

RODELIO PATUBO, JAIME MASAGA, DANILO PATUBO, DONATO DE RAYA, WILFREDO ORGANO, MARIO DE RAMOS, ELYSIO DE RAMOS, SIXTO PATUBO, ROMEO DE CASTRO, GUILLERMO ABELLANIDA, WILLIAM ABELL...

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before this Court is a Petition for Review[1], under Rule 42 of the Revised Rules of Court, challenging the Decision, dated January 14, 2013[2], and Order, dated September 30, 2013[3], issued by the Regional Trial Court, Branch 62, of Gumaca, Quezon in Civil Case No. 3206-G which affirmed the Decision of the Municipal Trial Court of Catanaun, Quezon in Civil Case No. 1462, ordering herein petitioners to remove the structure which they erected in a property covered by Original Certificate of Title No. P-56898 and Tax Declaration No. 08-026-0038, registered under the name of herein respondent and situated in Catanaun, Quezon.

The facts, as culled from the records, are as follows:

The instant case stemmed from the complaint for forcible entry with damages filed by respondent Jovie de la Cruz against petitioners Rodelio Patubo, Jaime Masaga, Danilo Patubo, Donato de Raya, Wilfredo Organo, Mario de Ramos, Elysio de Ramos, Sixto Patubo, Romeo de Castro, Guillermo Abellanida, William Abellanida, Michael Abellanida, Teody Abellanida, Bienvenido Balacanao, Rolando Pedalino and Esperanza Ramos before the Municipal Trial Court of Catanaun, Quezon.

In his complaint, respondent stated that he is the registered owner of a parcel of land covered by Original Certificate of Title No. P-56898. He applied for the registration of title to the subject property through Free Patent application filed with the Department of Environment and Natural Resources. Sometime in the last quarter of 2008, when he visited the property, he was surprised to see that several people had erected structures within his property and that their possession of the land was effected through stealth, strategy and threat. A demand letter was sent to the petitioners, enjoining them to vacate the premises, but petitioners continued to stay in the property despite the lapse of the grace period granted to them. No agreement was likewise reached in the conciliation and mediation proceedings before the appropriate barangay.[4]

After respondent's filing of the complaint, the Municipal Trial Court of Catanaun, Quezon sent summons to the parties. The petitioners received a copy of the summons on August 11, 2009.[5]

In lieu of filing an Answer, petitioner Sixto Patubo submitted an unverified "Tugon na may Tuwirang Pagtanggi," dated August 30, 2009[6], stating in the first paragraph thereof as follows:

"1. Na, noong 2001 ang isinasakdal ay isa sa mga nagtayo ng bahay sa isang lupain na matatagpuan sa Brgy. Madulao, Catanaun, Quezon sa kapahintulutan ng unang may-ari ng lupa na si G. Alfredo Agoncillo sa kundisyon na gagawa ako ng pilapil sa katabing palaisdaan na ito naman ay ginawa ko;"

For the failure of the petitioners to submit a responsive pleading, respondent filed a Motion to Render Judgment

which was granted by the Municipal Trial Court in an Order dated December 15, 2009[7]. The Municipal Trial Court thereby deemed the case as submitted for resolution and cited Section 4 of Rule 70 of the Rules of Court, reminding the parties that the only pleadings allowed to be filed are the complaint, compulsory counterclaim and cross-claim pleaded in the answer and the answers thereto. All pleadings must further be verified.

On January 4, 2010, petitioners filed a “motion for reconsideration and to admit attached answer with counterclaim in substitution of the earlier “Tugon na may Tuwirang Pagtangga”[8]. In an Order dated January 19, 2010[9], the Municipal Trial Court denied said motion.

In a Decision dated March 15, 2010[10], the Municipal Trial Court, ruling in favor of the respondent, ordered the petitioners to remove the structure that they erected in the subject property; pay damages of P50,000.00 to respondent as reasonable compensation for the use of the property; pay litigation expenses in the amount of P20,000.00 including cost of this suit; and pay attorney's fees in the amount of P20,000.00 plus appearance fee of P2,000.00 per hearing.

Petitioners filed an appeal before the Regional Trial Court assigning the following alleged errors:

“I.

THE HONORABLE TRIAL COURT GRAVELY ERRED IN NOT ADMITTING THE DEFENDANTS ANSWER THUS DENYING THEM DUE PROCESS OF LAW.

II.

THE DECISION RENDERED BY THE COURT IS HIGHLY AND GROSSLY DEFECTIVE AS IT DID NOT STATE THE FACTS AND LAW FROM WHERE ITS DECISION WAS BASED.”[11]

In a Decision dated April 18, 2011[12], the Regional Trial Court did not deal with the first assigned error but found the second assigned error as meritorious. The fallo of the said decision thus reads as follows:

“WHEREFORE, in view of the foregoing, the Decision of the Court a quo dated March 15, 2010 is hereby SET ASIDE and the record of this case is REMANDED for re-writing of the Decision which must conform with Section 14, Article VIII of the 1987 Constitution, subject to appeal should the defendants desire.

