

TEDDY MOLINA, JULIET PASCUAL, ISAGANI YAMBOT, AND LETTY JIMENEZ-MAGSANOC, PETITIONERS, VS. HON. COURT OF APPEALS AND RAYMUNDO A. ARMOVIT, RESPONDENTS.

G.R. No. 143156. January 13, 2003

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition for review seeks the reversal of the resolutions dated September 30, 1999[1] and May 2, 2000[2] of the Court of Appeals in CA-G.R. SP No. 54397. Both resolutions dismissed herein petitioners' special civil action for certiorari due to their failure to: (a) include certified true copies of the orders dated July 9, 1997 and June 29, 1999 of the Regional Trial Court of Vigan, Ilocos Sur, Branch 21, and other pleadings referred to in the petition; and (b) implead the RTC judge as a nominal party.

The facts, as culled from the parties' pleadings, are as follows:

On May 2, 1996, the Philippine Daily Inquirer published a news item, which reads in part:

PACC coddled GO,
2 NBI execs claim
By Teddy Molina
and Juliet Pascual
PDI Northern Luzon Bureau

x x x

NBI agents reportedly raided a vacation house in San Fernando, La Union, owned by Raymundo Armovit, Go's lawyer, in September. They missed Go, who left the house hours before the agents came.

The source said Go was also in Vigan in November, during which he attended the wedding anniversary of a movie couple....[3]

On May 3, 1996, the same newspaper reported that:

NBI exec says Go
tipped off by PACC
By Teddy Molina
and Juliet Pascual
PDI Northern Luzon Bureau

AN OFFICIAL of the National Bureau of Investigation in Northern Luzon accused the Presidential Anti-Crime Commission of leaking out to Rolito Go a planned raid by NBI agents on a vacation house in San Fernando, La Union, where the convicted killer was hiding at the time.

The raiders belonging to the NBI Special Operations Group missed Go but found some of his personal

belongings near the house's swimming pool, the source, who asked not to be identified said.

This happened in September at the vacation home of Go's lawyer, Raymundo Armovit, or eight months before the PACC arrested him on Tuesday in Lubao, Pampanga.

"After the La Union raid, it was hard to track Go because he was moving as if he was receiving advice," the source further claimed....[4]

As a consequence, private respondent Raymundo Armovit filed a complaint for libel against petitioners, alleging that they caused to be published reports that maliciously accused him of harboring and/or concealing a convicted murderer.

In a resolution dated October 31, 1996, the Provincial Prosecutor of Ilocos Sur found probable cause and recommended the filing of an Information for libel against petitioners.[5] Accordingly, on November 28, 1996, two Informations for libel were filed with the RTC of Vigan, Ilocos Sur.[6]

On December 12, 1996, petitioners sought a review of the resolution dated October 31, 1996 by the Office of the Regional State Prosecutor. The latter reversed the findings of the Provincial Prosecutor and directed the latter to withdraw the Informations filed.

However, the RTC of Vigan, Ilocos Sur denied the motion to withdraw the indictments on the ground that there was probable cause for the filing of the Informations. Petitioners moved to reconsider the denial, but this motion was similarly denied.

Petitioners then elevated the case to the Court of Appeals via a special civil action for certiorari, docketed as CA-G.R. SP No. 54397.

On September 30, 1999, the appellate court resolved the case as follows:

WHEREFORE, in view of the foregoing, the petition is hereby DISMISSED.

SO ORDERED.[7]

The Court of Appeals found that the copies of the assailed orders of the trial court were purportedly certified, but there was no showing whatsoever of the authority of the person who certified the same. Moreover, the seal of the trial court could not be identified on the copies of said orders. Furthermore, the petition was not accompanied by all the pleadings and documents pertinent thereto.

Petitioners then moved for reconsideration, but this was likewise denied.

Hence, the instant petition, grounded on the allegation that:

THE COURT OF APPEALS ERRED IN DISMISSING THE PETITION FOR CERTIORARI AND PROHIBITION ON MERE TECHNICALITIES SUCH AS: 1.) PETITIONERS FAILED TO SHOW THE AUTHORITY OF THE PERSON WHO CERTIFIED THE COPIES OF THE ATTACHED ORDERS; 2.) THE SEAL OF THE TRIAL COURT COULD NOT BE IDENTIFIED FROM THE COPIES SUBMITTED; 3) PETITIONERS DID NOT ATTACH COPIES OF ALL PLEADINGS AND DOCUMENTS; AND 4.) THE JUDGE OF THE LOWER COURT WAS NOT IMPEADED, AND COMPLETELY DISREGARDING THE MERITS OF THE PETITION. [8]

Simply stated, the issue is: Did the Court of Appeals commit a reversible error of law in dismissing the petition? We find that it did.

