ISIDRO ANADON AND ROMULO ANADON, PETITIONERS, VS. MIGUELINA HERRERA AND JUANITO PANTINOPLE, RESPONDENTS.

G.R. NO. 159153. July 09, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In a Decision dated April 12, 2002, the Regional Trial Court (RTC) of Dumaguete City, Branch 40, dismissed the complaint for Annulment of Document, Quieting of Title and Damages filed by petitioners against respondents.[1] Petitioners received a copy of the Decision on April 19, 2002. Instead of filing a Notice of Appeal, petitioners filed on April 29, 2002, a Manifestation/Motion alleging that they received a copy of the Decision on April 19, 2002, but pages 1 to 5 thereof cannot be read. Thus, petitioners requested for another copy of the Decision, stating that "until this moment, the plaintiffs cannot be said to have been validly served with a copy of the Decision."[2] On May 10, 2002, the RTC issued an Order directing its Clerk of Court to furnish petitioners with certified xerox copies of the Decision,[3] which petitioners received on May 20, 2002.

On May 24, 2002, petitioners filed their Notice of Appeal with the RTC.[4]

On a motion to dismiss filed by respondents, the Court of Appeals (CA), in a Resolution dated March 18, 2003,[5] dismissed petitioners' appeal for having been filed out of time. Petitioners filed a motion for reconsideration but it was denied by the CA in a Resolution dated July 8, 2003.[6]

Hence, the present petition for review attributing the following errors committed by the CA:

> (a) THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION IN TOWING THE LINE WITH THE DEFENDANTS RESORTING TO TECHNICALITY AND ESPOUSING FRAUD AT THE EXPENSE OF SUBSTANTIAL JUSTICE, EQUITY AND FAIR PLAY; AND
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> (b) FOR UPHOLDING THE GRAVE MISAPPREHENSION BY THE RTC OF THE FACTS AND THE LAW, WHICH IF PROPERLY CONSIDERED WILL SURELY CHANGE THE OUTCOME OF THIS CASE.[7]

The crux of herein petition is the determination of the timeliness of petitioners' appeal to the CA.

The CA ruled:

> In the instant case, although plaintiffs-appellants received an unreadable copy of the decision, it appears that they were fully aware that their complaint was dismissed since the dispositive portion of the decision which they even quoted in the Manifestation/Motion was very clear. From the alleged date of receipt of the decision which contained unreadable pages, it took them ten (10) days, or on April 29, 2002, to file a written request for a clear copy. It took the lower court another eleven (11) days, or on May 10, 2002, to act on the request and another ten (10) days, or on May 20, 2002, to be furnished with a clear copy.
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> When plaintiffs-appellants received a copy of the alleged unreadable decision on April 19, 2002, the fifteen (15)-day reglementary period to appeal started to run and was not interrupted by the mere fact that the copy of the decision was unreadable. It was admitted that plaintiffs-appellants already knew that their complaint was dismissed at the time of the receipt of the decision. Hence, during that time, they should have decided whether to appeal the decision which only requires the filing of a one-page notice of appeal. If only plaintiffs-appellants' counsel exercised due diligence in handling the case, he should not have waited for ten (10) days before requesting for a clear copy.[8]

Petitioners insist that their receipt of the "unreadable copy" of the RTC Decision did not toll the running of the reglementary period within which to appeal. They argue that the Manifestation/Motion[9] filed before the RTC was actually a motion for reconsideration, and the RTC order directing the Clerk of Court to furnish them a copy of its Decision is an acknowledgment that the "unreadable copy" was not a correct copy of the Decision, and the approval of their notice of appeal meant that the same was filed on time; and that the CA's dismissal of their appeal is a "resurrection" of the lack of due process initially committed by the RTC.[10]

The petition is impressed with merit.

The right to appeal is neither a natural right nor a part of due process. It is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of law. Thus, one who seeks to avail of the right to appeal must comply with the requirements of the Rules. Failure to do so often leads to the loss of the right to appeal.[11] Nevertheless, 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.[12]

Herein petitioners received a copy of the RTC Decision on April 19, 2002, and the reglementary period within which to file the Notice of Appeal started to run on said date, giving petitioners until May 4, 2002 within which to do so. But since May 4, 2002 fell on a Saturday, petitioners had until May 6, 2002 within which to appeal. It appears, however, that the copy of the RTC Decision received by petitioners is illegible, except for the dispositive portion. Thus, petitioners requested for another copy from RTC, which in turn, issued an Order dated May 10, 2002, directing its Clerk of Court to furnish petitioners with certified xerox copies of the Decision.

