

JUANITO MAGSINO, PETITIONER, VS. ELENA DE OCAMPO AND RAMON GUICO, RESPONDENTS.

G.R. No. 166944. August 18, 2014

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Section 2 (d), Rule 42 of the Rules of Court requires the petition for review to 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, and 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. The failure of the petitioner to comply with the requirement shall be a sufficient ground for the dismissal of the petition for review.

The Case

Under review are the resolution promulgated on January 8, 2004 in CA-G.R. SP No. 81103,[1] whereby the Court of Appeals (CA) dismissed the petition for review of the petitioner on the ground of his failure to comply with Section 2 (d), Rule 42 of the Rules of Court; and the resolution promulgated on January 28, 2005,[2] whereby the CA denied his motion for reconsideration.

Antecedents

The petitioner filed against the respondents a complaint for forcible entry with prayer for preliminary mandatory injunction and/or temporary restraining order in the Metropolitan Trial Court in Antipolo City (MeTC). In his complaint, docketed as Civil Case No. 4141, he alleged that he was the owner in fee simple of a parcel of agricultural land containing an area of 10 hectares situated in Sapinit, San Juan, Antipolo City; that he had been in physical possession of the land for more than 30 years; and that on February 5, 2000, the respondents, through force, intimidation, threats and strategy and with the aid of armed men, had unlawfully bulldozed the eastern and northern portions of his land, cutting lengthwise through the land, destroying ornamental plants and fruit-bearing trees that he had himself planted several years before, thereby illegally depriving him of the possession of the land.[3]

The petitioner filed a motion for preliminary mandatory injunction but the Municipal Trial Court in Taytay, Rizal (MTC) issued only a writ of preliminary injunction.

Respondent Elena De Ocampo countered that she had held a registered title in the land by virtue of the original certificate of title issued to her mother, Cecilia De Ocampo; and that the petitioner was a squatter on the land with no possessory rights.[4] Her co-respondent Ramon Guico, Jr., then a Municipal Mayor in the Province of Pangasinan, had allegedly owned the titled land being occupied and possessed by De Ocampo.

On May 5, 2003, the MTC rendered its judgment in favor of the respondents, disposing:

WHEREFORE, having failed to substantiate his allegations, the Complaint is hereby ordered DISMISSED.

The writ of preliminary injunction dated November 10, 2000, is hereby ordered recalled, set aside and with no further force and effect. Consequently, the plaintiff is ordered to leave and vacate that parcel of agricultural land with an area of 10 hectares more or less, located at Sapinit, San, Juan, Antipolo City covered by Transfer Certificate of Title Nos. 328090, 328091, 328092, 328093 and 328094 in the name of defendant Elena De Ocampo which is currently being occupied by said plaintiff by virtue of such writ of injunction.

But finding no malice in instituting this Complaint against the defendants, as it was only natural for anybody who is similarly situated to search for remedies in protecting his rights, the Court shall not pronounce any moral or actual damages against the plaintiff.

However, as the defendants incurred litigation expenses, plaintiff is hereby ordered to reimburse to the defendants the grand total amount of P100,000.00 representing attorney's fees and litigation expenses ("Honorarium") and to pay costs of suit.

SO ORDERED.[5]

On September 17, 2003, the Regional Trial Court, Branch 74, in Antipolo City (RTC) rendered its decision affirming the judgment of the MTC,[6] viz:

WHEREFORE, the Decision appealed from is hereby affirmed-in-toto with costs against the plaintiff-appellant.

SO ORDERED.[7]

The petitioner moved for reconsideration, but the RTC denied his motion on November 6, 2003.[8]

Dissatisfied, the petitioner appealed to the CA by petition for review.

On January 8, 2004, however, the CA promulgated its first assailed resolution dismissing the petition for review,[9] holding thusly:

The petition for review is procedurally flawed in view of the following:

The petition is not accompanied by copies of the pleadings and other material portions as would support the allegations of the petition, such as:

- 1) Copy of the complaint filed with the Municipal Trial Court of Taytay, Rizal, Answer, and Motion to Dismiss;
- 2) Copies of the appeal memoranda filed by the parties.

WHEREFORE, in view of the foregoing premises, the instant petition is hereby DISMISSED.

SO ORDERED.

