

FORTUNATA N. DUQUE, PETITIONER, VS. COURT OF APPEALS, SPS. ENRICO BONIFACIO AND DRA. EDNA BONIFACIO, RESPONDENTS.

G.R. No. 125383. July 02, 2002

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court which seeks to reverse the Decision dated March 13, 1996 issued by the Court of Appeals in CA-G.R. CV No. 23991 and 23992, setting aside the Decision dated July 3, 1991 of the Regional Trial Court of Valenzuela, Metro Manila and ordering the remand of the case to the said RTC for trial on the merits.

The facts of this case are undisputed.

Petitioner Duque filed a complaint^[1] before the RTC of Valenzuela alleging that: respondents spouses Enrico and Edna Bonifacio negotiated with her certain checks in exchange for cash in the total amount of Two Hundred Seventy Thousand Pesos (P270,000.00); respondents represented themselves to be holders in due course and for value and claimed that the checks were sufficiently funded; upon presentation of the checks on their respective dates of maturity, the same were dishonored; petitioner Duque gave notice of dishonor to the respondents; and this notwithstanding and despite repeated demands, respondents refused and continued to refuse to honor said checks or replace it with cash.^[2]

Petitioner Valenzuela alleged the same circumstances in her complaint,^[3] except that with her, the total amount involved is Four Hundred Thirty Two Thousand Pesos (P432,000.00).^[4]

In their Answers, the respondents spouses denied: having personally negotiated with the plaintiffs any of the checks annexed to the complaints; representing to both plaintiffs that they were holders in due course and for value of said checks; representing that the same had sufficient funds; having drawn or issued all the checks alluded to by plaintiffs; and refusing to honor the checks or replace it with cash after being informed of the dishonor thereof.

Further, respondents contend that upon learning that the checks were returned to the petitioners, they made arrangements for settlement but only for the checks duly issued by them. Finally, respondents dispute the true amount of their total liability to the respective petitioners as alleged in their separate complaints, claiming that “they do not owe that much” to either of them.^[5]

On June 28, 1988, the RTC issued a pre-trial order defining the principal issues, thus: “whether or not the defendants owe the plaintiffs the amount of money as claimed in the complaint, and whether or not defendants can be permitted to adduce evidence which would contradict the genuineness and due execution of the actionable documents attached to the complaint”; and setting the cases for trial on the merits.^[6]

On November 22, 1988, petitioners filed a Request for Admission and furnished to counsel for private respondents, specifically requesting that they admit that:

1)

they negotiated with plaintiffs for valuable consideration the checks annexed to the respective complaints;

2)

defendant Edna M. Bonifacio signed separate promissory notes dated November 23, 1987, acknowledging that she is indebted to plaintiff Duque in the sum of Two Hundred Seventy Thousand Pesos (P270,000.00) and to plaintiff Valenzuela Four Hundred Thirty Two Thousand Pesos (P432,000.00), respectively; and

3)

the plaintiffs in the two cases sent letters of demand to the defendants both dated November 28, 1987 which the latter received on December 5, 1987.[7]

For failure of the respondents spouses to respond to the aforementioned request, the RTC, citing Sections 1 and 2, Rule 26 of the Rules of Court, issued an Order on December 27, 1988, which reads in part:

“Defendants’ failure to deny under oath the matters of which an admission is requested or setting forth in detail the reason why he cannot truthfully admit/deny those matters in accordance with the cited provisions of the Rules of Court is an implied admission of the matters of which admission is requested.”[8]

In the same Order, the RTC deemed the cases submitted for decision.[9]

On February 1, 1989, the RTC of Valenzuela rendered a decision against the private respondents, pertinent portions of which read:

“For failure of the defendants to make/submit sworn statement either denying specifically the matters of which admission is requested or the reasons why they cannot truthfully either admit or deny those matters as required in Sections 1 and 2 of Rule 26 of the Rules of Court, upon motion of plaintiffs through counsel, the matters of which admission is requested are considered admitted.

