

THIRD DIVISION

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

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. UNITE, RESPONDENTS.

D E C I S I O N

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 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