

GABRIEL LAZARO AND THE HEIRS OF FLORENCIA PINEDA AND EVA VIERNES, PETITIONERS, VS. COURT OF APPEALS AND SPOUSES JOSE AND ANITA ALESNA, RESPONDENTS.

G.R. No. 137761. April 06, 2000

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-137761/>

PANGANIBAN, J.:

Failure to pay docket and other lawful fees within the prescribed period is a ground for the dismissal of an appeal. This rule cannot be suspended by the mere invocation of "the interest of substantial justice." Procedural rules may be relaxed only in exceptionally meritorious cases.

The Case

Before us is a Petition for Certiorari under Rule 65 assailing two Resolution, dated July 31, 1998 and December 28, 1998, both promulgated by the Court of Appeals[1] (CA) in CA-G.R. CV No. 60094. In the first Resolution, the CA ruled:

"For resolution is a motion to reconsider this Court's Resolution dismissing the appeal for failure of appellants [herein private respondents] to pay the prescribed docketing fees pursuant to Section 4, Rule 41 of the 1997 Rules on Civil Procedure.

"x x x x x x x x

"Copy of the judgment appealed from was received by appellants on December 16, 1997 and their notice of appeal was filed on December 19, 1997.

"The motion for reconsideration of this Court's Resolution was filed on time, but the attached official receipt No. 2768290 evidencing payment of the required docketing fees was dated June 26, 1998, almost six (6) months after the last day to file notice of appeal. However, appellants prayed that this Court's June 17, 1998 resolution be set aside, lifted, and this appeal reinstated, citing 'interest of substantial justice.'

"In the light of the foregoing, appellants' June 26, 1998 motion is hereby GRANTED." [2]

In its second Resolution, the CA denied reconsideration in this wise:

"For all the foregoing, there being no cogent or compelling reason to warrant reconsideration of this court's resolution dated July 31, 1998, the motion of appellees is hereby DENIED." [3]

The Facts

Before the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya (Branch 27), Spouses Jose and Anita Alesna, private respondents herein, filed a civil action for annulment of title, reconveyance and damages (with prayer for preliminary injunction)[4] against Petitioners Gabriel Lazaro and the heirs of Florencia Pineda and Eva Viernes.

After trial, the RTC rendered judgment in favor of the petitioners. Thereafter, the private respondents filed a

Notice of Appeal before the trial court.[5]

In a Resolution dated June 17, 1998, the CA[6] dismissed the appeal for failure of herein private respondents to pay the required docket fees within the prescribed period. Thereafter, it issued its first assailed Resolution dated July 31, 1998 granting their Motion for Reconsideration and reinstating the appeal.

Subsequently, the petitioners also filed their own Motion for Reconsideration assailing the said Resolution. As earlier stated, the CA denied their Motion.

Hence, this Petition.[7]

Ruling of the Court of Appeals

In reinstating the appeal despite the failure of herein private respondents to pay the docket fees within the prescribed period, the Court of Appeals invoked "the interest of substantial justice." It did not elaborate however. No specific circumstance or any other explanation was cited in support of its ruling.

Issue

In their memorandum, petitioners submit for the consideration of the Court this lone question: "x x x [H]as the respondent appellate court acted without or in excess of jurisdiction, and/or with grave abuse of discretion in issuing the questioned Resolutions dated July 31, 1998 and December 28, 1998"?[8]

This Court's Ruling

The Petition is meritorious.

Main Issue:

Timely Payment of CA Docket Fees

The Rules of Court, as amended, specifically provides that appellate court docket and other lawful fees should be paid within the period for taking an appeal. Hence, Section 4 of Rule 41 reads:

"Section 4. Appellate court docket and other lawful fees. -- Within the period for taking an appeal,[9] the appellant shall pay to the clerk of the court which rendered the judgment or final order appealed from, the full amount of the appellate court docket and other lawful fees. Proof of payment of said fees shall be transmitted to the appellate court together with the original record or the record on appeal."

