

**SPOUSES HENRY LANARIA AND THE LATE BELEN LANARIA AS
SUBSTITUTED BY FRANCIS JOHN LANARIA, PETITIONERS, VS.
FRANCISCO M. PLANTA, RESPONDENT.**

G.R. No. 172891. November 22, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

The appeal brought before this Court is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, with petitioners seeking the setting aside of the (a) Resolution[1] of the Court of Appeals, dated 27 August 2004, outrightly dismissing due to deficiency in form and substance the Petition for Review with Prayer for Preliminary Injunction and Temporary Restraining Order and/or Status Quo Order[2] filed by petitioners in CA-G.R. SP No. 85755 entitled, "Spouses Henry the Late Belen Lanaria, et. al. v. Francisco M. Planta"; and (b) Resolution[3] of the Court of Appeals, dated 12 April 2006, denying the Motion for Reconsideration.

The following factual antecedents led to the filing of the instant petition:

Petitioner Francis John Lanaria is the son of decedent Belen M. Lanaria, while respondent Francisco M. Planta is the nephew and one of the heirs of the late Rosario Planta. Rosario Planta was the registered owner and possessor of a parcel of land identified as Lot 1, Plan PSU-198719, Oton Cadastre, situated at Barangay Alegre, Municipality of Oton, Iloilo, Philippines, occupying an area of 3,273 square meters, more or less. The subject lot, registered in the name of Rosario Planta under Transfer Certificate of Title (TCT) No. T-14,420,[4] is particularly described as:

A parcel of Land (Lot 1, Plan Psu-198719, Oton Cad.), situated in the Brgy. of Alegre, Mun. of Oton, Prov. of Iloilo, Island of Panay. Bounded on the NE., along line 1-2 by Mun. Road; on the SE., along line 2-3 by Gorgonia Guzman; on the SW., along line 3-4 by Guimaras Strait; and the NW., along line 4-1 by Petronila Planta. x x x. Containing an area of THREE THOUSAND TWO HUNDRED AND SEVENTY-THREE (3,273) SQUARE METERS. x x x.[5]

Respondent was the plaintiff[6] in a Complaint[7] for Unlawful Detainer filed against the spouses Henry Lanaria and the late Belen M. Lanaria[8] before the Municipal Trial Court (MTC) of Oton, Iloilo. The Complaint alleged that sometime in 1950, Rosario Planta, through her permission and generosity, allowed the grandparents and parents of Belen Lanaria to construct their house on a portion of the parcel of land with an implied promise to vacate the premises and restore possession thereof to her or her heirs upon demand. A formal demand to vacate was sent to defendants on 4 July 2003, but they refused to heed the same.

During the preliminary conference, the parties stipulated the following facts:

- The defendants admit the existence of TCT No. T-14,420 covering the lot in question with the qualification that they don't admit that the said lot belongs to Rosario Planta.
- The defendants admit having received Letter of Demand to Vacate the subject lot by the plaintiff dated 4 July

2003, with the qualification that they denied the truth of its content.

- The defendants admit that they are occupying the lot in question and are not paying rentals to the plaintiff in the belief that it is a public land and it is not owned by the Planta family.
- The plaintiff admits that TCT No. T-14,420 issued to Rosario Planta was derived from the pre-patent issued to the late Francisco Planta.
- The plaintiff admits that there was a pending protest filed before the Land Management Division, Region VI, Iloilo City, with the qualification that it was filed after the Complaint for Ejectment were filed against the defendants in these cases.

Upon submission of the position papers of the respective parties, the MTC rendered its Decision,[9] ruling in favor of respondent Francisco M. Planta. Respondent was declared the lawful co-owner of Lot 1, Plan PSU-198719. Petitioners were ordered to vacate the lot and to deliver physical possession thereof to the respondent, and to remove and transfer at their expense the house and other improvements introduced on the lot.

