

## THIRD DIVISION

[ G.R. No. 172829, July 18, 2012 ]

**ROSA H. FENEQUITO, CORAZON E. HERNANDEZ, AND LAURO H. RODRIGUEZ, PETITIONERS, VS. BERNARDO VERGARA, JR., RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

Assailed in the present petition for review on *certiorari* under Rule 45 of the Rules of Court are the Resolutions<sup>[1]</sup> dated March 9, 2006 and May 22, 2006 of the Court of Appeals (CA) in CA-G.R. CR No. 29648. The CA Resolution of March 9, 2006 dismissed petitioners' petition for review, while the CA Resolution dated May 22, 2006 denied petitioners' Motion for Reconsideration.

The present petition arose from a criminal complaint for falsification of public documents filed by herein respondent against herein petitioners with the Office of the City Prosecutor of Manila.

On February 11, 2004, an Information for falsification of public documents was filed with the Metropolitan Trial Court (MeTC) of Manila by the Assistant City Prosecutor of Manila against herein petitioners.<sup>[2]</sup>

On April 23, 2004, herein petitioners filed a Motion to Dismiss the Case Based on Absence of Probable Cause.<sup>[3]</sup>

After respondent's Comment/Opposition<sup>[4]</sup> was filed, the MeTC issued an Order<sup>[5]</sup> dated July 9, 2004 dismissing the case on the ground of lack of probable cause.

Aggrieved, respondent, with the express conformity of the public prosecutor, appealed the case to the Regional Trial Court (RTC) of Manila.<sup>[6]</sup>

On July 21, 2005, the RTC rendered judgment setting aside the July 9, 2004 Order of the MeTC and directing the said court to proceed to trial.<sup>[7]</sup>

Petitioners then elevated the case to the CA *via* a petition for review.

On March 9, 2006, the CA rendered its presently assailed Resolution<sup>[8]</sup> dismissing the petition. The CA ruled that the Decision of the RTC is interlocutory in nature and, thus, is not appealable.

Petitioners filed a Motion for Reconsideration, but the CA denied it in its Resolution<sup>[9]</sup> dated May 22, 2006.

Hence, the instant petition based on the following grounds:

The Honorable Court of Appeals erred in outrightly dismissing the Petition for Review on the ground that the remedy availed of by petitioners is improper.

Strict enforcement of the Rules may be suspended whenever the purposes of justice so require.<sup>[10]</sup>

In their first assigned error, petitioners contend that the Decision of the RTC is final as it disposes with finality the issue of whether the MeTC erred in granting their Motion to Dismiss.

The Court does not agree.

The Court notes at the outset that one of the grounds relied upon by the CA in dismissing petitioners' petition for review is the latter's failure to submit copies of pleadings and documents relevant and pertinent to the petition filed, as required under Section 2,<sup>[11]</sup> Rule 42 of the Rules of Court. While petitioners filed a Motion for Reconsideration, they, however, failed to comply with these requirements. Worse, they did not even mention anything about it in the said Motion. Section 3, Rule 42 of the same Rules provides:

*Sec. 3. 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.

Moreover, it is a settled rule that the right to appeal is neither a natural right nor a part of due process; it is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law.<sup>[12]</sup> An appeal being a purely statutory right, an appealing party must strictly comply with the requisites laid down in the Rules of Court.<sup>[13]</sup> Deviations from the Rules cannot be tolerated.<sup>[14]</sup> The rationale for this strict attitude is not difficult to appreciate as the Rules are designed to facilitate the orderly disposition of appealed cases.<sup>[15]</sup> In an age where courts are bedeviled by clogged dockets, the Rules need to be followed by appellants with greater fidelity.<sup>[16]</sup> Their observance cannot be left to the whims and caprices of appellants.<sup>[17]</sup> In the instant case, petitioners had all the opportunity to comply with the Rules. Nonetheless, they remained obstinate in their nonobservance even when they sought reconsideration of the ruling of the CA dismissing their petition. Such obstinacy is incongruous with their late plea for liberality in construing the Rules.

On the above basis alone, the Court finds that the instant petition is dismissible.

Even if the Court bends its Rules to allow the present petition, the Court still finds no cogent reason to depart from the assailed ruling of the CA.

The factual and legal situations in the present case are essentially on all fours with those involved in *Basa v. People*.<sup>[18]</sup> In the said case, the accused were charged with swindling and falsification of public documents. Subsequently, the accused filed a Joint Motion to Quash on the ground that the facts charged in each Information do not constitute an offense. Thereafter, the MeTC issued an order in favor of the accused and, accordingly, quashed the Informations. The private complainant, with the conformity of the public prosecutor, filed a motion for reconsideration but the MeTC denied it. On appeal, the RTC reversed the order of the MeTC and directed the continuation of the proceedings. The accused then filed a petition for review with the CA. In its assailed decision, the CA dismissed the petition on the ground that the remedy of appeal from the RTC decision is improper, because the said decision is actually interlocutory in nature.

In affirming the ruling of the CA, this Court held that:

Petitioners erroneously assumed that the RTC Decision is final and appealable, when in fact it is interlocutory. Thus, they filed a petition for review with the Court of Appeals under Section 3 (b), Rule 122 of the Revised Rules of Criminal Procedure, which provides:

x x x x

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

x x x x

Section 1, Rule 42 of the 1997 Rules of Civil Procedure, as amended, states:

*Sec. 1. How appeal taken; time for filing.* – A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction, may file a verified petition for review with the Court of Appeals, x x x.

The above provisions contemplate of an appeal from a **final** decision or order of the RTC in the exercise of its appellate jurisdiction.

Thus, the remedy of appeal under Rule 42 resorted to by petitioners is improper. To repeat, **the RTC Decision is not final, but interlocutory in nature.**

A **final** order is one that which disposes of the whole subject matter or terminates a particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined. Upon the other hand, an order is **interlocutory** if it does not dispose of a case completely, but leaves something more to be done upon its merits.