

**SAINT LOUIS UNIVERSITY AND ENGR. CHRISTINE O. BAUTISTA,
PETITIONERS, VS. WINSTON JOSEPH Z. CORDERO AND SPS. LUCIO
CORDERO, AND EVELYN CORDERO, RESPONDENTS.**

G.R. No. 144118. July 21, 2004

Ponente: DAVIDE JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-144118/>

DAVIDE JR., J.:

This case stemmed from an accident that occurred during an experiment in the Organic Chemistry class at Saint Louis University (SLU), Baguio City, when chemicals known as anhydrous sodium acetate and barium hydroxide burst from a hard test tube and hit the face and eyes of a student, herein respondent Winston Joseph Z. Cordero, causing his right eye to be totally blind.

On 3 August 1995 at about 1:00 p.m. at the College of Chemical Engineering in SLU, Winston was doing a laboratory experiment on Hydrocarbons-Alkanes Methane during his class in Organic Chemistry under his teacher petitioner Engr. Christine Bautista. Although the textbook used in class recommended the use of goggles for the experiment, there were none available and the students were directed to proceed with the experiment without them.[1] In the course of the experiment, the chemicals, particularly anhydrous sodium acetate and barium hydroxide, popped out of the hard test tube and hit Winston's face and eyes. His classmates then brought him to SLU hospital where he stayed for two days.

Feeling that the medical facilities at SLU Hospital were inadequate, Winston's parents, respondents spouses Lucio Cordero and Evelyn Cordero, chartered a plane to bring him to Manila. He was confined at St. Luke's Medical Center, Quezon City, for five days. Despite medical attendance, Winston's right eye became smaller, slitted, and totally blind. He could see with his left eye but with great discomfort.[2] Subsequently, or on 5 October 1995, he was operated upon and was implanted with an artificial right eye.

On 24 January 1996, the Corderos filed a complaint[3] for damages against SLU; its President Fr. Joseph Van Den Dailen; the Chairman of the Chemical Engineering Department Engr. Josephine Aries Dulay; the Dean of the College of Engineering and Architecture Eufracio de los Reyes; and the Instructor in Winston's class, Engr. Bautista. The complaint was anchored on gross negligence on the part of the defendants resulting in the infliction of injuries on Winston. It was assigned to Branch 24 of the Regional Trial Court of Echague, Isabela.

All the defendants, through their counsel Atty. Galo R. Reyes, the Dean of the SLU College of Law, filed a joint answer[4] denying liability.

On 30 May 1998, after a full-blown trial, a judgment[5] was rendered declaring petitioners SLU and Engr. Bautista guilty of gross negligence and ordering them to pay Winston the following:

- P48,915.32 for his medical treatment, costs of medicines and necessary transportation expenses;
- P40,000 for his loss of right eye and injury to the left eye;

- P3,000 for cost of artificial right eye;
- P50,000 for hospitalization and doctor's fee to fit the artificial eye;
- P500,000 as moral damages;
- P500,000 as exemplary damages; and
- P20,000 as attorney's fee.

It, however, absolved the rest of the SLU officers from any liability and dismissed the complaint as far as the Cordero spouses are concerned.

On 25 June 1998, the Corderos filed a Motion for Reconsideration asking the trial court to increase the amount of damages awarded to Winston and to include an award to the Cordero spouses. On the same day, the petitioners filed a Notice of Appeal and opposed the Motion for Reconsideration of the Corderos for having been filed out of time.

On 17 December 1998, the trial court, now acting through a different judge, issued an order^[6] granting the motion for reconsideration of the Corderos by increasing the award of exemplary damages from P500,000 to P1 million, and specifying the amount of attorney's fees as "20% of all the judgment in favor of the plaintiffs." In addition, the trial court ordered Engr. Bautista and SLU to pay the Cordero spouses the amount of P1 million as moral damages.

On 12 January 1999, the petitioners filed their notice of appeal with the trial court. While noting that the docket and other lawful fees had not been paid, the trial court nevertheless ruled that the petitioners had filed the notice of appeal on time. It ordered the entire records of the case to be forwarded to the Court of Appeals.^[7] The petitioner received this order on 2 February 1999.

