

**\*\*Title:\*\*** Nolasco v. Purence Realty Corporation

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

In February 2017, Purence Realty Corporation initiated an action for recovery of possession and quieting of title with damages against Joel G. Nolasco and Elizardo Francisco at the Regional Trial Court (RTC) in Biñan, Laguna. The case was later transferred to the RTC in Santa Rosa, under Branch 102. Purence claimed ownership of properties covered by TCT Nos. 131670 and 131671, which Nolasco and Francisco allegedly occupied illegally since 1990. The defendants previously filed a complaint in 2004 before the Housing and Land Use Regulatory Board (HLURB) claiming ownership based on transactions with third parties, but the HLURB ruled they had no cause against Purence. Purence demanded them to vacate, and upon refusal, filed the case.

Summons were only successfully served to Nolasco, who failed to file an answer, resulting in a motion to declare him in default. He later submitted an answer citing his parents' transactions with Purence. His delay led to the RTC striking his answer and allowing Purence to present evidence ex-parte. The RTC ruled in favor of Purence, ordering Nolasco and Francisco to vacate, demolish structures, and pay costs, finding Purence's ownership unchallenged due to TCT records.

Nolasco appealed to the Court of Appeals (CA), which dismissed his appeal due to the failure to file an appellant's brief. His counsel received notices to file the brief but filed motions for extension late and ultimately did not submit one. A motion for reconsideration was dismissed by the CA. Subsequently, Nolasco filed a petition for review on certiorari with the Supreme Court.

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

1. Whether the Court of Appeals erred in dismissing Nolasco's appeal for non-filing of an appellant's brief.
2. Whether the technical issues precluded the consideration of the merits of Nolasco's claim regarding ownership and possession.

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

The Supreme Court found the petition partly meritorious. It determined that the appeal was timely filed considering procedural relaxations due to the pandemic. Substantial justice concerns warranted setting aside the CA's dismissal to allow for consideration of Nolasco's case merits.

1. The CA's authority to dismiss an appeal for failure to file an appellant's brief is discretionary, not mandatory. It should consider justice, fair play, and circumstances.
2. The case involved potential deprivation of property on technical grounds, meriting a review. Considering whether Nolasco's predecessor paid for the properties affected the just determination of rightful possession, warranting the CA to reconsider the merits regardless of procedural lapses.

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

The case reiterates that appellate courts have discretion in dismissing appeals for procedural lapses and that substantial justice can overrule technicalities when property rights are at stake. It underscores the application of equitable principles to prevent injustice due to procedural technicalities.

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

- **\*\*Jurisdiction & Authority:\*\*** Courts have discretion in procedural dismissals; equitable considerations may override procedural defaults in the interest of justice.
- **\*\*Appellate Procedures:\*\*** Filing requirements for appeals are generally strict, but exceptions exist for substantive justice.
- **\*\*Property & Possession:\*\*** Legal title and associated rights (e.g., possession) are crucial in realty disputes, and procedural oversights can affect merits review.
- **\*\*Due Process & Technicality:\*\*** Inadvertence leading to procedural default can be overlooked where due process or significant rights are at risk.

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

This case aligns with Philippine jurisprudential principles of balancing procedural rules with equitable justice, especially amidst the challenges presented by the COVID-19 pandemic procedural disruptions. The nuances of property rights and procedural adherence highlight the judiciary's adaptive role in ensuring substantive justice in evolving contexts.