Petitioners contend, firstly, that they should not be faulted for such technical defects as the failure to indicate the

authority of the certifying officer or the inscrutable imprint of the trial court's seal because they did not have a hand in the preparation of the documents. After all, they only relied in good faith on the authority and diligence of the court personnel who prepared and authenticated the subject documents, considering that said personnel are presumed to know the procedural and technical requirements and because of the presumption that official duty has been regularly performed. According to petitioners, it was too harsh and arbitrary for the Court of Appeals to fault them for the oversight committed by the trial court personnel.

Second, petitioners aver that their failure to attach the pleadings and documents relevant to the petition is immaterial as the Supreme Court, in a long line of cases, has given due course to similarly faulty petitions in the interests of equity and justice and merely directed that the lacking pleadings and documents be attached.

Lastly, petitioners claim that they did not err if they only mentioned in the caption of the petition the trial court and not the trial court judge. After all, it is clear from the enumeration of parties against whom or against which a petition for certiorari may be filed, namely, any tribunal, board or officer exercising judicial or quasi-judicial functions in Rule 65, Section 1[9] of the Rules of Court that they need not implead the officer or the trial court judge who committed the grave abuse of discretion, amounting to want or excess of jurisdiction.

Instead of addressing the issue and the petitioners' arguments, private respondent's submission focuses on the merits of the libel case. Thus, we are unable to agree with his contentions insofar as they lack direct pertinence to the present petition.

A litigation is a contest in which each contending party fully and fairly lays before the court the facts in issue and then, brushing aside as wholly trivial and indecisive all imperfections of form and technicalities, asks that justice be done on the merits.[10] Hence, Rule 1, Section 6[11] of the Rules of Court mandates that rules of procedure shall be liberally interpreted. In the instant case, we agree with petitioners that the Court of Appeals erred in stressing too much petitioners' failure to comply with technicalities. We cannot attribute to petitioners the perceived defects on the attached copies of the trial court's orders because petitioners did not have control over their preparation. Moreover, Rule 131, Section 3 (ff) [12] of the Rules of Court lays the presumption in petitioners' favor that they followed the pertinent rules on attaching certified copies of the orders subject of their petition below. As private respondent failed to show evidence to rebut this presumption, the presumption must stand.

We likewise rule that in the present case, the alleged failure to attach all pleadings and documents is not a sufficient ground to dismiss the petition. In appropriate cases, the courts may liberally construe procedural rules in order to meet and advance the cause of substantial justice.[13] We have held that lapses in the literal observation of a procedural rule will be overlooked when they do not involve public policy, when they arose from an honest mistake or unforeseen accident, when they have not prejudiced the adverse party, nor deprived the court of its authority.[14] In the instant case, petitioners' failure to append: (1) herein respondent's Answer to the Petition for Review filed on January 2, 1997; (2) petitioners' Memorandum filed on April 28, 1997; and (3) respondent's Memorandum filed on May 16, 1997, all of which were mentioned in the petition for certiorari before the appellate court do not touch on public policy, nor do they deprive the appellate court of its authority. No right of respondent is prejudiced or adversely affected.

Lastly, it is not required under Rule 65, Section 1 of the Rules of Court that the trial judge himself be impleaded in a petition for certiorari. The rule clearly states that a petition for certiorari may be filed against the tribunal, board or officer exercising judicial or quasi-judicial functions.[15] The inclusion of the tribunal, which issued the decision, as nominal party, was substantially complied with. When petitioners mentioned the Regional Trial Court, Branch 21 of Vigan, Ilocos Sur, they also referred necessarily to the judge who issued the assailed

resolutions.

WHEREFORE, the instant petition is GRANTED. The resolutions of the Court of Appeals in CA-G.R. SP No. 54397, dated September 30, 1999 and May 2, 2000 are REVERSED and SET ASIDE. The Court of Appeals is hereby directed to reinstate the petition for certiorari filed by petitioners in CA-G.R. SP No. 54397, with dispatch.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 51-53. Per Rosario, Jr., J., with Jacinto and Barrios, JJ., concurring.

[2] Id. at 55-56. By Rosario Jr., J., and concurred in by Jacinto and Barrios, JJ.

[3] Records I, p. 9.

[4] Id. at 10.

[5] Id. at 34.

[6] Records I, pp. 1-3 & Records II, pp. 1-3.

[7] Rollo, p. 53.

[8] Id. at 7.

[9] SEC. 1. Petition for certiorari. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

[10] *Alonso v. Villamor*, 16 Phil. 315, 321-322 (1910).

[11] SEC. 6. Construction. – These Rules shall be liberally construed in order to promote their objective of securing a just, speedy, and inexpensive disposition of every action and proceeding.

[12] SEC. 3. Disputable presumptions. – The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x

(ff) That the law has been obeyed.

[13] *Republic of the Philippines v. Court of Appeals*, 277 SCRA 633, 640 (1997).

[14] *Case and Nantz v. Jugo*, 77 Phil. 517, 522 (1946).

[15] *Supra* note 9.

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