

**CORNELIA P. CUSI – HERNANDEZ, PETITIONER, VS. SPOUSES
EDUARDO DIAZ AND AMELIA MANGAHAS, RESPONDENTS.***G.R. No. 140436. July 18, 2000*

Ponente: PANGANIBAN, J.

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A petition for review filed before the Court of Appeals must contain a certified true copy or duplicate original of the assailed decision, final order or judgment. There is no requirement, however, that the other supporting papers attached to the petition should be certified true copies as well. In this case, the Contract to Sell, which is the center of the controversy, was reproduced verbatim in the MTC Decision, a duplicate original of which was attached to the Petition. Moreover, a certified true copy of the Contract was attached to the Motion for Reconsideration. Hence, the appellate court erred in denying due course to the Petition. We stress that rules of procedure must be used to facilitate, not frustrate, justice.

The Case

Before us is a Petition for Review seeking the reversal of the June 10, 1999 and October 15, 1999 Resolutions of the Court of Appeals in CA-GR SP. No. 52863.[1] The first assailed Resolution disposed as follows:

"WHEREFORE, for being insufficient in substance, the petition for review should be, as it is hereby, DENIED DUE COURSE and accordingly DISMISSED."[2]

The second assailed Resolution denied the Motion for Reconsideration.[3]

The Facts

Petitioner filed before the Municipal Trial Court (MTC) of Norzagaray, Bulacan, an accion publiciana against herein respondents. She alleged that she was the registered owner of a paraphernal property situated in Minuyan, Norzagaray, Bulacan, which was covered by Original Certificate of Title (OCT) No. T-2435.[4] In a Contract to Sell,[5] she agreed to sell respondents a 300-square-meter portion of the disputed land, in consideration of a down payment of P6,000 and sixty consecutive monthly installments of P900 each.

For a period of twelve months starting from January 1985 to December 1985, respondents paid only a total of P15,445.[6] Despite several demands, they allegedly failed to pay their outstanding obligation in the amount of P45,555. On September 12, 1995, petitioner sent them a notarized letter rescinding the Contract. Because they failed to vacate the property, she instituted the aforecited action in the MTC of Norzagaray.

On May 12, 1998, the MTC rendered its Decision[7] in favor of petitioner. On appeal, the Regional Trial Court (RTC) of Malolos, Bulacan, reversed the MTC and dismissed the Complaint. In its May 5, 1999 Order, the RTC likewise denied the petitioner's Motion for Reconsideration.[8]

Ruling of the Court of Appeals

The Court of Appeals (CA) denied due course to the appeal filed by petitioner because of her alleged failure to

comply with Section 2, Rule 42 of the Rules of Court. It ratiocinated as follows:

"An examination of the petition reveals that petitioner failed to accompany it with certified true copies of such material portions of the record as would support the allegations in the petition as required under Sec. 2, Rule 42 of the 1997 Rules of Civil Procedure."

The CA justified the denial of the Motion for Reconsideration in this wise:

"Justifying her non-submission of certified true copies of material portions of the record, petitioner submits that she believed that since the petition was solely premised on one legal issue, 'no material portions of the record . . . had to be attached to the petition'. Petitioner nonetheless submitted, along with her motion, the pertinent documents.

"The above-said Sec. 2 of Rule 42 x x x is not without reason. How can this Court judiciously act on the petition without being able to assess the pertinent document/s relevant to the assailed decision? That a legal question is raised in the petition does not excuse non-compliance with the Rules.

"This Court not being satisfied that petitioner's `non-compliance was not attributable to the party, despite due diligence on his part, and that there are no highly justifiable and compelling reasons for the court to make such other disposition as it may deem just and equitable' (SC Adm. Circular No. 3-96), the present motion fails." [9]

Hence, this Petition.[10]

Issues

The petitioner submits the following questions for this Court's resolution:

"1.....Whether x x x the Honorable Court of Appeals acted in accordance with law in dismissing the case based on a technicality regardless of the clearly meritorious case of the petitioner[.]

"2.....Whether x x x judicial rescission is required in a contract to sell where the object of the contract had been delivered to the vendee[.]" [11]

In resolving this Petition, the Court will discuss whether the dismissal of the case by the appellate court was proper.

This Court's Ruling

The Petition is meritorious. The case should be remanded to the CA for decision on the merits.

Main Issue:

Propriety of Denial of the Petition

Section 2, Rule 42 of the 1997 Rules of Court requires that a petition filed before the CA must be accompanied by certified true copies or duplicate originals of the assailed decisions or final orders, as well as by copies of the pleadings and the other material portions of the records that would support the allegations therein. It provides as follows:

"Sec. 2. Form and contents. - The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies

thereof and of the pleadings and other material portions of the record as would support the allegations of the petition." (Emphasis supplied.)

Under Section 3 of the same Rule, which we quote below, noncompliance with any of the foregoing requisites is a ground for the dismissal of a petition:

"Sec. 3. Effect of failure to comply with requirements. -The failure of petitioner to comply with any of the foregoing requisites regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof."