On 23 February 1999, the petitioners filed a Motion to Admit Docket and Filing Fees^[8] in the Court of Appeals. The motion was accompanied by two postal money orders dated 19 February 1999. To explain the delay, petitioner's counsel stated that he did not know the amount to be paid or the manner in which to pay it. The motion rationalizes in this wise:

- The Defendants, Saint Louis University and Engr. Christine O. Bautista filed their Notice of Appeal with the Regional Trial Court, Branch 24, Echague, Isabela as of June 6, 1999;
- At the time of the filing of the notice of Appeal, Defendants and even counsel did not know the amount to be paid;
- Furthermore, because of the distance between Baguio City and Echague, Isabela, herein counsel was unsure of the manner of payment to the Regional Trial Court of the docket and filing fees;
- As of February 2, 1999, herein counsel received the order of the Regional Trial Court, Branch 24, Echague, Isabela
- At this time, upon inquiry with the Office of the Clerk of Court of Regional Trial Court of Baguio City, it is determined that the amount P420.00 shall be paid....^[9]

In a Resolution dated 21 September 1999,^[10] the Court of Appeals denied petitioners' motion to admit docket and filing fees. Their motion for reconsideration from the aforesaid resolution was likewise denied.^[11]

In this petition for certiorari, the petitioners argue that (1) the gross negligence of counsel that results in the denial of due process, as in this case, cannot bind the client; and (2) the Court of Appeals gravely abused its discretion

when it dismissed petitioners' appeal on a technicality contrary to the jurisprudential stricture against applying technicalities to frustrate the ends of substantial justice.

The petitioners aver that the failure of their former counsel to pay the docket fees on time, which resulted in the dismissal of the appeal, constituted gross negligence. Considering that their counsel was a retired law dean with decades of law practice, the reasons he offered for the delay showed a reckless abandon of the case that can only be characterized as gross negligence.

Moreover, the petitioners assert that since technical rules are intended to serve, not to frustrate, the ends of justice, their case calls for bending the rules in their favor. To bolster their claim, they invoke the Court's pronouncements in *Amil v. Court of Appeals*,^[12] which applied the exception to the principle that a client is bound by the gross negligence of his lawyer; thus:

In the instant case, petitioner was likewise declared in default because of the failure of his former counsel, Atty. Piñero, to file within the reglementary period an answer to private respondents' petition for consolidation of ownership. Atty. Piñero likewise failed to take any action to protect the interests of petitioner in subsequent proceedings before the trial court, such as by filing an opposition to the motion to declare him in default or by moving to set aside the order of default. It was Atty. Saletto J. Eramos, the present counsel of petitioner, who filed the motion for new trial after a judgment by default had been rendered against him. As a consequence of his former counsel's gross negligence, petitioner was deprived of his day in court.

Secondly, as we have emphasized, trial courts should be liberal in setting aside orders of default and granting motions for new trial if the defendant appears to have a meritorious defense. Parties must be given every opportunity to present their sides. The issuance of orders of default should be the exception rather than the rule, to be allowed only in clear cases of obstinate refusal by the defendant to comply with the orders of the trial court.

Thirdly, petitioner appears to have a meritorious defense. Indeed, it would appear that the contract between petitioner and private respondents is an equitable mortgage rather than a pacto de retro sale.^[13]

Based on the foregoing, the petitioners argue that their case is similar to *Amil* because they have a meritorious defense sufficient to justify the relaxation of procedural rules.

For their part, the respondents cite jurisprudence enforcing the principle that the act, mistake, or negligence of counsel is binding on his client. They point out the attempts of the petitioners to mislead the Court of Appeals when they claimed to have "sent two postal money orders directly to the Court of Appeals two days later," thereby implying that they substantially complied with the requirement to pay docket fees, while at the same time refusing to cite a date of reference from which the "two days" would run. The respondents, therefore, maintain that the dismissal by the Court of Appeals was not whimsical because it was based on the reasonable application of the Rules of Court.

