

**\*\*Title:\*\***

Antonio Docena and Alfreda Docena vs. Hon. Ricardo P. Lapesura, et al.

**\*\*Facts:\*\***

The case originated from a Complaint for recovery of a parcel of land filed by Casiano Hombria against his lessees, Antonio and Alfreda Docena, on June 1, 1977. The Docenas asserted ownership based on their long-term occupation. Guillermo Abuda intervened. Initially, the trial court favored the Docenas and Abuda, but the Court of Appeals reversed this, ordering the Docenas to vacate, except for a portion they reclaimed, and to pay annual rent of P1.00 from the complaint's filing date. Hombria sought the decision's execution on May 22, 1995, leading to a series of legal maneuvers, including the grant, clarification, and implementation of a Writ of Demolition against the Docenas' occupancy. The Docenas contested these actions through various motions and a final petition to the Court of Appeals, which dismissed their plea on procedural grounds, leading to the current petition for review on certiorari before the Supreme Court.

**\*\*Issues:\*\***

1. Whether the Court of Appeals erred in dismissing the Petition for Certiorari and Prohibition on the basis of procedural lapses, namely the time of filing and the incomplete certification against forum shopping.
2. Proper interpretation and application of rules on the certification against forum shopping, especially in cases involving conjugal property and joint litigants.

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

The Supreme Court granted the petition, setting aside the Court of Appeals Resolutions and remanding the case back for further proceedings. The Court clarified that the Petition for Certiorari and Prohibition was timely filed based on the reckoning period from the denial of the motion for reconsideration, in accordance with procedural law as amenable to actions pending during its effectiveness. Furthermore, it established that a certification of non-forum shopping signed by one petitioner may suffice under certain conditions, notably when the signatory has a joint interest and is acting in representation of both parties, thus satisfying the requirement substantially under the considered circumstances of conjugal property.

**\*\*Doctrine:\*\***

This case reiterates the procedural law application concerning the timeliness of petitions under Rule 65 and clarifies the guidelines on the requirement for a certificate of non-forum

shopping, acknowledging substantial compliance in specific scenarios, especially involving conjugal properties and joint litigants (spouses). It highlights that procedural rules are meant to facilitate the orderly administration of justice, not to serve as a hindrance.

**\*\*Class Notes:\*\***

- **\*\*Timeliness of Filing\*\***: When calculating the period for filing a petition under Rule 65, the 60-day deadline commences from the receipt of the order denying the motion for reconsideration, with no allowance for extension beyond 15 days for compelling reasons.
- **\*\*Certification Against Forum Shopping\*\***: All plaintiffs or petitioners must typically sign. However, in cases concerning conjugal property where spouses have a joint interest, the signature of one can suffice, provided it represents a joint action and the property is directly related to both.
- **\*\*Substantial Compliance\*\***: The Court may consider a procedural requirement met through substantial compliance, particularly when strict adherence can unjustly prevent the review of potentially meritorious cases, especially in the context of conjugal properties and shared interests among litigants.
- **\*\*Rule Application\*\***: Procedural rules, including amendments, apply to actions pending at the time of their effectiveness without violating vested rights, as procedural laws do not bestow such rights.
- **\*\*Administration of Conjugal Property\*\***: Highlighting the differences in the administration of conjugal property under the New Civil Code and the Family Code, and how these affect legal representation and procedural requirements in litigation.

**\*\*Historical Background:\*\***

The case reflects the evolving interpretation and application of procedural rules by the Philippine Supreme Court, particularly regarding petitions for certiorari and the requirement for a certificate against forum shopping. It underscores the judiciary's balancing act between adhering to procedural formalities and ensuring equitable access to legal remedies, especially in disputes involving family assets and the joint interests of spouses. This decision is part of the broader legal discourse on procedural efficiency versus substantive justice in Philippine jurisprudence.