

LAND BANK OF THE PHILIPPINES, PETITIONER, VS. HEIRS OF FERNANDO ALSUA, NAMELY: CLOTILDE S. ALSUA, ROBERTO S. ALSUA, MA. ELENA S. ALSUA AND RAMON ALSUA, RESPONDENTS.

G.R. NO. 167361. April 02, 2007

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-167361/>

TINGA, J.:

On appeal via a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure are the Decision[1] dated 17 September 2004 and Resolution[2] dated 4 March 2005 of the Court of Appeals in CA-G.R. SP No. 76364. The assailed Decision upheld the dismissal order of the Regional Trial Court (RTC), Branch 3, Legazpi City in the petition for determination of just compensation filed by Land Bank of the Philippines (LBP), while the Resolution denied LBP's motion for reconsideration.

The following factual antecedents are matters of record.

Respondents are the heirs of the late Fernando Alsua, who was the registered owner of various parcels of agricultural land with an aggregate area of approximately 50 hectares situated in Catomag, Guinobatan, Albay.

The Department of Agrarian Reform initiated proceedings to acquire respondents' properties via the Compulsory Acquisition Scheme under the Comprehensive Agrarian Reform Law. Petitioner LBP valued the properties at P2,361,799.91, which respondents rejected. Thus, the Department of Agrarian Reform Adjudication Board (DARAB) commenced summary administrative proceedings to determine the compensation for respondents' lands. The DARAB eventually came out with a decision fixing the value of the properties at P4,806,109.05, to which respondents opposed.

On 11 April 2002, petitioner LBP filed a petition for the determination of just compensation before the RTC, Branch 3, Legazpi City. The trial court, sitting as a Special Agrarian Court, issued an Order on 4 December 2002 dismissing the petition for failure to prosecute within reasonable length of time. A copy of the order of dismissal was sent via registered mail and actually delivered to petitioner's counsel on 12 December 2002.

On 27 December 2002, petitioner's counsel sought reconsideration of the order of dismissal, citing excusable negligence due to "volume and pressure of work" as justification. After hearing on petitioner's motion for reconsideration, the trial court denied the same because the motion for reconsideration was filed one day late and lacked merit.

Petitioner elevated to the Court of Appeals the issue of the timeliness of the filing of its motion for reconsideration. Petitioner insisted that the copy of the order of dismissal should be deemed received upon delivery to petitioner's counsel on 12 December 2002 and not upon receipt by petitioner's guard on duty on 11 December 2002.

On 17 September 2004, the Court of Appeals promulgated the assailed Decision, dismissing the petition for review. The appellate court ruled that petitioner's counsel cannot complain that he did not promptly receive the

copy of the order of dismissal because it was sent by registered mail to him as such counsel at his office address, based on the presumption that the order of dismissal was delivered to a person who was duly authorized to receive papers for him. The appellate court further held that petitioner's counsel was negligent in

not inquiring exactly when the copy was received. Petitioner sought reconsideration of the Decision to no avail.

Hence, the instant petition raising the following issues:

- THE COURT OF APPEALS SERIOUSLY ERRED WHEN IT CONSIDERED THE SERVICE TO THE SECURITY GUARD OF THE ORDER OF DISMISSAL AS VALID SERVICE TO LBP FOR PURPOSES OF COUNTING THE REGLEMENTARY PERIOD FOR THE FILING OF THE MOTION FOR RECONSIDERATION.
- THE COURT OF APPEALS GRAVELY ERRED IN LAW WHEN, IN RESOLVING THE CASE, IT IGNORED SECTION 6, RULE I OF THE 1997 RULES OF CIVIL PROCEDURE REGARDING THE LIBERAL CONSTRUCTION OF THE RULES TO PROMOTE THEIR OBJECT AND ASSIST THE PARTIES IN OBTAINING JUST, SPEEDY AND INEXPENSIVE DETERMINATION OF EVERY ACTION OR PROCEEDING.
- THE COURT OF APPEALS ACTED WITH GRAVE ABUSE OF DISCRETION IN DENYING THE PETITION THEREBY AFFIRMING THE STRICT OR RIGID INTERPRETATION OF A PROCEDURAL LAW BY THE [SPECIAL AGRARIAN COURT] A QUO AT THE EXPENSE OF SUBSTANTIAL JUSTICE AND THE RIGHT TO APPEAL OF PETITIONER.[3]

Petitioner seeks the remand of the case to the Special Agrarian Court for determination of just compensation.

Pleading for the liberal construction of procedural rules, particularly on the service of the order of dismissal, petitioner contends the fifteen-day period for the filing of its motion for reconsideration should be reckoned from the actual receipt by petitioner's counsel of the order of dismissal and not from the delivery thereof to the security guard.

In support of this theory, petitioner cites the ruling in *Lawin Security Services, Inc. v. NLRC*,^[4] where the Court declared invalid the service of the National Labor Relations Commission resolution on the security guard of the building where counsel for the respondent was holding office. In said case, the Court held that "service of papers should be delivered personally to the attorney or by leaving [them] at his office with his clerk or with a person having charge thereof."^[5]

The Court of Appeals cited Rule 13, Section 8^[6] and Section 10^[7] of the Rules of Court in disregarding petitioner's proposition that the fifteen-day period for filing the motion for reconsideration should be reckoned from its counsel's actual receipt of the order of dismissal. It explained that the purpose of this rule on service by registered mail is "to place the date of receipt of pleadings, judgments and processes beyond the power of the party being served to determine at his pleasure."^[8]

The petition has no merit.

