

ISIDORO A. PADILLA, JR., CLARA RITA A. PADILLA, AND JOSEPH HALDOS, PETITIONERS, VS. LUIS ALIPIO, MILAGROS ALIPIO, AND ALL OTHER PERSONS CLAIMING RIGHTS UNDER THEM, RESPONDENTS.

G.R. No. 156800. November 25, 2004

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-156800/>

PUNO, J.:

Assailed in this petition for review is the Resolution dated August 19, 2002[1] of the Court of Appeals in CA-G.R. SP No. 71576[2] which dismissed outright the petition for review filed by herein petitioners, as well as its Resolution dated January 10, 2003[3] which denied petitioners' motion for reconsideration.

The antecedent facts are as follows:

In August 1993, spouses Marcelino B. Barba and Fortuna Marcos Barba filed an ejectment suit against the Pingkian III Homeowners Association, Inc. and its members,[4] docketed as Civil Case No. 7608, with the Metropolitan Trial Court (MeTC) of Quezon City. Included as defendant was herein petitioner Isidoro A. Padilla, Jr. Plaintiffs alleged that they were the registered owners of a 5.6-hectare property located at Pingkian Village, Pasong Tamo, Quezon City, under Transfer Certificates of Title (TCTs) Nos. 59721, 59725, 59726, and 59727 and that the defendants were illegal squatters thereon. In their answers, the defendants countered that they have been occupying the subject property since time immemorial; that the plaintiffs' TCTs were spurious and fake; and, that they have pending applications for segregation of title with the Regional Trial Court (RTC) of Quezon City. After trial, the MeTC of Quezon City, Branch 36, decided the case in favor of the plaintiffs. The decision became final and executory on June 19, 1998 after resort to the RTC,[5] the Court of Appeals[6] and, finally, to this Court,[7] by the defendants proved to no avail.

A few years after or on December 13, 2001, Isidoro A. Padilla, Jr., his sister, Clara Rita A. Padilla, and their caretaker/overseer, Joseph Haldos, filed an action for ejectment,[8] root of the present petition, against respondent spouses Luis and Milagros Alipio. Petitioners alleged that they were the lawful and peaceful possessors, with a preferential right to buy, of a 288-square meter property located at No. 80 Ilang-Ilang St., Pingkian Village III, Brgy. Pasong Tamo, Quezon City; and, that respondent spouses illegally usurped possession thereof sometime in 1998 and refused to pay them rent. Respondent spouses denied that petitioners were the peaceful and lawful possessors of the subject property. On the contrary, they were defendants in Civil Case No. 7608 for ejectment against whom a judgment for eviction was rendered in favor of the spouses Marcelino and Fortuna Barba who had executed a Contract to Sell the disputed property in respondents' favor since then.

On November 6, 2001, the MeTC of Quezon City, Branch 39, decided the case in favor of respondents. It held, viz.:

WHEREFORE, in the light of the foregoing, the instant case is hereby DISMISSED for lack of legal and

factual merit.

The plaintiffs are hereby declared to have no right to the physical possession, use and occupation of the subject property in consonance to (sic) the final judgment rendered by the Metropolitan Trial Court, Branch 32 (sic) of Quezon City in Civil Case No. 7608; each plaintiffs to pay, jointly and severally, each of the herein defendants the amount of P20,000.00 by way of moral damages and the sum of P20,000.00 as exemplary damages; to pay the sum of P10,000.00 as Attorney's fees plus cost of suit.

SO ORDERED.[9]

The RTC of Quezon City affirmed the MeTC decision on appeal citing the law of the case doctrine.[10] Petitioners filed a petition for review with the Court of Appeals. On August 19, 2002, the Court of Appeals issued the now assailed Resolution, which reads –

The instant petition for review is DISMISSED outright in view of the fact that the petition is not accompanied by true copies of the pleadings and other material portions of the record as would support the allegations of the petition (Section 2, Rule 42 of the 1997 Rules of Civil Procedure, as amended).[11]

Petitioners moved for reconsideration but was denied in the second assailed Resolution dated January 10, 2003.[12] Hence, this petition for review on certiorari.

Section 2, Rule 42 of the 1997 Rules of Civil Procedure governing petitions for review from decisions of the RTCs to the Court of Appeals provides, viz.:

SEC. 2. Form and contents.- The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition. (underscoring ours)

The appellate court denied the petition for review filed by herein petitioners because it was “not accompanied by true copies of the pleadings and other material portions of the record as would support the allegations of the petition.”

A perusal of the petition for review filed with the Court of Appeals reveals that certified true copies of the RTC Decision[13] and of the RTC Order denying reconsideration were annexed therein.[14] The fact that no certified true copy of the MeTC Decision was similarly annexed is not enough to warrant dismissal of the petition. In *Silverio v. Court of Appeals*[15] we ruled that failure to attach the Municipal Trial Court (MTC) decision to the petition for review filed with the Court of Appeals did not adversely affect the sufficiency of the petition because the Court of Appeals was supposed to review, not the MTC decision, but the RTC decision, a certified true copy of which has been attached to the petition. Moreover, we note that in the instant case, the RTC Decision was but an affirmation in toto of the MeTC Decision, the entire six (6) pages of which had been almost wholly quoted verbatim in the eight-paged RTC Decision.

