

**CONCRETE AGGREGATES CORPORATION, PETITIONER, VS. THE
HONORABLE COURT OF APPEALS, HON. PRISCILA S. AGANA,
REGIONAL TRIAL COURT OF CEBU CITY, BRANCH 24, AND VIVIEN S.
SORIGUEZ, RE...**

G.R. No. 117574. January 02, 1997

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Does Rule 26 of the Revised Rules of Court require a party to respond to a Request for Admission of matters raised in his pleadings? Will his failure to place under oath his denials in his response to the request be deemed an admission of the matters sought to be admitted?

Petitioner is a domestic corporation engaged in the business of manufacturing and selling Bituminous Concrete Mix, Ready Mix Concrete and other construction materials. It has several plant sites in the country one of which is the Cebu plant site situated in Tuyan, Naga, Cebu. Private respondent on the other hand is engaged in the business of providing security services to various establishments under the name and style 101 Security and Detective Services.

Sometime in October 1990 petitioner retained the services of private respondent for its Cebu plant site. On 8 November 1991 it terminated the services of private respondent alleging that it was dissatisfied with the latter's services because she failed to prevent and promptly investigate a theft case which occurred in its Cebu plant site.

On 6 October 1992 private respondent Vivien S. Soriguez instituted an action with the Regional Trial Court of Cebu[1]for collection of unpaid fees for her security services rendered to petitioner. She also claimed that the termination of her services was unlawful so that she should be awarded moral damages.

Petitioner contended that its refusal to pay was justified because private respondent was answerable for the losses it incurred arising from the theft attributable to her fault. Petitioner thus claimed that there was legal set-off or compensation regarding the unpaid fees due private respondent and the amount of the stolen articles owned by petitioner.

On 30 August 1993 petitioner sent private respondent a Request for Admission by the latter of her responsibility of the theft that occurred on 5 June 1991 at the Cebu plant site.[2] Thereafter private respondent through counsel filed a Manifestation and Reply to the Request for Admission.[3] It was not under oath.

On 8 October 1993 petitioner filed a Motion for Summary Judgment positing that private respondent impliedly admitted the matters set forth in the Request for Admission by failing to respond under oath as required under Sec. 2, Rule 26, of the Rules of Court.[4]Petitioner contended that the manifestation and reply not being verified was ineffectual and thus should be stricken off the records. Private respondent countered that her reply although not under oath effectively denied the matters set forth in the request.

Public respondents ruled in favor of private respondent holding that the circumstances warranted a relaxation of the rules in the interest of justice.[5]The trial court rationalized that -

While it is desirable that the Rules of Court be faithfully and even meticulously observed, courts should not be so strict about procedural lapses as in this case which do not really impair the proper administration of justice. Considering that the protection of the substantive rights of the parties is paramount over mere technicalities, the court elects to deny defendant's motion for summary judgment.[6]

Respondent courts further ruled that a summary judgment was improper because the dispute involved factual issues which could only be resolved in a full-blown hearing.[7]

After the trial court denied its motion for reconsideration petitioner elevated the matter to the Court of Appeals in a special civil action for certiorari but the latter likewise denied the petition for lack of merit; hence, the instant petition.

The pivotal issue in this case is the effect of the Request for Admission filed by petitioner and, consequently, whether private respondent may be considered to have impliedly admitted the matters referred to in the request when she filed a manifestation and reply that was not under oath.[8]

We deny the petition.

The Request for Admission of petitioner does not fall under Rule 26 of the Rules of Court. As we held in *Po v. Court of Appeals*[9]and *Briboneria v. Court of Appeals*,[10] Rule 26 as a mode of discovery contemplates of interrogatories that would clarify and tend to shed light on the truth or falsity of the allegations in a pleading. That is its primary function. It does not refer to a mere reiteration of what has already been alleged in the pleadings.

A cursory reading of petitioner's Request for Admission clearly shows that it contains the same material averments in his Answer to respondent's Complaint in the trial court. Petitioner merely recopied or reproduced in its Request for Admission its affirmative defenses and counterclaims alleged in its Answer. As we held in *Po v. CA*,[11] petitioner's request constitutes an utter redundancy and a useless, pointless process which the respondent should not be subjected to. In the first place, what the petitioner seeks to be admitted by private respondent is the very subject matter of the complaint. In effect, petitioner would want private respondent to deny her allegations in her verified Complaint and admit the allegations in the Answer of petitioner (Manifestation and Reply to Request for Admission). Plainly, this is illogical if not preposterous. Respondent cannot be said to have admitted the averments in the Answer of petitioner just because she failed to have her response to the request placed under oath since these are the very matters she raises in her verified Complaint in the court below. The following allegations specifically contained therein are self-evident —

