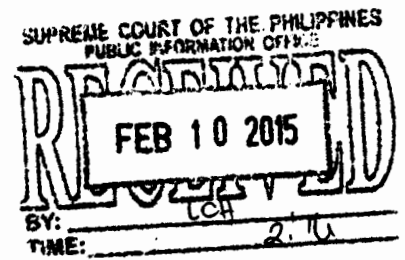




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 21, 2015** which reads as follows:*

**“G.R. No. 194788 (Izra Marie Lantion, Federico Lagazo and Vilma Lagazo, Blesilda Tenorio, et al. v. One Realty Corporation). -** After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the November 18, 2009 and November 10, 2010 Resolutions<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 02933-MIN for failure of Izra Marie Lantion, Federico Lagazo and Vilma Lagazo, Blesilda Tenorio, et al. (petitioners) to sufficiently show that the CA committed any reversible error in dismissing their petition for review.

As correctly ruled by the CA, the petition failed to show exceptionally meritorious or compelling reasons to warrant the grant of an extension of time for filing the petition for review beyond the 15-day period under Section 4, Rule 43 of the Rules of Court. Petitioners’ counsel may not assume that his request for a thirty-day extension would be granted because such longer period is not the rule, but only given in exceptional cases.<sup>2</sup> The reason he proffered, *i.e.*, “the required documents which are to be certified and attached to the said petition are not complete as yet, thus,

- over – three (3) pages .....

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<sup>1</sup> Rollo, pp. 53-65 and 68-71, respectively. Penned by Associate Justice Edgardo A. Camello with Associate Justices Edgardo T. Lloren and Leoncia R. Dimagiba, concurring.

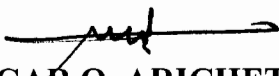
<sup>2</sup> *Comm. of Internal Revenue v. CA*, 404 Phil. 261, 269 (2001).

additional time is sought to serve such purpose”<sup>3</sup> is not an exceptionally meritorious or compelling reason<sup>4</sup> to allow petitioners an additional fifteen (15) days to file the petition. Moreover, petitioners’ failure to comply with the requirements as to the contents and the documents which should accompany the petition are sufficient grounds for dismissal thereof.<sup>5</sup>

It bears emphasizing that the procedural requirements of the rules on appeal are not harmless and trivial technicalities that litigants can just disregard at will.<sup>6</sup> The right to appeal is neither a natural right nor a part of due process, but merely a statutory privilege which may be exercised only in the manner and in accordance with the provisions of the law, failing in which, the right to appeal is lost.<sup>7</sup> Consequently, failure to perfect an appeal in the prescribed manner has the effect of rendering the appealed judgment final and executory,<sup>8</sup> and beyond the Court’s appellate review, as in this case.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court, <sup>in y27</sup>  
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(CA-G.R. SP No. 02933-MIN)

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Respondent  
29<sup>th</sup> Flr., The World Center  
330 Sen. G. Puyat Ave.  
1200 Makati City

- over -

<sup>3</sup> Rollo, p. 156.

<sup>4</sup> See *PAGCOR v. Angara*, 511 Phil. 486, 497 (2005).

<sup>5</sup> Section 7, Rule 43 of the Rules of Court reads:

*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.** (Emphasis supplied)

<sup>6</sup> *J. Tiosejo Investment Corp. v. Ang*, G.R. No. 174149, September 8, 2010, 630 SCRA 334, 343; citation omitted.

<sup>7</sup> *Gonzalo Puyat & Sons, Inc. v. Alcaide*, G.R. No. 167952, February 1, 2012, 664 SCRA 600, 607; citation omitted.

<sup>8</sup> *Supra* note 6 at 344; citation omitted.

Securities and Exchange Commission  
SEC Bldg., EDSA  
Greenhills 1550 Mandaluyong City  
(SEC Case No. 12-08-250)

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