The petitioner moved for the reconsideration of the first assailed resolution,[10] arguing therein that the decisions of the MTC and the RTC submitted with the petition for review were sufficient for the CA to resolve the issues "without resort to[the] record"[11] because the issues involved are questions of law – such as "[w]ill the possession in law of defendants (now respondents), have it (sic) over the prior physical, actual or de facto possession of the Plaintiff-appellant (now herein Petitioner);"[12] that, at any rate, should the CA have really desired to inform itself more, all that it needed to do was simply to order the elevation of the records; and that "all rules of procedure should bow to the greater imperative of doing substantial justice." [13]

On January 28, 2005, the CA denied the petitioner's motion for reconsideration "for evident want of merit." [14]

Issues

Hence, in his appeal, the petitioner submits the following for our consideration, namely:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS HAD THE POWER AND DISCRETION TO FOREGO WITH THE APPLICATION OF SAID SECTIONS OF RULE 43 (SIC) IN THE INTEREST OF SUBSTANTIAL JUSTICE, CONSIDERING THAT NO LESS THAN IGNORANCE OF THE LAW WAS EXHIBITED BY JUDGE QUERUBIN IN HOLDING THAT RESPONDENTS, THEN DEFENDANTS, HAD THE BETTER POSSESSORY RIGHT OVER THE PROPERTY BY REASON OF THEIR TITLE, OBLIVIOUS OF THE FACT THAN (SIC) IN FORCIBLE ENTRY, IT IS PRIOR, PHYSICAL AND ACTUAL POSSESSION THAT IS MATERIAL.

II.

WHETHER OR NOT, CONSIDERING OUR SUBMISSION TO THIS HONORABLE COURT THE DOCUMENTS THE COURT OF APPEALS WAS AITATING (SIC) FOR IT WOULD BE PROPER FOR THIS CASE TO BE REFERRED BACK TO IT FOR ADJUDICATION ON THE MERITS.

III.

WHETHER OR NOT TECHNICALITY (SIC) WHICH THE HONORABLE COURT OF APPEALS STRICTLY AHERED (SIC) TO BEDAME (SIC), HERE, AN INSTRUMENT IN OBSTRUCTIN (SIC) THE SEARCH FOR TRUTH AND IN DEFEATING THE ENDS OF JUSTICE.[15]

Ruling of the Court

The decisive question is whether or not the CA erred in dismissing the petition for review on the ground that the petitioner did not comply with Section 2, Rule 42 of the Rules of Court, to wit:

Section 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.

x x x x

As earlier mentioned, the CA issued the first assailed resolution dismissing the petition for review because the petitioner did not attach to his petition the complaint, the answer, and the motion to dismiss, all filed in the MTC; and the copies of the parties' memoranda on appeal presented in the RTC. Such dismissal was pursuant to Section 3, Rule 42 of the Rules of Court, which provides:

Section 3. Effect of failure to comply with requirements. – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

The appeal of the petitioner absolutely lacks merit.

We begin by reminding the petitioner that the right to appeal is not a natural right and is not part of due process, but merely a statutory privilege to be exercised only in accordance with the law. Being the party who sought to

appeal, he must comply with the requirements of the relevant rules; otherwise, he would lose the statutory right to appeal.[16] It cannot be over-emphasized, indeed, that the procedures regulating appeals as laid down in the Rules of Court must be followed because strict compliance with them was indispensable for the orderly and speedy disposition of justice.[17]

Whether or not the dismissal of the petition for review was warranted depended on whether or not there remained sufficient materials in the records to still enable the CA to act on the appeal despite the omissions.

In *Galvez v. Court of Appeals*,^[18] a case that involved the dismissal of a petition for certiorari to assail an unfavorable ruling brought about by the failure to attach copies of all pleadings submitted and other material portions of the record in the trial court (like the complaint, answer and position paper) as would support the allegations of the petition, the Court recognized three guideposts for the CA to consider in determining whether or not the rules of procedures should be relaxed, as follows:

First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a *prima facie* case of grave abuse of discretion as to convince the court to give due course to the petition.

Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also (sic) found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.

Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.