Seeking recourse from the adverse Decision, petitioners elevated the case to the Regional Trial Court (RTC) of Iloilo, Branch 38. The case was docketed as Civil Case No. 04-28007. In its Order[10] dated 16 April 2004, the RTC affirmed with modification the Decision of the MTC, deleting the award of attorney's fees and litigation expenses. The RTC agreed with the MTC in finding that the registered owner Rosario Planta and her heirs, one of whom is respondent, are entitled to the possession of the parcel of land considering that the subject lot is titled property. The RTC and the MTC explained that respondent is under the protective mantle of the Torrens Title so that even if the registered owner and successor-in-interest are not in actual possession of the property, they are nevertheless considered owners thereof and, as such, have the right to recover or vindicate it from any person found to be unlawfully possessing it.

Petitioner filed a Motion for Reconsideration dated 12 May 2004 but it was denied by the RTC in an Order issued on 20 July 2004.

On 3 August 2004, petitioners filed a Petition for Review with the Court of Appeals, Manila. The Petition for Review sought the reversal of the MTC and RTC Decisions, and prayed for the dismissal of the unlawful detainer case. Petitioners argued the lack of a cause of action on the part of respondent. Attached to the Petition for Review were original or certified true copies of the decisions and orders of both lower courts.[11]

On 27 August 2004, the Court of Appeals, finding petitioners' Petition for Review deficient in form and substance, resolved to outrightly dismiss the petition as follows:

It appearing that after a careful reading of the contents of this petition, it shows that it failed to attach plain copies of the pleadings and other material portions of the record such as, Complaint for Unlawful Detainer, Answer with Counterclaim, Parties' Position Paper, Memorandum on Appeal and Motion for Reconsideration dated May 12, 2004, as required under Section 2, Rule 42 and in violation of Section 3, Rule 42 of the 1997 Rules of Civil Procedure, as amended, this petition is DISMISSED outright due to deficiency in form and substance.[12]

Petitioners thereafter filed a "Motion for Reconsideration[13] and to Allow/Admit the Inclusion of Pleadings and Other Material Documents." [14] Petitioners explained that the failure to attach copies of documents in support of their petition was due to oversight and inadvertence, and asked the Court of Appeals to allow the inclusion of the pleadings attached to the Motion for Reconsideration, "in the most prevailing interests of substantive justice, equity and substantive rights." [15] The Court of Appeals, in a Resolution issued on 12 April 2006, denied the Motion for Reconsideration in this manner:

Before the Court is petitioners' motion for reconsideration of the Court's Resolution dated 27 August 2004 which dismissed the instant petition for failure to attach copies of the pleadings and other material portions of the record as required in Section 2, Rule 42 of the 1997 Rules of Civil Procedure.

Petitioners through counsel alleged that the omission was due to oversight and inadvertence and prays that their motion be granted and that the pleadings and other material documents attached to their motion be admitted.

It is to be stressed that the submission of the required documents was complied beyond the period allowed by the rules within which to file a Petition for Review. Thus, the Petition for Review remains to be deficient in form and substance.

Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive right. Like all rules, they are required to be followed.

WHEREFORE, the Motion for Reconsideration is DENIED.[16]

Hence, this petition, wherein petitioners raise the following issues:

- THE COURT OF APPEALS, NINETEENTH DIVISION, MANILA, ERRED WHEN IT DISMISSED OUTRIGHTLY THE PETITION FOR REVIEW DATED 3 AUGUST 2004 ON THE GROUND OF DEFICIENCY IN FORM AND SUBSTANCE TO THE GREATER SACRIFICE OF SUBSTANTIAL JUSTICE.
- THE COURT OF APPEALS, SPECIAL FORMER NINETEENTH DIVISION, CEBU CITY, LIKEWISE GRAVELY ERRED IN DENYING THE MOTION FOR RECONSIDERATION AND TO ALLOW/ADMIT THE INCLUSION OF PLEADINGS AND OTHER MATERIAL DOCUMENTS SINCE ITS DENIAL WOULD RESULT TO DENIAL OF RIGHT TO SUBSTANTIAL JUSTICE.