With respect to the pleadings and other relevant portions of the record, a careful reading of the 297-paged petition for review filed with the Court of Appeals reveals that quoted therein were material portions of the complaint for ejectment, position paper, and comment on the respondents' position paper filed by petitioners with the MeTC, as

well as relevant portions of their memorandum on appeal and motion for reconsideration of the RTC Decision filed with the latter court. In *Cusi-Hernandez v. Diaz*,^[16] citing *Cadayona v. Court of Appeals*,^[17] we reiterated that supporting documents to the petition are not required to be certified true copies, it being enough that the assailed judgment, order or resolution is a certified true copy.^[18] At any rate, petitioners annexed copies of the supporting documents as well as a certified true copy of the MeTC Decision in their Motion for Reconsideration. Submission of a document together with the motion for reconsideration constitutes substantial compliance with the requirement that relevant or pertinent documents be submitted along with the petition, and calls for the relaxation of procedural rules.^[19] We reiterated the same in *Serrano v. Galant Maritime Services, Inc.*^[20] on the reasoning that cases ought to be decided on the merits, rather than on technicalities, after full opportunity for the ventilation of their causes and defenses shall have been given to the parties. Indeed, while the right to appeal is a statutory, not a natural right, nonetheless, it is an essential part of our judicial system; and courts should proceed with caution so as not to deprive a party of the right to appeal, but rather, ensure that every party-litigant has the amplest opportunity for the proper and just disposition of his cause, freed from the constraints of technicalities.^[21]

Under the circumstances, therefore, we rule that there was substantial compliance with Sec. 2, Rule 42 of the 1997 Rules of Civil Procedure, and that the Court of Appeals committed reversible error in dismissing the petition for review.

We shall not deal with the other issues in the petition, and instead remand the case to the Court of Appeals considering that petitioners raise factual issues in arguing that the law of the case doctrine should not have been applied by the RTC, jurisdiction over which pertains to the Court of Appeals pursuant to Rule 42. Moreover, questions of fact cannot be raised in an appeal via certiorari before this Court and are not proper for its consideration.^[22]

IN VIEW WHEREOF, the petition is GRANTED. The challenged Resolutions dated August 19, 2002 and January 10, 2003 of the Court of Appeals in CA-G.R. SP No. 71576 are SET ASIDE. The case is REMANDED to the Court of Appeals for decision on the merits. No costs.

SO ORDERED.

Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

Callejo, Sr., J., no part.

[1] Rollo, p. 14.

[2] Entitled “Isidoro A. Padilla, Jr., Clara Rita A. Padilla and Joseph Haldos v. Luis Alipio, Milagros Alipio, and all other persons claiming rights under them.”

[3] Rollo, p. 17.

[4] Numbering over a hundred (100).

[5] Docketed as Civil Case No. Q-94-20568 and entitled “Pingkian III Homeowners Association, Inc., et al. v. Hon. Francisco D. Villanueva, et al.”

[6] Docketed as CA-G.R. SP No. 35074 and entitled “Pingkian III Homeowners Association, Inc., et al. v. Hon. Juan Q. Enriquez, RTC Judge of Quezon City, Br. 92, Marcelino B. Barba, et al.”

[7] Docketed as G.R. No. 132386 and entitled “Pingkian III Homeowners Association, Inc., et al. v. Court of

Appeals, et al.”

[8] Docketed as Civil Case No. 25837.

[9] Rollo, pp. 388-393.

[10] Decision dated April 1, 2002 in Civil Case No. Q-01-45722; Id., pp. 380-387.

[11] Supra at Note 1.

[12] Supra at Note 3.

[13] Annex “A,” CA Rollo, pp. 317-324.

[14] Annex “B,” Id., p. 325.

[15] 407 SCRA 240 (2003).

[16] 336 SCRA 113 (2000).

[17] 324 SCRA 619 (2000).

[18] See also *Van Melle Phils., Inc. v. Endaya* (411 SCRA 528 [2003]) and *Zaragoza v. Nobleza* (G.R. No. 144560, May 13, 2004).

[19] *Donato v. CA*, 417 SCRA 216 (2003), citing *Jaro v. CA*, 377 SCRA 282 (2002) and *Piglas-Kamao (Sari-Sari Chapter) v. NLRC*, 357 SCRA 640 (2001); and *Uy v. Bureau of Internal Revenue*, 344 SCRA 36 (2000).

[20] 408 SCRA 523 (2003).

[21] *Labad v. University of Southeastern Philippines*, 362 SCRA 510 (2001).

[22] *Bank of the Philippine Islands v. Leobrera*, 375 SCRA 81 (2002).

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.