

VIDEOGRAM REGULATORY BOARD, PETITIONER, VS. COURT OF APPEALS, HON. B.A. ADEFUIN-DE LA CRUZ, IN HER CAPACITY AS PRESIDING JUDGE OF THE KALOOKAN RTC, BRANCH 122, AND EDWARD L. UNI...

G.R. No. 106564. November 28, 1996

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Under the Rules of Court, a party has fifteen (15) days only within which to file a petition for review against an unfavorable decision of the trial court. In actual practice, parties are normally allowed extensions to time to file such petitions. The issue in this case is: May the Court of Appeals be faulted with grave abuse of discretion for denying the admission of such petition for review which was filed within the thirty-day period requested in petitioner's motion for extension but beyond the fifteen-day period actually granted by said Court?

This petition for certiorari, prohibition and mandamus under Rule 65 of the Revised Rules of Court impugns the Resolutions of June 29, 1992 and July 29, 1992 of the public respondent Court of Appeals[1] in CA-G.R. CR No. 12951, entitled

"People of the Philippines vs. Hon. B.A. Adefuin-De La Cruz, in his (sic) capacity as Presiding Judge of the Kalookan Regional Trial Court, Branch 122, and Edward L. Unite"

for allegedly having been issued in grave abuse of discretion.

The Facts

Upon application made by officers of petitioner Videogram Regulatory Board, the Metropolitan Trial Court (MTC) of Kalookan City, Branch 49, issued on August 29, 1990 Search Warrant No. 4-90 against private respondent Edward L. Unite for violation of Section 6 of P.D. 1987,[2] the law creating the Videogram Regulatory Board and penalizing illegal reproductions of videograms.[3]

Private respondent filed a Motion to Quash Search Warrant and to Recover Seized Articles dated October 13, 1990,[4] which petitioner, represented by the Office of the Solicitor General (OSG), opposed.[5]

Not unexpectedly, the MTC of Kalookan City in an Order dated December 26, 1990 denied[6] said Motion to Quash. Thus, an appeal was lodged before the Regional Trial Court of Kalookan City, Branch 122.

The RTC, after vacillating on whether to entertain the appeal or dismiss it for being improper under the circumstances, finally treated it as a petition for certiorari, and in its decision[7] dated April 24, 1992, declared as null and void the said search warrant issued by the MTC.

Thereafter, petitioner filed with respondent Court of Appeals a Motion for Extension of Time of Thirty (30) days from May 20, 1992 or until June 19, 1992 within which to file a petition for review.

However, in its Resolution dated May 27, 1992, respondent Court granted the petitioner a non-extendible period of fifteen (15) days only, counted from May 20, 1992 or until June 4, 1992, within which to file the petition for review. The OSG allegedly received a copy of said Resolution on June 8, 1992,[8] or four days after the lapse of the granted extension.

On June 19, 1992, the OSG filed a Motion to Admit, alleging that it was "physically impossible to comply with the deadline of June 4, 1992" since it received a copy of the resolution only on June 8, 1992.

In its assailed Resolution promulgated on June 29, 1992, respondent Court denied the Motion to Admit, and denied due course to the petition for review, holding that:[9]

"Considering that the rule is mandatory and jurisdictional and the case at bar does not appear to be 'exceptionally meritorious', the Court RESOLVED to DENY the Motion To Admit.

Accordingly, the Petition For Review is DENIED DUE COURSE."

The OSG filed a Motion for Reconsideration, which was denied by respondent Court thru its now questioned second Resolution promulgated on July 29, 1992, thus:[10]

"x x x the Court RESOLVED to DENY the instant Motion there being no compelling nor cogent reason to modify or reverse Our ruling of 29 June 1992.

Additionally, movant had no right to assume that the thirty-day extension period would be granted as prayed for."

Hence, this petition.

The Issues

Petitioner avers that respondent Court acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of jurisdiction in denying its motion to admit its petition because:

"I. The order giving petitioner a fifteen day inextendible period to file petition for review was received by petitioner when the fifteen day period had already expired.

II. The respondent Court of Appeals ignored the well-settled rule that rules of procedure should not be applied in a very rigid, technical sense."[11]

In essence, petitioner alleges that respondent Court required it to comply with an "impossible condition", in that public respondent granted the prayed-for extension for fifteen (15) days only, or up to June 4, 1992, but the Resolution embodying such extension was received by petitioner only on June 8, 1992, after the expiration of the period granted.

