

ALPINE LENDING INVESTORS AND/OR ROGELIO L. ONG, PETITIONERS, VS. ESTRELLA CORPUZ, RESPONDENT.

G.R. NO. 157107. November 24, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant petition for review on certiorari assailing the Order dated December 13, 2002 of the Regional Trial Court (RTC), Branch 121, Caloocan City in Civil Case No. C-20124.

This case stemmed from a complaint for replevin filed with the said court by Estrella Corpuz, respondent, against Alpine Lending Investors (Alpine), one of the petitioners herein, and Zenaida Lipata, docketed as Civil Case No. C-20124. The complaint alleges that Zenaida was respondent's former neighbor. Pretending to help respondent in securing a Garage Franchise from the Land Transportation Office (LTO), Zenaida took from her the original registration papers of her vehicle, a Toyota Tamaraw FX with Plate No. UMR 660. Zenaida, using respondent's registration papers in representing herself as the owner of the vehicle, was able to retrieve it from Richmond Auto Center where it was being repaired. Thereafter, Zenaida disappeared with the vehicle. Respondent then reported the incident to the LTO Muntinlupa City Branch. There, she was informed that Zenaida mortgaged her vehicle with petitioner Alpine. The LTO showed respondent the Chattel Mortgage Contract bearing her forged signature.

Forthwith, respondent informed Alpine about the spurious mortgage and demanded the release of her vehicle. Alpine promised to comply with her request on condition that Zenaida should first be charged criminally.

Respondent then caused the filing with the Metropolitan Trial Court of Caloocan City complaints for falsification of private document and estafa against Zenaida. Eventually, a warrant of arrest was issued against her. Respondent informed Alpine about these developments, but the latter still refused to turn over the vehicle to her.

Instead of filing an answer to respondent's complaint, Alpine submitted to the RTC a motion to dismiss on the ground that it is not a juridical person, hence, not a proper party in the case.

In an Order dated September 2, 2002, the RTC denied Alpine's motion to dismiss.

Alpine then filed a motion for reconsideration, but it was denied. The RTC then directed respondent to file her amended complaint within ten (10) days.

However, respondent filed her Amended Complaint with an accompanying Motion to Admit Amended Complaint two (2) days late. Nonetheless, in an Order dated December 13, 2002, the RTC admitted the amended complaint.

On January 3, 2003, Alpine filed a Motion to Expunge respondent's motion to admit amended complaint on the ground that the latter motion was not accompanied by a notice of hearing.

In her Comment on Alpine's motion to expunge, respondent averred that her contested motion need not be accompanied by a notice of hearing as it is a "non-litigated motion."

On January 24, 2003, the RTC denied Alpine's motion to expunge for lack of merit. Alpine moved for a reconsideration, but this was denied in an Order dated January 28, 2003.

Hence, this petition.

The core issue here is whether the trial court erred in admitting respondent's amended complaint.

The question is not novel.

Sections 1 and 2, Rule 10 of the 1997 Rules of Civil Procedure, as amended, provide:

SEC. 1. Amendments in general. – Pleadings may be amended by adding or striking an allegation or the name of any party, or by correcting a mistake in the name of a party or a mistaken or inadequate allegation or description in any other respect, so that the actual merits of the controversy may speedily be determined, without regard to technicalities, and in the most expeditious and inexpensive manner.

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 after it is served.

As earlier mentioned, what petitioner Alpine filed in Civil Case No. C-20124 was a motion to dismiss, not an answer. Settled is the rule that a motion to dismiss is not a responsive pleading for purposes of Section 2, Rule 10.[1] As no responsive pleading had been filed, respondent could amend her complaint in Civil Case No. C-20124 as a matter of right. Following this Court's ruling in *Breslin v. Luzon Stevedoring Co.*,[2] considering that respondent has the right to amend her complaint, it is the correlative duty of the trial court to accept the amended complaint; otherwise, mandamus would lie against it. In other words, the trial court's duty to admit the amended complaint was purely ministerial. In fact, respondent should not have filed a motion to admit her amended complaint.

It has always been the policy of this Court to be liberal in allowing amendments to pleadings in order that the real controversies between or among the parties may be presented and cases be decided on the merits without delay.

WHEREFORE, the petition is DENIED. The challenged Order of the RTC, Branch 121, Caloocan City dated December 13, 2002, in Civil Case No. C-20124 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] *Ong Peng v. Custodio*, G.R. No. 14911, March 25, 1961, 1 SCRA 780, 784-785; *Republic v. Ila*, G.R. No. 16667, January 30, 1962, 4 SCRA 106, 112-113.

[2] 84 Phil. 618 (1949).

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