9. That, in compliance thereto (sic) (referring to the request for investigation), herein plaintiff, through her authorized representative, went at (sic) the place and conducted the necessary investigation and found out that the herein plaintiff was not responsible for those alleged losses simply because of the following, to wit:

a. Those alleged losses like Blower, Oil Filter, transmission and others were taken and brought outside the guarded place by certain Danny Baterna, driver of defendant, as reflected in the Log Book of the plaintiff .x x x x [12]

Clearly, therefore, private respondent need not reply to the Request for Admission because her Complaint itself controverts the matters set forth in the Answer of petitioner which were merely reproduced in the request. In *Uy Chao v. De la Rama Steamship*[13]we observed that the purpose of the rule governing requests for admission of facts and genuineness of documents is to expedite trial and to relieve parties of the costs of proving facts which will not be disputed on trial and the truth of which can be ascertained by reasonable inquiry.

In the aforesaid cases of Po and Briboneria we held that —

A party should not be compelled to admit matters of fact already admitted by his pleading and concerning which there is no issue, nor should he be required to make a second denial of those already denied in his answer to the complaint.[14]

To this we add that a party should not be made to deny matters already averred in his complaint. At this point, it is necessary to emphasize what this Court laid down in the same Po and Briboneria cases —

A request for admission is not intended to merely reproduce or reiterate the allegations of the requesting party's pleading but should set forth relevant evidentiary matters of fact, or documents described in and exhibited with the request, whose purpose is to establish said party's cause of action or defense.[15]

Since the answer of private respondent to the request is no longer required in the instant case, it therefore becomes unnecessary to dwell on the issue of the propriety of an answer that is not under oath. Even assuming that a response to the request is needed, private respondent had already substantially complied with the requirement of the law when she specifically denied the material allegations of the petitioner in her Manifestation and Reply to the Request for Admission. Although not under oath the reply to the request readily showed that the intent of private respondent was to deny the matters set forth in the Request for Admission. That the reply is not under oath is merely a formal and not a substantive defect. This procedural lapse may be dispensed with if the circumstances call for the dispensing of the rule in the interest of justice. While we commend petitioner's zeal in promoting faithful adherence to the rules of procedure we cannot ignore the well-entrenched doctrine that all pleadings should be liberally construed as to do substantial justice.[16]

There being genuine issues of fact between the private parties, public respondents correctly denied the motion of petitioner for summary judgment. Where facts pleaded by the parties are disputed or contested proceedings for summary judgment cannot take the place of trial.[17] Trial courts have limited authority to render summary judgments and may do so only when there is clearly no genuine issue as to any material fact.[18] Verily, there is a need to determine by presentation of evidence if respondent is really liable for the stolen articles and for violating its contract for security services with petitioner. Until these issues are determined no legal compensation can take place between the parties. This factual dispute can only be resolved by trying the case on the merits, a process which need not take long to conclude.[19]

WHEREFORE, finding no reversible error committed by the respondent Court of Appeals, as well as by the Regional Trial Court of Cebu, the instant petition is DENIED and the records of this case are remanded to the court of origin for further proceedings.

Costs against petitioner.

SO ORDERED.

Padilla, (Chairman), Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Presided over by Judge Priscila S. Agana, RTC-Br. 24, Cebu City.

[2] *Id.*, p 67

[3] *Id.*, p. 70.

[4] *Id.*, p. 73.

[5] CA Decision penned by Justice Eugenio S. Labitoria with Justices Emeterio C. Cui and Fermin A. Martin Jr. concurring.

[6]Id., p. 43.

[7] Id., pp. 8, 43.

[8] Manifestation and Reply to Request for Admission, Rollo, p. 70.

[9]No. L-34341, August 22, 1988.

[10]G.R. No. 101682, December 14, 1992.

[11]See Note 9.

[12] Rollo, p. 47.

[13] No. L- 14495, 29 September 1962.

[14] See Notes 9 and 10.

[15] Ibid.

[16]Sec. 6, Rule 7, Rules of Court.

[17] Archipelago Builders v. Intermediate Appellate Court, G.R. No. 75282, February 19, 1991, 194 SCRA 207, 212, citing the cases of Auman v. Estenzo., No. L- 40500, 27 February 1976, 69 SCRA 524; Loreno v. Estenzo, No. L-43306, 29 October 1976, 73 SCRA 630; Viajar v. Estenzo, No. L- 45321, 30 April 1979, 89 SCRA 684.

[18] Ibid.

[19] Ibid.

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