The guideposts, which equally apply to a petition for review filed in the CA under Rule 42, reflect that the significant determinant of the sufficiency of the attached documents is whether the accompanying documents support the allegations of the petition.^[19]

Did the petitioner follow the guideposts recognized in *Galvez*?

Under the first guidepost recognized in *Galvez*, only the relevant pleadings and parts of the case records needed to be attached to the petition for review. Hence, not every pleading or document filed or submitted in the lower courts had to be attached to the petition. The test of relevancy is whether the document in question would support the material allegations of the petition. Accordingly, we turn to what were omitted by the petitioner.

The first omitted document was the complaint in Civil Case No. 4141. Being the initiatory pleading, the complaint included all the material facts and dates necessary to support the petitioner's cause of action for forcible entry, specifically: (1) his prior physical possession of the property; (2) his being deprived of the physical possession either by force, intimidation, threat, strategy, or stealth; and (3) his filing of the action within one year from the time he or his representative learned of the deprivation of physical possession of the land or building.^[20] The direct relevance of the complaint in the appeal could neither be denied nor diminished, for only from its allegations could the true nature of the action as one for forcible entry and, consequently, whether the trial court or another court had jurisdiction over the action be fully determined. Such determination was indifferent to the defenses set up by the defendants in their answer or other responsive pleadings.^[21]

The next omitted pleading was the answer of the respondents. As with the complaint, the answer was relevant in the appeal in the CA, for the respondents as the defendants had set forth their defenses therein. The omission of

the answer from the petition deprived the CA of the means to know the factual averments of the complaint that were admitted and those that were denied.

The third omitted document was the motion to dismiss. Although the motion to dismiss would appear to be less relevant in view of the filing of the answer by the respondents, the CA could have had good reasons for noting its omission as a ground to dismiss the petition for review.

The memoranda on appeal the parties respectively filed in the RTC were the fourth kind of omitted documents. In respect of the petitioner, his memorandum, which was due to be filed within 15 days from the filing of his notice of appeal as required by Section 7, Rule 40 of the Rules of Court,[22] would have specified and supported the errors he imputed to the MTC. Such filing in the RTC could not be dispensed with, for the RTC would consider only the errors specifically assigned and argued in his memorandum, except errors affecting jurisdiction over the subject matter as well as plain and clerical errors.[23] If the memorandum was not filed, the appeal could be dismissed. [24] Unless his memorandum was part of his petition for review, therefore, the CA would likely find his appeal frivolous, or even consider it dismissible pursuant to Section 3, Rule 42, *supra*. On their part, the respondents were required to file their own memorandum on appeal within a similar period of 15 days from receipt of the petitioner's memorandum of appeal. For the petitioner to omit the respondents' memorandum from his petition for review was inherently unfair because they had therein submitted matters precisely to sustain the judgment of the MTC in their favor. Indeed, the memoranda on appeal of the parties were relevant in the proper consideration and resolution of the merits of the appeal of the petitioner.

Based on the foregoing considerations, the petitioner entirely bypassed the first guidepost recognized in *Galvez*.

The second guidepost – which stipulates that a document, although relevant to the petition for review, need not be appended if it is shown that its contents could be found in or could be drawn from another document already attached to the petition – refers to a process whereby the CA derives the contents of the omitted relevant document from another attached to the petition for review filed in the CA.

A perusal of the records indicates that the documents actually attached to the petition for review were limited to the following, namely: (1) illegible certified xerox copy of the May 5, 2003 judgment of the MTC in Civil Case No. 4141 (Annex 1);[25] (2) duplicate original copy of the September 17, 2003 order issued by the RTC in SP Civil Case No. 03-266 affirming the judgment of the MTC (Annex 2);[26] (3) certified xerox copy of the November 6, 2003 order of the RTC denying the motion for reconsideration of the petitioner (Annex 3);[27] and (4) original copy of the September 30, 2003 motion for reconsideration filed by the petitioner in the RTC (Annex 4).[28]

The petitioner posited in his motion for reconsideration that the copy of the MTC decision was a sufficient basis to resolve the issues he was raising in his petition for review.[29] Even with the copy of the MTC judgment being actually attached to the petition for review, however, the second guidepost could not be complied with because the copy was hopelessly illegible. Moreover, the MTC judgment did not contain the statement of the issues relied upon by the petitioner in his appeal in the CA, for such statement was made only in his memorandum on appeal.