Petitioner also pleads that the Office of the Solicitor General is saddled with a tremendous workload. It thus prays for a liberal interpretation of the rules as the petition is "impressed with public interest." [12]

The Court's Ruling

We are unpersuaded. There are certain procedural rules that must remain inviolable, like those setting the periods for perfecting an appeal or filing a petition for review, for it is doctrinally entrenched that the right to appeal is a statutory right and one who seeks to avail of that right must comply with the statute or rules.[13] The rules, particularly the requirements for perfecting an appeal within the reglementary period specified in the law, must be strictly followed as they are considered indispensable interdictions against needless delays and for orderly discharge of judicial business.[14] Furthermore, the perfection of an appeal in the manner and within the period permitted by law is not only mandatory but also jurisdictional and the failure to perfect the appeal renders the

judgment of the court final and executory.[15] Just as a 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 his/her case.

These periods are carefully guarded and lawyers are well-advised to keep track of their applications. After all, a denial of a petition for being time-barred is a decision on the merits.

Period of and Requisites for Extension of Time for Filing Petition for Review

As early as August 26, 1986, in the case of *Lacsamana vs. Second Special Cases Division of the Intermediate Appellate Court*,^[16] this Court had already put a stop to and set a policy on overly long extensions of time. The Court said:

"Beginning one month after the promulgation of this Decision, an extension of only fifteen days for filling a petition for review may be granted by the Court of Appeals, save in exceptionally meritorious cases.

The motion for extension of time must be filed and the corresponding docket fee paid within the reglementary period of appeal.

x x x x x x x x."

Accordingly, the Court of Appeals promulgated its Rules^[17] which took effect on August 18, 1988, thus:

"Rule 6, Section 3. Petitions for Review. -- Within the period to appeal, the petitioner shall file a verified petition xxx. Upon proper motion presented before the expiration of the original reglementary period, the Court may grant a non extendible additional period of fifteen (15) days save in exceptionally meritorious cases within which to file the petition for review; Provided, however, that should there be no petition filed within the extended period, the case shall be dismissed. A petition filed after the period shall be denied due course outright. x x x."

Of these two guides, the Solicitor General could not feign ignorance. He knew or ought to have known that, pursuant to the above rule, his motion for extension of time of thirty (30) days could be granted for only fifteen (15) days. There simply was no basis for assuming that the requested 30-day extension would be granted.

The later case of *Liboro vs. Court of Appeals*^[18] explicitly upheld the generally non-extendible nature of the fifteen (15) days extension, thus:

"But the extension nonetheless should be limited only to fifteen (15) days, save in exceptionally meritorious cases where the Court of Appeals may grant a longer period, as similarly provided in *Lacsamana*. Generally then, a non-extendible period of fifteen (15) days may be granted unless there are compelling reasons which may warrant the allowance of a longer period. x x x"

Thus, respondent Court cannot be faulted for granting petitioner only fifteen days' extension, even if it prayed for thirty. Certainly, we can not attribute grave abuse of discretion to said Court for merely following its own internal rules which have been granted imprimatur by this Court.

Lack of Notice?

We have consistently held that allowance or denial of a motion for extension of time is addressed to the sound discretion of the court, and such discretion vested in the courts must be exercised wisely and prudently, and never capriciously, with a view to substantial justice.^[19]

But, once granted, the extension of time starts from the end of the original reglementary period. It begins to run whether or not the movant/grantee has knowledge of such action of the granting court. Notice in this instance is unimportant as, in the first place, lawyers should never presume that their motions for extension or postponement

would be granted. It behooves them to follow up on their motions, for the mere filing of the same is not enough. They must check with the division clerks of court for the action on their motions, considering that time may run out on them - as it did in this case.

The OSG persists in pressing this Court to take judicial notice of its very heavy caseload, which in its estimation constitutes sufficient justification for the delay. However, it cannot be gainsaid that, with ordinary diligence and foresight, the Solicitor General and his staff could have readily found a way to comply with the deadline.

