

**HEIRS OF LILIA PARAS JOSE, REPRESENTED BY ENRIQUE P. JOSE,
PLAINTIFFS-APPELLANTS, VS. HEIRS OF BIENVENIDO PARAS,
REPRESENTED BY CONCEPCION PARAS, DEFENDANTS-APPELLEES.**

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

In this Appeal[1], plaintiffs-appellants assail the 3 February 2011 Order[2] and 20 September 2011 Order[3] of the Regional Trial Court of Gapan City, Nueva Ecija, Branch 87. The court a quo declared the plaintiffs-appellants non-suited for their failure to appear during the pre-trial conference and dismissed Civil Case No. 3828-10.

Antecedents

The plaintiffs-appellants filed a case against the defendants-appellees with the Regional Trial Court of Gapan City, Nueva Ecija on 17 May 2012. The case was docketed as Civil Case No. 3828-10.[4]

The preliminary conference was conducted on 11 November 2010. The case was not successfully mediated and was, thus, returned by the Mediator of the Court-Annexed-Mediation to the court a quo.[5] During the preliminary conference, the parties and their counsels were present. It was during the preliminary conference that the schedule of the pre-trial conference was set.[6]

On 03 February 2011, the scheduled pre-trial conference, the plaintiffs-appellants and their counsel failed to appear before the court a quo.[7] Instead, they filed an Urgent Motion for Postponement on the date of the pre-trial.[8] In praying that the pre-trial be canceled and re-set to another date, the plaintiffs-appellants reasoned that they need time to move for the amendment of the complaint and the plaintiffs-appellants' counsel has a conflict in his schedule by reason of another case.[9]

The defendants-appellees manifested that the plaintiffs-appellants be declared non-suited for their failure to appear despite due notice and prayed that the case be dismissed. Finding the defendants-appellees' motion to be meritorious, the court a quo dismissed the case.[10]

The plaintiffs-appellants moved for reconsideration,[11] but their motion was denied in an Order dated 20 September 2011.[12]

Undaunted, the plaintiffs-appellants filed the instant appeal and assigned this error:

THE HONORABLE REGIONAL TRIAL COURT IS VERY RESPECTFULLY SUBMITTED TO HAVE COMMITTED A GRAVE AND REVERSIBLE ERROR IN DENYING THE FIRST AND ONLY INSTANCE OF A MOTION FOR POSTPONEMENT GIVING STRINGENT APPLICATION OF THE RULES BY DECLARING THE PLAINTIFFS AS NON-SUITED DURING THE CONTINUATION OF THE PRE-TRIAL, DISMISSING THE CASE THEREBY DEFEATING THE DEMANDS OF SUBSTANTIAL JUSTICE.[13]

Our Ruling

The plaintiffs-appellants argued that while the court has the power to dismiss a case for failure of the plaintiff to appear, such power must be tempered when a stringent application of the rules would defeat the demands of substantial justice.[14]

They further asseverated that a motion for postponement was duly filed with payment of the corresponding fee with the Clerk of Court and it was the only postponement sought by the plaintiffs-appellants.[15]

On the other hand, the defendants-appellees averred that the counsel of the plaintiffs-appellants filed a Motion for Postponement on the very day of the pre-trial conference. The motion, according to the defendants-appellees, was filed in violation of the three-day motion rule. [16]

In addition, the defendants-appellees pointed out that the plaintiffs-appellants deliberately failed to attend the pre-trial conference although notified of the the pre-trial conference beforehand.[17]

The consequences of the failure of the plaintiffs-appellants to attend the pre-trial conference is the central issue in this case.

Pre-trial is an answer to the clarion call for the speedy disposition of cases. 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 therefore 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.[18]

Pre-trial is required in Section 4 of Rule 18 of the Rules of Court, thus:

“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.”

The trial court has the discretion to declare a party non-suited.[19] Section 5 of Rule 20 of the Rules of Court provides:

“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. x x x.”

Based on the foregoing, non-appearance by the plaintiffs-appellants in the pre-trial shall be a cause for dismissal of the action. However, every rule is not without an exception. In fact, Section 4, Rule 20 of the Rules of Court explicitly provides that the non-appearance of a party may be excused if a valid cause is shown therefor. We find such a valid cause extant in the case before Us.[20]

The plaintiffs-appellants failed to appear during the pre-trial conference, but a motion for postponement was filed, although the same was done on the day of the pre-trial itself. The reason for the postponement was the necessity of amending the complaint to include the other children of the deceased Santos Paras and Porfiria Maducdoc.[21] A dismissal of the case would deprive the heirs of Lilia Paras Jose to be heard on their claim for a share of the inheritance from the land registered in the name of their grandparents.[22]

If Civil Case 3828-10 is allowed to proceed to trial, it will not clog the dockets of the RTC or run counter to the purposes for holding a pre-trial. Inconsiderate dismissals do not constitute a panacea to the congestion of the court dockets. While they lend a deceptive aura of efficiency to records of individual judges, they merely postpone the ultimate reckoning between the parties. In the absence of clear lack of merit or intention to delay, justice is better served by a brief continuance, trial on the merits, and final disposition of cases before the court.[23] Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts.[24] It is the policy of the Supreme Court to afford party-litigants the amplest opportunity to enable them to have their cases justly determined, free from the constraints of technicalities.[25]

In the light of the foregoing, the Court finds it just and proper that plaintiffs-appellants be allowed to present their cause of action during trial on the merits to obviate jeopardizing substantive justice. What should guide judicial action is the principle that party-litigants are to be given the fullest opportunity to establish the merits of their complaint or defense rather than for them to lose life, liberty or property on technicalities. Trial courts are reminded to exert efforts to resolve the matters before them on the merits and to adjudge them accordingly to the satisfaction of the parties, lest in hastening the proceedings, they further delay the resolution of the cases.[26]

WHEREFORE, premises considered, the instant appeal is GRANTED. Civil Case 3828-10 is hereby REINSTATED and REMANDED to the Regional Trial Court of Gapan City, Nueva Ecija, Branch 87 for further proceedings.

SO ORDERED.

Dimaampao, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pp. 21-32.

[2] Ibid., p. 33.

[3] Ibid., pp. 34-35.

[4] Ibid., p. 23.

[5] Ibid., p. 24.

[6] Ibid., p. 35.

[7] Ibid., p. 33.

[8] Record, pp. 50-51.

[9] Ibid., p. 50.

[10] Rollo, p. 33.

[11] Record, pp. 53-55.

[12] Rollo, pp. 34-35.

[13] Ibid., p. 21.

[14] Ibid., p. 28.

[15] Ibid.

[16] Ibid., p. 41.

[17] Ibid.

[18] The Philippine American Life & General Insurance Company vs. Joseph Enario, G.R. No. 182075, September 15, 2010, 630 SCRA 607.

[19] American Insurance Co. vs. Republic, L-25478, October 23, 1967.

[20] Anson Trade Inc, et. al. vs. Pacific Banking Corporation, G.R. No. 179999, March 17, 2009, 581 SCRA 751.

[21] Rollo, p. 28.

[22] Ibid., pp. 28-29.

[23] Supra note 20.

[24] Ibid.

[25] Vette Industrial Sales Co, Inc. et. al. vs. Sui Soan S, Cheng, G.R. No. 170232, December 5, 2006 and Sui Soan S. Cheng vs. Bette Industrial Sales Co. Inc., 509 SCRA 532

[26] Linda M. Chan Kent vs. Dionesio C. Micarez, et. al., G.R. No. 185758, March 9, 2011, 645 SCRA 176.

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