ELIZABETH CALIMA, ELVIE DE CASTRO, ISABELITA ALMODIEL, SALVACION DIONES, CHERYL GONZALES, HELEN PIANO AND ALL PERSONS CLAIMING RIGHTS UNDER THEM, PETITIONERS, VS. HEIRS OF BIENV...

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Review[1] under Rule 42 of the Rules of Court seeking the reversal of the January 3, 2012[2] and March 14, 2012[3] Joint Orders of the Regional Trial Court (RTC), Branch 170, Malabon City in Appealed Cases Nos. ACV11-007-MN, ACV11-008-MN, ACV11-010-MN and ACV11-012-MN to ACV11-014-MN. The January 3, 2012 Joint Order dismissed the appeal filed by herein petitioners from the August 9, 2011 Decision[4] of the Metropolitan Trial Court (MeTC), Branch 55, Malabon City while the March 14, 2012 Joint Order denied their subsequent motion for reconsideration.

The Antecedents

Elizabeth Calima, Elvie De Castro, Isabelita Almodiel, Salvacion Diones, Cheryl Gonzales and Helen Piano (collectively referred as petitioners) were the lesses of the Heirs of Bienvenido and Helen Gutierrez (Heirs of Gutierrez) in their apartment unit located at No. 28 Simoun Street, Barangay Acacia, Malabon City. Sometime in April 2010, the Heirs of Gutierrez filed separate unlawful detainer cases against petitioners alleging that the latter defaulted in the payment of monthly rentals and refused to vacate despite repeated verbal demands.[5]

In their consolidated Answer with Compulsory Counterclaim, petitioners admitted the existence of a contract of lease between them and the Heirs of Gutierrez but claimed that the agreed period had expired sometime in 2004. They further argued that the Heirs of Gutierrez are not the real owners of the subject property, had stopped collecting monthly rentals for no apparent reason, and did not give them any demand letter.[6]

Due to petitioners failure to submit their position paper,[7] the MeTC rendered its judgment based only on the evidence submitted by the Heirs of Gutierrez. The MeTC ruled in favor of the Heirs of Gutierrez and ordered petitioners to immediately vacate the premises and pay P2,500.00 as attorney's fees.

The Rulings of the RTC

Aggrieved, petitioners appealed to the RTC.[8] In its January 3, 2012 Order,[9] the RTC dismissed the appeal due to petitioners' failure to file memorandum on appeal, thus:

For failure of defendants-appellants to file Memorandum despite plea and receipt of the Joint Order of November 9, 2011 on November 21, 2011, these cases are hereby dismissed, pursuant to Section 7(b), Rule 40 of the 1977 Rules in (sic) Civil Procedure.

Let the records be transmitted to the court of origin for proper disposition.

SO ORDERED.

Petitioners moved for reconsideration[10] and brought to the attention of the RTC their consolidated memorandum[11] filed on November 10, 2011. The motion suffered the same fate. On March 14, 2012, the RTC issued a Joint Order[12] denying the motion for reconsideration and held that the discrepancy in the names of the parties appearing in the caption and that mentioned in the body of the consolidated memorandum is detrimental to petitioners' appeal. The pertinent portions of the March 14, 2012 Joint Order read:

> As the earlier Consolidated Memorandum dated November 9, 2011 on file in the record of these cases says:
>
> "DEFENDANTS-APPELLANT MARIA FATIMA CALLENO and SHIRELY CORPORAL, by counsel, to this Honorable Court, most respectfully file this MEMORANDUM in consonant to its Notice dated 05 October 2011 and in support thereof, state:

xxx xxx xxx"

> However, after careful scrutiny of the records in their entirety, nowhere does it appear that there are impleaded defendants by the name of MARIA FATIMA CALLENO and SHIRELY CORPORAL and who allegedly filed their compliance to the Notice of this Court October 5, 2011 (sic).
>
> It is a principle consistently adhered to in this jurisdiction that it is not the caption but the facts alleged which give meaning to the pleading (Cananna, et al. vs. Pecson, et al., CA G.R. No. 1051-A, April 29, 1953)
>
> Sec. 2 of Rule 57[13] of the Rules of Court further provides:
>
> "Sec. 2. The body of the pleading sets forth its designation, the allegations of the party's claims or defenses, the relief prayed for, and the date of the pleading."

WHEREFORE, premises considered, the Joint Motion for Reconsideration from the Joint Order of January 3, 2012 is hereby DENIED of (sic) lack of basis. (Emphasis appears in the original text of the Joint Order)

Undaunted, petitioners are now before Us via the instant petition for review anchored on the following grounds:

> WITH DUE RESPECT, THE HON. JUDGE ZALDY B. DOCENA COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN HE DISMISSED THE APPEAL OF THE PETITIONERS ON MERE TECHNICALITY.
>
> WITH DUE RESPECT, THE HONORABLE JUDGE COMMITTED SERIOUS ERROR WHEN HE DECLARED THAT PETITIONERS FAILED TO FILE THEIR MEMORANDUM OF APPEAL DESPITE RECEIPT THEREOF, WHICH IF NOT BE (sic) CORRECTED, WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE TO PETITIONERS.

Petitioners invoke the policy that rules of technicality must be set aside in the interest of substantial justice and fair play. They admit the discrepancy between the names mentioned in the introductory paragraph of their consolidated memorandum and that stated in the caption. However, they claim that the names of Maria Fatima Calleno (Calleno) and Shirely Corporal (Corporal) were mistakenly written in the consolidated memorandum because they were also parties in another appeal involving the same property.[14]

This Court's Ruling

The petition is meritorious.