It is worth mentioning that pursuant to the third guidepost recognized in *Galvez* the petitioner could still have submitted the omitted documents at the time he filed his motion for reconsideration vis-à-vis the first assailed resolution of the CA. Yet, he did not do so. Instead, he boldly proposed in his motion for reconsideration[30] vis-à-vis the first assailed resolution that the CA should have bowed to the “greater imperative of doing substantial justice” by not hampering the appeal “sticking unflaggingly to such rules,” to wit:

If this Honorable Court would really want to inform itself more, it is submitted that all that it has to do is to order the elevation of all the records to it. The Rules of Court, and for that matter all rules of procedure should

bow to the greater imperative of doing substantial justice. Rather, routinely applying a rule of procedure when the same is not necessary in order to arrive at an intelligent resolution of the issues, it is submitted, would hamper or repress rather than promote the search for truth.

x x x x

It may be cliché, but it is still true today as when it first found its way into the human mind, that when technical rules of procedure already serve to hamper justice they must be left to the dustbin of the legally forgettable, and at the cost of setting them aside, should unobtrusively pursue the ends of justice and the search for truth.

x x x x

Now must this Honorable Court sacrifice the law for technical rules of procedure? Must it countenance mediocrity, nay, ignorance, by sticking unflaggingly to such rules? Can this honorable Court afford to pass up the rare opportunity to decide a constitutional issue with right of a party to due process of law on the line?

x x x x

ONCE AGAIN, we ask: Is it necessary for this Honorable Court to still pursue those pleadings when the issues confronting them are legal issues which even lesser legal intellects can resolve?

This Honorable Court is respectfully reminded the law is made for man, not man for the law.[31]

We cannot agree with the petitioner's arrogant but unworthy proposition. The CA was only just in denying his motion for reconsideration through the second assailed resolution on the following terms, viz:

A careful perusal of the said provision would reveal that the documents or annexes therein mentioned are required to be appended to the petition and the mandatory character of such requirement may be inferred from Section 3 of Ruled 42 x x x.

The petitioner's further argument that it is the Court which should get all the records from the court a quo if it really wants to be more informed of the issues, is not well-taken. Precisely, the annexes mentioned in Section 2(d) of Rule 42 are required to be appended to the petition in order to enable this Court to determine even without consulting the record if the petition is patently without merit or the issues raised therein are too insubstantial to require consideration, in which case the petition should be dismissed outright, or whether there is a need to require the respondent to comment on the petition. In short, the mere fact that a petition for review is filed does not call for the elevation of the record, which means that until this Court finds that the elevation of the record is necessary, such record should remain with the trial court during the pendency of the appeal in accordance with Section 2 of Rule 39, let alone the fact that in ejectment cases the decision of the RTC is immediately executory pursuant to Section 21 of the Revised Rule on Summary Procedure. Thus, more often than not, this Court has resolved petitions for review under Rule 42 without unnecessary movement of the original record of the case which could entail not only undue delay but also the possibility of the record being lost in transit.

The petitioner urged us to rely on the documents and pleadings he appended in his petition which merely consisted of the MTC Judgment, the assailed RTC Order, the Motion for Reconsideration, and the questioned Order dated November 6, 2003 denying his Motion for Reconsideration. None of the aforementioned documents set out the factual milieu of his claims.

Instead of manifesting that he would submit the additional documentary evidence, the petitioner remained obstinate in his stand not to submit the additional pleadings and other material portions of the record. He maintained that what he has submitted based on his discretion, are all that are necessary to support his allegations in his petition. As we have already mentioned, the accompanying documents were insufficient to

support the petition. Also, the petitioner could have easily ended his debacle by merely attaching the supplemental documents in his Motion for Reconsideration. Instead, the petitioner stubbornly chose to insist that this Court direct the elevation of the records of the case if we deem that the relevant documents were not appended to the petition.

x x x x

It is not disputed that it is petitioner who knows best what pleadings or material portions of the record of the case would support the allegations in the petition. The petitioner's discretion in choosing the documents to be attached to the petition is however not unbridled. The Court has the duty to check the exercise of this discretion, to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable us to determine at the earliest possible time the existence of prima facie merit in the petition. Moreover, Section 3 of Rule 42 of the Revised Rules of Court provides that if petitioner fails to comply with the submission of "documents which should accompany the petition", it "shall be sufficient ground for the dismissal thereof."

