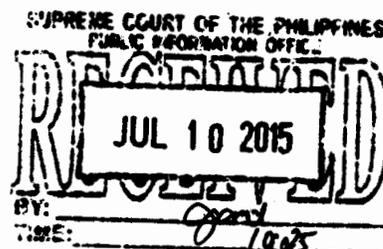




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated June 17, 2015 which reads as follows:*

**"G. R. No. 215214 (*Pedro Escoto v. Helen Domasig*).** – This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking to reverse the Resolutions of the Court of Appeals (CA) dated 6 March 2014<sup>1</sup> and 29 September 2014,<sup>2</sup> both of which denied petitioner's appeal for failing to comply with procedural requirements.

ANTECEDENT FACTS

On 27 December 2013, petitioner filed a Notice of Appeal<sup>3</sup> with the CA to assail the Judgment of the Department of Agrarian Reform Adjudication Board (DARAB) dated 30 August 2013<sup>4</sup> and Resolution dated 15 October 2013.<sup>5</sup> Under the Rules, however, a party appealing an adverse ruling of the DARAB to the CA must file a petition for review.<sup>6</sup> In the interest of justice, the CA treated the Notice of Appeal as a petition for review.<sup>7</sup> Nonetheless, it dismissed the Petition citing Section 7<sup>8</sup> of Rule 43 for being non-compliant with the requirements as to the manner of filing and the contents as indicated in Sections 5 and 6 of the same Rule,<sup>9</sup> viz:

- over - four (4) pages .....

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<sup>1</sup> *Rollo*, pp. 42-44; penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Amelita G. Tolentino and Leoncia Real-Dimagiba.

<sup>2</sup> *Id.* at 52-53.

<sup>3</sup> *Id.* at 41.

<sup>4</sup> *Id.* at 15-35.

<sup>5</sup> *Id.* at 39-40.

<sup>6</sup> Under Rule 43 of the Rules of Court.

<sup>7</sup> *Id.* at 52.

<sup>8</sup> Sec. 7. *Effect of failure to comply with requirements.* The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

<sup>9</sup> *Id.* at 43.

**Section 5. *How appeal taken.*** — Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency *a quo*. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner.

Upon the filing of the petition, the petitioner shall pay to the clerk of court of the Court of Appeals the docketing and other lawful fees and deposit the sum of ₱500.00 for costs. Exemption from payment of docketing and other lawful fees and the deposit for costs may be granted by the Court of Appeals upon a verified motion setting forth valid grounds therefor. If the Court of Appeals denies the motion, the petitioner shall pay the docketing and other lawful fees and deposit for costs within fifteen (15) days from notice of the denial. (n)

**Section 6. *Contents of the petition.*** — The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

The CA pointed out that aside from the complete payment of docket and other lawful fees and the statement of material dates, petitioner failed to comply with the other requirements set forth under the Sections of Rule 43 above-cited.<sup>10</sup>

Petitioner filed a Motion for Reconsideration,<sup>11</sup> but failed to cure the defects of his Petition, prompting the CA to also dismiss it for lack of merit.

Hence, this recourse.

#### THE ISSUE

The principal issue here is whether or not the CA erred in dismissing the Petition outright on grounds of noncompliance with the Rules.

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<sup>10</sup> Id.

<sup>11</sup> Id. at 45-46.

**THE RULING OF THE COURT**

We deny the Petition.

The Rules of Court are designed for the proper and prompt disposition of cases. Generally, strict compliance with the Rules is enjoined to meet this objective. In not a few instances, however, the Court has relaxed the rigid application of the Rules so that justice may be better served.<sup>12</sup> Petitioner invokes this liberality in assailing the ruling of the CA.

We cannot countenance petitioner's procedural lapses in his Petition to the CA. It is a fundamental error on his part to file a petition that does not comply with the essential form and content requirements. Without this compliance, the CA would not be able to determine the merit of his Petition and decide on it with reason. No excuse or exemption can save the Petition from being dismissed outright due to serious procedural errors.

We also take note that petitioner also committed the following procedural lapses in filing this instant Petition that further justify its dismissal:<sup>13</sup>

(1) The Motion for Extension of Time to File Petition lacks affidavit of service.

(2) The assailed CA Resolutions submitted with the Petition are machine copies only.

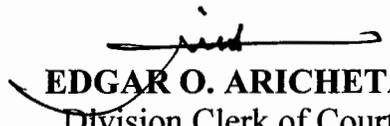
(3) There is no explanation as to why the service of the Motion of Extension and Petition for Review sent to the CA and to the adverse party was not done personally.

**WHEREFORE**, the Petition is **DENIED**. The Resolutions of the Court of Appeals dated 06 March 2014 and 29 September 2014 are hereby **AFFIRMED**.

No costs.

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court #662

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<sup>12</sup> *Cruz v. Court of Appeals*, 476 SCRA 581 (2005).

<sup>13</sup> See slip attached to the cover of the Rollo.

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Case No. D-0506-2004-RL-00023)

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