“Defendants deemed to have admitted that they negotiated with plaintiff Fortunata N. Duque the certain checks enumerated in the request for admission and which are the annexes in the complaint, that defendant Edna M. Bonifacio signed a promissory note dated November 23, 1987 acknowledging her indebtedness to plaintiff Fortunata N. Duque in the amount of P270,000.00 and have received the letter of demand of said plaintiff on December 5, 1987. Defendants were also considered to have admitted that they negotiated with plaintiff Marcosa D. Valenzuela the certain checks as annexes to the complaint and enumerated in the Request for Admission, that defendant Edna M. Bonifacio signed a promissory note dated November 23, 1987 acknowledging her indebtedness to plaintiff Marcosa D. Valenzuela in the amount of P432,000.00 and have received plaintiff’s letter of demand on December 5, 1987. With the admissions, plaintiffs in both cases are entitled to a favorable judgment.

xxx

“WHEREFORE, judgment is hereby rendered in favor of plaintiffs and against the defendants Spouses Enrico and Dra. Edna M. Bonifacio.

“Civil Case No. 2756-V-88

“Condemning defendants jointly and severally to pay the plaintiff Fortunata N. Duque the principal amount of Two Hundred Seventy Thousand Pesos (P270,000.00) with legal rate of interest from the filing of the

complaint on January 12, 1988 until fully paid;

“Civil Case No. 2757-V-88

“Sentencing defendants jointly and severally to pay the plaintiff Marcosa D. Valenzuela the principal amount of Four Hundred Thirty-Two Thousand Pesos (P432,000.00) with legal rate of interest from the filing of the complaint on January 12, 1988 until the amount is fully paid.

“SO ORDERED.”[10]

Dissatisfied, the private respondents went to the Court of Appeals.

On March 13, 1996, the appellate court rendered a decision vacating and setting aside the decision of the trial court, thus:

“WHEREFORE, the decision appealed from is hereby VACATED and SET ASIDE and these cases remanded to the court of origin for trial on the merits. The trial judge is enjoined to resolve the cases with dispatch.

“No costs.

“SO ORDERED.”[11]

It reasoned that: the matters of which admission by the appellants is being sought in the appellees’ separate requests for admission are, or pertain to those already denied by the former in their respective Answers to the two Complaints filed against them; the lower court failed to appreciate the fact that the requests for admission in question were filed in court and not served directly on the appellants, as required in Section 1 of Rule 26; appellant’s counsel were served copies of said requests but such is not compliance with the requirements of the rule as held by the Supreme Court in *Briboneria vs. Court of Appeals*. [12]

Petitioner filed motion for reconsideration on April 2, 1996 [13] but the same was denied by the appellate court in a Resolution dated May 21, 1996. [14]

Hence the petition for review, assigning the following errors:

A

THE RESPONDENT COURT ERRED IN NOT APPLYING SECS. 1 AND 2, RULE 26 OF THE RULES OF COURT.

B

THE RESPONDENT COURT ERRED IN HOLDING THAT THERE WAS NO SERVICE OF THE REQUEST FOR ADMISSIONS TO PRIVATE RESPONDENTS. [15]

Otherwise stated, the issues of this case are as follows: (1) whether or not the failure of the private respondents to respond to the request for admission by the petitioners is tantamount to an implied admission under Sections 1 and 2, Rule 26 of the Rules of Court; and (2) whether or not there was personal service of the request on private respondents.

As to the first issue, petitioners claim that the Court of Appeals erred when it totally disregarded Sections 1 and 2, Rule 26 because the RTC correctly held that there was an implied admission by the private respondents of the allegations in the request for admission upon their failure to admit or deny the matters in the request; [16] that respondents cannot ignore their request for admission since it contained relevant evidentiary matters of facts for the purpose of establishing their cause of action or defense; [17] and that the answer of respondents did not deny under oath the truth and genuineness of the actionable documents attached to the complaint. [18]

Anent the second issue, petitioners allege that the appellate court erred in holding that there was no service of the request for admission on private respondents; that this allegation was never raised by private respondents because it is false; and that granting *arguendo* that the request was served on the lawyer and not on private respondents themselves, still this is sufficient and is equivalent to service on the respondent according to *PSFC Financial Corp. vs. Court of Appeals*.^[19]

We find the petition devoid of merit.

The prevailing rule in 1988 at the time when the request for admission was made is Rule 26 of the Revised Rules of Court, which provides:

“Sec. 1. Request for admission --- At any time after issues have been joined, a party may serve upon any other party^[20] a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. Copies of the documents shall be delivered with the request unless copies have already been furnished.

“Sec. 2. Implied admission --- Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, which shall not be less than ten (10) days after service thereof, or within such further time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.

“Objections on the ground of irrelevancy or impropriety of the matter requested shall be promptly submitted to the court for resolution.”

