

Aurora B. Go vs. Elmer Sunbanun, et al.

657 Phil. 373

Facts

Chronology of Events

1. **November 2000:** Respondents filed a suit for damages against Aurora Go, her husband Yiu Wai Sang, and Yiu-Go Employment Agency in the Regional Trial Court (RTC) of Cebu, Branch 58 (Civil Case No. CEB-25778).
2. **Defendants' Arguments:** Aurora was the only one to file an Answer, asserting that they had vacated the premises in 2001 and used it as a private residence. She claimed she was not privy to the insurance contracts.
3. **October 28, 2002:** Aurora requested to have her testimony taken via deposition due to her job in Hong Kong, which was granted.
4. **December 1, 2003:** RTC deemed defendants waived their right to present evidence due to delays, and considered the case submitted for resolution.
5. **January 26, 2004:** RTC found Aurora liable and awarded moral damages, attorney's fees, litigation expenses, and costs against her.
6. **March 16, 2004:** Aurora's counsel, Atty. Jude Henritz Ycong, discovered the adverse decision after being notified by respondents' counsel.
7. **March 31, 2004:** Aurora's motion for reconsideration was filed and later denied on April 27, 2004.
8. **May 11, 2004:** Aurora's Notice of Appeal was filed post the denial of her motion for extension.

Procedural Posture

- **RTC Dismissal:** In its May 12, 2004 Order, RTC denied Aurora's notice of appeal, declaring it filed out of time.
- **Court of Appeals (CA) Dismissal:** Aurora petitioned for certiorari in the CA, which was dismissed on December 8, 2004, for procedural deficiencies. Her motion for reconsideration was also denied on April 8, 2005.
- **Petition for Review in Supreme Court:** Aurora seeks the Supreme Court's intervention to possibly relax the procedural rules and review CA's dismissal.

Issues

1. Whether the formal deficiencies in Aurora's petition before the CA (such as lack of signatures, failure to attach required documents, etc.) can be relaxed in the interest of justice.

2. Whether Aurora's late filing of the notice of appeal due to her campaign for local elections warrants lenient treatment.

Court's Decision

Issue 1: Relaxation of Formal Deficiencies

- **CA Findings:** Deficiencies included missing signatures of co-petitioners, lack of explanation for service by mail, failure to indicate PTR and IBP numbers, and incomplete document submission.

- **Supreme Court Ruling:** The Court held that Aurora's co-defendants were not necessary petitioners as they were not aggrieved parties in the appealed order. The failure to include PTR and IBP numbers and the usage of registered mail due to logistical reasons were deemed non-fatal. The essential documents for resolving the certiorari petition were the trial court's May 12 and June 10, 2004 orders, not the complaint and answer.

Issue 2: Notice of Appeal Timeliness

- **Supreme Court Analysis:** Aurora's reason for seeking an extension (being busy with election campaigns) did not qualify as a compelling exception for relaxation of rules on the period to perfect an appeal.

- **Neypes Doctrine Application:** The Court applied the "fresh period rule" from the Neypes case retroactively, which grants an additional 15 days to file an appeal following the denial of a motion for reconsideration. Hence, Aurora's notice of appeal filed on May 11, 2004, was within the permissible period.

Doctrine

The Court reiterated the "fresh period rule" from **Neypes v. Court of Appeals**, facilitating a uniform 15-day fresh period for filing an appeal following the denial of a motion for reconsideration. Additionally, procedural rules may be applied retroactively to pending cases.

Class Notes

1. **Fresh Period Rule (Neypes Doctrine):** Grants a new 15-day period to file an appeal after a motion for reconsideration is denied.
2. **Verification and Certification of Non-Forum Shopping:** Not fatal if the party aggrieved is the sole signatory, and the correct parties are identified.
3. **Mandatory vs. Directory Rules:** The Court acknowledges flexibility in procedural rules to prevent injustice where necessary.

- **Example:** Non-indication of PTR and IBP numbers do not necessarily invalidate a petition if dues were paid.
- 4. **Written Explanation for Non-Personal Service:** While generally mandatory, omissions might not be fatal if justified by distance or impracticality.
- **Example:** Service by mail from Cebu to Manila.

Historical Background

The case is set against the backdrop of strict procedural adherence in appeal processes in the Philippine judicial system. It emphasizes the judiciary's evolving stance on balancing rigorous procedural compliance against equitable justice, especially through the retroactive application of doctrinal developments like the Neypes ruling to accommodate fairness and due process.