Contrary to the submission of private respondents that the aforecited rule is merely directory, the payment of the docket and other legal fees within the prescribed period is both mandatory and jurisdictional. Section 1 (c), Rule 50 of the Rules of Court provides: "Failure of the appellant to pay the docket and other fees as provided in Section 4 of Rule 41" is a ground for the dismissal of the appeal. Indeed, it has been held that failure of the appellant to conform with the rules on appeal renders the judgment final and executory.[10] Verily, the right to appeal is a statutory right and one who seeks to avail of that right must comply with the statute or the rule.[11]

In the present case, the private respondents failed to pay the required docket fees within the reglementary period. In fact, the Court notes that they paid the fees only after the CA had dismissed the appeal, or six months after the filing of the Notice of Appeal. Clearly, existing jurisprudence and the Rules mandate that the appeal should be dismissed.

The appellate court nonetheless reinstated the appeal "in the interest of substantial justice." But as earlier observed, it did not cite any specific circumstance or any other explanation in support of its ruling. For their part, private respondents failed to offer a satisfactory explanation why they paid the docket fees six months after the prescribed period. Indeed, neither they nor the Court of Appeals showed fraud, accident, mistake, excusable negligence, or any other reason to justify the suspension of the aforecited rule.[12]

We must stress that the bare invocation of "the interest of substantial justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. "Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed." [13] The Court reiterates that rules of procedure, especially those prescribing the time within which certain acts must be done, "have oft been held as absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of business. x x x The reason for rules of this nature is because the dispatch of business by courts would be impossible, and intolerable delays would result, without rules governing practice x x x. Such rules are a necessary incident to the proper, efficient and orderly discharge of judicial functions." [14] Indeed, in no uncertain terms, the Court held that the said rules may be relaxed only in "exceptionally meritorious cases." [15] In this case, the CA and the private respondents failed to show that this case is one such exception.

WHEREFORE, the Petition is hereby GRANTED. The Court of Appeals' assailed Resolutions, dated July 31, 1998 and December 28, 1998, are SET ASIDE. The Decision of the Regional Trial Court of Bayombong, Nueva Vizcaya (Branch 27) in Civil Case No.4058 is declared FINAL and EXECUTORY. No pronouncement as to costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Special Thirteenth Division, composed of JJ. Mariano M. Umali (ponente), Romeo J. Callejo Sr. (acting chairman) and Marina L. Buzon (member).

[2] Rollo, pp. 23-24.

[3] Rollo, pp. 32-33.

[4] Docketed as Civil Case No. 4059.

[5] Dated December 19, 1997.

[6] Through the same justices who rendered the two assailed Resolutions.

[7] The case was deemed submitted for resolution on November 25, 1999, upon receipt by this Court of petitioners' Memorandum, which was signed by Atty. Rogelio P. Corpuz. Private respondents' Memorandum, which was signed by Atty. Rufino G. Lumase, was received on November 11, 1999.

[8] Petitioners' Memorandum, p. 4; rollo, p. 73.

[9] Section 3 of Rule 41 of the Rules of Court states: "The appeal shall be taken within fifteen (15) days from notice of the judgment or final order appealed from. xxx."

[10] *Garcia v. NLRC*, 264 SCRA 261, November 18, 1996.

[11] *Videogram Regulatory Board v. CA et al.*, 265 SCRA 50, November 28, 1996.

[12] *Trans International v. CA*, 285 SCRA 49, 57-58, January 26, 1998.

[13] *Galang v. CA*, 199 SCRA 683, July 29, 1991, per Fernan, CJ. See also *Pedrosa v. Hill*, 257 SCRA 373, 379, June 14, 1996; *Ditching v. CA*, 263 SCRA 343, October 18, 1996; *Ginete, et al. v. CA*, 296 SCRA 38, September 24, 1998.

[14] *Shioji v. Harvey*, 43 Phil. 333, 341, April 27, 1922, per Malcolm, J. See also *FJR Garments v. CA*, 130 SCRA 216, June 29, 1984; *Alvero v. De la Rosa*, 76 Phil. 428, March 29, 1946; *Almeda v. CA*, 292 SCRA 587, July 16, 1998.

[15] *Videogram Regulatory Board v. CA*, supra. See also *Bank of America, NT & SA v. Gerochi*, 230 SCRA 9,

February 10, 1994.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.