In this case, the insufficiency of the supporting documents coupled with the unjustified refusal of the petitioner to even attempt to substantially comply with the attachment requirement justified the dismissal of his petition.[32]

The petitioner is further reminded that any "resort to a liberal application or suspension of the application of procedural rules, must remain as the exception to the well-settled principle that rules must be complied with for the orderly administration of justice." [33] It cannot be otherwise for him, for, as the Court aptly put it in *Republic v. Kenrick Development Corporation*: [34]

Procedural requirements which have often been disparagingly labeled as mere technicalities have their own valid d'etre in the orderly administration of justice. To summarily brush them aside may result in arbitrariness and injustice. [35]

The Court's pronouncement in *Garbo v. Court of Appeals* [36] is relevant:

Procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are thus enjoined to abide strictly by the rules. And while the Court, in some instances, allows a relaxation in the application of the rules, this, we stress, was never intended to forge a bastion for erring litigants to violate the rules with impunity. The liberality in the interpretation and application of the rules applies only in proper cases and under justifiable causes and circumstances. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.

Like all rules, procedural rules should be followed except only when, for the most persuasive of reasons, they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the prescribed procedure. [37]

The rules were instituted to be faithfully complied with, [38] and allowing them to be ignored or lightly dismissed to suit the convenience of a party like the petitioner was impermissible. [39] Such rules, often derided as merely technical, are to be relaxed only in the furtherance of justice and to benefit the deserving. Their liberal construction in exceptional situations should then rest on a showing of justifiable reasons and of at least a reasonable attempt at compliance with them. [40] We have repeatedly emphasized this standard. In *Bergonia v. Court of Appeals*, (4th Division), [41] for instance, we declared:

The petitioners' plea for the application of the principles of substantial justice in their favor deserves scant consideration. The petitioners should be reminded that technical rules may be relaxed only for the furtherance of justice and to benefit the deserving. While the petitioners adverted to several jurisprudential rulings of this

Court which set aside procedural rules, it is noted that there were underlying considerations in those cases which warranted a disregard of procedural technicalities to favor substantial justice. Here, there exists no such consideration.

The petitioners ought to be reminded that the bare invocation of “the interest of substantial justice” is not a magic wand that will automatically compel this Court to suspend procedural rules. Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party’s substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.

Nor should the rules of procedure be held to be for the benefit of only one side of the litigation, for they have been instituted for the sake of all.[42]

The petitioner did not deserve the liberal application of the rules of procedure that he was seeking. Indeed, the dismissal of his petition for review was in full accord with the following pronouncement upon a similar provision in the Rules of Court made in *Atillo v. Bombay*,[43] as follows:

The mandatory tenor of Section 2(d), Rule 42 with respect to the requirement of attaching clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts is discernible and well settled. In this case, the mandatory or directory nature of the requirement with respect to the attachment of pleadings and other material portions of the record is put in question.

The phrase “of the pleadings and other material portions of the record” in Section 2(d), Rule 42 is followed by the phrase “as would support the allegations of the petition” clearly contemplates the exercise of discretion on the part of the petitioner in the selection of documents that are deemed to be relevant to the petition. xxx. The crucial issue to consider then is whether or not the documents accompanying the petition before the CA sufficiently supported the allegations therein.[44] (Emphasis supplied)

WHEREFORE, the Court DENIES the petition for review on certiorari; AFFIRMS the resolutions the Court of Appeals promulgated on January 8, 2004 and January 28, 2005 in CA-G.R. SP No. 81103; and ORDERS the petitioners to pay the costs of suit.

SO ORDERED.

Sereno, C.J., Leonardo-De Castro, [*]Perez, and Reyes, JJ., concur.

[*] In lieu of Associate Justice Martin S. Villarama, Jr., who took part in the Court of Appeals, per the raffle of July 11, 2012.

[1] Rollo, p. 65; penned by Associate Justice Amelita G. Tolentino (retired), and concurred in by Associate Justice Eloy R. Bello, Jr. (retired) and Associate Justice Arturo D. Brion (now a Member of this Court).

