

PAULINA DIAZ, GODELITO LAPINID, ELECITO LAPINID, VIOLETA ZAMORA, ANASTACIA LAPINID, EVELYN LAPINID, MARIVEL LAPINID AND CARIN LAPINID, ADMINISTRATOR, PETITIONERS, VS. CARLOS MES...

G.R. No. 156345. March 04, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the June 29, 2002 Resolution[1] of the Court of Appeals in CA-G.R. SP No. 70596, which dismissed the petition on technical grounds, and its November 29, 2002 Resolution, which denied petitioners' motion for reconsideration.

Petitioners are the owners of a 1.2 hectare riceland located at Brgy. Guintigi-an, Ormoc City, being tilled by, among others, Carlos Mesias, Sr., father of respondent Carlos Mesias, Jr.

On May 16, 1991, respondent began cultivating the land. Six years later, respondent requested that he be granted a homelot within the riceland by petitioners and that the share tenancy system be changed to leasehold system. Petitioners denied both requests. Hence, respondent brought the matter to the Barangay Agrarian Reform Committee for mediation. No settlement was reached because petitioners failed to appear.

Respondent elevated the case to the Municipal Agrarian Reform Office (MARO) of the Department of Agrarian Reform. After conducting mediation proceedings between the parties, the MARO concluded that respondent is not a bona fide tenant of the petitioners considering that he is a member of the immediate farm household of his father, Carlos Mesias, Sr. Thus, respondent filed a petition with the Provincial Adjudicator of Leyte who dismissed the petition and declared that petitioner is not a tenant de jure of the 1.2 riceland subject of this case, rather it is his father, Carlos Mesias, Sr. who is the tenant thereof.

Respondent appealed the case to the Department of Agrarian Reform Adjudication Board (DARAB), which reversed the decision of the Provincial Adjudicator. The dispositive portion of the decision of the DARAB reads:

WHEREFORE, by reason of all the foregoing, the decision of the Honorable Prospero I. Rapada, dated October 27, 1997, is hereby SET ASIDE and new decision is hereby issued:

- Declaring petitioner Carlos Mesias, Jr. as the tenant de jure of the named respondents in the subject farmlot;
- Ordering the respondents and/or the administrator of said land to maintain petitioner in the peaceful possession and cultivation of subject farmlot;
- Ordering the petitioner to withdraw the money deposited with the Land Bank of the Philippines, Ormoc City representing the lease rentals payable to the respondents for the crop years 1996 and 1997 and update payment of other rentals due and demandable;
- Ordering the respondents to grant petitioner a homelot with an area of not more than 3% of the total area of

the tenanted ricefarm but not more than 1,000 square meters during the existence of the tenancy relations between the parties;

- Enjoining the parties to execute a written leasehold contract agreement pursuant to law;
- Ordering the Municipal Agrarian Reform Officer of Ormoc City to assist the parties in the proper determination of the terms and conditions of the contract pursuant to law and the customs and practices of the locality;
- Ordering the same MARO to render a report within 15 days upon receipt of this order as to its implementation to DARAB Appellate Board copy furnished DARAB Secretariat.

SO ORDERED.[2]

Petitioners' motion for reconsideration[3] was denied; hence a petition for review was filed with the Court of Appeals under Rule 43 of the Rules of Court.

The Court of Appeals dismissed the petition due to defective certification against forum shopping and failure to attach clearly legible copies of pertinent portions of the records and other supporting documents pursuant to Rule 43, Section 6 of the Rules of Court.

Petitioners filed a motion for reconsideration, attaching thereto legible copies of the records and other supporting documents. The July 29, 2002 Resolution was partly reconsidered by the Court of Appeals, insofar as the defective certification of forum shopping is concerned, but held that petitioners failed to comply with the procedural requirements of Rule 43, Section 6 of the Rules of Court.

Hence, the instant petition for review[4] on the issue: whether or not the petition for review filed by the petitioners before the Court of Appeals complies with the requirements set in Rule 43, Section 6 of the Rules of Court.

The petition is meritorious.

We agree with petitioners' contention that the dismissal of the petition on purely technical grounds was unwarranted. In denying due course to the petition, the appellate court gave premium to form and failed to consider the substantial rights of the parties.

Rule 43, Section 6 of the Rules of Court provides:

The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (2a)

In *Kalayaan Arts and Crafts, Inc. v. Anglo*, [5] it was held that Section 6 of Rule 43 of the Rules of Court does not require that all of the supporting papers or annexes accompanying the petition should be certified true copies or duplicate originals. What is mandatory is that clearly legible duplicate originals or certified true copies of the judgment or final orders of the lower courts be attached to the petition.

A careful perusal of the records of the case shows that the petitioners substantially complied with the procedural requirements of Rule 43, Section 6 of the Rules of Court. Attached to the petition for review as annexes are legible certified true copies of the decision of the DARAB, [6] the Resolution of the Motion for Reconsideration by the DARAB, [7] and the decision of the Provincial Adjudicator. [8] The attachment of the final decisions of

these quasi-judicial agencies are sufficient in order for the Court of Appeals to give due course to the petition, instead of dismissing the same on the ground of petitioners' failure to attach copies of the pleadings and other supporting documents. Nevertheless, even if the pleadings and other supporting documents were not attached to the petition, the dismissal was unwarranted because the entire records of the case will eventually be elevated to the appellate court, pursuant to Rule 43, Section 11 of the Rules of Court.

Cases should be determined on the merits after all parties have been given full opportunity to ventilate their causes and defenses, rather than on technicalities or procedural imperfections. Rules of procedure are mere tools designed to expedite the decision or resolution of cases and other matters pending in court. A strict and rigid application of rules, resulting in technicalities that tend to frustrate rather than promote substantial justice, must be avoided. In fact, Rule 1, Section 6 of the Rules of Court states that the Rules shall be liberally construed in order to promote their objective of ensuring the just, speedy and inexpensive disposition of every action and proceeding.[9]

WHEREFORE, in view of the foregoing, the instant petition is GRANTED. The Resolutions of July 29 2002 and November 29, 2002 of the Court of Appeals are SET ASIDE. The instant case is REMANDED to the Court of Appeals for further proceedings.

SO ORDERED.

Davide, Jr., C.J., Carpio, and Azcuna, JJ., concur.
Puno, J., on leave.

[1] Penned by Associate Justice Sergio L. Pestano and concurred in by Associate Justices Delilah Vidallon-Magtolis and Candido V. Rivera.

[2] Id., pp. 45-46.

[3] Id., p. 58.

[4] Id., p. 20.

[5] G.R. No. 143467, 21 July 2003; citing *Cadayona v. Court of Appeal*, 381 Phil. 619 [2000].

[6] Records, CA Rollo, pp. 27-38.

[7] Id., pp. 41-42.

[8] Id., pp. 43-50.

[9] *Posadas-Moya and Associates Construction Company, Inc. v. Greenfield Development Corporation*, G.R. No. 141115, 10 June 2003.

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