SO ORDERED.”[13]

On January 3, 2012, the Municipal Trial Court rendered a judgment complying with Section 14, Article VIII of the 1987 Constitution, the dispositive portion of which states as follows:

“WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendants as follows:

- a) Ordering the defendants and all person claiming title under them to remove the structure they erected in the subject property and vacate the plaintiff's property;
- b) Ordering the defendants to pay damages in the amount of P50,000.00 as reasonable compensation for the use of the property;
- c) Ordering the defendants to pay litigation expenses in the amount of P20,000.00 including cost of this suit;
- d) Ordering the defendant to pay attorney's fees in the amount of P20,000.00.”[14]

Petitioners appealed the aforesaid Municipal Trial Court ruling to the Regional Trial Court, Branch 62, of Gumaca, Quezon.

In the assailed Decision dated January 14, 2013[15], the Regional Trial Court found no reason to reverse the

decision of the Municipal Trial Court and, hence, dismissed petitioners' appeal.

Petitioners filed a Motion for Reconsideration, dated April 16, 2013[16], praying not only for the reversal of the Regional Trial Court decision, but also for the Municipal Trial Court to be ordered to admit the Answers previously filed by petitioners and for the case to be remanded to said Municipal Trial Court where the case may be heard and tried under the Rules on Summary Procedure.

In the challenged Order dated September 30, 2013, the Regional Trial Court denied petitioners' motion for reconsideration, thus finding no compelling reason to reverse its Decision dated January 14, 2013.

Feeling aggrieved, the petitioners filed the instant petition for review, raising as sole issue whether or not the Regional Trial Court erred in sustaining the Municipal Trial Court in not admitting the petitioners' Answers, thus denying them due process of law.[17]

The petition is unmeritorious.

At the outset, it must be pointed out that there are two Municipal Trial Court decisions pertaining to the instant case. The first Decision, dated March 15, 2010, was "SET ASIDE" by the Regional Trial Court in its Decision dated April 18, 2011, as it remanded the case to the Municipal Trial Court for re-writing to conform with Section 14 of Article VIII of the 1987 Constitution. The second Decision came out on January 3, 2012, supposedly re-written as ordered by the Regional Trial Court, and complying with the Constitution's mandate that "no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based." It is this latter Decision that was appealed to the Regional Trial Court which penned the Decision, dated January 14, 2013, being assailed herein.

By reason of the fact that there are two Municipal Trial Court decisions, the parties, including respondent, neglected to notice that the second Municipal Trial Court Decision was not attached to the instant petition. Indubitably, the second Municipal Trial Court Decision, dated January 3, 2012, is more relevant and material to the instant case than the first decision which was earlier set aside by the Regional Trial Court and attached to the instant petition.

The situation alone that petitioners failed to attach a copy of the Municipal Trial Court Decision dated January 3, 2012 is sufficient basis for the dismissal of the case. Thus, Section 2 of Rule 42 of the Rules of Court provides as follows:

"SEC. 2. Form and Contents. - The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition." (Emphasis ours.)

Non-compliance with any of the foregoing requisites is a ground for the dismissal of a petition based on Section 3 of the same Rule, viz:

"Sec. 3. Effect of failure to comply with requirements. - The failure of petitioner to comply with any of the foregoing requisites regarding the payment of, the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be

sufficient ground for the dismissal thereof."

The mandatory tenor of Section 2 (d) of Rule 42 of the Rules of Court with respect to the requirement of attaching clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts is discernible and well settled.[18]

As for the single issue raised by petitioners in the case at bench, petitioners claim that admitting said Answers would be more in consonance with justice and equity specially in this case where the petitioners are unlettered and unknowledgeable. They allege that it would be the height of injustice if the Answers would be denied only because they were not responsive pleadings and filed beyond the reglementary period. They believe that the filing of the Answers should have been taken cognizance of by the Municipal Trial Court as they were filed long before the said court rendered its decision on the case.

Respondent, for his part, pointed out that the filing of pleadings in cases covered by summary procedure is non-extendible. He alleged that petitioners' excuse that, by reason of poverty, they failed to secure the services of a lawyer, is not believable because petitioners eventually had two lawyers who represented them and who continue to represent them. Moreover, even if it is true that they could not afford to engage the services of a private lawyer, the Public Attorney's Office was always open to assist them.

On the lone issue raised by petitioners, we find that the Regional Trial Court correctly sustained the refusal of the Municipal Trial Court in admitting the petitioners' Answers and properly ruled in affirming the Municipal Trial Court's Decision.

As can be gleaned from the Municipal Trial Court Decision dated March 15, 2010, the said court sent summons to the parties, after respondent filed his complaint, and the summonses were received by the petitioners on August 11, 2009[19]. The summonses required the petitioners to file with the Court their Answer to the complaint within ten (10) days from receipt thereof.[20] Correspondingly, under the Rules on Summary Procedure[21], which rules govern all cases of forcible entry and unlawful detainer[22] as in the instant case, petitioners had only a span of time lasting until August 21, 2009 to file an Answer. Clearly, the document denominated as "Tugon na may Tuwirang Pagtanggi", dated August 30, 2009, written by petitioner Sixto Patubo, is a document filed out of time. Thus, Sections 5 and 6 of the said Rules read as follow:

"Sec. 5. Answer. — Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. Affirmative and negative defenses not pleaded therein shall be deemed waived, except for lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or cross-claims shall be filed and served within ten (10) days from service of the answer in which they are pleaded.

