



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 11, 2023**, which reads as follows:*

“**UDK No. 16912 (Gaspar S. Evangelista vs. Mindanao Energy Systems, Inc.)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition for review on *certiorari*¹ dated February 24, 2021 and **AFFIRM** the Resolutions² dated August 25, 2020 and January 7, 2021, of the Court of Appeals (CA) Mindanao Station in CA-G.R. CV No. 05364-MIN for the following reasons: (1) failure of the petitioner Gaspar S. Evangelista to pay docket, other legal fees, and deposit for costs on time; (2) the affidavit of service attached to the petition for review was notarized and service was made prior to the actual posting of the petition; and (3) failure of the petitioner to sufficiently show that the CA committed any reversible error in rendering its assailed issuances.

Under Sections 2³ and 3,⁴ Rule 45 of the Rules of Court, full payment of the docket and other lawful fees and the deposit for costs is required before the expiration of the reglementary period to file the petition for review on *certiorari*, and failure to do so renders the petition dismissible, pursuant to Section 5 (c),⁵ Rule 56 of the Rules. In this case, the Court notes that the petition attached *stale*⁶ postal money orders. The Court has consistently held that the payment of docket fees within the prescribed period is jurisdictional

¹ Rollo, pp. 5-16.

² Id. at 22-24, 19-20. Penned by Associate Justice Lily V. Biton with Associate Justices Oscar V. Badelles and Richard D. Mordeno, concurring.

³ Section 2. *Time for filing; extension*. — The petition shall be filed within fifteen (15) days from notice of the judgment or final order or resolution appealed from, or of the denial of the petitioner's motion for new trial or reconsideration filed in due time after notice of the judgment. On motion duly filed and served, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Supreme Court may for justifiable reasons grant an extension of thirty (30) days only within which to file the petition.

⁴ Section 3. *Docket and other lawful fees; proof of service of petition*. — Unless he has theretofore done so, the petitioner shall pay the corresponding docket and other lawful fees to the clerk of court of the Supreme Court and deposit the amount of P500.00 for costs at the time of the filing of the petition. Proof of service of a copy thereof on the lower court concerned and on the adverse party shall be submitted together with the petition.

⁵ Section 5. *Grounds for dismissal of appeal*. — The appeal may be dismissed *motu proprio* or on motion of the respondent on the following grounds:

x x x x

⁶ (c) Failure to pay the requisite docket fee and other lawful fees or to make a deposit for costs.

Rollo, p. 2.

and necessary for the perfection of an appeal, and non-compliance therewith, shall constitute sufficient ground for the dismissal of the petition.⁷

In any event, the Court sees no error on the part of the CA when it dismissed the appeal on account of a similar infraction – the petitioner failed to comply with the CA’s directive to pay for the Sheriff’s Trust Fund. The CA issued such order to pay on July 17, 2019, and was noted to have been duly received by petitioner through his counsel. However, after the lapse of more than a year, the petitioner still had not complied with the said directive;⁸ this clearly merits the dismissal of the appeal inasmuch as already mentioned, the payment of docket and other fees is jurisdictional. The CA was also correct when it issued its resolution dated January 7, 2021, the petitioner’s motion for reconsideration having been filed out of time, the August 25, 2020 resolution became final and executory and the corresponding entry of judgment rightly issued.

On account of these procedural lapses committed by the petitioner, it bears to stress that procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. It is important in insuring the effective enforcement of substantive rights through the orderly and speedy administration of justice.⁹ As such, failure to comply with such rules cannot simply be brushed aside particularly when as in the case at bar, the petitioner failed to proffer valid reasons or reasonable cause justifying his non-compliance.¹⁰

The assailed Resolutions having attained finality, there is no more reason to delve into the substantial issues of the case as raised in the instant petition.

WHEREFORE, the instant petition for review on *certiorari* is hereby **DENIED**. Accordingly, the Resolutions dated August 25, 2020 and January 7, 2021 of the Court of Appeals Mindanao Station in CA-G.R. CV No. 05364-MIN are hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
sbajj

⁷ See *Fil-Estate Properties, Inc. v. Homena-Valencia*, 562 Phil. 246, 253 (2007).

⁸ *Rollo*, pp. 22-23.

⁹ *Santos v. Court of Appeals, et al.*, 275 Phil. 894, 898 (1991).

¹⁰ *Building Care Corp./Leopard Security & Investigation Agency, et al. v. Macaraeg*, 700 Phil. 749, 755 (2012).

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 17, 9000 Cagayan de Oro City
(Civil Case No. CV-ORD-2017-413)

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