

**ROUEL AD. REYES, PETITIONER, VS. SPOUSES PEPITO AND MARTA TORRES, HON. ELIEZER R. DELOS SANTOS, EXECUTIVE JUDGE, RTC, ANGELES CITY, RESPONDENTS.**

*G.R. No. 131686. March 18, 2002*

Ponente: YNARES-SANTIAGO, J.

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**YNARES-SANTIAGO, J.:**

This petition for certiorari originates from a case for ejectment with damages concerning a parcel of land[1] located in Mabalacat, Pampanga. Sometime in 1993, petitioner Rouel AD. Reyes purchased the subject property. At that time, the property was already occupied by several tenants who had constructed their homes and commercial establishments thereon. These residents were informed that petitioner had acquired the property and were asked to vacate the same.

Respondent spouses Pepito and Marta Torres and Arcelli T. Manalo refused to vacate and remove their structure. Moreover, they erected one more structure and leased the same to Lolita Ticse for a monthly rental of One Thousand Pesos (P1,000.00). Several written demands[2] to vacate addressed to the Torres couple and Manalo went unheeded, which prompted petitioner Reyes to file a complaint before the Barangay Lupon for conciliation proceedings. When no settlement was reached, a certificate to file action was issued to petitioner, who filed a case for ejectment[3] against respondents and Manalo before the Municipal Circuit Trial Court of Mabalacat and Magalang, Pampanga.

On May 29, 1997, the MCTC rendered a decision, disposing of the case as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against herein defendants by ordering the latter:

- To vacate the premises and to surrender the same peacefully to the plaintiff or to any of his authorized representative/s;
- To remove the structure/s standing on the premises;
- To pay the plaintiff a rental of P1,000.00 a month commencing from the date of filing of the complaint on July 22, 1996, up to the time defendants finally vacate the premises;
- To pay the plaintiff the amount of P20,000.00 as attorney's fees and to pay the cost of this suit.

Plaintiff's claims for moral damages and defendants' counterclaim are hereby denied for lack of proof.

SO ORDERED.[4]

The Torres couple and co-defendant Manalo appealed to the Regional Trial Court of Angeles City and filed the required supersedeas bond. The case was docketed as Civil Case No. 8746. On September 18, 1997, the RTC dismissed the appeal for failure to pay docket and other legal fees.[5]

Respondents filed a motion for reconsideration,[6] averring that they had paid the proper docket fees as early as August 27, 1997, annexing thereto the receipts. They manifested that it was the Clerk of Court of the MCTC of Mabalacat and Magalang who neglected to attach the said receipts to the records of the case. The motion for reconsideration was set for hearing at 2:00 in the afternoon of October 3, 1997.

The day before the hearing, respondents filed a petition for certiorari and prohibition[7] with Branch 62 of the Regional Trial Court of Angeles City, docketed as Civil Case No. 8794. Respondents assailed the writ of execution issued by the MCTC on September 30, 1997 despite their filing of the supersedeas bond to stay execution of judgment pending appeal. Nevertheless, the sheriff executed the writ and demolished respondents' house and other structure on the subject property.

Respondents failed to appear at the hearing of their motion for reconsideration before Branch 59 of the RTC. The motion for reconsideration was denied and its earlier order dismissing the appeal was sustained.

The following day, respondents filed another motion for reconsideration[8] of the order denying their first motion for reconsideration. They alleged that their counsel arrived late at the hearing on October 3, 1997; that their counsel was at Branch 62 of the RTC Angeles City awaiting the issuance of a temporary restraining order in Civil Case No. 8794, which was issued only a few minutes before 2:00 o'clock; that he thereafter rushed to Branch 59 to attend the hearing but was delayed by heavy traffic due to a vehicular accident.

On November 17, 1997, the Regional Trial Court issued an Order,[9] ruling as follows:

Without necessarily touching on the issue as to whether the appeal was filed on time and it appearing that indeed there was payment of the appellate docket fees as evidenced by Official Receipt Nos. 5864393 and 6674615, the Branch Clerk of Court of the Municipal Circuit Trial Court, Mabalacat-Magalang, Pampanga, is hereby ORDERED to immediately transmit the entire records of this case to this Court for inclusion in the raffle.

SO ORDERED.

Petitioner filed a motion for reconsideration.[10] While his motion for reconsideration remained unresolved, the case was raffled to Branch 57 of the Regional Trial Court of Angeles City.[11] On December 5, 1997, said court issued an Order[12] directing the parties to submit their respective memoranda, after which the case would be considered submitted for decision.

Hence, the instant petition for certiorari. Petitioner argues that respondent court had lost jurisdiction when it dismissed the appeal and returned the records of the case to the Municipal Circuit Trial Court; that respondent court erred in reinstating the appeal without first resolving the motion for reconsideration; that respondent court erred in not citing private respondents in contempt for forum-shopping; and that respondents' motion for reconsideration of the dismissal order was bereft of merit.

We find no grave abuse of discretion on the part of respondent court.