Petitioners urge this Court to set aside the resolutions of the Court of Appeals dated 27 August 2004 and 12 April 2006 praying that the case be remanded to the Court of Appeals Special Former Nineteenth Division and that said court be directed to reinstate and give due course to the Petition for Review in CA-G.R. SP No. 85755.

Petitioners contend that the Court of Appeals erred in denying the Motion for Reconsideration and in not allowing the inclusion of the pleadings and other material documents submitted together with the Motion for Reconsideration because denial thereof would result in the denial of the right to substantial justice.

Respondent, on the other hand, claims that the Court of Appeals did not commit any error when it dismissed outright the Petition for Review dated 27 August 2004 due to deficiency in form and substance, and in denying the Motion for Reconsideration thereof.[17] He contends that petitioners' failure to comply with the formal and procedural requirements under Sections 2 and 3, Rule 42 of the 1997 Rules of Civil Procedure resulting in the outright dismissal thereof, was proper.

Anent the foregoing considerations, this Court finds merit in the instant petition.

Respondent vehemently insists petitioners failed to heed the requirements under the Rules pertaining to perfection of appeals, insisting that petitioners did not perfect the appeal. Respondent contends that the documents required to be submitted, i.e., Complaint for Unlawful Detainer, Answer with Counterclaim, Position Papers, Memorandum on Appeal, and Motion for Reconsideration dated 12 May 2004, were submitted beyond the prescriptive period for filing their appeal as these were submitted only on Motion for Reconsideration. He avers that the filing of the Motion for Reconsideration is evidence that the earlier Petition for Review was clearly deficient in form and substance.

Section 2, Rule 42 of the 1997 Rules of Civil Procedure embodies the procedure for appeals from the Decision of the RTC in the exercise of its appellate jurisdiction. Said section reads:

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. (Emphasis ours.)

Non-compliance with any of the foregoing requisites is a ground for the dismissal of a petition based on Section 3 of the same Rule, to wit:

Sec. 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.

In *Padilla, Jr. v. Alipio*,^[18] the Court of Appeals denied a Petition for Review on the ground that it was not accompanied by certified true copies of the pleadings and other material portions of the record as would support the allegations of the petition. On Petition for Review on Certiorari, this Court set aside the outright dismissal of the case, ruling that petitioners therein annexed copies of the supporting documents as well as a certified true copy of the MeTC Decision in the Motion for Reconsideration, which thus constitutes substantial compliance with the requirements of Rule 42.

In view of the circumstances of this case, this Court finds our ruling in *Padilla* applicable. Petitioners' subsequent submission of the following documents annexed to their Motion for Reconsideration - viz, Complaint for Ejectment, Transfer Certificate of Title, Answer to the Complaint, Four Affidavits, Position Paper filed by petitioners, Memorandum on Appeal, Appellee's Memorandum, and Motion for Reconsideration - constitutes substantial compliance with Section 2, Rule 42. Jurisprudence pertaining to the same has established that "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] There is ample jurisprudence holding that the subsequent and substantial compliance of an appellant may call for the relaxation of the rules of procedure.^[20] This ruling is in consonance with the fact that the Rules do not specify the precise documents, pleadings or parts of the records which must be annexed to the petition, apart from the assailed judgment, final order, or resolution.^[21]

Moreover, under Section 3(d), Rule 3 of the Revised Internal Rules of the Court of Appeals,^[22] the Court of Appeals is with authority to require the parties to submit additional documents as may be necessary to promote the interests of substantial justice. When a petition does not have the complete annexes or the required number of copies, the Chief of the Judicial Records Division shall require the petitioner to complete the annexes or file the necessary number of copies of the petition before docketing the case.^[23]

Assuming *arguendo* that the required pleadings and other material documents are considered submitted within the 15-day reglementary period, or that the failure to attach the same was not attributable to petitioners, respondent counters that the aforementioned pleadings submitted by petitioners to the Court of Appeals in the Motion for

Reconsideration were not duly certified by the RTC Clerk of Court, in violation of Section 2, Rule 42 of the 1997 Rules of Civil Procedure. Respondent contends that petitioners violated anew formal and procedural requirements for failure to comply with the provisions of Section 4(d), Rule 45 of the 1997 Rules of Civil Procedure, claiming that the Petition for Review, Motion for Reconsideration, other Material Documents, and Comment submitted to this Court were neither duplicate originals nor duly certified true copies.