In sum, this Court is called upon to rule on the basic question of whether the dismissal by the Court of Appeals of the appeal was proper when it relied upon the failure of petitioners to abide by the procedural rule regarding the payment of docket fees.^[14]

The general rule is that the payment of docket fees within the prescribed period is mandatory for the perfection of an appeal.^[15] The ruling is based on Section 4, Rule 41 of the 1997 Rules of Civil Procedure, which states:

Sec. 4. Appellate court docket and other lawful fees. – Within the period for taking an appeal, the appellant shall pay to the clerk of court which rendered the judgment or final order appealed from, the full amount of the appellate court docket and other lawful fees. Proof of payment of said fees shall be transmitted to the appellate court together with the original record or the record on appeal.

Under the 1997 Rules of Civil Procedure, a notice of appeal must be filed within the 15-day reglementary period reckoned from receipt of the decision or order appealed from; the docket and other lawful fees must also be paid within the same period. Such docket fees shall be paid with the clerk of the court which rendered the judgment or decision appealed from. The place of payment is not optional but a mandatory requirement for the appellant.[16]

In this case, the petitioners were able to take advantage of two opportunities to file a notice of appeal. The first notice of appeal filed on 25 June 1998 manifested their desire to appeal the original decision of the trial court dated 30 May 1998. The second notice of appeal dated 6 January 1999[17] expressed petitioners' intent to appeal the trial court's order dated 17 December 1998, which increased the total amount of damages due the respondents from P1,161,915.32 to P3,170,298.28. In both instances, however, the petitioners failed to tender payment of the docket fees.

To provide a clearer picture of the delay that the petitioners asks this Court to overlook, it bears pointing out that the petitioners alleged that they received a copy of the 30 May 1998 decision on 24 June 1998 and filed their first notice of appeal on 25 June 1998.[18] Hence, the running of the 15-day period within which to appeal was suspended, and started to run again from their receipt of a copy of the order of 17 December 1998.

Deducting one day from the 15-day reglementary period, the petitioners could file their appeal within 14 days from receipt of the order dated 17 December 1998. However, the exact date of receipt of the order by the petitioners cannot be determined from the records. Nevertheless, we observe that the second notice of appeal was dated 6 January 1999.[19] Even if we consider 6 January 1999 as the reckoning date of the remaining 14-day period within which the petitioners could appeal, the docket fees should have been paid to the Clerk of Court of the RTC of Echague, Isabela, on or before 20 January 1999. But, as stated earlier, the postal money orders were issued on 19 February 1999 and sent directly to the Court of Appeals on 23 February 1999.[20] Despite such generous estimates, it took almost one month before the petitioners could be deemed to have finally tendered payment of the docket fees.

Settled is the rule that the perfection of an appeal within the reglementary period and in the manner prescribed by law is jurisdictional, and noncompliance with such legal requirement is fatal.[21] Without such payment, the appellate court does not acquire jurisdiction over the subject matter of the action and the decision sought to be appealed from becomes final and executory.[22] In view of petitioners' failure to pay the docket fees on time and in the manner mandated by the Rules of Court, their appeal cannot be deemed perfected. The appealed decision, therefore, has become final and executory.[23]

The petitioners submit several arguments to convince us to relax its technical rules.

Their first argument premised on denial of due process on account of their inability to appeal is bereft of merit. An appeal is not a natural right or a part of due process. It is purely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law.[24]

Neither does the alleged gross negligence of petitioners' former counsel resulting in the late and improper payment of docket fees constitute a ground to relax the Court's procedural rules. The doctrinal rule is that the negligence of counsel binds the client. Otherwise, there would never be an end to a suit so long as a new counsel could be employed who would allege and show that the prior counsel had not been sufficiently diligent, experienced, or learned.[25]

To fall within the exceptional circumstances such as those found in *Amil v. Court Appeals*[26] relied upon by the petitioners, it must be shown that the negligence of counsel must be so gross that the client is deprived of his day in court, the result of which is that he is deprived of his property without due process of law.[27] Thus, where "a

party was given the opportunity to defend [its] interests in due course, [its] cannot be said to have been denied due process of law, for this opportunity to be heard is the very essence of due process.”[28]

In the *Amil* case, the petitioner therein was declared in default for failure of his counsel to file an answer within the reglementary period. The case was heard ex-parte, and judgment was rendered in favor of the respondents. Petitioner’s counsel further failed to take any action to protect the interests of the petitioner in subsequent proceedings by filing an opposition to the motion to declare him in default or by moving to set aside the order of default. The petitioner therein was, therefore, deemed to have been deprived of his chance to present his side and to flesh out his arguments.

