

Title: Vicente Ouano (deceased), represented by Querina Arraz Ouano, Vicente Arraz Ouano, Jr., and Anna Loraine Ouano vs. Court of Appeals, Judge Rafael T. Mendoza, Fe Justiniana Espina-Cabrera, et al.

Facts:

1. **Initial Claim:**

- Vicente Ouano filed an action in the Court of First Instance (CFI) of Cebu, Branch VI, against his father, Arsenio Ouano, and his uncles and aunts. This case, Civil Case No. R-14254, was for the recovery of the paraphernal property of his late mother.

2. **Lower Court Decision:**

- The CFI dismissed Vicente's complaint after trial.

3. **Appeal Process and Pauper's Petition:**

- Vicente sought to appeal as a pauper, which the CFI granted, exempting him from certain costs but necessitating a record on appeal.

- Vicente failed to file the record on appeal within the required timeframe.

4. **Motion to Dismiss Appeal:**

- The private respondents (the father, uncles, and aunts) moved to dismiss Vicente's appeal due to the failure to file a record on appeal. The CFI granted this motion and disallowed the appeal.

5. **Certiorari and Mandamus in Appellate Court:**

- Vicente then filed for certiorari and mandamus in the Court of Appeals, arguing that as a pauper, he was not required to submit a separate record on appeal as per Section 16, Rule 41 of the Rules of Court.

- The Court of Appeals dismissed his petition and denied reconsideration.

6. **Appeal to the Supreme Court:**

- Vicente elevated the case to the Supreme Court through a petition for review on certiorari filed in forma pauperis. The First Division treated the petition as a special civil action, required simultaneous memoranda from both parties, and referred the case to the Court en banc, which then referred it back to the First Division.

7. **Death and Substitution:**

- Vicente passed away on May 17, 1980, and was substituted by his surviving spouse, Querina Arraz Ouano, and their minor children, who were subsequently appointed

guardians-ad-litem.

****Issues:****

1. ****Necessity of Record on Appeal for Paupers:****

- Whether a pauper litigant allowed by the lower court to appeal as a pauper is exempt from filing a record on appeal.

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

1. ****Interpretation of Sections and Precedents:****

- The Supreme Court interpreted Section 16 of Rule 41 together with Section 22, Rule 3 of the Rules of Court.

- Referencing the case of *Toribio vs. Bidin*, the Court clarified that a pauper litigant is exempt from submitting a *printed* record on appeal, not the record itself. Both pauper and non-pauper litigants need to file a record on appeal; for paupers, typewritten or mimeographed copies suffice.

2. ****Procedural Changes and Retroactivity:****

- The Court noted procedural changes under Section 39 of Batas Pambansa Blg. 129 and Section 18 of the Interim Rules and Guidelines, which eliminated the need for a record on appeal, transmitting instead the entire original record.

- These procedural changes, having retroactive effect, allowed the petitioners to appeal despite not filing a traditional record on appeal initially.

3. ****Outcome:****

- The Court set aside the decisions of the Appellate Court and directed the Regional Trial Court of Cebu to elevate the entire records of Civil Case No. R-14254 to the Intermediate Appellate Court for purposes of the appeal.

****Doctrine:****

- ****Pauper Litigant Provisions:****

- Paupers are only exempt from submitting a printed record on appeal, not a record on appeal itself. (*Toribio vs. Bidin*)

- Section 39 of B.P. Blg. 129 and Interim Rules eliminated the necessity of a record on appeal, making these procedural changes retroactively applicable.

****Class Notes:****

- ****Key Concepts:****

- ****Pauper Litigant:****

- Section 16, Rule 41: Exemption from printed record on appeal.
 - Section 22, Rule 3: Allows exemption from legal fees, and filing appeal bond, printed record, and printed brief.
 - **Procedural Changes:**
 - Section 39, B.P. Blg. 129: No record on appeal required; entire original records to be transmitted.
 - Section 18, Interim Rules: Elimination of record on appeal and appeal bond requirement.
 - **Application:**
 - Pauper litigants must still submit records on appeal but are allowed non-printed formats.
 - New procedural rules abolishing the requirement for records on appeal apply retroactively and universally simplify the appeal process.
- Historical Background:**
- **Context of Rule Amendments:**
 - The case highlights the evolution of procedural requirements in Philippine appellate practice, considering the special circumstances of pauper litigants.
 - The decision reflects judicial flexibility in interpreting procedural rules to ensure access to justice, aligning older rules with newer, more inclusive regulations (like B.P. Blg. 129 and Interim Rules).
 - This aligns with the judiciary's broader aim to streamline procedures and ensure fair treatment of economically disadvantaged parties in the legal system.