

MARCELO STEEL CORPORATION, AND BENITO MACROHON, IN HIS CAPACITY AS SHERIFF OF QUEZON CITY, PETITIONERS VS. COURT OF APPEALS, PETRA R. FARIN AND BENJAMIN FARIN, RESPONDENTS.

G.R. No. L-35851. October 08, 1974

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for certiorari and mandamus against the resolution of the Court of Appeals in CA-G.R. No. 49342-R, Petra Farin, et al. vs. Benito Macrohon, et al., denying the motion of private respondents therein (herein petitioners) to dismiss the appeal of therein petitioners (herein private respondents) upon the ground that the latter's record on appeal does not contain any statement to the effect that an appeal bond has been filed by them, contrary to the requirement of Section 6 of Rule 41 and the consistent jurisprudence of this Court interpretative thereof to the effect that such omission is a fatal jurisdictional defect.

In resolving herein petitioners' motion to dismiss, the Court of Appeals held:

"There is likewise no question that in her Opposition to the Motion to Dismiss appellant herein admits that there is no mention in the Record on Appeal regarding the fact that an appeal bond was filed on time. But counsel for appellant argues that that fact appears on the face of the record of the case, as evidenced by a certification of the City Treasurer of Quezon City (copy attached to the opposition as Annex A) to the effect that petitioner-appellants' cash bond was actually filed on October 30, 1970, simultaneously with the filing of petitioners-appellants' Notice of Appeal. Appellants' counsel further contends that 'obviously because said cash appeal bond was filed simultaneously with the Notice of Appeal, the undersigned counsel, through oversight, failed to state or make mention of the filing of the said cash appeal bond in the record.'

"Appellant also calls attention to a petition for certiorari with preliminary injunction docketed with this Court as CA-G.R. No. 47519-R entitled Petra R. Farin, et al., vs. Hon. Walfrido de los Angeles, et al., in which a decision was promulgated by this Court on August 20, 1971.

"One of the reasons for Section 3, Rule 41 is to appraise the appellate court whether an appeal is seasonably filed or not. The purpose of adding the clause 'together with such data as will show that the appeal was perfected on time' was 'to avoid disputes in the appellate court concerning the fact of the perfection of the appeal.' (Araneta vs. Madrigal, G.R. No. 26227-28, Oct. 25, 1966).

"Now, it is to be noted that in the petition for certiorari above-mentioned the private parties were the same as appellants and appellees herein. Paragraphs 8 and 9 thereof contained the following allegations:

'8) That on October 15, 1970, petitioners thru counsel, received a copy of the decision of the respondent judge;

'9) That on October 30, 1970, petitioner filed their Notice of Appeal from the said decision, together with their Appeal Bond and Record on Appeal. (IPetition, dated February 22, 1971, p. 3, Italics supplied)

"Respondents therein, Honorable Judge Walfrido de los Angeles, Sheriff Benito Macrohon (now Leonides F. Villasenor) and Marcelo Steel Corporation, in par. 1 of their Answer, averred:

'Admissions

1. That, respondents admit . . . the allegations in paragraphs 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, of the petition.' (Answer dated March 1, 1971, pp. 1-2; note underscore)

There is no specific admission of petitioner's par. 8, but neither is there any specific denial thereof.

In consonance with the petitioner's allegations and respondents 'Admissions' (above) this Court, in its statement of the case said:

'On Oct. 30, 1970, petitioners filed their notice of appeal, appeal bond and record on appeal. . .' (p. 4, Decision, in CA-G.R. No. 47519-R)

Under the circumstances, therefore, it cannot be said that this Court has no way of determining whether the present appeal is seasonably filed inasmuch as it has not only been appraised thereof in the petition for certiorari but it has even made a clear, unequivocal pronouncement based on the admissions in the pleadings in that case, that all the requisites of a valid appeal have been complied with. Judicial admissions contained in pleadings bind the parties and the principle of estoppel operates. Hence, there would be no justification to dismiss this appeal for failure to state in the Record on Appeal a fact about which there can no longer be any dispute inasmuch as it has already been judicially admitted in the pleadings of C.A. G.R. No. 47519-R."

