

ISIDRO LUSTAÑA, PETITIONER, VS. ARACELI JIMENA-LAZO, (ON BEHALF OF ROSCHEL J. LUSTAÑA), HON. REGIONAL TRIAL COURT OF MARINDUQUE, BRANCH 38, RESPONDENTS.

G.R. NO. 143558. August 19, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision[1] dated March 31, 1999 and Resolution[2] dated April 19, 2000 of the Court of Appeals in CA-G.R. CV No. 40190, entitled "Araceli Jimena-Lazo and Roschel J. Lustaña vs. Isidro Lustaña."

Records show that on January 15, 1988, Araceli Jimena-Lazo, respondent, on behalf of her minor daughter Roschel J. Lustaña, filed with the Regional Trial Court of Marinduque a complaint for "Judicial Recognition, Support and Damages" against Isidro Lustaña, petitioner.

In his answer to the complaint, petitioner alleged that although he employed respondent as a maid, they did not have any sexual relations.

After hearing, the trial court rendered a Decision in favor of respondent, declaring inter alia that Roschel is the illegitimate child of respondent and ordering him to recognize her as such.

Petitioner filed a motion for reconsideration but it was denied, prompting petitioner to interpose an appeal to the Court of Appeals.

On March 31, 1999, the Court of Appeals promulgated its Decision affirming the trial court's Decision with modification in the sense "that the award for support in favor of respondent Araceli Lazo is deleted."

On February 16, 2000, petitioner filed with the Appellate Court an "Entry of Appearance with Omnibus Motion" praying that the case be reopened and that thereafter, respondent and her daughter Roschel be compelled to submit themselves to a "DNA test." Petitioner claimed that the result of this test will determine whether petitioner is the father of Roschel as declared by the Court of Appeals.

In its Resolution of April 19, 2000, the Appellate Court denied the motion for being late. In fact, as early as July 2, 1999, an "Entry of Judgment" had been recorded in its "Book of Entries of Judgments."

Hence, this petition for certiorari.

Petitioner alleged that he failed to file seasonably with the Court of Appeals a motion for reconsideration of its Decision because his counsel died. He hired another lawyer but "nothing was done." It was only in November 1999 (or long after the Decision became final) that he secured the services of another counsel.

Petitioner now contends that in his search for truth, this Court should be liberal in applying to his case the technical rules of procedure.

This petition should have been dismissed outright.

Records show that after the Court of Appeals rendered its Decision on March 31, 1999, petitioner did not file a motion for reconsideration, an appeal, or a motion for new trial within the reglementary period, which is 15 days pursuant to Section 1, Rule 37 and Section 1, Rule 52 of the 1997 Rules of Civil Procedure, as amended.[3]

It was only on February 16, 2000, or almost 7 months after the Court of Appeals entered its Decision in its "Book of Entries of Judgments," that petitioner filed his Entry of Appearance with Omnibus Motion. Certainly, in denying petitioner's motion for being late, the Appellate Court did not commit any grave abuse of discretion.

Rules of procedure are tools designed to promote efficiency and orderliness as well as to facilitate attainment of justice, such that strict adherence thereto is required. Their application may be relaxed only when rigidity would result in a defeat of equity and substantial justice,[4] which is not present here. Utter disregard of the Rules cannot just be rationalized by harking on the policy of liberal construction.[5]

Petitioner has only himself to blame. Had he been vigilant and truly believed in the justness of his case, he should have hired immediately another lawyer upon the death of his first counsel, and then changed his second counsel at once when the latter did not take any action at all.

WHEREFORE, the petition is hereby DISMISSED. Costs against petitioner.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio Morales, and Garcia, JJ., concur.

[1] Penned by Associate Justice Romeo J. Callejo, Sr. (now a member of this Court), and concurred in by Associate Justices Fermin A. Martin, Jr. and Mariano M. Umali (both retired). Annex "B", Petition for Certiorari, Rollo at 33-61.

[2] Annex "A", id. at 30-32.

[3] "Section 1 (Rule 37). Grounds of and period for filing motion for new trial or reconsideration. - Within the period for taking an appeal, the aggrieved party may move the trial court to set aside the judgment or final order and grant a new trial x x x."

"Section 1 (Rule 52). Period for filing. - A party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service upon the other party."

[4] Moncielcoji Corporation vs. NLRC, G.R. No. 144460, April 27, 2001, 357 SCRA 423.

[5] Ortiz vs. Court of Appeals, G.R. No. 127393, December 4, 1998, 299 SCRA 708, 712.

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