Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ROBERTO LICUP *y* VILLALON,
Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES, represented by the HON. OFFICE OF THE SOLICITOR GENERAL and the HON. COURT OF APPEALS FORMER ELEVENTH DIVISION, MANILA,
Respondents.

G.R. No. 268658

Present:

CAGUIOA, *J.*, *Chairperson*,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

Promulgated:

FEB 26 2026

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RESOLUTION

SINGH, *J.*:

Before this Court is a Petition for *Certiorari* under Rule 65 of the Rules of Court assailing the Court of Appeals' (**CA**) Resolutions, dated May 26, 2022[1] and May 30, 2023,[2] respectively, in CA-G.R. CR-HC No. 14595. Petitioner Roberto Licup *y* Villalon (**Licup**) asserts that the CA committed grave abuse of discretion when it dismissed his Appeal due to Licup's failure to file his Appellant's Brief within the reglementary period.

The Facts

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1 *Rollo*, p. 20. Penned by Acting Division Clerk of Court Donna April C. Montefalcon, for Associate Justices Myra V. Garcia-Fernandez, Louise P. Acosta, and Jaime Fortunato A. Caringal of the Eleventh Division, Court of Appeals, Manila.

2 *Id.* at 21–25. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Louis P. Acosta and Jaime Fortunato A. Caringal of the Former Eleventh Division, Court of Appeals, Manila.

On November 11, 2019, Licup was convicted for Violation of Sections 5 and 11 of Republic Act No. 9165 or the Dangerous Drugs Act by the Regional Trial Court, Angeles City (**RTC**).[3] On November 21, 2019, he filed his Notice of Appeal. On January 7, 2022, Licup received through counsel a Notice to File Brief. He filed his Appellant's Brief and transmitted copies to the Office of the Solicitor General (**OSG**) through LBC courier on January 13, 2022.[4]

On February 7, 2022, the OSG filed its Motion to Suspend Period to file Appellee's Brief since Licup failed to attach a copy of the RTC Decision.[5] On April 8, 2022, Licup filed his Manifestation and Compliance, dated March 10, 2022.[6] On May 26, 2022, the CA issued its assailed Resolution (**2022 Resolution**) determining that Licup had abandoned his appeal due to failure to file his Appellant's Brief:

> 1. The JRD Report[,] dated May 16, 2022[,] and CMIS Verification Report[,] dated May 16, 2022[,] both stating that accused-appellant did not file an Appellant's Brief to this Court is NOTED.
>
> 2. No Appellant's Brief having been filed within the reglementary period, the Court RESOLVED to:
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> CONSIDER the appeal abandoned and accordingly DISMISS the [] appeal pursuant to [Rule 124, Section 8,] Revised Rules on Criminal Procedure.[7]

Licup then filed his Motion for Reconsideration with Motion to Admit Attached Appellant's Brief, dated June 13, 2022.[8] He admitted that he checked the LBC Track and Trace portal only after he received the CA's 2022 Resolution, and it was only then that he discovered that the mail was "disposed [of] because LBC had attempted to deliver the same on several occasions but the office was closed and subsequent deliveries likewise failed."[9] He also raised that the filing through an accredited courier was an acceptable mode of filing under Rule 13, Section 3 of A.M. No. 19-10-20-SC or the "2019 Amendments to the 1997 Rules of Civil Procedure." He thus argued that the filing should be considered as sufficient compliance in the interest of substantial justice.[10]

The CA denied Licup's Motion for Reconsideration.

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3 *Id.* at 67–81.
4 *Id.* at 10–11.
5 *Id.* at 117.
6 *Id.* at 120.
7 *Id.* at 20.
8 *Id.* at 26.
9 *Id.* at 27.
10 *Id.* at 28.