"Sec. 6. Effect of failure to answer. — Should the defendant fail to answer the complaint within the period above provided, the court, *motu proprio*, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein. xxx"

Indeed, the Judiciary Reorganization Act of 1980, mandating the promulgation of the Rule on Summary Procedure, authorizes the Court to stipulate that the period for filing pleadings in cases covered by the Rule on Summary Procedure shall be "non-extendible". Other than a plea for the liberal interpretation of the Rule on Summary Procedure, petitioners do not provide an adequate justification for the admission of their late answer.[23]

After petitioner Sixto Patubo's "Tugon na may Tuwirang Pagtanggi", dated August 30, 2009, petitioners, through the assistance of a private counsel, filed a "motion for reconsideration and to admit attached answer with

counterclaim in substitution of the earlier "Tugon na may Tuwirang Pagtangi" on January 4, 2010.

Surely, as the August 30, 2009 "Tugon na may Tuwirang Pagtangi" is a document belatedly filed, it leaves no scintilla of a doubt that the "Answer with Counterclaim" that the petitioners offered to the court on January 4, 2010 is a pleading filed utterly and disturbingly out of time, taking into account that petitioners only had until August 21, 2009 to file an Answer.

Petitioners cannot claim deprivation of due process for they were given the opportunity to be heard. Verily, rules of procedure exist for a noble purpose and to disregard such rules in the guise of liberal construction would be to defeat such purpose. Procedural rules are not to be disdained as mere technicalities. They may not be ignored to suit the convenience of a party[24].

Forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to the possession of the property involved. It does not admit of a delay in the determination thereof. It is a "time procedure" designed to remedy the situation. Stated in another way, the avowed objective of actions for forcible entry and unlawful detainer, which have purposely been made summary in nature, is to provide a peaceful, speedy and expeditious means of preventing an alleged illegal possessor of property from unjustly continuing his possession for a long time, thereby ensuring the maintenance of peace and order in the community; otherwise, the party illegally deprived of possession might feel the despair of long waiting and decide as a measure of self-protection to take the law into his hands and seize the same by force and violence. Since the law discourages continued wrangling over possession of property for it involves perturbation of social order which must be restored as promptly as possible, technicalities or details of procedure which may cause unnecessary delays should accordingly and carefully be avoided.[25]

WHEREFORE, in view of the foregoing premises, the instant petition is DENIED. The Decision, dated January 14, 2013, and Order, dated September 30, 2013, both issued by the Regional Trial Court, Branch 62, of Gumaca, Quezon are hereby AFFIRMED.

SO ORDERED.

Peralta, Jr.,[*] and Paredes, JJ., concur.

[*] Acting Senior Member vice J. Elbinias per Office Order No. 221-14-ABR dated May 21, 2014

[1] Rollo, Petition pp. 21-37

[2] Ibid., pp.47-52

[3] Ibid., page 58

[4] Ibid., pp. 81-93, Municipal Trial Court Decision dated March 15, 2010 (pp. 1-2 thereof)

[5] Ibid., pp. 81-93, Municipal Trial Court Decision dated March 15, 2010 (pp. 3-4 thereof)

[6] Ibid., page 65

[7] Ibid., page 66

[8] Ibid., Motion for Reconsideration pp. 67-70 and Answer with Counterclaim pp. 71-74

[9] Ibid., page 79

[10] Ibid., pp. 81-93

- [11] Ibid., pp. 95-96, Regional Trial Court Decision dated April 18, 2011
- [12] Ibid., pp. 94-98
- [13] Id.
- [14] Fallo of the Municipal Trial Court Order dated January 3, 2012 as quoted in the Regional Trial Court Decision dated January 14, 2013, Rollo, page 47
- [15] Rollo, pp.47-52
- [16] Ibid., pp. 53-57
- [17] Ibid., Petition for Review (assignment of error), page 29
- [18] Atillo vs Bombay G.R. No. 136096, February 7, 2001
- [19] Rollo, pp. 81-93, Municipal Trial Court Decision dated March 15, 2010 (pp. 3-4 thereof)
- [20] Ibid., page 25
- [21] Resolution of the Court En Banc dated October 15, 1991, Providing for the Revised Rule on Summary Procedure for Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts.
- [22] Section 1. Scope. — This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:
- A. Civil Cases:
- (1) All cases of forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same shall not exceed twenty thousand pesos (P20,000.00).
- [23] Gachon vs Devera Jr., G.R. No. 116695, June 20, 1997
- [24] Ama Computer College-Santiago City, Inc. vs Heirs of Nacino, G.R. No. 162739, February 12, 2008
- [25] Five Star Marketing Co., Inc. vs Booc G.R. No. 143331, October 5, 2007

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