This Court is fully aware that procedural rules are not to be belittled or simply disregarded for these prescribed procedures insure an orderly and speedy administration of justice. However, it is equally true that litigation is not merely a game of technicalities. Time and again, courts have been guided by the principle that the rules of procedure are not to be applied in a very rigid and technical manner, as rules of procedure are used only to help secure and not to override substantial justice.[13] The law and jurisprudence grant to courts the prerogative to relax compliance with procedural rules of even the most mandatory character,[14] mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.[15]

A more lenient interpretation is appropriate in this case especially because the dismissal of respondents' appeal for failure to pay docket fees was manifestly erroneous. Through no fault of respondents, the clerk of court of the Municipal Circuit Trial Court failed to include and transmit to respondent Regional Trial Court the receipts of payment. The records show that respondents paid to the Clerk of Court of the Municipal Circuit Trial Court the corresponding amounts well within the five (5) days granted by the respondent court in its order requiring such payment.[16]

Contrary to petitioner's contention, there was nothing respondents could have done about the situation since they had every right to rely on the presumption that the clerk of court would do her bounden duty. Rule 40, Section 5 of the Rules of Court, as amended, provides:

Within the period for taking an appeal, the appellant shall pay to the clerk of the court which rendered the judgment or final order appealed from the full amount of the appellate court docket and other lawful fees. Proof of payment thereof shall be transmitted to the appellate court together with the original record or the record on appeal, as the case may be. (Underscoring ours)

Clearly then, it was the responsibility of the clerk of court to attach respondents' proof of payment to the original record. Respondent court's error in dismissing the appeal after having been inadvertently misled to believe that respondents had failed to pay the docket fees was rectifiable. Respondents endeavored to set this right through their first motion for reconsideration.

It cannot be said that respondents' second motion is strictly prohibited by the rules for the matters raised in the first and second motions are not identical, since they challenged two different orders of the respondent court.

To our mind, a strict application of the rule prohibiting a second motion for reconsideration in this instance would be unreasonable. Both orders dismissing the appeal were based on technicalities and not on the merits of the case. Recognizing that litigations should, as much as possible, be resolved on the merits and not on technicality, the strict interpretation of this exclusionary rule in this case would amount to a deprivation of the petitioner's statutory right to appeal. The Court has in innumerable instances held that the right of appeal is an essential part of the judicial system; hence, courts should proceed with caution so as not to unduly and hastily divest a party of the right to appeal.[17]

In the first place, were it not for the omission or negligence of the Clerk of the Municipal Court, the appeal would not have been dismissed, and the same would have been resolved on the merits. The final resolution of this case has been delayed because of procedural or technical lapses. However, such procedural lapses on the part of respondents was neither intended to delay nor did it result in prejudice to petitioner; hence, denying respondents' appeal under the circumstances would be putting a premium on technicalities at the expense of a just resolution of the case.[18]

Whenever non-compliance with the rules is not intended to delay the final disposition of the case, nor to cause prejudice to the adverse party, we have repeatedly held that the dismissal of an appeal on mere technicalities may be stayed in the exercise of the court's equity jurisdiction.[19] Thus, when respondent court set aside its earlier dismissal of respondents' appeal, it did not do so with grave abuse of discretion amounting to excess or lack of jurisdiction. Litigations should, as much as possible, be decided on the merits and not on technicality.[20] It is the court's policy to encourage hearings of appeals on the merits[21] so that every party-litigant is afforded the amplest opportunity for the proper and just disposition of his cause, unhampered by the constraints of technicalities.[22]

WHEREFORE, in view of all the foregoing, the petition is DISMISSED. The case is REMANDED to the Regional Trial Court of Angeles City, Pampanga, which is directed to resume proceedings in Civil Case No.

8746.

**SO ORDERED.**

Davide, Jr., C.J., (Chairman), Puno, and Kapunan, JJ., concur.

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- [1] Registered under TCT No. 361288-R.
- [2] The last notice dated June 5, 1996.
- [3] Docketed as Civil Case No. 1268.
- [4] Annex “A”, Rollo, pp. 17-20.
- [5] Records, p. 113.
- [6] Annex “E”, Rollo, pp. 23-24.
- [7] Annex “H”, Rollo, pp. 33-37.
- [8] Annex “G”, Rollo, pp. 30-31.
- [9] Annex “J”, Rollo, pp. 42-44.
- [10] Annex “K”, Rollo, pp. 45-47.
- [11] Annex “L”, Rollo, p.48.
- [12] Rollo, p. 49.
- [13] Argel v. Court of Appeals, 316 SCRA 511, 522 (1999); Planters Products, Inc. v. Court of Appeals, 317 SCRA 195, 203 (1999).
- [14] Ginete v. Court of Appeals, 296 SCRA 38, 49 (1998).
- [15] Aguilar v. Court of Appeals, 250 SCRA 371, 373 (1995).
- [16] Records, p. 157.
- [17] Santos v. Court of Appeals, 253 SCRA 632, 639 (1996); Magsaysay Lines, Inc. v. Court of Appeals, 260 SCRA 513, 524 (1996).
- [18] Pacific Life Assurance Corp. v. Sison, 299 SCRA 16, 21 (1998).
- [19] Soriano v. Court of Appeals, 222 SCRA 545, 546 (1993).
- [20] Nerves v. Civil Service Commission, 276 SCRA 610, 617 (1997); Vda. De la Rosa v. Court of Appeals, 280 SCRA 444, 451 (1997).
- [21] Insular Bank of Asia and America v. Court of Appeals, 228 SCRA 420, 428 (1993).
- [22] Moslares v. Court of Appeals, 291 SCRA 440, 448 (1998).

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