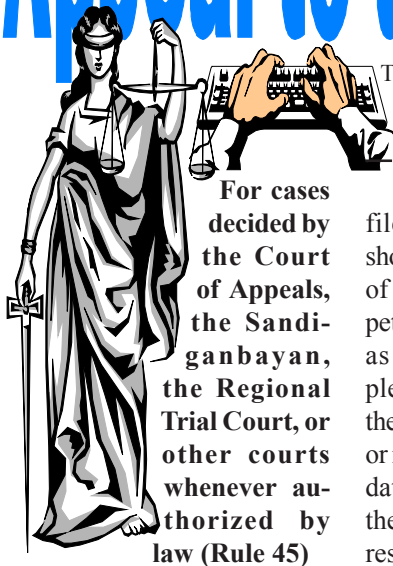


Appeal to the Supreme Court



The mode of appeal in Rule 45 is applicable to both civil and criminal cases, except in criminal cases where the penalty imposed is death, reclusion perpetua or life imprisonment (Section 9).

For cases decided by the Court of Appeals, the Sandiganbayan, the Regional Trial Court, or other courts whenever authorized by law (Rule 45)

1. Any party may file a verified petition for review on certiorari within fifteen days from notice of judgment or final order or resolution of a lower court. On motion duly filed and served, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Supreme Court may for justifiable reasons grant an extension of thirty days only within which to file the petition. The petition shall raise only questions of law which must be distinctly set forth. Copies of the petition are served on the lower court and on adverse parties.

2. The petition should be filed in eighteen copies and should include (a) the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or their judges either as petitioners or respondents; (b) the material dates showing when notice of the judgment or final order or resolution was received, when a motion for new trial or reconsideration, if any was filed, and when notice of the denial thereof was received; (c) a concise statement of the matters involved, and the reasons or arguments relied on; and (d) a certification against forum shopping.

3. Failure to comply with the requirements or to pay the docket and other lawful fees shall be sufficient ground for the dismissal of the appeal. The Supreme Court may on its own initiative deny the petition on grounds that the appeal is without merit, meant for delay, and that questions raised are too unsubstantial to require consideration. A review is not a

matter of right but of sound judicial discretion.

4. The Supreme Court may require the filing of such pleadings, briefs, memoranda or documents under appropriate conditions as it may deem necessary, and impose sanctions in case of non-filing, unauthorized filing of such pleadings, or non-compliance with the conditions.

5. The SC may require the elevation of the complete record of the case or specified parts within fifteen days from notice.

6. The Supreme Court may affirm, reverse or modify the judgment of the lower court.

An appeal for certiorari to the Supreme Court under Rule 45 is different from a petition for certiorari under Rule 65.

