

**HEIRS OF DON MIGUEL RODRIGUEZ DEOGENES O. RODRIGUEZ,
REGA SECURITY AGENCY, INC. AND PERSONS CLAIMING RIGHTS
UNDER AND THROUGH THEM, PETITIONERS, VS. EDWIN B. LIM,
RESPONDENT.**

Ponente: SADANG, J.

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SADANG, J.:

For action is petitioner Deogenes O. Rodriguez's Motion for Reconsideration of the Resolution,[1] promulgated on April 24, 2014, dismissing his appeal for failure to comply with the Resolution, dated July 30, 2013, requiring him to furnish respondent with copy of the Petition and to submit proof of receipt thereof.

Petitioner, through Atty. Cesar Turiano, states that he had no intention to disobey the directive of the Court. He alleges that he furnished copies of the Petition on all parties, however, it turned out that the counsel for private respondent had transferred office without the knowledge of Atty. Turiano. Earnest efforts were exerted by Atty. Turiano to furnish respondent's counsel with a copy of the Petition but to no avail until he received a copy of the Notice of Change of Firm Name from respondent's counsel which indicated the latter's new address. Petitioner informs the Court that he has already served a copy of the Petition on respondent Edwin Lim and his counsel, Quial Beltran & Yu Law Office at No. 102 E. Rodriguez Jr. Avenue, Cubao, Quezon City and Unit 10L Burgundy Corporate Tower, 252 Sen. Gil Puyat Avenue, Makati City, respectively, via private courier LBC. Attached to the motion is LBC Track No. 125458627964 (Annex A) and No. 141097562485 (Annex B), both dated May 13, 2014.

Respondent filed Comment contending that as early as March 2012, petitioner was informed of the new address of the Quial Beltran & Yu Law Office as in fact the Notice of Appeal (Annex A),[2] dated March 27, 2012, filed by Atty. Turiano stated it; however, Atty. Turiano still sent the Petition for Review to the old address at the 5[th] Floor, M.G. Building, 150 Amorsolo Street, Legaspi Village, Makati City.

Petitioner filed Reply to the Comment invoking liberal construction in view of his substantial compliance with the rules.

It is patent from the Notice of Appeal filed by Atty. Turiano himself that he already knew of the new address of respondent's counsel before he filed the Petition, dated May 3, 2013. Obviously, he forgot about the new address because he still sent a copy of the Petition to the old address. He should have been more diligent in keeping track of the new address of the opposing counsel in order that undue delay may be avoided.

Nonetheless, it appears that Atty. Turiano had in fact furnished respondent, albeit belatedly, with a copy of the Petition as shown by the the LBC track receipts. Also, respondent does not deny having received copy of the Petition. The subsequent full compliance by Atty. Turiano calls for the relaxation of the rules. Time and again the rigid application of the rules have been relaxed to offer full opportunity for the parties to ventilate their causes and defenses in order to promote rather than frustrate the ends of justice.[3] Accordingly, the Court resolves to apply a liberal construction of the rules if only to secure the greater interest of substantial justice.

WHEREFORE, the Motion for Reconsideration is GRANTED. The Resolution, dated April 24, 2014, is RECONSIDERED and SET ASIDE and the Petition for Review of petitioners is REINSTATED.

Respondent is given ten (10) days from receipt hereof to file his Comment to the Petition, not a motion to dismiss, stating the reasons why the Petition should not be given due course.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concur.

[1] Rollo, pp. 295-298.

[2] Rollo, p. 308

[3] Ma. Ligaya Santos v. Litton Mills, Inc. et al., G.R. No. 170646, June 22, 2011.

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