All that the rules of procedure require in regard to service by registered mail is to have the postmaster deliver the same to the addressee himself or to a person of sufficient discretion to receive the same.^[9]

Thus, in prior cases, a housemaid,^[10] or a bookkeeper of the company,^[11] or a clerk who was not even authorized to receive the papers on behalf of its employer,^[12] was considered within the scope of "a person of sufficient discretion to receive the registered mail." The paramount consideration is that the registered mail is delivered to the recipient's address and received by a person who would be able to appreciate the importance of

the papers delivered to him, even if that person is not a subordinate or employee of the recipient or authorized by a special power of attorney.

In the instant case, the receipt by the security guard of the order of dismissal should be deemed receipt by petitioner's counsel as well.

Petitioner's admission that there were instances in the past when the security guard received notices for petitioner LBP[13] only underscores the fact that the security guard who received the order of dismissal fully realized his responsibility to deliver the mails to the intended recipient. Noteworthy also is the fact that the security guard did not delay in handing over the order of dismissal and immediately forwarded the same to petitioner's counsel the following day. Petitioner has only itself to blame if the security guard took it upon himself to receive notices in behalf of petitioner and its counsel despite lack of proper guidelines, as alleged by petitioner. In *NIAConsult, Inc. v. NLRC*, [14] the Court pointed out that it was the responsibility of petitioners and their counsel to devise a system for the receipt of mail intended for them. The finality of a decision is a jurisdictional event which cannot be made to depend on the convenience of a party.[15]

Petitioner's reliance on the pronouncement in *Lawin Security* is misplaced. In said case, there was no showing that the security guard who received the copy of the subject resolution was charged with such responsibility and that the counsel actually received said copy. In the instant case, as admitted by petitioner, the security guard who received the copy of the order of dismissal had been accustomed to the responsibility of receiving papers on behalf of petitioner and of actually delivering them to the intended recipient.

As correctly pointed out by the Court of Appeals, petitioner had only itself to blame for its failure to inquire exactly when the order was received or to assume that service of the same was effected on the day it was handed over to petitioner's counsel.

Petitioner is correct in pointing out that the Court has ample powers to relax the rules of procedure in the interest of substantial justice and in order to allow a litigant to be given the fullest opportunity to establish the merits of his complaint. However, concomitant to a liberal application of the rules of procedure should be an effort on the part of the party invoking liberality to explain its failure to comply with the rules.[16] Said rules may be relaxed only in exceptionally meritorious cases.[17]

The tardy filing of the motion for reconsideration of the order of dismissal was not the only procedural lapse committed by petitioner. Precisely, the Special Agrarian Court dismissed the petition before it because of petitioner's failure to prosecute the same for more than six months. The Court indeed observes petitioner's tendency to trifle with court processes intended for the speedy administration of justice. To apply the liberal construction of rules of procedure in the instant case will allow petitioner to benefit from its unjustified violations of procedural rules.

WHEREFORE, the instant petition for review on certiorari is DENIED. The Decision dated 17 September 2004 and Resolution

dated 4 March 2005 of the Court of Appeals in CA-G.R. SP No. 76364 are hereby AFFIRMED. Costs against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales and Velasco, Jr., JJ., concur.

[1]Penned by Justice Japar B. Dimaampao, and concurred in by Associate Justices Martin S. Villarama, Jr.,

Chairman, Fifteenth Division, and Edgardo F. Sundiam; rollo, pp. 55-64.

[2] Id. at 67-68.

[3] Id. at 34-35.

[4] 339 Phil. 330 (1997).

[5] Id. at 335, citing Adamson Ozanam Educational Institution, Inc. v. Adamson University Faculty and Employees Association, G.R. No. 86819, 9 November 1989, 179 SCRA 279.

[6] Section 8. Substituted service. — If service of pleadings, motions, notices, resolutions, orders and other papers cannot be made under the two preceding sections, the office and place of residence of the party or his counsel being unknown, service may be made by delivering the copy to the clerk of court, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

[7] SEC. 10. Completeness of service. — Personal service is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of ten (10) days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) days from the date he received the first notice of the postmaster, whichever date is earlier.

[8] Rollo, p. 62, citing NIAConsult, Inc. v. NLRC, G.R. No. 108278, 2 January 1997, 266 SCRA 17, 21.

[9] Laza v. Court of Appeals, 336 Phil. 631 (1997).

[10] Id.

[11] Pabon v. NLRC, 357 Phil. 7 (1998).

[12] G&G Trading Corporation v. Court of Appeals, No. L-78299, 29 February 1988, 158 SCRA 466.

[13] Rollo, p. 38.

[14] G.R. No. 108278, 2 January 1997, 266 SCRA 17.

[15] Id. at 17.

[16] Balindong v. Court of Appeals, G.R. No. 159962, 16 December 2004, 447 SCRA 200.

[17] Lazaro v. Court of Appeals, G.R. No. 137761, 386 Phil. 412 (2000).

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.