

****Title:**** Marylou Cabrera vs. Felix Ng: A Legal Discourse on the Three-Day Notice Requirement and Procedural Due Process in Motions for Reconsideration

****Facts:****

On February 14, 2004, Felix Ng filed a complaint for a sum of money against Marylou Cabrera and her husband Marionilo Cabrera in the RTC, alleging that they issued dishonored checks. The Cabreras admitted to issuing two checks but claimed they had settled the amounts through Ng's son. They denied issuing the third check, alleging it was forcibly taken by Richard Ng.

The RTC ruled in favor of Ng on August 7, 2007, ordering the Cabreras to pay over Php 2.5 million, moral damages, attorney's fees, and litigation expenses. The Cabreras filed a motion for reconsideration on August 14, 2007, which was initially set for hearing on August 17. However, it was rescheduled twice, and finally heard on October 26, 2007. Ng contested the motion's validity, citing non-compliance with the three-day notice requirement. The RTC denied the motion on December 19, 2007, citing the same grounds.

Cabrera filed a petition for certiorari with the CA, asserting that the RTC erred in denying her motion due to a technicality and without considering the merits of her case. The CA upheld the RTC's decision on October 21, 2009, and denied Cabrera's subsequent motion for reconsideration.

****Issues:****

1. Whether the CA erred in affirming the RTC's denial of Cabrera's motion for reconsideration based on the three-day notice requirement.
2. Whether procedural due process was observed in the handling of the motion for reconsideration.

****Court's Decision:****

The Supreme Court granted the petition, reversing the CA's decision. It clarified that while the three-day notice requirement under Sections 4 and 5 of Rule 15 of the Rules of Court is generally mandatory, it is not absolute. The Court stated that the essence of due process is the opportunity to be heard. Given that Ng was able to file an opposition to the motion for reconsideration, and considering that the hearing of the motion was duly rescheduled twice, the Court found that the purpose of the three-day notice requirement had been achieved.

The decision emphasized that procedural rules should be liberally construed to promote justice and that a strict and rigid application that frustrates justice should be avoided.

Consequently, the case was remanded to the RTC for reconsideration of the Cabreras' motion on its merits.

****Doctrine:****

The three-day notice requirement is mandatory yet not absolute; substantial compliance suffices if the adverse party is not prejudiced, and the essence of due process—being afforded an opportunity to be heard—is met.

****Class Notes:****

1. ****Three-Day Notice Requirement:**** In accordance with Sections 4 and 5 of Rule 15 of the Rules of Court, every motion set for hearing must be served to ensure its receipt by the other party at least three days before the date of hearing.
2. ****Liberal Construction:**** The Rules of Court must be liberally construed to secure a just, speedy, and inexpensive disposition of every action and proceeding.
3. ****Substantial Compliance:**** Substantial compliance with procedural rules may be deemed sufficient if the objectives of due process are fulfilled, that is, if the parties are given the opportunity to argue their case.

****Historical Background:****

This case reflects the Philippine legal system's approach to procedural technicalities and the principle of substantial compliance. It underscores the courts' discretion in prioritizing substantive justice over procedural lapses, especially when such lapses do not infringe on the parties' rights to due process.