The warning in Roxas is pertinent to the case at bar where it states:[20]

"x x x Let this serve as (a) warning among members of the Philippine bar who take their own sweet time with their cases if not purposely delay its progress for no cogent reason. It does no credit to their standing in the profession. More so when they do not file the required brief or pleading until their motion is acted upon. Not only should they not presume that their motion for extension of time will be granted by the court(,) much less should they except that the extension that may be granted shall be counted from notice. They should file their briefs or pleadings within the extended period requested. Failing in this, they have only themselves to blame if their appeal or case is dismissed."

Appeal For Liberality

Petitioner insists that the challenged Resolutions must be overturned, in light of the fact that petitioner is tasked with regulating the video industry pursuant to P.D. 1987, and that its petition is meritorious, being "highly impressed with public interest" in view of the unfair competition against the local movie industry posed by rampant film piracy, as well as the erosion of the viewing public's moral fiber due to unclassified and unreviewed videotapes of films with pornographic and violent sequences.[21] Petitioner thus prays that we apply a liberal interpretation of the rules to its petition.

We reject such argument. While we recognize the laudable role and difficult task of petitioner, they do not make the case "exceptionally meritorious" as to warrant the liberal application of the rules. The reasoning employed is untenable. The issue that petitioner tried to bring before respondent Court was the propriety of the quashal of the search warrant. It has nothing to do with petitioner's purpose and task because these do not show how the RTC of Kalookan City erred in quashing the aforementioned search warrant.

And, while we understand the OSG's predicament, its oft-repeated excuse of being saddled with a huge caseload, which is resorted to almost everytime it applies for extensions of time for appeal and filing of comments/replies/briefs, has already lost its flavor, if not gone stale entirely. Certainly, by this time the OSG must have already developed a system for keeping track of all its deadlines and monitoring the progress of work being done on the cases it is handling. After all, government service really entails hard work and perennial, unceasing pressure to meet deadlines. Most assuredly, this is not a ground for the liberal interpretation of the rules. Only in exceptionally meritorious cases should the rules be relaxed. Such has not been shown to be the situation in this case.

WHEREFORE, premises considered, the instant petition is DISMISSED.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

[1] Thirteenth Division, composed of J. Pacita Cañizares-Nye, ponente, and JJ. Arturo B. Buena and Justo P. Torres, Jr. (now an Associate Justice of this Court), concurring.

[2] Otherwise known as "An Act Creating the Videogram Regulatory Board", which was approved on October 5, 1985.

[3] Rollo, p. 5.

[4] Ibid., pp. 20-29.

[5] Ibid., pp. 30-38.

[6] Ibid., pp. 39-40.

[7] Ibid., pp. 41-52.

[8] Rollo, p. 6.

[9] Ibid., p. 16.

[10] Rollo, p. 17.

[11] Rollo, p. 8.

[12] Ibid., pp. 8-10.

[13] Sta. Rita vs. Court of Appeals, 247 SCRA 484, 489, August 21, 1995; Philippine Commercial International Bank vs. Court of Appeals, 229 SCRA 560, 564, January 27, 1994; University of the Philippines vs. Civil Service Commission, 228 SCRA 207, 210, December 1, 1993; Tan vs. Court of Appeals, 213 SCRA 316, 320, September 2, 1992; Villanueva vs. Court of Appeals, 205 SCRA 537, 543, January 27, 1992.

[14] Sta. Rita vs. Court of Appeals, *supra*.

[15] Bank of America, NT & SA vs. Gerochi, Jr., 230 SCRA 9, 15, February 10, 1994; Ceniza vs. Court of Appeals, 218 SCRA 390, February 3, 1993; Imperial Textile Mills, Inc. vs. NLRC, 217 SCRA 237, January 19, 1993.

[16] 143 SCRA 643, 650-651, August 26, 1986 (*italics part of the original text*), cited in Liboro vs. Court of Appeals, 218 SCRA 193, January 29, 1993.

[17] 1988 Revised Internal Rules of the Court of Appeals.

[18] Op. Cit., pp. 201-202.

[19] Roxas vs. Court of Appeals, 156 SCRA 252, 255-256, December 10, 1987.

[20] *Supra*, p. 256-257.

[21] Tio vs. Videogram Regulatory Board, 151 SCRA 208, 219, June 18, 1987.

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