

**HEIRS OF FRANCISCO PASCUAL, PLAINTIFFS-APPELLANTS, VS.
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(DENR), SPS. ROMEO AND CECILIA BALBER, PETER ESQUIVEL,
ANASTACIA SANTIAGO,...**

Ponente: SABIO, JR., J.

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SABIO, JR., J.:

At bar is an appeal from the January 8, 2004 Order[1] of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 22, in Civil Case No. 771-M-2003 dismissing herein plaintiffs-appellants' complaint for Declaration of Nullity of Title and Recovery of Ownership on the sole ground of failure to comply with the requirements of Section 1(j) of Rule 16 of the 1997 Rules of Civil Procedure. The dispositive portion of the questioned Order reads as follows:

“WHEREFORE, premises considered, the instant case is hereby DISMISSED for failure to comply with Section 1(j) Rule 16 of the Rules of Court.

SO ORDERED.”

Material to the resolution of this case are the following factual antecedents:

On October 15, 2003, herein appellants filed a complaint[2] for declaration of nullity of title and recovery of ownership with the Regional Trial Court of Malolos, Bulacan, Branch 22, against the Department of Environment and Natural Resources (DENR), Spouses Romeo and Cecilia Balber, Peter Esquivel, Anastacia Santiago, Teofila Cruz, Roberto Santiago and Pacita C. Vito.

Defendants, except for the DENR, filed a motion to dismiss[3] alleging therein that the complaint states in the caption that it is for declaration of nullity of title and recovery of ownership as their principal causes of action. However, the certification issued by the barangay captain of Barangay Matictic, Norzagaray, Bulacan, stated that the complaint lodged before the said barangay was for grave threat and not for declaration of nullity of title and recovery of ownership and therefore the requirements of the law on prior resort to barangay conciliation have not been met. The motion further stated that assuming that there was no settlement among the parties as certified to by the barangay, the certification issued is not for declaration of nullity of title and recovery of ownership but for the offense of grave threat which is in the nature of a criminal offense and does not pertain to the civil case pending before the court. Finally, defendants therein alleged that the names of defendants Anastacia Santiago and Pacita Vito are not included in the certification and hence the same could not apply to them and the condition precedent required by law has not been met.

Plaintiffs filed their comment and opposition[4] to the motion to dismiss, alleging that: (a) the motion was filed beyond the period to file answer, in violation of Section 1, Rule 16 of the Rules of Court; (b) the denomination “grave threat” as indicated in the certification to file action was made not by the plaintiffs but by the barangay; (c) one of the parties in the case is a government instrumentality, hence this case falls among the exceptions

enumerated under Section 408 of the Local Government Code.

On January 8, 2004, the trial court issued the now assailed Order granting the motion to dismiss.

Their motion for reconsideration having been likewise denied, plaintiffs-appellants are now before Us on appeal, raising the following arguments:

I

THE TRIAL COURT ERRED IN NOT CONSIDERING ANNEX “D” OF THE COMPLAINT AS A CERTIFICATE TO FILE ACTION WHICH IS A SUBSTANTIAL COMPLIANCE WITH THE LOCAL GOVERNMENT CODE

II

THE TRIAL COURT ERRED IN DISMISSING THE COMPLAINT ON THE GROUND THAT THERE WAS NO PRIOR REFERRAL TO THE BARANGAY IN SPITE OF THE FACT THAT UNDER SEC. 408 OF THE LOCAL GOVERNMENT CODE, THE CASE FALLS UNDER THE EXCEPTION BECAUSE THE DENR AS A GOVERNMENT INSTRUMENTALITY IS ONE OF THE DEFENDANTS

III

THE TRIAL COURT ERRED IN NOT HOLDING THE DEFENDANTS WERE IN DEFAULT FOR FAILING TO FILE RESPONSIVE PLEADING ON TIME

All the above issued can be narrowed down to only two: (a) whether or not the trial court committed a reversible error in holding that plaintiffs-appellants failed to comply with the condition precedent of conciliation proceedings before filing their complaint before the court a quo, and; (b) whether or not the trial court committed reversible error in not declaring the defendants in default despite their failure to file any responsive pleading within the reglementary period provided for by law.

We shall discuss the issues raised in seriatim.

