

CAROLINA B. VILLENA v. ROMEO Z. RUPISAN, et al.
G.R. No. 167620, 04 April 2007, Chico-Nazario, J. (Third Division)



The payment of docket fees within the prescribed period is mandatory for the perfection of an appeal. This so because a court acquires jurisdiction over the subject matter of the action only upon the payment of the correct amount of docket fees regardless of the actual date of filing of the case in court. However, there are exceptions to the stringent requirement.

Respondents Romeo and Rodolfo Rupisan were among the five children of Nicomedes Rupisan by his first marriage. Upon the death of the latter's wife, he married Maria Rosario de Castro. The couple did not have any children. During the marriage of Nicomedes and Maria Rosario, they acquired several properties and because of the absence of descendant, they executed an Agreement on Separation of Conjugal Properties, in which, they divided between themselves the properties they had acquired.

When Nicomedes died intestate, Maria Rosario adjudicated to herself alone all the properties, including that pertaining to the deceased. When Maria died, she allegedly left behind a holographic will wherein she devised the properties to her niece Carolina Villena.

Romeo and Rodolfo Rupisan filed a petition for the partition, annulment of title/documents and /or recovery of possession/ownership and damages. On the other hand, Villena filed a petition for the probate of the will of Maria Rosario in her capacity as devisee of the deceased. The cases were filed in the same trial court and were consolidated.

The trial court allowed and granted the probate of the holographic will, and dismissed the petition of the Rupisans for lack of merit. The Rupisans received the trial court's decision on 02 October 2002. Three days after or on 05 October, they filed a Notice of Appeal. Counted from the receipt of the adverse decision (02 October), the Rupisans have up to 17 October within which to perfect the appeal, that is, by timely filing of the Notice of Appeal with the payment of the full amount of the appellate court docket and other lawful fees. The payment, however, was made only on 23 October 2002, six days after the lapse of the prescribed period for perfecting an appeal. As a result, the trial court denied the Rupisans' appeal due to late payment of appellate docket fees. The trial court also declared that since no Notice of Appeal has effectively been filed, its decision has become final and executory. Thus, the Rupisans filed a petition for *certiorari* with the Court of Appeals. The reason advanced by the Rupisans for the delayed payment is poverty and ignorance of legal procedures. Adopting a liberal interpretation of the rules, the CA found the delay of the Rupisans to pay excusable as they demonstrated their willingness to pay the docket fees. Hence, this petition.

ISSUE:

Whether or not the late payment of the docket fees preclude the appellate court from acquiring jurisdiction over the subject matter of the case

HELD:

Petition DENIED.

The payment of docket fees within the prescribed period is mandatory for the perfection of an appeal. This so because a court acquires jurisdiction over the subject matter of the action only upon the payment of the correct amount of docket fees regardless of the actual date of filing of the case in court. The Court in several cases has denied plea for judicial leniency of this rule. The Court, through then Chief Justice Artemio Panganiban, though not persuaded in the invocation of "the interest of substantial justice" in asking for leniency of the application of technical rules, recognized that there are exceptions to the stringent requirements of the law on payment of the docket fees. The rules of procedure in matter of paying the docket fees must be followed.

However, there are exceptions to the stringent requirement as to call for a relaxation of the application of the rules, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate

with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judges guided by all the attendant circumstances. Concomitant to a liberal interpretation of the rules of procedure should be an effort on the part of the party invoking liberality to adequately explain his failure to abide by the rules. Anyone seeking exemption from the application of the Rules has the burden of proving that exceptionally meritorious instances exist which warrant such departure.

In the case at bar, the Rupisans were delayed in the payment of docket fees for six (6) days only. The reason advanced by them was because of poverty. Evidently, in the cases where the Supreme Court disallowed the late payment of docket fees, the tardiness was for a significant period of time. Guided by the foregoing jurisprudential pronouncements, it will be extremely harsh for the Court to take a lackadaisical attitude towards the cause of the Rupisans.