The dismissal of petitioners' appeal for non-filing of memorandum is not supported by any factual and legal basis. Based on the records, a consolidated memorandum of appeal has already been filed with the RTC on November 10, 2011 or almost a month before the issuance of the January 3, 2012 Joint Order dismissing the appeal. The

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RTC clearly committed an oversight when it carelessly ruled for the dismissal of the appeal despite the filing of the consolidated memorandum of appeal.

Worse, instead of correcting its mistake, the RTC treated the consolidated memorandum as a mere scrap of paper due to the discrepancy in the names stated in the caption and body of the consolidated memorandum. However, a careful perusal of the subject pleading shows that the mistake is only a formal error and the names of the parties were sufficiently indicated in the other parts of the pleadings. Notably, the caption of the consolidated memorandum contains a complete list of the names of the petitioners as required by Section 1, Rule 7 of the Rules of Court.[15] The names of petitioners also appeared in the verification page of the consolidated memorandum where the petitioners affirmed the truthfulness of their allegations. Well-entrenched is the rule that documents attached to a pleading form part thereof,[16] thus, the RTC should have considered the caption together with the verification page before haphazardly concluding that the consolidated memorandum was not intended for petitioners.

With the timely filing of the memorandum of appeal, it would have been prudent for the RTC to give petitioners an opportunity to correct the discrepancy instead of outrightly dismissing the appeal. Lapses in the literal observance of a rule of procedure will be overlooked when they arose from an honest mistake, when they have not prejudiced the adverse party.[17] In this case, the erroneous names in the first paragraph of the consolidated memorandum did not result in any prejudice to the Heirs of Gutierrez. No one has been misled by the error in the name of the petitioners which appears to be a mere typographical error.

Apropos thereto, the Supreme Court ruled in Tan v. G. V. T. Engineering Services[18] that:

> No one has been misled by the error in the name of the party plaintiff. If we should by reason of this error send this case back for amendment and new trial, there would be on the retrial the same complaint, the same answer, the same defense, the same interests, the same witnesses, and the same evidence. The name of the plaintiff would constitute the only difference between the old trial and the new. In our judgment there is not enough in a name to justify such action.

We remind the RTC that dismissal of appeals purely on technical grounds is frowned upon. The rules of procedure ought not to be applied in a very rigid, technical sense, for they have been adopted to help secure, not override, substantial justice. For this reason, courts must proceed with caution so as not to deprive a party of statutory appeal; rather, they must ensure that all litigants are granted the amplest opportunity for the proper and just ventilation of their causes, free from the constraint of technicalities. The ends of justice would be served better when cases are determined, not on mere technicality or some procedural nicety, but on the merits, after all the parties are given full opportunity to ventilate their causes and defenses. [19]

Thus, this Court deems it fair and prudent to let the proceedings before the RTC run its course, free from the shackles of procedural technicality, particularly when the infirmity is as trivial as the one presented before Us.

WHEREFORE, the instant petition is GRANTED. The January 3, 2012 and March 14, 2012 Joint Orders of the Regional Trial Court, Branch 170, Malabon City in Appealed Cases Nos. ACV11-007-MN, ACV11-008-MN, ACV11-010-MN, ACV11-012-MN, ACV11-013-MN and ACV11-014-MN are hereby REVERSED and SET ASIDE. The instant cases are remanded to the Regional Trial Court for continuance of the proceedings without further delay and disposition of the appeal on the merits.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Villon, J., Chairperson and Mcalino, JJ., concur.

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[1] Rollo, pages 12-26.

[2] Penned by Presiding Zaldy B. Docena, ibid., pages 30-31.

[3] Ibid., pages 27-29.

[4] Penned by John Voltaire C. Venturina, ibid., pages 32-61.

[5] See August 9, 2011 Decision of the MeTC, ibid.

[6] Ibid.

[7] Ibid.

[8] See Notice of Appeal dated September 1, 2011, rollo, pages 88-91.

[9] Supra, at note 2.

[10] See Joint Motion for Reconsideration dated January 25, 2012, rollo, pages 62-65.

[11] See Consolidated Memorandum dated November 9, 2011, ibid., pages 66-75.

[12] Supra, at note 3.

[13] This should refer to Rule 7 of the Rules of Court, and not Rule 57 as erroneously indicated in the Joint Order.

[14] See pages 8-10 of Petition for Review, supra, at note 1.

[15] Rule 7 of the Rules of Court, Section 1. Caption. — The caption sets forth the name of the court, the title of the action, and the docket number if assigned.

The title of the action indicates the names of the parties. They shall all be named in the original complaint or petition; but in subsequent pleadings, it shall be sufficient if the name of the first party on each side be stated with an appropriate indication when there are other parties.

Their respective participation in the case shall be indicated.

[16] See Linton Commercial Co., Inc. v. Hellera, G.R. No. 163147. October 10, 2007 .

[17] Aguam v. Court of Appeals, G.R. No. 137672. May 31, 2000.

[18] G.R. No. 153057. August 7, 2006 citing Alonso v. Villamor, 16 Phil. 315 (1910).

[19] Cebu Metro Pharmacy, Inc. vs. Euro-Med Laboratories, Inc., G.R. No. 164757. October 18, 2010.

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