[2] Id. at 70-73; penned by Associate Justice Tolentino, concurred in by Associate Justice Brion and Associate Justice Villarama, Jr. (who replaced Associate Justice Bello, Jr. upon his retirement).

[3] Id. at 11.

[4] Id. at 18.

[5] Id. at 38-39.

[6] Id. at 47; penned by Judge Francisco A. Querubin.

[7] Id. at 48.

[8] Id. at 52.

[9] Id. at 65.

[10] Id. at 67.

[11] Id.

[12] Id. at 68.

[13] Id.

[14] Id. at 70-73.

[15] Id. at 6.

[16] *Dimarucot v. People*, G.R. No. 183975, September 20, 2010, 630 SCRA 659; *Polintan v. People*, G.R. No. 161827, April 21, 2009, 586 SCRA 111.

[17] *Polintan v. People*, supra, at 117; *Trans International v. Court of Appeals*, G.R. No. 128421, October 12, 1998, 297 SCRA 718.

[18] G.R. No. 157445, April 3, 2013, 695 SCRA 10, 21-22.

[19] Id., citing *Air Philippines Corporation v. Zamora*, G.R. No. 148247, August 7, 2006, 498 SCRA 59, 72.

[20] Section 1, Rule 70, Rules of Court.

[21] *Santos v. Ayon*, G.R. No. 137013, May 6, 2005, 458 SCRA 83, 89; see also *Sumulong v. Court of Appeals*, G.R. No. 108817, May 10, 1994, 232 SCRA 372, 383. It is cogent to observe, however, that a sufficient cause of action for forcible entry can be dismissed for lack of jurisdiction based on the allegations of the answer or other responsive pleadings only when agricultural tenancy is averred as a defense and is shown to be the real issue between the parties (*Ignacio v. CFI of Bulacan*, G.R. No. L-27897-98, October 29, 1971, 42 SCRA 89, 95.) The action should then be dismissed and brought in the proper Regional Trial Court acting as a special agrarian court.

[22] Section 7(b), Rule 40 of the Rules of Court (1997).

[23] *Enriquez v. Court of Appeals*, G.R. No. 140473, January 28, 2003, 396 SCRA 377, 384; *Solid Homes, Inc. v. Court of Appeals*, G.R. No. 117501, July 8, 1997, 275 SCRA 267, 282.

[24] Section 7, Rule 40 of the Rules of Court (1997).

[25] CA rollo, pp. 7-10.

[26] Id. at 11-12.

[27] Id. at 13.

[28] Id. at 14-16.

[29] Id. at 53.

[30] Id. at 67-69.

[31] Id. at 68-69.

[32] Rollo, pp. 71-73. (*Italics omitted.*)

[33] Building Care Corporation/Leopard Security & Investigation Agency v. Macaraeg, G.R. No. 198357, December 10, 2012, 687 SCRA 643, 647.

[34] G.R. No. 149576, August 8, 2006, 498 SCRA 220, 231.

[35] *Id.*, citing Trimica, Inc. v. Polaris Marketing Corporation, G.R. No. L-29887, October 28, 1974, 60 SCRA 321, 325.

[36] G.R. No. 107698, July 5, 1996, 258 SCRA 159, 163.

[37] *Id.*; See also Social Security System v. Chaves, G.R. No. 151259, October 13, 2004, 440 SCRA 269, 276.

[38] Bolos v. Bolos, G.R. No.186400, October 20, 2010, 634 SCRA 429, 437.

[39] Iloilo La Filipina Uygongco Corporation v. Court of Appeals, G.R. No. 170244, November 28, 2007, 539 SCRA 178, 191.

[40] Mediserv, Inc. v. Court of Appeals, G.R. No. 161368, April 5, 2010, 617 SCRA 284, 296-297.

[41] G.R. No. 189151, January 25, 2012, 664 SCRA 322.

[42] Anderson v. Ho, G.R. No. 172590, January 7, 2013, 688 SCRA 8, 20-21; Philippine National Bank v. Deang Marketing Corporation, G.R. No. 177931, December 8, 2008, 573 SCRA 312, 323.

[43] G.R. No. 136096, February 7, 2001, 351 SCRA 361.

[44] *Id.* at 368-369.

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