

**SPOUSES SAMSON MANUEL AND MARY ANN MANUEL,
PLAINTIFFS-APPELLANTS, VS. PACITA M. RELOSA, MARIO
PERFECTO M. RELOSA AND THE HON. PRESIDING JUDGE,
MUNICIPAL TRIAL COURT OF BAGUIO CI...**

Ponente: GARCIA-FERNANDEZ, J.

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GARCIA-FERNANDEZ, J.:

This is an appeal by plaintiffs-appellants Spouses Samson Manuel and Mary Ann Manuel from the orders dated September 7, 2011[1] and October 10, 2011[2] rendered by the Regional Trial Court of Baguio City, Branch 5 (RTC) in Civil Case No. 7230-R for annulment of judgment with prayer for injunctive reliefs.

The facts of the case are as follows:

Defendants-appellees Pacita M. Relosa and Mario Perfecto M. Relosa, mother and son, respectively alleged in their complaint before the RTC that they are co-owners of a house and lot located at No. 29 Queen of Angels Road, Lourdes Subdivision, Baguio City and covered by Transfer Certificate of Title (TCT) No. T-34717; that plaintiffs-appellants spouses Samson Manuel and Mary Ann Manuel were their lessees; that in 2005, defendants-appellees allowed the latter to occupy free of charge the lower floor of the subject premises upon the intercession of Saturnino Moldero, brother of Pacita Relosa; that in 2007, defendants-appellees informed plaintiffs-appellants that they were offering to rent out the upper floor of the house; that the latter accepted the offer and the parties agreed that the monthly rental would be P12,000.00; that the parties also agreed that plaintiffs-appellants would pay P24,000.00 as one month advance rental and deposit; that plaintiffs-appellants issued post-dated checks in the amount of P12,000.00 each representing payments for the succeeding months; and that plaintiffs-appellants complied and the lease agreement commenced on August 1, 2007. Defendants-appellees also alleged that the first two (2) post-dated checks were dishonored when presented for payment because they were drawn against insufficient funds; that defendants-appellees initiated steps to collect payment from plaintiffs-appellants and for the latter to vacate the premises; that the latter refused to heed to the former's demands, thus, defendants-appellees filed a complaint for ejectment.[3]

For their part, plaintiffs-appellants claimed that they were not lessees of the subject premises; that sometime in March 2006, they were engaged as caretakers of the subject property by defendants-appellees through Pacita Relosa's younger brother, Johnny Moldero; that after the former tenants of the subject property were ejected with their help, defendants-appellees informed them that the former were planning to sell the subject property in the amount of P2,500,000.00; that plaintiffs-appellants agreed to buy the subject property in the amount of P2,500,000.00; that they gave an earnest money in the amount of P150,000.00 to defendants-appellees without asking for a receipt; that since the house was in a dilapidated condition, plaintiffs-appellants had it repaired for P150,000.00; that they also paid the realty taxes due on the subject property; that the sale did not materialize because defendants-appellees unilaterally increased the purchase price or made unreasonable excuses to delay or prevent the consummation of the sale; and that they were surprised to know that defendants-appellees sued them for unlawful detainer in the Municipal Trial Court (MTC) of Baguio City.[4]

On May 13, 2010, the Municipal Trial Court (MTC) of Baguio City, Branch 2 rendered a decision,⁵ the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered:

- Ordering Pacita M. Relosa and Mario Perfecto M. Relosa to reimburse Spouses Samson and Mary Ann Manuel the sum of ONE HUNDRED FIFTY THOUSAND PESOS (P150,000.00) representing the renovation expenses incurred by Spouses Samson and Mary Ann Manuel over the subject premises;
- After receipt of such reimbursement, ordering the Spouses Samson and Mary Ann Manuel and all other persons claiming possession under them to vacate and surrender possession to Pacita M. Relosa and Mario Perfecto M. Relosa the subject premises located at No. 29 Queen of Angels Road, Baguio City;
- Ordering Spouses Samson and Mary Ann Manuel to pay rentals in arrears covering the period commencing November 2007 until such time Spouses Samson and Mary Ann Manuel shall have finally vacated the subject premises at the rate of TWELVE THOUSAND PESOS (P12,000.00) a month, with interest at the legal rate;
- Ordering Spouses Samson and Mary Ann Manuel to pay the costs of the suit.

