

OSCAR A. BAGO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 135638. January 20, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On March 4, 1997, petitioner Oscar A. Bago was found guilty in Criminal Case No. 93-12562 of Falsification of Public Document, defined and penalized under Article 171 of the Revised Penal Code, by the Regional Trial Court of Manila, Branch 7, and was sentenced to an indeterminate penalty of two (2) years, four (4) months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum.[1]

Petitioner interposed an appeal before the Court of Appeals docketed as CA-G.R. CR No. 21018. In due course, he was directed to submit his Appellant's Brief on or before December 22, 1997.[2]

However, based on the report of the Judicial Records Division of the Court of Appeals, no appellant's brief was filed by petitioner within the period given. Petitioner was required to show cause why his appeal should not be considered abandoned.[3]

On March 9, 1998, petitioner's counsel filed a manifestation stating the Appellant's Brief was filed seasonably by his secretary with the Court of Appeals. However, the original of the same was inadvertently filed with the copies intended for the Brief Section because there were Christmas parties going on. Petitioner's counsel likewise admitted that the Office of the Solicitor General had just been furnished with a copy of the Appellant's Brief due to the failure of her secretary to send it on December 22, 1997.[4]

Not satisfied with petitioner's explanation, the appeal was dismissed in a Resolution dated May 15, 1998.

Petitioner's motion for reconsideration was denied; hence, the instant petition filed under Rule 45 of the Revised Rules of Court, where petitioner argues that, contrary to the findings of the Court of Appeals, he was able to file his appeal brief on December 22, 1997, within the reglementary period, as evidenced by the rubber stamp mark on the upper right hand corner of his copy thereof. Granting *arguendo* that the brief was filed beyond the period set by the appellate court, nevertheless, it must be admitted and given due course for justice and equity must prevail over technicality of the law.

Respondent, through the Office of the Solicitor General, counters that petitioner hardly deserves the leniency of the Court in the application of procedural rules for, instead of admitting his shortcomings, he shifted the blame to others.

The petition is bereft of merit.

Petitioner implores this Court for a liberal application of technical rules of procedure. However, it is axiomatic that Rules of Court, promulgated by authority of law, have the force and effect of law.[5] More importantly, rules

prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative.[6] Only strong considerations of equity, which are wanting in this case, will lead us to allow an exception to the procedural rule in the interest of substantial justice.[7]

Consequently, the instant petition must perforce be denied. Petitioner has failed to show compelling reasons to relax the rules in his favor. His failure to comply strictly with the procedural requirements of the Rules of Court and observe the reglementary periods prescribed therein will not warrant the application of equity and the liberal construction of the Rules.

WHEREFORE, in view of the foregoing, the instant petition is DENIED for lack of merit. The Resolution dated May 15, 1998 of the Court of Appeals in CA-G.R. CR No. 21018 is AFFIRMED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] CA Records, p. 16.

[2] Ibid., at 28.

[3] Id., at 29.

[4] Id., at 30.

[5] Rizal Commercial Banking Corporation v. Dayrit, 123 SCRA 203, 207 (1983), citing Shioji v. Harvey, 43 Phil. 333.

[6] FJR Garments Industries v. Court of Appeals, 130 SCRA 216, 218 (1984).

[7] Lamsan Trading, Inc. v. Leogardo, Jr., 144 SCRA 571, 578 (1986).

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