In contrast, the instant case underwent a full-blown trial. Both parties were adequately heard, and all issues were ventilated before the decision was promulgated. All the necessary pleadings were filed by petitioners’ counsel to protect their interests when the case was still before the trial court. In fact, when a decision was rendered, petitioners’ counsel even filed an Opposition to respondents’ motion for reconsideration. Unlike in *Amil*, herein petitioners were not deprived of their day in court.

Finally, the petitioners pray that we relax the rules of procedure by citing numerous cases to show instances when we suspended the rules to prevent manifest injustice to a litigant.[29] However, even in those exceptional circumstances, delays of only a few days were considered, but not a month, and other circumstances, taken together, justified the suspension. If at all, this case is more similar to *Guevarra v. Court of Appeals*[30] where the payment of docket fees was made 41 days after notice of the questioned decision, and the excuse of “inadvertence, oversight, and pressure of work” was disregarded as too flimsy, “an ‘old hat,’ a hackneyed pretext, resorted to by the negligent or lazy lawyers, which has never been given the badge of ‘excusability’ by the Court.”[31]

The petitioners have even less reason here. Reviewing the facts at hand, we find the failure of petitioners’ former counsel to file the proper amount of docket fees on time to be truly inexplicable. His reasons of not knowing the amount to be paid and the manner of payment can be viewed as mere inadvertence denoting laziness at worst, or disinterest at best. On the basis of the generous assumption previously given regarding the period within which to pay the docket fees, it took petitioners’ counsel almost two weeks to make inquiries and a month to pay the fees. It was actually an opportunity that he twice missed, considering that he twice filed notices of appeal. Neither can we countenance the counsel’s attempts to mislead the courts and claim “substantial compliance” by declaring that the “fees were paid through postal money orders sent directly to the Court of Appeals two (2) days later.”[32] Such use of vagaries only breeds suspicion that counsel knew of his unjustifiable error.

Thus, while regretful that the petitioners may have had meritorious defenses against the trial court’s 17 December 1998 Order, we must likewise weigh such defenses against the need to halt an abuse of the flexibility of procedural rules. Additionally, it should be pointed out that in petitions for relief from judgment, orders, or other proceedings;[33] relief from denial of appeals;[34] or annulment of judgments, final orders and resolutions,[35] where meritorious defenses must be adduced,[36] they must accompany the grounds cited therein, whether it is fraud, accident, mistake, excusable negligence,[37] extrinsic fraud or lack of jurisdiction.[38] Where, as here, there is neither excusable nor gross negligence amounting to a denial of due process, meritorious defenses cannot alone be considered.

It has long been recognized that strict compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business.[39] For the Court to allow the reopening or remand of the case after such a display of indifference to the requirements of the Rules of Court would put a strain on the orderly administration of justice. As we have said in one case:[40]

It is necessary to impress upon litigants and their lawyers the necessity of strict compliance with the periods for performing certain acts incident to the appeal and the transgressions thereof, as a rule, would not be tolerated; otherwise, those periods could be evaded by subterfuges and manufactured excuses and would ultimately become inutile.^[41]

We, therefore, hold that the Court of Appeals did not commit any grave abuse of discretion in dismissing the appeal and denying the motion for reconsideration on the ground that the petitioners violated Section 4, Rules 41 of the 1997 Rules of Civil Procedure.

WHEREFORE, the petition is hereby DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, 58.

[2] RTC Decision, 4; Rollo, 71.

[3] Rollo, 48-57.

[4] Id., 61-67.

[5] Rollo, 68-80. Per Judge Henedino P. Eduarte.

