

****Title:**** Spouses Vicente and Leticia Afulugencia vs. Metropolitan Bank & Trust Co. and Emmanuel L. Ortega (Clerk of Court, Regional Trial Court and Ex-Officio Sheriff, Province of Bulacan)

****Facts:****

The core of this case involves the Spouses Vicente and Leticia Afulugencia (petitioners) embarking on a judicial quest to invalidate several documents concerning a mortgage, its subsequent foreclosure, auction sale, and the certificate of sale involving their property in Meycauayan, Bulacan, against the Metropolitan Bank & Trust Co. (Metrobank) and Emmanuel L. Ortega. The civil case was initiated at the Regional Trial Court (RTC) of Malolos City, Bulacan, and was designated as Civil Case No. 336-M-2004.

In the course of the proceedings, after the completion of pre-trial activities, the petitioners requested the court to issue a Subpoena Duces Tecum Ad Testificandum directed at Metrobank's officers, aiming to have these officers appear as their initial witnesses and produce pertinent documents related to the loan and the foreclosure process. Metrobank opposed this motion on the grounds of improper notice of hearing and the petitioners' failure to serve written interrogatories as mandated by Rule 25 of the Rules of Court.

The RTC sided with Metrobank, highlighting the procedural misstep pertaining to the notice of hearing and the necessity of serving written interrogatories before compelling adverse parties to testify. The petitioners' subsequent Motion for Reconsideration was denied, preserving the initial ruling.

Dissatisfied, the petitioners elevated the matter to the Court of Appeals (CA), arguing that the procedural requirements cited by the RTC were not applicable to their request for a subpoena. The CA, however, affirmed the RTC's decision, emphasizing the litigated nature of the motion for subpoena and the procedural necessity of serving written interrogatories to adverse parties beforehand.

****Issues:****

1. Whether the Court of Appeals erred in requiring notice and hearing for the motion for the subpoena of respondent bank's officers, considering such requirements ostensibly apply solely to depositions per Rule 25 of the Rules of Court.
2. Whether the petitioners were obliged to serve written interrogatories to Metrobank's officers before these individuals could be subpoenaed.

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

The Supreme Court denied the petition, upholding the CA and RTC's decisions. The Court clarified that despite the procedural oversight of lacking a proper notice of hearing being cured by Metrobank's opposition, it was improper for the petitioners to build their case predominantly through the testimony and documents produced by Metrobank's officials, tagging them as their initial and main witnesses. The Court emphasized that the procedural stipulation requiring the serving of written interrogatories to the adverse party before calling them to testify is meant to prevent fishing expeditions and ensure the orderly conduct of trials. It also holds that the calling party may not unduly burden the adverse party by compelling it to effectively aid in establishing the former's case, especially in the nascent stages of presenting evidence-in-chief.

****Doctrine:****

The Court reiterated the doctrine under Section 6, Rule 25 of the Rules of Court, which states that failure to serve written interrogatories disallows a party from compelling the adverse party to testify in court or through a deposition pending appeal, barring allowance by the court under circumstances of good cause shown to prevent a miscarriage of justice.

****Class Notes:****

- The procedural necessity of serving written interrogatories to the adverse party before they can be compelled to testify is central to fairness and orderly court procedures.
- The Rules of Court aim to guard against fishing expeditions by requiring certain procedural steps, such as proper notices of hearings for motions and the service of written interrogatories before adverse parties can be compelled to testify.
- A motion for the issuance of a subpoena duces tecum/ad testificandum is considered litigated when it requires the adverse party to testify and produce documents, necessitating adherence to specific procedural requirements including proper notice.

****Historical Background:****

The case delineates the balance courts strive to maintain between adherence to procedural requirements and the delivery of substantial justice. It also highlights the evolving jurisprudential standards on motions, especially those involving subpoenas in the context of producing evidence from adverse parties, integrating established doctrines with procedural fairness and equity.