The record shows that the CA issued a Notice to Licup on October 18, 2021 to file his Appellant's Brief within 30 days from receipt of notice. The Notice was received on January 7, 2022; thus, Licup had until February 18, 2022 to file his brief. [11]

The CA found that since LBC was not yet an accredited courier at the time of the alleged mailing on January 13, 2022, the pleading is deemed filed on the date of actual receipt, even if it was posted much earlier. Thus, the appeal was correctly denied following the principle that appeal is not a natural right but a statutory privilege.[12]

The CA also rejected Licup's argument that he had no other choice but to file by LBC. He was given 30 days to file his Appellant's Brief, which is ample opportunity to ensure that his brief was received, or to utilize other couriers, such as the Post Office. Further, the Supreme Court announced on January 12, 2022, that the courts in the National Capital Region would be physically closed from January 13 to 31, 2022, and all deadlines within that period were extended to February 1, 2022. This information was readily available to the public. Therefore, Licup is bound by his own and his counsel's lack of vigilance.[13]

Hence, the present Petition before the Court.

Licup argues that the CA committed grave abuse of discretion when it denied the Motion to Admit his Appellant's Brief considering that the failure to file was not due to his fault. He claims he had no reason to suspect that the Appellant's Brief was not delivered considering that the OSG's copy was duly received and that he continued to receive notices and resolutions from the CA. Neither did LBC call his counsel's law firm to report the failure to deliver. Therefore, even though LBC was not an accredited courier, Licup cannot be faulted for the failure to file on time. Further, as soon as Licup learned that his Appellant's Brief was not delivered, he immediately filed his Motion for Reconsideration with Motion to Admit attached Appellant's Brief.[14] Licup thus asserts that the CA committed grave abuse in denying his Motion for Reconsideration despite presenting a justifiable explanation for the lapse in procedure. He thus prays that the Court remand the case to the CA and allow the admission of the Appellant's Brief in the interest of substantial justice.[15]

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11 *Id.* at 21–22.
12 *Id.* at 23–24.
13 *Id.* at 25.
14 *Id.* at 13–14.
15 *Id.* at 15–16.

The Issue

Did the CA commit grave abuse of discretion in denying Licup's Motion for Reconsideration with Motion to Admit attached Appellant's Brief?

The Ruling of the Court

The Petition is granted.

Preliminarily, it is correct that the filing of pleadings via a private courier who is not yet accredited would be considered similar to filing via ordinary mail. Hence, the date of actual receipt is deemed the date of filing, even if the pleading was posted much earlier.[16] It is also true that the failure of the appellant to file the required brief may be a ground for dismissal of the appeal under Rule 124, Section 8 of the Rules of Criminal Procedure.

However, the Court has also repeatedly held that procedural rules may be relaxed in the interest of substantial justice. In *CMTC International Marketing Corp. v. Bhagis International Trading Corp.*,[17] the Court ruled that the CA has discretion to dismiss or not to dismiss appellant's appeal, even if he fails to file his appellant's brief.[18] In *CMTC*, the Court found that it was apparent that there was a strong desire to file an appellant's brief and that the appellant therein had no participatory negligence in the dismissal of his appeal. The case was therefore remanded to the CA for further proceedings to provide him ample opportunity for the just determination of his cause.[19]

In 2008, the Court synthesized the guidelines and rules regarding dismissal due to failure to file appellant's brief in its Decision in *Government of the Kingdom of Belgium v. Court of Appeals*:[20]

> (1) The general rule is for the Court of Appeals to dismiss an appeal when no appellant's brief is filed within the reglementary period prescribed by the rules;
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> (2) The power conferred upon the Court of Appeals to dismiss an appeal is discretionary and directory and not ministerial or mandatory;
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> (3) *The failure of an appellant to file his brief within the reglementary period does not have the effect of causing the* ***automatic*** *dismissal of the appeal;*

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16 *Barroso v. Commission on Audit*, 900 Phil. 604, 610 (2021) [Per J. Lazaro-Javier, *En Banc*].
17 700 Phil. 575 (2012) [Per J. Peralta, Third Division].
18 *Id.* at 582.
19 *Id.* at 583.
20 574 Phil. 380 (2008) [Per J. Chico-Nazario, Third Division].