SO ORDERED.”

Plaintiffs-appellants filed an action for annulment of judgment with prayer for preliminary injunction and/or temporary restraining order (TRO) before the Regional Trial Court (RTC) of Baguio City.

The case was referred to the Philippine Mediation Center for mediation but the same failed.^[6] The case was referred for Judicial Dispute Resolution (JDR) but the same likewise failed.^[7] Subsequently, the case was raffled to the Regional Trial Court (RTC) of Baguio City, Branch 5.

On May 2, 2011, the RTC ordered a preliminary conference for the parties to appear on June 22, 2011 at 9:00 in the morning and submit their pre-trial briefs.^[8] The parties duly submitted their pre-trial briefs.

The pre-trial was cancelled and was reset on August 5, 2011.^[9] On August 5, 2011, the preliminary conference was terminated and an order for pre-trial was set on September 7, 2011 at 9:00 in the morning.^[10]

At the pre-trial conference on September 7, 2011, plaintiffs-appellants failed to appear. The trial court issued an Order,^[11] which reads:

“For failure of the plaintiffs to appear in today’s pre-trial despite due notice, as prayed for by counsel for the defendants, the above-entitled case is hereby ordered DISMISSED and the plaintiffs are declared non-suited.

SO ORDERED. “

Plaintiffs-appellants filed a motion for reconsideration,^[12] which was denied by the trial court in its Order^[13] dated October 10, 2011.

On November 14, 2011, plaintiffs-appellants filed a Notice of Appeal.^[14]

In the instant appeal, plaintiffs-appellants assign this error to the trial court:

“THE TRIAL COURT GRAVELY ABUSED ITS DISCRETION IN DISMISSING THE CASE FOR FAILURE OF PLAINTIFFS-APPELLANTS TO APPEAR AT THE PRE-TRIAL PROPER THOUGH THEY APPEARED IN THE PRELIMINARY CONFERENCE FOR MARKING OF EXHIBITS.”

Plaintiffs-appellants contend that their failure to attend during the pre-trial was due to mistake and/or inadvertence; that although the dismissal of the case and denial of a motion for reconsideration is the prerogative of the court, the rules should have been liberally construed to promote its objective and that plaintiffs-appellants

had no intention to delay the proceedings.

The appeal is devoid of merit.

Records show that the RTC ordered a preliminary conference on June 22, 2011. However, the pre-trial was cancelled and reset to August 5, 2011. On the latter date, the preliminary conference was terminated and an order for pre-trial was reset to September 7, 2011. Nonetheless, plaintiffs-appellants failed to appear on September 7, 2011, prompting the trial court to dismiss the action.

Sections 4 and 5 of Rule 18 of the Revised Rules of Court, as amended provide:

Section 4. Appearance of parties. - It shall be the duty of the parties and their counsel to appear at the pre-trial. The non-appearance of a party may be excused only if a valid cause is shown therefor, or if a representative shall appear in his behalf fully authorized in writing to enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and of documents.

Section 5. Effect of failure to appear. - The failure of the plaintiff to appear when so required pursuant to the next preceding section shall be cause for dismissal of the action. The dismissal shall be with prejudice, unless otherwise ordered by the court. A similar failure on the part of the defendant shall be cause to allow the plaintiff to present his evidence ex parte and the court to render judgment on the basis thereof.