Perusal of the documents and pleadings submitted by petitioners to the Court of Appeals in their Motion for Reconsideration reveals that the annexed pleadings thereto were not duly certified true copies. Section 2(d), Rule 42 of the 1997 Rules of Civil Procedure requires that petitions for review from the decision of the Regional Trial Courts must be accompanied by clearly legible duplicate originals OR true copies of the judgments or 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. Evidently, only the judgments or orders of the lower courts must be duplicate originals or be duly certified true copies. Moreover, the phrases "duplicate originals" and "true copies" of the judgments or orders of both lower courts, being separated by the disjunctive word "OR" indicate that only the latter are required to be certified correct by the clerk of court.

In an En Banc Decision promulgated on 3 February 2000, this Court declared that Rule 42, governing petitions for review from the RTC to the Court of Appeals, requires that only the judgments or final orders of the lower courts need to be certified true copies or duplicate originals.[24] This rule was reiterated in *Cusi-Hernandez v. Diaz*[25] emphasizing that supporting documents of the petition are not required to be certified true copies. *Cusi-Hernandez v. Diaz* stressed:

In *Cadayona v. CA*, the Court interpreted the requirement under Section 6(c) of Rule 43, which was similar to Section 2(d) of Rule 42, and held that "we do not construe the above-quoted section as imposing the requirement that all supporting papers accompanying the petition should be certified true copies."

It is sufficient that the assailed judgment, order or resolution be a certified true copy. Jurisprudence[26] on this matter has consistently held that in petitions for review as governed under Rule 42 of the Revised Rules of Court, only judgments or final orders of the lower courts need to be certified true copies or duplicate originals.

Respondent claims that the attached 27 August 2004 Resolution, the Petition for Review, Motion for Reconsideration, and Comment are neither duplicate nor certified true copies, allegedly in violation of Section 4(d), Rule 45 of the 1997 Rules of Civil Procedure. While it is true that the attached pleadings[27] were not duly certified copies thereof, these, however, were not required to be duly certified.

Section 4(d), Rule 45 of the 1997 Rules of Civil Procedure, on appeals by Petition for Review on Certiorari to this Court, is worded as follows:

SEC. 4. Contents of petition. The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner, and shall x x x; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition; x x x.

Section 4(d), Rule 45, is clearly worded. A Petition for Review on Certiorari filed before this Court via Rule 45 must contain a certified true copy or duplicate original of the assailed decision, final order or judgment.[28] It is not mandated under the aforesaid rule that other pleadings attached thereto be duplicate originals or be duly certified copies thereof.

As to respondent's allegation that petitioners failed to comply with Section 13 of Rule 13 of the 1997 Rules of

Procedure, when the Petition for Review filed before the Court of Appeals did not include the Affidavit of Service/Proof of Service, this Court finds there was substantial compliance by petitioners with the aforementioned rule. Section 13 provides:

Section 13. Proof of service. Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

Counsel for petitioners attached an explanation to the Petition for Review indicating that the filing thereof was done by registered mail citing impracticability due to the distance between Iloilo City where counsel of petitioners holds office and the City of Manila where the Court of Appeals is located. The Petition for Review also shows service on respondent's counsel was made personally as evidenced by respondent counsel's signature^[29] thereon dated 3 August 2004, which purports to be a written admission of the party served as required under Section 13, Rule 13. The RTC was also served as evidenced by a signature in representation of the RTC dated 3 August 2004.^[30]

With respect to allegations that petitioners instituted the instant appeal in order to delay the execution of the judgment in the Ejectment case, there is nothing in the record that shows any deliberate intent on the part of petitioners to subvert or delay the final resolution of this case. In fact, petitioners immediately submitted the documents and pleadings with its Motion for Reconsideration upon finding out that the Court of Appeals dismissed their Petition for Review due to deficiency in form and substance and for failure to submit the pleadings enumerated in the Court of Appeals Resolution dated 27 August 2004.