This particular Rule seeks to obtain admissions from the adverse party regarding the genuineness of relevant documents or relevant matters of fact through requests for admissions to enable a party to discover the evidence of the adverse side thereby facilitating an amicable settlement of the case or expediting the trial of the same.^[21] However, if the request for admission only serves to delay the proceeding by abetting redundancy in the pleadings, the intended purpose for the rule will certainly be defeated.^[22]

In the present case, petitioners requested the admission of three things: first, that respondents negotiated with the plaintiffs for valuable consideration the checks annexed to the respective complaints; second, that defendant Edna N. Bonifacio signed separate promissory notes, both dated November 23, 1987 acknowledging that she is indebted to plaintiff Fortunata Duque in the sum of Two Hundred Seventy Thousand Pesos (P270,000.00) and to plaintiff Marcosa Valenzuela in the sum of Four Hundred Thirty Two Thousand Pesos (P432,000.00); and third, that the plaintiffs in the two (2) cases sent letters of demand commonly dated November 28, 1987 which the latter received on December 5, 1987.

The first matter sought to be admitted by the petitioners pertains to the checks supposedly negotiated by the respondents to the plaintiffs. As correctly observed by the appellate court, these are the same checks referred to and annexed in the Complaint, to wit:

“III

“The defendants, conspiring, confederating, aiding and helping each other, negotiated with the plaintiff certain checks in exchange for cash, as shown in the schedule which is hereto attached xxx and the checks as Annexes ‘B’, ‘B-1’ to ‘B-24’ (in Civil Case No. 2756-V-88) and Annexes ‘B’, ‘B-1’ to ‘B-39’ (in Civil Case No. 2757-V-88) and made integral parts hereof, making representations that they were holders in due course and for value and the checks were sufficiently funded.”^[23]

The corresponding denial thereof by the respondents in their Answer reads:

“That paragraph 3 is specifically denied for being devoid of the truth as defendants did not personally negotiate with plaintiff any of the checks marked as Annexes ‘B’ to ‘B-24’ (in Civil Case No. 2756) and Annexes ‘B’ to ‘B-39’ (in Civil Case No. 2757); neither did defendants represent that they are holder in due course and for value of said checks nor did they claim that the same have sufficient funds, moreover, not all the checks alluded to by plaintiff(s) were drawn or issued by defendants.”[24]

Clearly therefrom, to require an admission on this point even though it was already denied in the Answer would be superfluous.

As expounded by this Court in *Po vs. Court of Appeals*: [25]

“A party should not be compelled to admit matters of fact already admitted by his pleading and concerning which there is no issue (*Sherr vs. East*, 71 A2d, 752, *Terry* 260, cited in 27 C.J.S. 91), nor should he be required to make a second denial of those already denied in his answer to the complaint. 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. Unless it serves that purpose, it is, as correctly observed by the Court of Appeals, ‘pointless, useless’ and ‘a mere redundancy.’

On the second matter requested, petitioners sought the admission of respondents that Edna Bonifacio executed promissory notes in favor of the petitioners acknowledging therein her indebtedness to them in the amount of Two Hundred Seventy Thousand Pesos (P270,000.00) and Four Hundred Thirty Two Thousand Pesos (P432,000.00). The appellate court held that the allegation of the private respondents in their Answers that “they do not owe that much” is sufficient and does not necessitate a reply to the admission.[26] To this we disagree. The request for admission pertains to promissory notes while the allegation quoted by the appellate court simply refers to the amount allegedly owed by the respondents, not to the promissory notes which in the first place were not mentioned in the Complaint of petitioners.

However, we find no cogent reason to deviate from the observations of the Court of Appeals that the request for admission regarding the alleged promissory notes is defective for failure of petitioners to attach copies of said notes to the request for admission; and that private respondents were not previously furnished copies of the same. Petitioner failed to comply with the requirements under Section 1 of Rule 26 which provides that a party may serve upon any other party a written request for the admission by the latter of the genuineness of any material and relevant document described in and exhibited with the request; and that copies of the documents should be delivered with the request unless copies have already been furnished. Except for the bare allegation of the petitioners that they also furnished private respondents said promissory notes, their requests do not show that there was indeed such previous or simultaneous service of the said documents on the petitioners.

Also improper is the admission sought with respect to plaintiffs’ demand letters dated November 28, 1987 which the defendants allegedly received on December 5, 1987.