From the foregoing, the failure of a party to appear at the pre-trial has adverse consequences. If the absent party is the plaintiff, then his case shall be dismissed. If it is the defendant who fails to appear, then the plaintiff is allowed to present his evidence ex parte and the court shall render judgment on the basis thereof. Thus, the plaintiff is given the privilege to present his evidence without objection from the defendant, the likelihood being that the court will decide in favor of the plaintiff, the defendant having forfeited the opportunity to rebut or present its own evidence.[15]

In this case, plaintiffs-appellants cannot feign ignorance of the scheduled date and time of the pre-trial conference because they were actively participating in the previous proceedings. This Court finds it unjustified for plaintiffs-appellants to appear at the pre-trial at 2:00 in the afternoon of September 7, 2011 when the latter were duly notified that it will be held at 9:00 in the morning. Clearly, when the trial court dismissed the case due to the failure of plaintiffs-appellants to attend the pre-trial conference, it did so in accordance with Rule 18 of the 1997 Rules of Civil Procedure.[16]

In *The Philippine American Life & General Insurance Company vs. Enario*,[17] the Supreme Court held that pre-trial cannot be taken for granted. It is not a mere technicality in court proceedings for it serves a vital objective: the simplification, abbreviation and expedition of the trial, if not indeed its dispensation. The Supreme Court said that:

The importance of pre-trial in civil actions cannot be overemphasized. In *Balatico vs. Rodriguez*, the Court, citing *Tiu vs. Middleton*, delved on the significance of pre-trial, thus:

Pre-trial is an answer to the clarion call for the speedy disposition of cases. Although it was discretionary under the 1940 Rules of Court, it was made mandatory under the 1964 Rules and the subsequent amendments in 1997. Hailed as "the most important procedural innovation in Anglo-Saxon justice in the nineteenth century," pre-trial seeks to achieve the following:

- (a) The possibility of an amicable settlement or of a submission to alternative modes of dispute resolution;
- (b) The simplification of the issues;
- (c) The necessity or desirability of amendments to the pleadings;
- (d) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;

- (e) The limitation of the number of witnesses;
- (f) The advisability of a preliminary reference of issues to a commissioner;
- (g) The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground therefor be found to exist;
- (h) The advisability or necessity of suspending the proceedings; and
- (i) Such other matters as may aid in the prompt disposition of the action.

Plaintiffs-appellants' failure to appear at the pre-trial amounted to a failure to comply with the Rules. The dismissal of their case before the trial court was essentially due to their fault. Plaintiffs-appellants' plea for liberality in applying the rules in pre-trial does not deserve any sympathy. In *Spouses Gil and Elma Del Rosario vs. Court of Appeals and Spouses Lain and Lily Duque*[18], the Supreme Court held that deviations from the rules cannot be tolerated. The rationale for this strict attitude is not difficult to appreciate. These rules are designed to facilitate the orderly disposition of appealed cases. In an age where courts are bedeviled by clogged dockets, these rules need to be followed by appellants with greater fidelity. Their observance cannot be left to the whims and caprices of appellants.[19]

WHEREFORE, the appeal is DENIED. The orders dated September 7, 2011 and October 10, 2011 rendered by the Regional Trial Court of Baguio City (RTC), Branch 5 in Civil Case No. 7230-R are AFFIRMED.

SO ORDERED.

Tijam, N. G., Chairperson, and Lopez, M. V., JJ. ,concur.

[1] Rollo, p. 27.

[2] Rollo, p. 30.

[3] Records, pp. 8-9.

[4] Records, p. 9.

[5] Records, pp. 8-13.

[6] Records, pp. 54-56

[7] Records, p. 66.

[8] Records, p. 73.

[9] Rollo, p. 25.

[10] Rollo, p. 26.

[11] Rollo, p. 27.

[12] Rollo, pp. 28-29.

[13] Rollo, p. 30.

[14] Rollo, p. 7.

[15] *George S. Tolentino, et al. vs. Pacifico S. Laurel, et al.*, G.R. No. 181368, February 22, 2012 citing *The Philippine American Life & General Insurance Company vs. Enario*, G.R. No. 182075, September 15, 2010.

[16] *George S. Tolentino, et al. vs. Pacifico S. Laurel, et al.*, G.R. No. 181368, February 22, 2012 citing *Poltan vs.*

BPI Family Savings Bank, Inc., G.R. No. 164307, March 5, 2007.

[17] G.R. No. 182075, September 15, 2010.

[18] G.R. No. 113890, February 22, 1995.

[19] Spouses Gil and Elma del Rosario vs. Court of Appeals and Spouses Lain and Lily Duque, Ibid.

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