[6] Id., 87-92. Per Judge Demetrio D. Calimag, Jr.

[7] CA Rollo, 15.

[8] Id., 12.

[9] Id.

[10] Rollo, 33-34. Per Associate Justice Ma. Alicia Martinez (now Supreme Court Associate Justice) with Associate Justices Salvador J. Valdez, Jr., and Renato C. Dacudao, concurring.

[11] Rollo, 46.

[12] G.R. No. 125272, 7 October 1999, 316 SCRA 317.

[13] G.R. No. 125272, 7 October 1999, 316 SCRA 323-324.

[14] Sec. 4, Rule 41, 1997 Rules of Civil Procedure.

[15] Yambao v. Court of Appeals, G.R. No. 140894, 27 November 2000, 346 SCRA 141, 146.

[16] Chan v. Court of Appeals, G.R. No. 138758, 6 July 2000, 335 SCRA 302.

[17] Rollo, 33.

[18] Rollo, 93.

[19] CA Rollo, 15.

[20] Rollo, 96, 221-222.

[21] Navarro v. National Labor Relations Commission, G.R. No. 116464, 1 March 2000, 327 SCRA 22, 28; Sy

Chin v. Court of Appeals, G.R. No. 136233, 23 November 2000, 345 SCRA 673, 681; Republic v. Court of Appeals, G.R. No. 129846, 18 January 2000, 322 SCRA 81, 87-88.

[22] Yambao v. Court of Appeals, *supra* note 15.

[23] Sec. 2, Rules 36, 1997 Rules of Civil Procedure.

[24] Barangay 24 of Legazpi City v. Imperial, G.R. No. 140321, 24 August 2000, 338 SCRA 694, 702.

[25] Gacutana-Fraile v. Domingo, G.R. No. 138518, 15 December 2000, 348 SCRA 414, 422.

[26] *Supra* note 11.

[27] See also Apex Mining, Inc. v. Court of Appeals, G.R. No. 133750, 29 November 1999, 319 SCRA 456.

[28] Legarda v. Court of Appeals, G.R. No. 94457, 16 October 1997, 280 SCRA 642, 657 (resolution reversing Legarda v. Court of Appeals, 18 March 1991, 195 SCRA 418).

[29] Pacific Life Assurance Corp. v. Sison, G.R. No. 122839, 20 November 1998, 299 SCRA 16, 21-22; Go v. Court of Appeals, G.R. No. 128954, 8 October 1998, 297 SCRA 574, 584; Ginete v. Court of Appeals, G.R. No. 127596, 24 September 1998, 296 SCRA 38, 49; Tamargo v. CA, G.R. No. 85044, 3 June 1992, 209 SCRA 518; Yong Chan Kim v. People, G.R. No. 84719, 25 January 1991, 193 SCRA 344; Orata v. Intermediate Appellate Court, G.R. No. 73471, 8 May 1990, 185 SCRA 148; United Feature Syndicate, Inc. v. Munsingwear Creation Mfg. Co., G.R. No. 76193, 9 November 1989, 179 SCRA 260; Legasto v. Court of Appeals, G.R. Nos. 76854-80, 25 April 1989, 172 SCRA 722.

[30] No. L-43714, 15 January 1988, 157 SCRA 32.

[31] *Id.*, 37.

[32] Rollo, 142.

[33] Sec. 1, Rule 38, 1997 Rules of Civil Procedure.

[34] Sec. 2, Rule 38, 1997 Rules of Civil Procedure.

[35] Rule 47, 1997 Rules of Civil Procedure.

[36] Sec. 3, Rule 38, and Sec. 4, Rule 47, 1997 Rules of Civil Procedure.

[37] Secs. 1 and 2, Rule 38, 1997 Rules of Court.

[38] Sec. 2, Rule 47, 1997 Rules of Court.

[39] Workmen's Insurance Co. v. Augusto, No. L-31060, 29 July 1971, 40 SCRA 123, 126-127.

[40] Don Lino Gutierrez & Sons, Inc. v. Court of Appeals, No. L-39124, 15 November 1974, 61 SCRA 87.

[41] *Id.*, 92.

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.