The appellate court gave the Petition short shrift because "petitioner failed to accompany it with certified true copies of such material portions of the record as would support the allegations in the petition x x x."

We disagree. Attached to the Petition for Review[12] filed before the Court of Appeals were original duplicate copies of the RTC and the MTC Decisions and of the RTC Order denying reconsideration. Moreover, we find that the MTC Decision reproduced verbatim the Contract to Sell, which is central to the dispute.

The fact that no certified true copy of the Contract to Sell was attached to the Petition before the CA did not weaken the petitioner's case. In *Cadayona v. CA*,[13] the Court interpreted the requirement under Section 6 (c) of Rule 43,[14] which was similar to Section 2 (d) of Rule 42, and held that "we do not construe the above-quoted section as imposing the requirement that all supporting papers accompanying the petition should be certified true copies."

In any event, petitioner's Motion for Reconsideration[15] of the CA Decision contained a certified true copy of the Contract. We further observe that petitioner also attached to her Motion certified true copies of the OCT, the Tax Declaration covering the disputed parcel of land, and the notarized rescission of the Contract. Indeed, the submission of these three other documents was not even necessary because they had been referred to in the MTC and the RTC Decisions, the original duplicates of which were attached to the Petition for Review filed before the CA.

Under the circumstances, we hold that there was substantial compliance with Section 2, Rule 42 of the Rules of Court. In dismissing the Petition before it, the appellate court clearly put a premium on technicalities at the expense of a just resolution of the case.

We must stress that "cases should be determined on the merits, after full opportunity to all parties for ventilation of their causes and defenses, rather than on technicality or some procedural imperfections. In that way, the ends of justice would be served better." [16] Moreover, the Court has held:

"Dismissal of appeals purely on technical grounds is frowned upon and the rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override, substantial justice, and thereby defeat their very aims." [17]

Rules of procedure are mere tools designed to expedite the decision or resolution of cases and other matters pending in court. A strict and rigid application of rules that would result in technicalities that tend to frustrate rather than promote substantial justice must be avoided.[18]

In any event, we observe that the Revised Internal Rules of the CA give it a certain leeway to require parties to submit additional documents as may be necessary in the interest of substantial justice. Thus, Section 3 (d), Rule 3 thereof reads as follows:

"d. When a petition does not have the complete annexes or the required number of copies, the Chief of the

Judicial Records Division shall require the petitioner to complete the annexes or file the necessary number of copies of the petition before docketing the case. Pleadings improperly filed in court shall be returned to the sender by the Chief of the Judicial Records Division."

Remand of the Case

In view of the foregoing, we see no need to resolve the second issue raised by petitioner. It is a question that should be addressed to the CA, which has jurisdiction over the case pursuant to Rule 42 in relation to Section 2 of Rule 41 of the Rules of Court.

WHEREFORE, the Petition is GRANTED. The challenged Resolutions, dated June 10, 1999 and October 15, 1999 issued by the Court of Appeals in CA-GR SP No. 52863 are SET ASIDE. The case is hereby REMANDED to the CA for decision on the merits. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] The first assailed Resolution issued by the Second Division was written by J. Conchita Carpio Morales, with the concurrence of JJ Artemon D. Luna (Division chairman) and Bernardo P. Abesamis (member). In the second assailed Resolution which was issued by the Special Second Division, J. Luna was replaced by J. Rodrigo V. Cosico.

[2] Rollo, p. 27.

[3] Rollo, pp. 66-72.

[4] Rollo, p. 178.

[5] Rollo, pp. 75-77.

[6] See demand letter dated September 12, 1995; rollo, p. 79.

[7] Penned by Judge Romulo C. Basa.

[8] Rollo, p. 56.

[9] Rollo, pp. 29-30.

[10] The case was deemed submitted for resolution on April 14, 2000, when this Court received the respondents' Memorandum, signed by Atty. Telesforo T. Barbadillo Jr. Petitioner's Memorandum, signed by Atty. Mario P. Victoriano, was filed on April 11, 2000.

[11] Petitioner's Memorandum, p. 7; rollo, p. 119.

[12] Annex "D" of the present Petition; rollo, pp. 34-65.

[13] GR No. 128772, February 3, 2000, p. 6, per Gonzaga-Reyes, J.

[14] It provides: "Sec. 6. Contents of the Petition. - The petition for review shall

x x x (c) be accompanied by a clearly legible duplicate original or certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; x x x."

[15] Annex "E" to the present Petition; rollo, pp. 66-99.

[16] Republic v. Court of Appeals, 292 SCRA 243, 251-252, July 9, 1998, per Mendoza, J.

[17] Pacific Life Assurance Corporation v. Sison, 299 SCRA 16, 22, November 20, 1998, per Mendoza, J.

[18] Buscaino v. Commission on Audit, GR No. 110798, July 20, 1999.

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