

**JOSE L. PANTOJA, PETITIONER, VS. NELSON R. BONGO,
ADMINISTRATIVE OFFICER IV, DOÑA MARIA D. TAN MEMORIAL
HOSPITAL, TANGUB CITY, RESPONDENT.**

Ponente: SINGH, J.

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SINGH, J.:

Before Us is a Manifestation of Compliance with Entry of Appearance and Motion to Issue Subpoena [ad] Testificandum[1] [sic] filed by petitioner on September 29, 2014.

In his motion, petitioner prays that a subpoena ad testificandum be issued against security guards Fernando Salinas and Felix Ortiza in order to testify on the contents of the logbook which, according to him, is the “bone of contention” in this petition.

This Court resolves to deny the motion of petitioner.

It is true that this Court has the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. In general, however, the Court of Appeals conducts hearings and receives evidence prior to the submission of the case for judgment.[2]

The instant petition for review has been submitted for decision last August 11, 2014.[3] Asking this Court to issue a subpoena ad testificandum at this stage amounts to a motion to reopen and for submission of additional evidence after the petition has already been submitted for decision.

The parties must diligently and conscientiously present all arguments and available evidence in support of their respective positions to the court before the case is deemed submitted for judgment. Only under exceptional circumstances may the court receive new evidence after having rendered judgment; otherwise, its judgment may never attain finality since the parties may continually refute the findings therein with further evidence.[4] Petitioner failed to provide any explanation why he did not present the testimonies of the security guards earlier. Thus, this denial.

Obedience to the requirements of procedural rules is needed if the parties are to expect fair results therefrom, and utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction. Procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are thus enjoined to abide strictly by the rules. And while the Court, in some instances, allows a relaxation in the application of the rules, this, We stress, was never intended to forge a bastion for erring litigants to violate the rules with impunity. The liberality in the interpretation and application of the rules applies only to proper cases and under justifiable causes and circumstances. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.[5]

WHEREFORE, the Motion to Issue Subpoena ad Testificandum is DENIED. The Compliance and the Entry of

Appearance of Atty. Fernando A. Cagoco, Jr. as new counsel for the petitioner is hereby NOTED.

SO ORDERED.

Borja, (Chairperson), and Badelles, JJ., concur.

[*]Also referred to in the records as Jose L. Pantoja, Jr.

[1] Rollo, pp. 249-252.

[2] Alamayri v. Pabale, G.R. No. 151243, April 30, 2008.

[3] Rollo, p. 248.

[4] Id at Note 2.

[5] Id.

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