Under the facts thus found by the appellate court, We are more inclined to hold that the present petition cannot prosper'. Prescinding from the other grounds discussed in the impugned resolution, which We do not deem necessary to pass upon in this decision, We are of the considered view that the Court of Appeals did not in anyway abuse its discretion, but, on the contrary, acted in accordance with law in refusing to dismiss the appeal of the Farins.

Indeed, the main purpose of the rules requiring that a record on appeal should show on its face, by means of statements of the corresponding specific data, that the notice of appeal, the appeal bond and the record itself have been filed on time is to enable the appellate court to determine on the basis of the record on appeal itself and without the need of any independent evidence, that the appeal has been made on time. To allow the parties to indulge in a controversy regarding the timeliness of the appeal and to present their respective conflicting evidence on that point, which could take much of the time of the court that it could otherwise devote to the disposition of other cases demanding its attention, is detrimental to the interests of justice and contrary to the public policy intended to be served by the provision in question. But, as illustrated in the circumstances of the case at bar, there could be instances when the timeliness of an appeal is a matter which the court can take judicial notice of and consequently, it would be inconceivable that any controversy between the parties in respect thereto could arise. In such instances, the court is no longer supposed to receive any conflicting evidence. It would be bound by what it has judicial notice of and none of the parties may be permitted to prove the contrary. In the words of Chief Justice Moran, "Where a fact is one of which the court may judicially take notice, no proof thereof is necessary. The maxim is 'what is known need not be prove.' Judicial notice takes the place of proof and is of equal force. As a means of establishing facts it is therefore superior to evidence. In its appropriate field it displaces evidence since, as it stands for proof, it fullfills the object which the evidence is designed to fulfill and makes evidence unnecessary. (Beardsley vs. Irving, 81 Conn. 489, 81 A., 580; State vs. Main, 69 Conn., 123, L.R.A. 623.) Indeed, it is frequently said that neither averment, nor proof or admission, will prevail against matters which are judicially known to the court. (Alzua vs. Johnson, 21 Phil. 308; Jones vs. United States, 137 U.S. 202; Graves vs. Kelly, 62 Ind. A., 164, 112 N.E. 899, 901; Charles Boldt Co. vs. Turner Bros. Co., 199 Fed. 139; Davis vs. Southern Ry. Co., 170 N.C., 582, 87 S.E. 745.)" (Moran, Rules of Court, Vol. 5, p. 39.)

In the light of these considerations, the reason behind the subject rule is not in any sense violated when, as in the case at bar, the appellate court relies on what it has judicial notice of in determining whether or not appellants filed an appeal bond on time. When a matter of fact supposed to be proven to the court is one capable of being taken judicial notice of, being already known to the court because it has already been proven or was undisputed or judicially admitted in a related proceeding before it, it would be the height of absurdity and contrary to one's sense of justice and propriety to still require the parties to reopen the issue and litigate relative to the same matter all over again. Both upon principle and pragmatic considerations, courts are not supposed to ignore facts that the same parties have in a related case considered as beyond dispute or no longer subject to proof. Any other ruling would only give occasion to the court to arrive at contradictory findings on points which the parties themselves may not controvert without being inconsistent and unfair. In other words, Section 6 of Rule 41 and the jurisprudence cited by petitioners have no application to the situation obtaining in this case. The view We have taken here does not constitute a relaxation, much less a modification of the standing rulings of this Court invoked by petitioners.

Before closing it is necessary to state here that this case is related somehow to the other cases pending in this Court the same parties, namely G. R. Nos. L-34317 and 34335. To avoid any misconception or misunderstanding, it is here made clear that the result of the instant case has no bearing whatsoever on the outcome of the cases just mentioned and vice versa.

IN VIEW OF ALL THE FOREGOING, the petition is dismissed, with costs against petitioners.

Fernando, Chairman, Antonio, Fernandez and Aquino, JJ., concur.

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