The CA, however, found that petitioners' time to appeal had already lapsed, stating that petitioners were well aware that their complaint for Annulment of Document, Quieting of Title and Damages had been dismissed by the RTC per its Decision, as the dispositive portion was legible, and all they had to do was file a one-page Notice of Appeal.

The Court finds that the CA should not have simply dismissed the appeal and instead, it should have given due course to the Notice of Appeal.

It has been held that when non-compliance with the Rules of Court is not intended for delay or does not prejudice the adverse party, the dismissal of an appeal on a mere technicality may be stayed and the court may, in its sound discretion, exercise its equity jurisdiction.[13] In this case, respondents will not suffer any disadvantage or prejudice if petitioners' appeal is given due course. Also, the Court finds that petitioners' justification in not filing the Notice of Appeal after their initial receipt of the RTC Decision has sufficient basis and was obviously not intended for delay. It should be noted that what petitioners received was an unreadable copy of the RTC Decision. While it may be true that all petitioners had to do was file a one-page Notice of Appeal, still, it would simply be inequitous to expect petitioners to merely rely on the dispositive portion of the RTC Decision, so as to know what exactly they must do. Should they file a motion for reconsideration or should they appeal? As it is, they did not have any well-informed idea as to how the RTC resolved the merits of their case, which particular portion of the

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RTC Decision they will appeal, and whether their appeal involves pure questions of law, or of law and facts.

The emerging trend in our jurisprudence is to afford every party-litigant the amplest opportunity for the proper and just determination of his cause free from the constraints of technicalities. While it is desirable that the Rules of Court be faithfully and even meticulously observed, courts should not be so strict about procedural lapses that do not really impair the administration of justice.[14] Even the RTC apparently found petitioners' reason to be valid as it subsequently directed the clerk of court to furnish petitioners with certified xerox copies of the Decision. The RTC even relaxed strict compliance with the rules when it gave due course to petitioners' Notice of Appeal. If the rules are intended to ensure the orderly conduct of litigation, it is because of the higher objective they seek which is the protection of the substantive rights of the parties.[15] The CA, therefore, seriously erred in considering petitioners' Notice of Appeal not to have been timely filed.

Moreover, a reading of the Manifestation/Motion filed by petitioners on April 29, 2002 shows that it may be considered as a motion for reconsideration of the RTC Decision. The rule is that it is not the caption of the pleading but the allegations that determine the nature of the action, and the court should grant the relief warranted by the allegations and the proof even if no such relief is prayed for.[16] In this case, the Manifestation/Motion sought the reconsideration of the RTC Decision on the ground that they have proved their case by preponderance of evidence. It is significant to note that the RTC dismissed petitioners' complaint due to their failure to prove their case by preponderance of evidence despite respondents' non-presentation of their own evidence.

Thus, the filing of the Manifestation/Motion in effect interrupted the running of the period within which to appeal. Only ten (10) days lapsed from the time petitioners received a copy of the RTC Decision on April 19, 2002 until April 29, 2002, when petitioners filed their Manifestation/Motion. Since petitioners received the RTC Order resolving the Manifestation/Motion directing its Clerk of Court to furnish petitioners with certified xerox copies of the Decision on May 20, 2002, petitioners had another five (5) days within which to file their Notice of Appeal, or until May 25, 2002. Petitioners' filing of the Notice of Appeal on May 24, 2002 is therefore deemed to have been filed on time. The RTC was correct in giving due course to the appeal to the CA.

WHEREFORE, the petition is GRANTED. The Resolutions of the Court of Appeals dated March 18, 2003 and July 8, 2003 are SET ASIDE. The Court of Appeals is DIRECTED to reinstate the appeal of petitioner. Accordingly, let the records of this case be remanded to the Court of Appeals for further proceedings.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Records, pp. 164-170.

[2] Id. at 171-172.

[3] Id. at 175.

[4] Id. at 176.

[5] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Ruben T. Reyes and Edgardo F. Sundiam, concurring, CA rollo, pp. 15-18.

[6] Id. at 27-28.

[7] Rollo, p. 11.

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[8] CA rollo, pp. 16-17.

[9] Id. at 73.

[10] Rollo, pp. 11-13.

[11] Neypes v. Court of Appeals, G.R. No. 141524, September 14, 2005, 469 SCRA 633, 638.

[12] Salazar v. Court of Appeals, 426 Phil. 864, 877 (2002).

[13] Villena v. Rupisan, G.R. No. 167620, April 4, 2007; Superlines Transporation, Inc. v. Philippine National Construction Company, G.R. No. 169596, March 28, 2007.

[14] Cando v. Olazo, G.R. No. 160741, March 22, 2007.

[15] Villena v. Rupisan, supra note 13.

[16] Leonardo v. Court of Appeals, G.R. No. 125485, September 13, 2004, 438 SCRA 201, 214-215.

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