(4) *In case of late filing, the appellate court has the power to still allow the appeal*; however, for the proper exercise of the court's leniency it is imperative that:

(a) the circumstances obtaining warrant the court's liberality;

(b) that strong considerations of equity justify an exception to the procedural rule in the interest of substantial justice;

(c) no material injury has been suffered by the appellee by the delay;

(d) there is no contention that the appellees' cause was prejudiced;

(e) at least there is no motion to dismiss filed.

(5) In case of delay, the lapse must be for a reasonable period; and

(6) Inadvertence of counsel cannot be considered as an adequate excuse as to call for the appellate court's indulgence except:

(a) where the reckless or gross negligence of counsel deprives the client of due process of law;

(b) when application of the rule will result in outright deprivation of the client's liberty or property; or

(c) where the interests of justice so require.[21] (Emphasis supplied)

These guidelines were reiterated in the 2022 Decision in *Nolasco v. Purence Reality Corporation*,[22] which concluded that:

> Consequently, the appellate court has the power to allow the appeal notwithstanding the delay in the filing of the appellant's brief. If such delay was due to the inadvertence of the appellant's counsel, any of the following circumstances must be shown to exist to warrant the appellate court's liberality: (a) the recklessness or gross negligence of the counsel deprives the client due process of law; (b) the application of the rule will result in outright deprivation of property; or (c) the interests of justice so require. The second and third exceptions obtain in this case.[23]

The Court finds, therefore, that the CA gravely erred in outrightly dismissing Licup's appeal purely because of his failure to file his Appellant's Brief. It is undeniable that the dismissal of the appeal will result in the permanent deprivation of Licup's liberty. Moreover, the facts show that the OSG was not prejudiced by the delay, considering that it not only received a copy of the Appellant's Brief, but also filed a Motion to Suspend Period to

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21 *Id.* at 397–398.
22 931 Phil. 205 (2022) [Per J. Gaerlan, Third Division].
23 *Id.* at 213.

file Appellee's Brief. Evidently, the OSG was apprised of Licup's arguments and afforded additional time to respond.

The Court also considers that the Appellant's Brief was filed in the midst of the COVID-19 Pandemic, when the courts and the post offices were forced to close for extended periods of time. These unique circumstances add to the extraordinary nature of Licup's case.

In light of the foregoing and in accordance with the above jurisprudence, the Court finds that the interest of substantial justice justify the admission of the belated Appellant's Brief. Hence, the CA gravely abused its discretion in outrightly dismissing the appeal purely because of the procedural lapses. It is well-settled that grave abuse of discretion arises when a court acts in a capricious, whimsical, arbitrary, or despotic manner, amounting to an evasion of a positive duty or a virtual refusal to perform a legal obligation, and thereby equating to a lack or excess of jurisdiction.[24] It refers not merely to palpable errors of jurisdiction or to violations of the Constitution, but may also occur whenever there is a gross misapprehension of facts, as in the present case.[25]

Here, the CA utterly failed to consider the circumstances surrounding Licup's case and the grave consequences of its ruling. It must always be remembered, that in the hierarchy of rights, a person's right to life and liberty enjoys primacy.

ACCORDINGLY, the Petition for *Certiorari* is **GRANTED**. The Resolutions, dated May 26, 2022 and May 30, 2023, of the Court of Appeals in CA-G.R. CR-HC No. 14595 are **NULLIFIED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for further proceedings, to be prioritized and expedited considering that petitioner Roberto Licup *y* Villalon is a detainee.

SO ORDERED.

MARIA FILOMENA D. SINGH
Associate Justice

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[24] *United Coconut Planters Bank v. Looyuko*, 560 Phil. 581, 591–592 (2007) [Per J. Austria-Martinez, Third Division].

[25] *Arroyo v. Court of Appeals*, 851 Phil. 631, 651 (2019) [Per J. A. Reyes, Jr., Third Division].

WE CONCUR:

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice