

MARTIN B. ROSARIO, SERGIO SIOJO, JULIAN GABRIEL, DEMETRIA GABRIEL, WILSON PASANA, NIDA PASANA, JESUSA ARBOLEDA, RODRIGO ARBOLEDA, GLORIA BERNAL, ANTONIO BERNAL, REMEDIOS FLORES,...

G.R. No. 137786. March 17, 2004

Ponente: TINGA, J.

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TINGA, J.:

Before the Court is a Petition for Review on Certiorari filed by petitioner Martin B. Rosario and sixty-seven (67) other depositors of the Rural Bank of Alcala, Pangasinan, Inc. (Bank) assailing the Decision dated 29 September 1998 in CA-G.R. CV No. 51427 of the Third Division of the Court of Appeals.[1]

On 10 October 1994, petitioners filed with the Regional Trial Court of San Carlos City, Pangasinan (San Carlos RTC) a Complaint for Sum of Money with Damages against respondents Philippine Deposit Insurance Corporation (PDIC), Margie G. Gob, Jacinto Gomez, Fe G. Alejandro, Benito O. Roces, Alejo Y. Gomez, Jr., Pio V. Gob and Melchora L. Agaloos, officers and stockholders of the Bank, and their respective spouses. The case was raffled to Branch 57 of the RTC. Petitioners alleged that sometime in 1992, through representations and enticements of high interest rates made by respondents, petitioners opened time deposit accounts with the Bank and deposited an aggregate amount of Two Million Two Hundred Forty One Thousand Eight Hundred Twenty One Pesos and 75/100 (P2,241,821.75) in said accounts. They earned interest on their respective time deposits for the first three months but not for the succeeding months.

Petitioners then decided to withdraw their deposits from the Bank but the latter failed to satisfy their respective claims because it suffered a bank run from December 1991 to March 1992 and was ordered closed by the Monetary Board in its Resolution No. 1190 dated 18 December 1992. PDIC took over the Bank on 05 January 1993. The Bank was ordered liquidated by the Monetary Board in its Resolution No. 449 dated 21 May 1993. Petitioners filed their claims with the PDIC but the latter allegedly was only willing to pay the equivalent of twenty-five percent (25%) of their respective deposits.

Petitioners further claimed that the bank run arose from the acts of respondents Margie G. Gob, Jacinto Gomez, Fe G. Alejandro, Benito O. Roces, Alejo Y. Gomez, Jr., Pio V. Gob and Melchora L. Agaloos of granting loans to bank officers and fictitious persons who failed to comply with their contractual obligations to the Bank under their respective loans.

Petitioners claimed actual damages in the total amount of Four Million Eight Hundred Forty Seven Thousand One Hundred Eighty Three Pesos and 8/100 (P4,847,183.08). Petitioners also prayed for an award of moral and exemplary damages and attorney's fees.[2]

Respondents Alejo Gomez, Jr. and Jacinto Gomez, together with their spouses, filed separate Motions to Dismiss on the ground that petitioners' complaint states no cause of action against them. They argued that petitioners'

claim should have been made solely against the Bank, which had a juridical personality separate and distinct from its shareholders.[3] Respondents Fe Alejandro and Melchora Agaloos and their respective spouses filed their respective Answers and likewise claimed that the complaint states no cause of action against them, because they were officers and stockholders of the Bank on paper.

PDIC, on the other hand, filed an Answer denying that it conducted negotiations with petitioners regarding the balances of their respective deposits. PDIC alleged that it already settled some of the petitioners' claims in accordance with Republic Act No. 3591.[4] PDIC also contended that petitioners have no cause of action against it, and that it merely acted in accordance with R.A. No. 3591 in computing the insurance benefits due to petitioners for their deposits with the Bank.[5]

Subsequently, petitioners filed an Amended Complaint impleading the Bank as defendant and alleging that the same was under the receivership of PDIC. The Amended Complaint stated that the individual respondents, as bank officers, exceeded their authority by unlawfully and fictitiously transacting business with the Bank and consequently causing damage and prejudice to petitioners and other depositors of the Bank.[6]

In its Motion to Dismiss the Amended Complaint, the Bank, through PDIC as its receiver, claimed that: (1) the San Carlos RTC did not acquire jurisdiction over its person because summons was not served by the proper officer and was not properly served upon PDIC, the entity authorized to receive summons on its behalf; and (2) the San Carlos RTC had no jurisdiction over the case, since PDIC had earlier filed with the Regional Trial Court of Villasis, Pangasinan (Villasis RTC) a petition for assistance in the liquidation of the Bank, and having given due course to the petition on 18 November 1993, said court acquired exclusive jurisdiction over all claims filed against the Bank.[7]

On 10 August 1995, the San Carlos RTC issued an Order[8] dismissing the case for lack of jurisdiction.

Petitioners appealed the San Carlos RTC's Order to the Court of Appeals. They claimed that the San Carlos RTC erred in dismissing their complaint for lack of jurisdiction, since the complaint also impleaded the Bank's officers and stockholders who were instrumental in defrauding petitioners of their hard-earned money by extending fictitious loans to themselves (the Bank's officers and stockholders). Petitioners further claimed that the San Carlos RTC erred in taking judicial notice of the liquidation proceedings pending before the Villasis RTC because the existence of said case was not properly presented in evidence before the trial court. Petitioners added that even assuming that the liquidation proceedings involving the Bank were pending in another court, the San Carlos RTC should not have dismissed the complaint against the officers and stockholders of the Bank, because there is no guarantee that petitioners' claims would be taken cognizance of and granted in the liquidation proceedings. Petitioners also asserted their rights as plaintiffs to choose where to file their complaint under Rule 4, Section 2 (b) of the Rules of Court.[9]

On 29 September 1998, the Court of Appeals rendered its Decision affirming the Order of the San Carlos RTC which dismissed the case for lack of jurisdiction.[10]

The appellate court clarified that while the San Carlos RTC could take judicial notice of the pendency of liquidation proceedings involving the Bank in the Villasis RTC, the records reveal that the San Carlos RTC did not simply take judicial notice thereof, but relied on the Bank's statement in its complaint that liquidation proceedings were pending before another court. The Court of Appeals held that under Section 30 of Republic Act No. 7653 (The New Central Bank Act), the court in which the liquidation proceedings are pending acquires exclusive jurisdiction not only over claims against the bank being liquidated but also over claims against the bank's stockholders, directors and officers since it also "assist[s] in the enforcement of individual liabilities of the stockholders, directors and officers."

The appellate court also noted that petitioners' claims against the Bank's officers and stockholders as alleged in their complaint is dependent on their claim against the Bank; hence, said claims should be filed with the court which has jurisdiction over the liquidation proceedings.

On 04 November 1998, petitioners filed a Motion for Reconsideration of the Decision of the Court of Appeals. In said motion, petitioners alleged that a copy of the assailed Decision was received by their counsel on 26 October 1998.

The Court Appeals deferred the resolution of petitioners' Motion for Reconsideration until the Postmaster of Muntinlupa City informed the appellate court of the date when petitioners' counsel actually received a copy of the assailed Decision.[11]

On 13 January 1999, petitioners' counsel filed a Motion to Admit Motion for Reconsideration with the Court of Appeals. Petitioners clarified that a copy of the Decision was received by a visitor in his house, where his law office is also located, on 12 October 1998, and that he actually received the copy of the decision on 26 October 1998.[12]

On 18 January 1999, the Court of Appeals received the report of the Postmaster of the Alabang Post Office, Muntinlupa City stating that the copy of the appellate court's Decision intended for petitioners was received by a certain Mr. Magalang on 12 October 1998.[13]

Relying on the report of the Postmaster of Alabang, Muntinlupa City, the Court of Appeals issued a Resolution denying the Motion for Reconsideration for lack of merit and for having been filed out of time. The Motion to Admit Motion for Reconsideration was likewise denied for lack of merit.[14]

Hence, this petition.

Petitioners claim that the San Carlos RTC should not have dismissed their complaint simply on the basis of respondents' allegations that liquidation proceedings were pending before the Villasis RTC. They point out that respondents did not present evidence of the pendency of said proceedings. Petitioners also posit that on the assumption that their complaint against the Bank could be dismissed for lack of jurisdiction, their complaint against the individual respondents should not suffer the same fate since the liability of the individual respondents is separate from that of the Bank's, and since the liquidation court's task is solely to adjudicate the claims of the Bank's depositors and other creditors.[15]

Petitioners also maintain that the Court of Appeals should not have denied their Motion for Reconsideration for having been filed out of time because the fifteen-day period within which to file the same should be reckoned from the actual receipt of a copy thereof by petitioners' counsel on 26 October 1998. They further contend that even if their interpretation is erroneous, their motion should not have been dismissed on a mere technicality.[16]

In its Comment to the Petition, PDIC, as liquidator for the Bank, claims that the Court of Appeals was correct in saying that the trial court did not simply take judicial notice of the pendency of the liquidation proceedings in the Villasis RTC, because a motion was filed by PDIC informing the trial court thereof.[17] Furthermore, Republic Act No. 7653 (The New Central Bank Act) expressly confers exclusive jurisdiction on the court where the liquidation proceedings are pending, since said court is mandated to assist in enforcement of individual liabilities of the stockholders, directors and officers. Since petitioners seek to compel the Bank to pay the petitioners their respective deposits therewith, the nature of their claim is within the jurisdiction of the liquidation court.[18]

PDIC adds that the instant petition should be denied since the assailed Decision of the Court of Appeals became final and executory even before petitioners filed their motion for reconsideration on 04 November 1999.[19]

In their Comment, respondents Jacinto Gomez and Alejo Gomez, Jr. and their respective spouses likewise contend that the petition should be dismissed because the Decision of the Court of Appeals had attained finality, petitioners having failed to file their motion for reconsideration thereof on time; and that the court where the liquidation proceedings was pending had jurisdiction over petitioners' claims against the Bank.[20]

The Court is now tasked to resolve the following issues:

- (1) Whether or not the Motion for Reconsideration filed by petitioners with the Court of Appeals on 04 November 1999 was filed on time; and
- (2) Whether or not the Court of Appeals was correct in affirming the dismissal by the RTC of San Carlos City, Pangasinan, Branch 57, of petitioners' complaint for lack of jurisdiction in view of the pendency of the liquidation proceedings involving the Bank in the RTC of Villasis, Pangasinan, Branch 50.

The petition is denied.

At the outset, the Court notes that the petition should have been denied outright for non-compliance with the requirements under Rule 45 of the 1997 Rules of Civil Procedure.

In their Motion for Extension of Time to File Petition for Review on Certiorari, petitioners alleged that they received a copy of the 03 March 1999 Resolution of the Court of Appeals, denying their motion for reconsideration, on 10 March 1999. Thus, they had fifteen (15) days therefrom, or until 25 March 1999 within which to file their petition for review before this Court. However, they requested an extension of thirty (30) days from 25 March 1999, or until 24 April 1999 to file their petition. Petitioners' motion was granted by this Court in a Resolution dated 28 April 1999, with the qualification that said extension was the last extension that the Court would grant them.[21]

Since 24 April 1999 was a Saturday, petitioners had until the next working day, 26 April 1999, a Monday, within which to file their petition for review.[2] Petitioners filed by registered mail a copy of the petition for review on 26 April 1999. However, the petition mailed that day was not accompanied by either a duplicate original or a certified true copy of the assailed Decision and Resolution of the Court of Appeals.[23] Moreover, it did not include proof of service thereof on the Court of Appeals and the respondents.[24] It is clear that under Rule 45, Section 5 of the 1997 Rules of Civil Procedure failure of the petitioner to comply with the requirements regarding, among others, proof of service of the petition and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

Even if the petition complied with the requirements under Rule 45, the same must nevertheless be dismissed in view of petitioners' late filing of their Motion for Reconsideration of the Court of Appeals' Decision.

The appellate court discovered that a copy of the Decision was delivered to the address of petitioners' counsel on 12 October 1998 and was received by a certain Mr. Magalang. Accordingly, petitioners should have filed their Motion for Reconsideration within fifteen (15) days from said date or until 27 October 1999.[25] However, petitioners erroneously computed the fifteen-day period for filing said motion from 26 October 1999, the date when petitioners' counsel allegedly actually saw the copy of the Decision. Thus, when they filed their Motion for Reconsideration on 04 November 1999, there was nothing for the Court of Appeals to reconsider because by then its Decision had already become final and executory. As such, this Court has no jurisdiction over the present petition and cannot resolve the substantive issues raised thereby.

WHEREFORE, the petition is denied.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.

Puno, (Chairman), J., on leave.

[1] The Decision was penned by Justice H.L. Hofileña and concurred in by Justices E. G. Verzola and O. U. Amin.

[2] Records, pp.1-13.

[3] Ibid., pp. 126-127; 142-144.

[4] An Act Establishing the Philippine Deposit Insurance Corporation, Defining Its Powers, Duties and For Other Purposes.

[5] Id. at 155-160.

[6] Id. at 175-189.

[7] Id. at 252-262.

[8] Id. at 322-324.

[9] CA Rollo, pp. 9-23.

[10] Rollo, pp. 50-55

[11] CA Rollo, p. 95.

[12] Id. at 105.

[13] Id. at 108.

[14] Rollo, pp. 58-59.

[15] Id. at 71-76.

[16] Id. at 77-82.

[17] Rollo, p. 105.

[18] Id. at 105-107.

[19] Id. at 108.

[20] Id. at 122.

[21] Rollo, p. 11.

[22] Rule 22, Section 1, 1997 Rules of Civil Procedure.

[23] Rule 45, Section 4(d), 1997 Rules of Civil Procedure.

[24] Rule 45, Section 3, 1997 Rules of Civil Procedure.

[25] Rule 45, Section 2, 1997 Rules of Civil Procedure.

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