Paragraph V of the Complaint reads:

“Plaintiff gave notice of dishonor to the defendants, but this notwithstanding, and in spite of repeated demands, the defendants refused and failed and continue to refuse and fail to honor the said checks or replace them with cash.”[27]

Paragraph 4 of the Answer reads:

That paragraph 5 is specifically denied for being devoid of the truth as defendants after having obtained

knowledge that their checks were turned-over to the possession of plaintiff and were dishonored, made arrangement for the settlement of the checks issued by them.[28]

Thus, a denial by the respondents would be a surplusage in the light of the allegation in paragraph 5 of the respective Complaints which speak of such a demand, and the denial of the same allegation in appellants' separate Answers to said complaints.

The second issue involves the question of sufficiency of service on a party of a request for admission.

The petitioners claim that respondents were personally served requests for admission as required by the Rules; and that granting that they were not, service on the counsel would be sufficient.

Records show that only the counsel of the respondents, Atty. H.G. Domingo, Jr. was furnished copies of the requests.[29] This is not sufficient compliance with the Rules. As elucidated by the Court in the *Briboneria* case:

“The general rule as provided for under Section 2 of Rule 27 (now Section 2, Rule 13) of the Rules of Court is that all notices must be served upon counsel and not upon the party. This is so because the attorney of a party is the agent of the party and is the one responsible for the conduct of the case in all its procedural aspects; hence, notice to counsel is notice to party. The purpose of the rule is obviously to maintain a uniform procedure calculated to place in competent hands the orderly prosecution of a party's case (*Chainani vs. Judge Tancinco*, G.R. No. L-4782, Feb. 29, 1952; *Capili v. Badelles*, G.R. No. L-17786, Sept. 29, 1962). However, the general rule cannot apply where the law expressly provides that notice must be served upon a definite person. In such cases, service must be made directly upon the person mentioned in the law and upon no other in order that the notice be valid.” [30]

Consequently, the requests for admission made by the petitioners were not validly served and therefore, private respondents cannot be deemed to have admitted the truth of the matters upon which admissions were requested. Thus, the summary judgment rendered by the RTC has no legal basis to support it. [31]

WHEREFORE, we DENY the petition and AFFIRM the decision of the Court of Appeals. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Docketed as Civil Case No. 2756-V-88.

[2] RTC Records, CV Case No. 2756-V-88, pp. 1-2.

[3] Docketed as Civil Case No. 2757-V-88.

[4] RTC Records, CV Case No. 2757-V-88, pp. 1-2.

[5] RTC Records, CV Case No. 2756-V-88, pp. 45-46, 48-49.

[6] *Id.* at 58; RTC Records, CV Case No. 2757-V-88, p. 42.

[7] *Id.* at 67-70.

[8] RTC Records, CV Case No. 2756-V-88, p. 74.

[9] *Ibid.*

[10] RTC Records, CV Case No. 2756-V-88, pp. 79-80.

[11] Rollo, p. 83.

[12] Rollo, pp. 80-83; 216 SCRA 607.

[13] CA Rollo, pp. 55-60.

[14] Rollo, p. 86.

[15] Id. at 15.

[16] Rollo, pp. 17-18

[17] Id. at 18.

[18] Id. at 19.

[19] Rollo, pp. 19-21.

[20] Under Section 1, Rule 26 of the 1997 Rules of Civil Procedure, requests for admission must not only be served upon the party but also filed in court.

[21] Oscar M. Herrera, Vol. II, Remedial Law (1994), pp. 1-2.

[22] Rey Lañada vs. Court of Appeals and Buena, G.R. No. 102390 and 102404, February 1, 2002.

[23] RTC Records, CV Case No 2756-V-88, p. 1; RTC Records, CV Case No. 2757-V-88, p. 1.

[24] RTC Records, CV Case No 2756-V-88, p. 45.

[25] 164 SCRA 668, 670 (1988), see also Briboneria vs. Court of Appeals, 216 SCRA 607, 615 (1992).

[26] Rollo, p. 82.

[27] RTC Records, CV Case No. 2756-V-88, p. 2, RTC Records, CV Case No. 2757-V-88, p. 2.

[28] RTC Records, CV Case No. 2756-V-88, pp 45-46, 48-49.

[29] RTC Records, CV Case No. 2756-V-88, pp. 68, 70.

[30] Briboneria vs. Court of Appeals, 216 SCRA 616, 617 (1992).

[31] Ibid., 618.

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