



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **26 August 2020** which reads as follows:*

“**G.R. No. 251975** (*Enrico S. Eulogio v. Alex Garcia and Emmanuel Joseph Garcia*). – After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Resolutions dated 22 November 2019 and 19 February 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 44166 for failure of Enrico S. Eulogio (petitioner) to show that the CA committed any reversible error in dismissing his petition for review.

At the outset, it is a settled rule that the right to appeal is not a natural right and is not part of due process, but merely a statutory privilege to be exercised only in accordance with the law. Being the party who sought to appeal, the petitioner must comply with the requirements of the relevant rules; otherwise, he would lose the statutory right to appeal. It cannot be overemphasized, indeed, that the procedures regulating appeals as laid down in the Rules of Court must be followed because strict compliance with them is indispensable for the orderly and speedy disposition of justice.¹

Under Section 2, Rule 42 of the Rules of Court, a petition for review shall be accompanied by, among others, copies of the pleadings and other material portions of the record as would support the allegations of the petition. Section 3 of the same rule states that failure of the petitioner to comply with any of the requirements regarding the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.²

The phrase “*of the pleadings and other material portions of the record*” in Section 2 (d), Rule 42 is followed by the phrase “*as would support the allegations of the petition*” clearly contemplates the exercise of discretion on the part of the petitioner in the selection of documents that are

¹ *Magsino v. De Ocampo*, 741 Phil. 394, 401 (2014).

² *Maravilla v. Rios*, 767 Phil. 368, 376 (2015).

deemed to be relevant to the petition.”³ Nonetheless, while it may be said that it is the petitioner who knows best what pleadings or material portions of the record of the case would support the allegations in the petition, the petitioner's discretion in choosing the documents to be attached to the petition is not unbridled. The Court has the duty to check the exercise of this discretion, to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable the Court to determine at the earliest possible time the existence of *prima facie* merit in the petition.⁴

In *Galvez v. CA*,⁵ the Court laid down the guideposts for the CA to consider in determining the necessity of attaching the pleadings and portions of the records to petitions under Rules 42 and 65 of the Rules of Court, viz –

First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a *prima facie* case of grave abuse of discretion as to convince the court to give due course to the petition.

Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also be found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.

Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.

The guideposts, which equally apply to a petition for review filed in the CA under Rule 42, reflect that the significant determinant of the sufficiency of the attached documents is whether the accompanying documents support the allegations of the petition.⁶

In this case, as noted by the CA, what petitioner attached to the petition were only the copies of the assailed Regional Trial Court (RTC) Decision and the Metropolitan Trial Court (MeTC) Judgment. Petitioner did not attach material portions of the record which would support the allegations of his petition, such as but not limited to the following: (1) Acknowledgment with Undertaking; (2) Acknowledgment Receipt signed by

³ *Atillo v. Bombay*, 404 Phil. 179, 188 (2001).

⁴ *Magsino v. De Ocampo*, supra note 1, at 408.

⁵ 708 Phil. 9 (2013).

⁶ Id. at 20-21. (Emphasis supplied, citations omitted)

Jaime Jesus Garcia; (3) Maybank Checks Nos. 0006688214 and 0006688236; (4) demand letter sent to respondent Alex Garcia; (5) demand letter sent to respondent Emmanuel Joseph Garcia; (6) petitioner's Judicial Affidavit; (7) Judicial Affidavit (Reply); (8) acknowledgment receipt; (9) Site Development Plan and Transfer Certificate of Title Nos. N-314747 and 314751; (10) Judicial Affidavits of respondents Alex Garcia and Emmanuel Joseph Garcia; (11) complete stenographic notes; (12) Memorandum on Appeal filed by respondents; and (13) Memorandum filed by petitioner.

As aptly expounded by the CA, the annexes mentioned in Section 2(d) of Rule 42 are required to be appended to the petition in order to enable the appellate court to determine even without consulting the record if the petition is patently without merit or the issues raised therein are too unsubstantial to require consideration, in which case the petition should be dismissed outright, or whether there is a need to require the respondent to comment on the petition. Indeed, the fundamental purpose of the rule requiring the attachment of pertinent records submitted in every appeal or petition is to enable the appellate courts to judiciously and expeditiously resolve all controversies elevated to their jurisdiction.

It is worthy to note that as alleged by petitioner, he filed the petition for review before the CA to assail the RTC Decision because he believed that the RTC erred in rendering the same for being contrary to the facts and evidence submitted during the trial. Thus, having raised issues which would delve into the facts of the case *vis-a-vis* the evidence presented by the parties, it was imperative on the part of petitioner to attach to his petition not only the assailed Decision of the RTC and the Judgment of the MeTC, but also the material portions of the record, as these would necessarily support the allegations of his petition. Verily, petitioner having failed to comply with the requirements of Section 2 (d) of Rule 42, the CA had no factual basis upon which it could actually and completely dispose of the case.

It must be emphasized that, pursuant to the third guidepost recognized in *Galvez*, petitioner could still have revived the dismissed petition by submitting the omitted documents at the time he filed his motion for reconsideration. Nevertheless, while admitting his mistake in failing to attach to the petition the documents specified by the CA, petitioner remained obstinate in his stand not to submit the additional pleadings and other material portions of the record and instead, maintained that such mistake may be excused and that the petition should have been resolved by the CA on the merits in the interest of substantial justice.

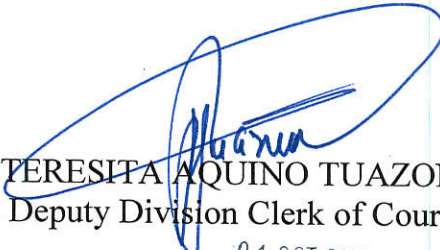
Petitioner ought to be reminded that the bare invocation of "the interest of substantial justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice 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.⁷

In this case, the absence of supporting documents coupled with the unjustified refusal of petitioner to even attempt to substantially comply with the attachment requirement warranted the dismissal of his petition.

SO ORDERED.” (*Baltazar-Padilla, J., on official leave.*)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 01 OCT 2020

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HON. PRESIDING JUDGE (reg)
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 Quezon City
 (Crim. Case No. M-QZN-14-03376-CR-R00-00)

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⁷ *Magsino v. De Ocampo*, supra note 1, at 410, citing *Spouses Bergonia v. Court of Appeals*, 680 Phil. 334 (2012).