As above stated, the Court of Appeals dismissed the Petition for Review citing as grounds deficiency in form and substance for failure to attach copies of pleadings and other material parts of the record. The Petition for Review merely included the MTC and RTC Decisions ruling on the Ejectment case as attachments whereas the other pleadings subsequently submitted pursuant to the 27 August 2004 Court of Appeals Resolution were annexed to the Motion for Reconsideration. This Court notes that the Court of Appeals, in using also as basis deficiency in "substance," had no basis therefor considering that the assailed Resolutions did not include a discussion on the merits of the case. The dismissal merely cited the alleged procedural lapses, i.e., failure to submit the pleadings and material portions of the record.

One final note. The law abhors technicalities that impede the cause of justice. The primary function of procedural rules is to pursue and not defeat the ends of justice. The circumstances of this case present compelling reasons to disregard petitioners' procedural lapses and to allow them to properly present their case in order to pursue the ends of justice. As revealed by preceding events, petitioners have, at the very least, substantially complied with the procedural requirements embodied in Rule 42 and Rule 45 of the 1997 Rules of Civil Procedure. The right to appeal is a statutory right and one who seeks to avail of it must comply with the statute or rules. At the same time, the provisions of the Rules of Court under Section 6, Rule 1 thereof states that the Rules "shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding." It has been held that courts should not be so strict about procedural lapses that do not really impair the proper administration of justice. We therefore find that this ruling, as applied in the instant case, is more in consonance with the enshrined policy that the ends of justice be served. The policy of courts is to encourage the full adjudication of the merits of an appeal.^[31] The Court is fully aware that procedural rules are

not to be belittled or simply disregarded precisely because these prescribed procedures exist to insure an orderly and speedy administration of justice. However, it is equally true that "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." [32] Dismissal of cases purely on technical grounds is frowned upon and the rules of procedure ought not to be applied in a very rigid, technical sense for they are adopted to help secure, not override, substantial justice, and not defeat their very ends. We stress that cases should be determined on the merits, after all parties have been given full opportunity to ventilate their causes and defenses, rather than on technicalities or procedural imperfections.

WHEREFORE, premises considered, the instant Petition for Review is hereby GRANTED. The challenged Resolutions dated 27 August 2004 and 12 April 2006 of the Court of Appeals providing for the outright dismissal on grounds of deficiency in form and substance of the Petition for Review filed by petitioners in CA-G.R. SP No. 85755, are herein REVERSED and SET ASIDE. The aforementioned case "Spouses Henry the Late Belen Lanaria, et. al. v. Francisco M. Planta," docketed as CA-G.R. SP No. 85755, is REMANDED to the Court of Appeals for further proceedings. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Mercedes Gozo-Dadole with Associate Justices Pampio A. Abarintos and Ramon A. Bato, Jr., concurring; rollo, p. 70.

[2] Hereinafter referred to as Petition for Review; rollo, pp. 18-47.

[3] Penned by Associate Justice Pampio A. Abarintos with Associate Justices Isaias P. Dicdican and Ramon M. Bato, Jr., concurring (Court of Appeals, Cebu City, Special Former 19[th] Division); rollo, pp. 165-166.

[4] Petitioner admits the existence of Transfer Certificate of Title T-14,420 covering the lot in question, with the qualification that there is no admission that the lot belongs to Rosario Planta.

[5] CA rollo, p. 69.

[6] As heir of plaintiff's aunt Rosario Planta.

[7] Rollo, pp. 77-85.

[8] Now substituted by her son Francis John Lanaria.

[9] Rollo, pp. 48-59.

[10] Penned by Presiding Judge Roger B. Patricio; CA rollo, pp. 45-53.

[11] The following were annexed to the Petition for Review filed before the Court of Appeals:

(a)

MTC Decision in the Complaint for Ejectment, docketed as Civil Case No. 847; penned by Municipal Trial Judge Ernesto H. Mendiola; id. at 33-45.

