

**RODRIGO QUIRAO, MONICA QUIRAO, ROBERTO QUIRAO,
EDILBERTO QUIRAO, JESUS GOLE, GERARDO QUIRAO, LAMBERTO
VALDEZ & FEDERICO QUIRAO, PETITIONERS, VS. LYDIA
QUIRAO & LEOPOLDO QUIRAO, ...**

G.R. No. 148120. October 24, 2003

Ponente: PUNO, J.

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PUNO, J.:

The issue in this Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court is whether Branch 21 of the Regional Trial Court of Mambusao, Capiz should admit the amended answer of petitioners.

Respondents Lydia Quirao and Leopoldo Quirao, Jr. filed before the trial court a complaint for recovery of possession, ownership and damages against petitioners Rodrigo Quirao, Monica Quirao, Roberto Quirao, Edilberto Quirao, Gerardo Quirao, Jesus Gole, Lamberto Valdez, Federico Quirao and Avelino Ngitngit. [1] Respondents claimed that the late Leopoldo Quirao was the owner of the sugarland, subject matter of the controversy. Respondent Lydia is his widow, while Leopoldo, Jr. is his legitimate son and compulsory heir. They alleged that in 1988, petitioners forcibly took possession of the sugarland and appropriated for themselves its income. They prayed for the issuance of a writ of Preliminary Mandatory Injunction for petitioners to vacate the property. [2]

In their Answer, petitioners claimed that the subject property was owned by their grandfather, Segundo Clarito; that petitioner Rodrigo Quirao had been in possession of the land even before the Second World War; and that Leopoldo Quirao never possessed it. They further alleged that petitioners Jesus Gole, Avelino Ngitngit and Lamberto Valdez were recipients of Emancipation Patents issued by the government. [3]

A few months after their Answer, petitioners filed a Motion to Dismiss the complaint citing a Deed of Extra-Judicial Partition with Sale of the subject property purportedly executed by respondents in favor of a certain Carlito de Juan ("de Juan"). Petitioners contended that since respondents no longer own the property, they lack the standing to file the complaint. [4] They further alleged that it was only after they filed their Answer that they learned of the existence of the deed. The trial court denied the motion to dismiss for lack of merit. [5]

The case underwent pre-trial. Petitioners' second counsel, who took over the case, filed an amended pre-trial brief which reiterated the allegation that respondents were not the real parties in interest as they had sold the property to de Juan. Trial ensued and after respondents rested their case, petitioners filed a "Motion for Leave of Court to Admit Attached Amended Answer." [6] They sought the amendment of their Answer by adding the alternative defense that even if respondents were the owners of the property by inheritance from Leopoldo Quirao, they (respondents) executed a Deed of Extra-Judicial Partition of Property with Sale in favor of de Juan. They further claimed that in turn, de Juan sold part of the property to them. [7] The second sale appears to be evidenced by a Deed of Sale [8] involving part of the subject property executed by de Juan and petitioners. It also appears that Rodrigo made a partial payment of P50,000.00, evidenced by the receipt signed by de Juan. [9]

Respondents opposed the motion on the grounds that: (1) it is dilatory and (2) the amendments are substantial and cannot be allowed as the parties have already undergone a pre-trial conference. [10]

The motion was again denied by the trial court. It ratiocinated that the amendments will prejudice the respondents since they had already rested their case and the alleged facts were already existing and known to the petitioners when they filed their answer. [11] Petitioners' motion for reconsideration [12] was likewise denied. [13]

Petitioners repaired to the Court of Appeals which also dismissed their petition for lack of merit. The appellate court ruled that the amendments are basically the same issues raised in their motion to dismiss and are substantial ones which may properly be refused. It cited *Batara vs. Court of Appeals*, [14] where we held that the negligence and ignorance of petitioners' previous counsels cannot qualify as "transcendental matters" which can outweigh technicalities. [15] Petitioners filed a motion for reconsideration [16] but their efforts were in vain. [17] Thus, this petition based on the following grounds:

- THE OMISSION AND INACTION SEPARATELY AND INDIVIDUALLY COMMITTED BY EACH OF PETITIONERS' THREE PREVIOUS LAWYERS CONSTITUTE MERELY SIMPLE NEGLIGENCE WHICH, AS A GENERAL RULE, SHOULD BIND THEM. HOWEVER, WHEN PUT AND CONSIDERED TOGETHER, SUCH OMISSION AND INACTION ARE TRANSFORMED INTO AND COULD BE RIGHTFULLY CONSIDERED AS GROSS AND RECKLESS AND, HENCE, SHOULD NOT AND COULD NEVER BIND THEM. IT IS HUMBLY SUBMITTED THAT EVEN AT THIS LATE STAGE OF THE PROCEEDING, THE AMENDMENTS SOUGHT TO BE INTRODUCED IN THE ORIGINAL ANSWER MAY STILL BE LAWFULLY ALLOWED; OTHERWISE, PETITIONERS WOULD BE DEPRIVED OF THEIR PROPERTY WITHOUT DUE PROCESS OF LAW;
- IN THE HIGHER INTEREST OF SUBSTANTIAL JUSTICE, THE AMENDMENTS SOUGHT TO BE INTRODUCED IN THE ORIGINAL ANSWER SHOULD HAVE BEEN LIBERALLY ALLOWED SINCE THIS COURSE OF ACTION WOULD RESULT IN THE RESOLUTION OF THE CASE BELOW BASED ON PURE MERITS, RATHER THAN ON PURE TECHNICALITY. MOREOVER, THE RIGHTS OF RESPONDENTS COULD BE AMPLY PROTECTED, AND WHATEVER DELAY HAS ALREADY BEEN INCURRED IS NEVER SOLELY ATTRIBUTABLE TO PETITIONERS;
- THE COURT A QUO HAS LIBERALLY CONSTRUED THE RULES IN FAVOR OF RESPONDENTS AND STRICTLY CONSTRUED THEM AGAINST PETITIONERS; and
- IN ITS DECISION, THE COURT OF APPEALS COMMITTED THE FOLLOWING ERRORS: 1) IT RULED THAT THE MATTER SOUGHT TO BE INTRODUCED IN THE ORIGINAL ANSWER IS THE SAME ISSUE ALLEGED IN PETITIONERS' MOTION TO DISMISS WHICH WAS DENIED BY THE COURT A QUO; 2) IT FAILED TO DISCUSS THE THIRD GROUND EVEN AS THIS WAS EXPLICITLY RAISED BEFORE IT; AND 3) IT APPLIED THE JURISPRUDENCE LAID IN (sic) DOWN IN THE BATARA CASE. [18]

The Rules of Court allow amendments of pleadings as a matter of right before a responsive pleading is served; [19] otherwise, leave of court must first be obtained. [20]

Our case law teaches us that amendments to pleadings are favored and should be liberally allowed in furtherance of justice. This liberality is greatest in the early stages of a lawsuit, decreases as it progresses, and changes at times to a strictness amounting to a prohibition. Amendments are likewise subject to the limitation that they are not dilatory. [21] Thus, trial courts are given the discretion to grant leave of court to file amended pleadings, and their exercise of this discretion will normally not be disturbed on appeal, unless there is evident abuse thereof. [22]

In the case at bar, petitioners filed their motion for leave of court to admit amended answer only after respondents

have rested their case. Petitioners argue that the error was due to the oversight of the three previous counsels. Petitioners' fourth counsel also claims that he learned of the alternative defense late as his clients (petitioners herein) did not inform him of the Deed of Sale. [23] Allegedly, they relied on the advice of their previous counsels that the said deed of sale "was a mere scrap of paper because it was not signed by Carlito de Juan." [24] Respondents contend that petitioners' motion is too late in the day.

Petitioners' motion for admission of amended answer may be a little tardy but this by itself is not a cause for its denial. Their amended answer alleges that respondents no longer own the subject property having sold the same to de Juan who, in turn, sold the property to petitioners. These allegations, if correct, are vital to the disposition of the case at bar. The interest of justice and equity demand that they be considered to avoid a result that is iniquitous. Truth cannot be barred by technical rules. For this reason, our ruling case law holds that amendments to pleadings are generally favored and should be liberally allowed in furtherance of justice so that every case may so far as possible be determined on its real facts and in order to prevent the circuity of action. [25]

We should always bear in mind that rules of procedure are mere tools designed to facilitate the attainment of justice. Their strict and rigid application especially on technical matters, which tends to frustrate rather than promote substantial justice, must be avoided. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from the courts. [26]

IN VIEW WHEREOF, the petition is GRANTED. Branch 21 of the Regional Trial Court of Mambusao, Capiz is directed to admit the amended answer.

SO ORDERED.

Panganiban, Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Except for Avelino Ngitngit, defendants are petitioners herein.

[2] Rollo, pp. 49-54.

[3] Id. at 55-58.

[4] Id. at 60-61.

[5] Id. at 65.

[6] Id. at 86-90.

[7] Id. at 96-102.

[8] Id. at 36.

[9] Id. at 69.

[10] Id. at 106-107.

[11] Id. at 113.

[12] Id. at 114-123.

[13] Id. at 127-128.

[14] 300 SCRA 237 (1999).

[15] Rollo, pp. 163-168.

[16] Id. at 161-191.

[17] Id. at 195.

[18] Id. at 27-28.

[19] Rule 10, Sec. 2. Amendments as a matter of right. - A party may amend his pleading once as a matter of right at any time before a responsive pleading is served or, in the case of a reply, at any time within ten (10) days right after it is served.

[20] Rule 10, Sec. 3. Amendments by leave of court. - Except as provided in the next preceding section, substantial amendments may be made only upon leave of court. But such leave may be refused if it appears to the court that the motion was made with intent to delay. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard.

[21] Heirs of Marcelino Pagobo v. Court of Appeals, 280 SCRA 870 (1997).

[22] Torres v. Tomacruz, 49 Phil. 913 (1927).

[23] Rollo, pp. 66-68.

[24] Id. at 31.

[25] Siasoco v. CA, G.R. No. 132753, February 15, 1999.

[26] Ildefonso Samala & Benjamin Babista, v. CA, G.R. No. 128628, August 23, 2001.

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