First, the alleged non-compliance by plaintiffs-appellants with conciliation proceedings. Section 412 of the Local Government Code provides:

SEC. 412. Conciliation. - (a) Pre-condition to Filing of Complaint in Court. - No complaint, petition, action, or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication, unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.

x x x”

It is this Court's considered opinion that plaintiffs-appellants were able to sufficiently comply with the condition precedent of barangay conciliation as required under the above-quoted provision of the Local Government Code, in relation to Section 1, Rule 16 of the 1997 Rules of Civil Procedure.

The Certification to File Action[5] dated May 7, 2003 and attached to the Complaint filed before the court a quo specifically indicates that:

“x x x

(1) There has been a personal confrontation between the parties before the Punong Barangay but mediation

failed;

(2) The Pangkat ng Tagapagkasundo was constituted but the personal confrontation before the Pangkat likewise did not result into a settlement; and

(3) Therefore, the corresponding complaint for the dispute may now be filed in court/government office.”

The primordial objective of the rule requiring prior resort to barangay conciliation save the cases enumerated in Section 408 of the Local Government Code is to reduce the number of court litigations and prevent the deterioration of the quality of justice which has been brought by the indiscriminate filing of cases in the courts.[6] To ensure this objective, the rules require the parties to undergo a conciliation process before the Lupon chairman or the Pangkat as a pre-condition to filing a complaint in court subject to certain exceptions which, to our mind, are inapplicable in this case. This section has been declared compulsory in nature.[7] However, the conciliation process is not a jurisdictional requirement so that non-compliance therewith cannot affect the jurisdiction which the court has otherwise acquired over the subject matter or over the person of the defendant.[8]

The certification issued by the Barangay Captain indicating that personal confrontation among the parties to this case have been had, but the same did not result in a settlement is sufficient compliance with the mandate of the Local Government Code and is thus valid. The designation of the case as “grave threat” by the barangay does not destroy the fact that conciliation was conducted by the Lupon ng Tagapamayapa of Barangay Matictic, Norzagaray, Bulacan.

From the foregoing, it is undeniable that there was substantial compliance with the requirements of the local government code which does not require strict technical compliance with its procedural requirements. Under the foregoing antecedents, it cannot be said that the designation in the certification caused any prejudice to the case. We are thus forced to remind the parties that technicalities should not be made to desert their true role in our justice system, and should not be used as obstructions therein.

At this juncture, this court wishes to emphasize the vital role which the revised katarungang pambarangay law plays in the delivery of justice at the barangay level, in promoting peace, stability, and progress therein, and in effectively preventing or reducing expensive and wearisome litigation. Parties to disputes cognizable by the lupon should, with sincerity, exhaust the remedies provided by that law, government prosecutors should exercise due diligence in ascertaining compliance with it, and trial courts should not hesitate to impose the appropriate sanctions for non-compliance thereof.

Moreover, the presumption that the barangay captain has regularly performed his official duty has not been rebutted by any convincing and substantial evidence.

As to the second argument, however, We cannot agree with the claim of plaintiffs-appellants that defendants-appellees should have been declared in default for their failure to file any responsive pleading. Section 3, Rule 9 of the Rules of Civil Procedure provides:

SEC. 3. Default; declaration of. – If the defending party fails to answer within the time allowed therefore, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. Such reception of evidence may be delegated to the clerk of court. (Emphasis supplied)

The records are bereft of any move on the part of the plaintiffs-appellants to declare the herein defendants-appellees in default for their failure to file a responsive pleading. Absent the said motion as required by Section 3 of Rule 9, Rules of Court, the court a quo is not duty bound to declare the defendants in default motu

proprio.

IN LIGHT OF ALL THE FOREGOING, the appeal is hereby GRANTED. The Order of the Regional Trial Court (RTC), Branch 22, Malolos City, is hereby REVERSED and SET ASIDE, and the instant case REMANDED to the trial court for further proceedings.

SO ORDERED.

Asuncion-Vicente and Villon, JJ., concur.

[1] Rollo, p. 30

[2] Original Records, p. 3

[3] Original Records, p. 14

[4] Original Records, p. 21

[5] Original Records, p. 11

[6] Galuba vs. Laureta, GR No. 71091, January 29, 1988, 157 SCRA 627

[7] Morata vs. Go, 125 SCRA 444

[8] Presco vs. Court of Appeals, 192 SCRA 232

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