(b)

RTC Decision in the Complaint for Ejectment, docketed as Civil Case No. 04-28007; penned by Presiding Judge Roger B. Patricio; id. at 46-53.

(c)

RTC Order dated 20 July 2004 issued by Presiding Judge Roger B. Patricio denying the Motion for Reconsideration filed by petitioners; id. at 54.

(d)

Order of Investigation dated 14 July 2004 issued by the Office of the Regional Executive Director of the Department of Environment and Natural Resources; id. at 56.

[12] Rollo, p. 70.

[13] Hereinafter referred to as Motion for Reconsideration; CA rollo, pp. 58-146. The following documents were annexed to petitioners' Motion for Reconsideration:

(a) Complaint for Ejectment in Civil Case No. 847; id. at 58-68.

(b) Transfer Certificate of Title; id. at 102.

(c) Answer to the Complaint; id. at 74-83.

(d) Four Affidavits; id. at 86-90.

(e) Position Paper filed by petitioners; id. at 91-104.

(f) Memorandum on Appeal; id. at 105-117.

(g) Appellee's Memorandum; id. at 118-136.

(h) Motion for Reconsideration; id. at 137-147

[14] Except for a copy of the Complaint and annexes thereto and affidavits of witnesses, the other pleadings and documents submitted were machine copies.

[15] Rollo, p. 72.

[16] Rollo, pp. 165-166.

[17] Respondent's Memorandum, rollo, pp. 251-252.

[18] G.R. No. 156800, 25 November 2004, 444 SCRA 322.

[19] Padilla, Jr. v. Alipio, id. at 327, citing Donato v. Court of Appeals, 462 Phil. 676, 691 (2003), citing Jaro v. Court of Appeals, 427 Phil. 532, 547 (2002) and Piglas Kamao (Sari-Sari Chapter) v. National Labor Relations Commission, 409 Phil. 735, 737 (2001); and Uy v. Bureau of Internal Revenue, 397 Phil. 892, 902 (2000).

[20] Sulpicio Lines, Inc. v. First Lepanto-Taisho Insurance Corporation, G.R. No. 140349, 29 June 2005, 462 SCRA 125, 133; Jaro v. Court of Appeals, id.

[21] Quintano v. National Labor Relations Commission, G.R. No. 144517, 13 December 2004, 446 SCRA 193, 204.

[22] d. When a petition does not have the complete annexes or the required number of copies, the Chief of the Judicial Records Division shall require the petitioner to complete the annexes or file the necessary number of copies of the petition before docketing the case. Pleadings improperly filed in court shall be returned to the sender

by the Chief of the Judicial Records Division.

[23] Section 3(d), Rule 3, Revised Internal Rules of the Court of Appeals.

[24] Cadayona v. Court of Appeals, 381 Phil. 619, 626 (2000).

[25] 390 Phil. 1245, 1251 (2000).

[26] Cadayona v. Court of Appeals, supra note 24; Cusi-Hernandez v. Diaz, id.; Padilla, Jr. v. Alipio, supra note 18; Garcia v. Philippine Airlines, Inc., G.R. 160798, 8 June 2005, 459 SCRA 769, 781.

[27] Petition for Review before the Court of Appeals:

Certified copies of the Decisions, Resolutions and Order

Petition for Review on Certiorari:

CA Resolution dated 27 August 2004, duplicate original

CA Resolution dated 12 April 2004, certified true copy

MTC Decision dated 16 January 2004, duplicate original

RTC Decision dated 16 April 2004, certified true copy

RTC Order denying the MR, certified true copy

[28] Section 4(d), Rule 45, 1997 Rules of Civil Procedure.

[29] CA rollo, p. 32.

[30] Id. at 32.

[31] See Piglas Kamao, (Sari-Sari Chapter) v. National Labor Relations Commission, supra note 19, citing Magsaysay Lines v. Court of Appeals, 329 Phil. 310, 322-323 (1996); Siguenza v. Court of Appeals, G.R. No. L-44050, 16 July 1985, 137 SCRA 570, 576.

[32] Padilla, Jr. v. Alipio, supra note 18.

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