

VICTORIA D. BAYUBAY, REPRESENTED BY HER ATTORNEY--IN-FACT, MARIBEL MAMARIL, PETITIONER, VS. THE COURT OF APPEALS, FORMER FOURTH DIVISION AND BIG MAK BURGER, INC., RESPONDENTS.

G.R. No. 105866. July 06, 1993

Ponente: CRUZ, J.

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CRUZ, J.:

The proceeding at bar traces its origin to an action for ejectment filed by petitioner Victoria D. Bayubay in the Municipal Trial Court of Los Baños, Laguna, on April 11, 1990, on the ground of expiration of the contract of lease.

Private respondent Big Mak Burger argued in its answer that it had the option to renew the term of the lease contract “under such conditions as may be agreed upon by the parties” and set up the defense of estoppel. It also alleged a counterclaim for damages and reimbursement of expenses allegedly incurred by it on the leased premises.

The Municipal Trial Court issued summons with the notification that the case would be heard under the Rule on Summary Procedure.

After three pre-trial meetings and the marking of the exhibits, which included the lease contract and the exchange of letters between the parties, Judge Romulo G. Carteciano rendered a decision holding that the contract of lease had expired because no extension had been agreed upon by the parties as required by the agreement.[1]

The private respondent appealed to the Regional Trial Court of Calamba, Laguna, on the ground that “the MTC violated Secs. 6 and 7 of the Rules on Summary Procedure by rendering judgment without ordering the parties to submit their respective position papers and affidavits of their respective witnesses, as a consequence of which, defendant’s right to due process was violated.” [2]

On December 23, 1991, the Regional Trial Court affirmed the appealed decision in toto.[3] However, it was reversed by the Court of Appeals, which ordered the remand of the case to the Municipal Trial Court for further proceedings.[4]

The decision of the Court of Appeals is now before us. The petitioner contends that the respondent court erred in ruling that: (1) the failure of the MTC to give the private respondent the opportunity to submit its position paper and/or affidavit of witnesses constituted a denial of due process; (2) the questions raised were not only questions of law because the answer contained a counterclaim for reimbursement of improvements allegedly made by the lessee on the premises, and damages; and (3) there was still a necessity for the MTC to issue an order following the close of the pre-trial conference.

In its Comment, the private respondent refutes these contentions and argues that (1) the petition raises questions

of fact as well as law, such as the expenses incurred by the lessor in the improvement of the leased premises and the damages sustained by it as a result of the filing of the complaint; (2) it was deprived of the opportunity to submit its position paper and/or affidavits of witnesses and so denied due process; and (3) there was a need to remand the case to the MTC so that evidence could be presented to prove the factual issues through position papers and affidavits.

We see nothing wrong with the decision of the Court of Appeals remanding the case to the Municipal Trial Court for further proceedings. The respondent court was merely enforcing the mandatory provisions of the Rule on Summary Procedure.

The record shows that the Municipal Trial Court failed to take into account the following pertinent provision of the Rule:

Sec. 6. Preliminary Conference. - Not later than thirty (30) days after the last answer is filed, the case shall be calendared for a preliminary conference. Among other matters, should the parties fail to arrive at an amicable settlement, the court must clarify and define the issues of the case, which must be clearly and distinctly set forth in the order to be issued immediately after such preliminary conference, together with the other matters taken up during the same.

Sec. 7. Submission of affidavits. - Within ten (10) days from receipt of the order mentioned in the next preceding section, the parties shall submit the affidavits of witnesses and other evidences on the factual issues defined therein, together with a brief statement of their positions setting forth the law and the facts relied upon by them.

The above provisions require that immediately after the preliminary conference, the Municipal Trial Court should issue an order clearly and distinctly setting forth the issues of the case and the other matters taken up during the preliminary conference.

The order is an important part of the summary procedure because it is its receipt by the parties that begins the ten-day period to submit the affidavits and other evidence mentioned in Sec. 7.

The minutes of the Municipal Trial Court dated August 22, 1989, contained a notation that the pre-trial had been “terminated” and that the parties were to submit position papers.[5] However, there was no order to this effect nor was there an indication of when the position papers were to be submitted for the purpose of discussing the factual questions raised.

As correctly observed by the Court of Appeals ?

We think that the failure of the MTC to give the petitioner the opportunity to submit its position paper and/or affidavit of witnesses constituted a denial of due process. True, between August 22, 1989 and December 18, 1989, when the MTC rendered its decision was a period of more than three months. But under the Rule on Summary Procedure, the ten-day period for submitting affidavits and position papers did not commence to run until receipt by a party of the order of the court embodying the results of the pre-trial conference. Here, as already stated, the MTC never issued such an order and so the ten day period never started to run.

It is not true, as the MTC said, that the only questions raised were questions of law. The petitioner’s answer contained a counterclaim for reimbursement of improvements allegedly made by it on the premises, as well as claim for damages for alleged bad faith of private respondent in bringing the case -- questions which obviously required at least the affidavits of witnesses.

The Court of Appeals did not err therefore in calling for the remand of the case to the Municipal Trial Court. While the municipal judge may be commended for his zeal in speeding up the resolution of the case, he

nevertheless cannot be sustained for his non-observance of the Rule on Summary Procedure.

We conclude with the following reminder:

Rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extra-judicial proceedings. It is a mistake to suppose that substantive law and adjective law are contradictory to each other or, as has been often suggested, that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants. This is not exactly true; the concept is much misunderstood. As a matter of fact the policy of the courts is to give effect to both kinds of law, as complementing each other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive and procedural rights is equally guaranteed by due process, whatever the source of such rights, be it the Constitution itself or only a statute or a rule of court.[6]

WHEREFORE, the petition is DENIED, with costs against the petitioner. It is so ordered.

Griño-Aquino, Bellosillo, and Quiason, JJ., concur.

[1] Rollo, pp. 55-61.

[2] Ibid, p. 80.

[3] Id., pp. 79-80.

[4] Id., pp. 32-45; Mendoza, J. ponente with Herrera and Sempio Diy, JJ. concurring.

[5] Id., p. 40.

[6] Tupas vs. Court of Appeals, 193 SCRA 597.

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