeal is a statutory right and the party who seeks to avail of the same must comply with the requirements of the Rules and failing to do so, the right to appeal is lost.[11]

WHEREFORE, the June 28, 2013 Petition for Review is DISMISSED pursuant to Section 1(g), Rule 50 of the Rules of Court.

SO ORDERED.

Baltazar-Padilla and Sempio Diy,[*] JJ., concur.

[*] vice J. Reyes-Carpio, per Office Order 162-14-ABR, dated April 28, 2014.

[1] Rollo, 24.

[2] Rollo, 4.

[3] Rollo, 27.

[4] Rollo, 34.

[5] Rollo, p. 38 [Dorsal Side].

[6] Rollo, p. 42.

[7] Pio Delos Reyes (Deceased), represented by heirs Fidel Delos Reyes, et al. vs. Honorable Waldo Q. Flores, et al., G.R. No. 168726, March 5, 2010.

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] Bergonia vs. Court of Appeals, G.R. No. 189151, January 25, 2012.

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