

URBANA T. GUY YOCHE, PETITIONER, VS. NOEL GUY YOCHE, RESPONDENT.

G.R. NO. 143337. April 02, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-143337/>

SANDOVAL-GUTIERREZ, J.:

Before us for resolution is the Petition for Review on Certiorari assailing the two (2) Resolutions of the Court of Appeals dated February 18, 2000[1] and May 25, 2000[2] in CA-G.R. SP No. 57044.

Urbana T. Guy Yoché, petitioner, is the owner of a three-door apartment building located at 337 A. Bonifacio Avenue, Quezon City. Before she departed for the United States of America in April 1987, she executed a simulated Deed of Sale of the lot and the apartment building in favor of her children Anita, Vivencio and Beatriz, as well as her grandchildren Nerissa, Noel and Noemi, all surnamed Guy Yoché. While abroad, she collected the rentals from the tenants of the apartment building through Carmen K. Guy Yoché, her attorney-in-fact.

After her return to the Philippines in February 1998, petitioner filed a complaint for annulment of the Deed of Sale with the Regional Trial Court, Branch 93, Quezon City, docketed as Civil Case No. Q-99-36733.

During the pendency of Civil Case No. Q-99-36733, petitioner's grandson Noel Guy Yoché, private respondent herein, forcibly collected the rentals from the tenants. Petitioner then filed with the trial court a petition for the appointment of a receiver of the rentals. But it was denied on September 10, 1999 for lack of merit. According to her, she received a copy of the Order of denial on September 23, 1999. She then filed by registered mail on October 4, 1999 a motion for reconsideration, but it was likewise denied in an Order dated November 5, 1999, a copy of which she received on November 20, 1999.

On January 14, 2000, petitioner filed a petition for certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 57044, assailing the Order of November 5, 1999 which denied her motion for reconsideration.

On February 18, 2000, the Court of Appeals dismissed the petition on the ground that it "does not state the date when counsel for the petitioner received a copy of the challenged Resolution dated September 10, 1999 necessary to determine the timeliness of the filing of the petition."

Petitioner moved for reconsideration on the ground that the Order being challenged in her petition was not the Order dated September 10, 1999, but the Order dated November 5, 1999 denying her motion for reconsideration.

In its Resolution of May 25, 2000, the Court of Appeals denied the motion, holding that the petition not only failed to state the material dates, but it was also filed late. Moreover, contrary to petitioner's insistence that what she was questioning was the Order dated November 5, 1999, her prayer in her petition was "to set aside and declare null and void the orders of the respondent Judge dated 10 September 1999 and 05 November 1999."

The sole issue for our resolution is whether the Court of Appeals erred in dismissing the petition for certiorari in CA-G.R. SP No. 57044.

Section 4, Rule 65 of the 1997 Rules of Civil Procedure, as amended,[3] provides:

SEC. 4. When and where petition filed. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order, or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said motion.

The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan, if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, and unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.

No extension of time to file the petition shall be granted except for the most compelling reason and in no case exceeding fifteen (15) days.

Applying the above provision to the instant case, the 60-day period to file a petition for certiorari is reckoned from petitioner's receipt of the Resolution of the appellate court denying her motion for reconsideration.

Records show that the trial court denied petitioner's motion for reconsideration in its Order dated November 5, 1999. A copy of this Order was received by her counsel on November 20, 1999. Thus, she had until January 19, 2000[4] within which to file her petition for certiorari. She filed her petition with the Court of Appeals on January 14, 2000, well within the 60-day period.

As to the finding of the Court of Appeals that the petition failed to state the material dates required by Section 3, Rule 46 of the same Rules, we find that petitioner has substantially complied with the requirement when she stated in the "Antecedent Facts" portion of her petition that the trial court denied her motion for appointment of a receiver on September 10, 1999; she moved for reconsideration of the Order of denial on October 4, 1999; the trial court denied her motion for reconsideration on November 5, 1999; and she received a copy of the Order dated November 5, 1999 on November 20, 1999.

In fine, the Court of Appeals should not have dismissed the petition for certiorari on the ground of technicality. After all, the rules of procedure should not be applied in a very rigid, technical sense, their only purpose being to help secure substantial justice to the parties.[5]

WHEREFORE, we GRANT the petition. The assailed Resolutions of the Court of Appeals in CA-G.R. SP No. 57044 are REVERSED. The petition is REINSTATED which should be resolved with dispatch.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Per Associate Justice Romeo A. Brawner (now Commissioner, Commission on Elections), concurred in by Associate Justice Fermin A. Martin, Jr. (retired) and Associate Justice Andres A. Reyes, Jr., rollo, pp. 25-26.

[2] Id., pp. 30-33.

[3] A. M. No. 00-02-03-SC, September 1, 2000.

[4] The 60[th] day from receipt by petitioner's counsel (on November 20, 1999) of the November 5, 1999 Order denying the motion for reconsideration.

[5] Remulla v. Manlongat, G.R. No. 148189, November 11, 2004, 442 SCRA 226.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.