



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on **September 4, 2019**

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice
HON. KARL B. MIRANDA.....Associate Justice
HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-15-CRM-0101 to 0102 PEOPLE vs. HENRY M. GELACIO, ET AL.

This resolves the *Notice of Appeal* filed by Henry M. Gelacio, assailing the Court's *Decision* dated April 29, 2019.

Records show that accused Gelacio filed his *Notice of Appeal* on July 19, 2019 through registered mail. The Court received the same on August 9, 2019. However, a careful review of the records reveal that the *Notice of Appeal* was not accompanied by any proof of payment of the necessary appellate docket fees and other lawful fees.

Payment of the appellate docket fees is a condition *sine qua non* for the perfection of an appeal. The case of *M.A. Santander Construction, Inc. v. Villanueva*, is instructive on the matter:

The mere filing of the Notice of Appeal is not enough, for it must be accompanied by the payment of the correct appellate docket fees. Payment in full of docket fees within the prescribed period is mandatory. It is an essential requirement without which the decision appealed from would become final and executory as if no appeal had been filed. Failure to perfect an appeal within the prescribed period is not a mere technicality but jurisdictional and failure to perfect an appeal renders the judgment final and executory. (Citations omitted)

In view of the foregoing, pursuant Section 13, Rule 41 of the Revised Rules of Civil Procedure,¹ the *Notice of Appeal* filed by accused Henry M. Gelacio is **DISALLOWED** and **DISMISSED**.²

¹ SEC. 13. *Dismissal of appeal.* - Prior to the transmittal of the original record or the record on appeal to the appellate court, the trial court may, motu proprio or on motion, dismiss the appeal for

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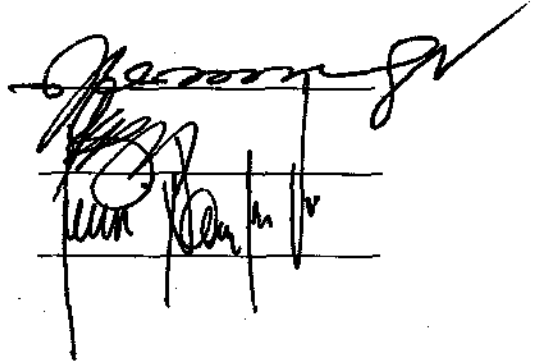
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.

VIVERO, J.

Handwritten signatures of the three individuals listed in the 'APPROVED' section, written over horizontal lines. The signatures are in black ink and appear to be cursive or semi-cursive.