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TABLE 5

DIFFERENCES AMONG THE THREE (3) MODES OF APPEAL

ORDINARY APPEAL

PETITION FOR REVIEW

APPEAL BY CERTIORARI

1. How appeal is initiated

Ordinary appeal by notice of appeal or record on appeal

By filing a petition for review

By filing a petition for review on certiorari

2. Where to appeal

a. From the Metropolitan, Municipal and Municipal Circuit Trial Courts to the Regional Trial Courts, and from the Regional Trial Courts to the Court of Appeals in decisions of the Regional Trial Court rendered in the exercise of their respective original jurisdictions

b. From the Metropolitan, Municipal and Municipal Circuit Trial Courts to the Court of Appeals for decisions rendered by the said courts in the exercise of their delegated jurisdiction, in which case the Metropolitan, Municipal and Municipal Circuit Trial Courts act as Regional Trial Courts

From the Regional Trial Court to the Court of Appeals, a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction

From the Regional Trial Court to the Supreme Court on a pure question of law, a decision of the Regional Trial Court rendered in the exercise of its original jurisdiction

3. Nature of appeal

Matter of right

Matter of appellate court's discretion

Matter of appellate court's discretion

4. To whom appellate docket and other lawful fees should be paid

Clerk of Court whose decision is being appealed

Clerk of Court of the Court of Appeals

Clerk of Court of the Supreme Court

5. Payment of appellate docket and other lawful fees as a requirement of perfection of appeal

Not a requisite for perfection of appeal but a ground for dismissal if not paid on time

A requirement for perfection of appeal

A requirement for perfection of appeal to be paid to the Clerk of Court of the Appellate Court

6. Name of parties

Appellant – party appealing

Appellee – adverse party

Petitioner – party appealing

Respondent – adverse party

Petitioner – party appealing

Respondent – adverse party

7. Requirement of record on appeal

In special proceedings and other cases of multiple or separate appeals

Not required

Not required

8. Basic document to be filed in the appellate court

a. From the Metropolitan, Municipal and Municipal Circuit Trial Court to the Regional Trial Court, memorandum

b. From the Regional Trial Court to the Court of Appeals, briefs

Memoranda when required by the Court of Appeals

Memorandum when required by the Supreme Court

9. Perfection of appeal as to appellant

Upon filing of the notice of appeal in due time or if record on appeal is required, upon approval of the record on appeal in due time

Upon timely filing of a petition for review and payment of corresponding docket and other lawful fees

Upon timely filing of the petition for review on certiorari and payment of docket and other lawful fees

10. When court whose decision is being appealed loses jurisdiction

a. In appeal by notice of appeal – upon perfection of the appeal filed in due time and the expiration of the time to

appeal of the other parties

b. In appeal by record on appeal – upon approval of the records on appeal filed in due time and the expiration of its time to appeal of the other parties

Upon the perfection of the appeals filed in due time and the expiration of the time to appeal by the other parties

Upon the perfection of the appeals filed in due time and the expiration of the time to appeal by the other parties

11. As to questions which may be raised

Question of fact, question of law and question of fact and law

Question of fact, question of law, question of fact and law

Only question of law

12. How parties are referred to

Appellant – party appealing

Appellee – adverse party

Petitioner – party appealing

Respondent – adverse party

Petitioner – party appealing

Respondent – adverse party

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