

HEIRS OF MARILOU K. SANTIAGO, REPRESENTED BY DENNIS K. SANTIAGO, LOURDES K. SANTIAGO AND EUFEMIA K. SANTIAGO, PETITIONERS, VS. ALFONSO AGUILA, RESPONDENT.

G.R. No. 174034. March 09, 2011

Ponente: ABAD, J.

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ABAD, J.:

This case is about the dismissal of a petition for review after it was filed within the 30-day extension that the petitioners originally asked since the appellate court later granted them only a 15-day extension.

The Facts and the Case

Petitioner heirs of Marilou K. Santiago owned a 25,309-square meter coconut land that respondent Alfonso Aguila (Aguila) tenanted. For allegedly cutting down five coconut trees in violation of the Coconut Preservation Act of 1995 and depriving the heirs of their share in the harvest, the latter filed an ejectment suit against him before the Provincial Agrarian Reform Adjudicator (PARAD). Aguila resisted the action.

On May 31, 2000 the PARAD ruled that Aguila deliberately failed to pay his rents. Thus, it terminated the tenancy relationship and ordered him to vacate the property and pay petitioners their past shares in the harvest. Aguila appealed on June 16, 2005 to the Department of Agrarian Reform Adjudication Board (DARAB), which set aside the PARAD's decision and ordered the execution of a new leasehold contract between the parties. On March 3, 2006 the DARAB denied petitioner heirs' motion for reconsideration.

Since petitioner heirs received a copy of the DARAB resolution denying their motion for reconsideration on March 6, 2006, they had until March 21 within which to file a petition for review with the Court of Appeals (CA). On March 15, 2006 they filed with the CA a motion for extension of 30 days or until April 20, 2006 within which to file their petition. The heirs filed their petition for review on April 20, 2006, the last day of the extension they sought.

Eight days later or on April 28, 2006 the CA granted petitioner heirs an extension of only 15 days or up to April 5, 2006 within which to file their petition.[1] The consequence of this was that the petition they earlier filed went beyond the allowed extension. Further, the CA also found the special power of attorney (SPA) attached to the petition defective in that it empowered petitioner Eufemia K. Santiago (Eufemia) as attorney-in-fact of a Dennis Matubis, who was not a petitioner, when Eufemia was supposed to stand as attorney-in-fact for petitioner Dennis K. Santiago. For these reasons, the CA dismissed the petition. Petitioner heirs moved for reconsideration but the CA denied their motion on August 7, 2006, prompting them to come to this Court on a petition for review.

The Issue Presented

The issue in this case is whether or not the CA erred in dismissing petitioner heirs' petition for review under Rule 43 for having been filed out of time.

The Court's Rulings

1. Regarding the defective SPA, petitioner heirs explained that it was an honest mistake because Dennis Matubis (who appeared not to be a party in the case) and petitioner Dennis K. Santiago are one and the same person. Since Aguila has offered no proof to counter the truth of this assertion and since the CA did not require the heirs to substantiate it, the Court may presume such assertion to be true. Besides, the CA cannot altogether throw out the entire petition for this reason since all the petitioners have a common interest in the success of the suit and since the petition was validly verified with respect to the rest of them.

2. Although it is within the CA's discretion to grant or not to grant a motion for extension, such discretion should be exercised wisely and prudently. The rules regulating the filing of motions for extension of time to file certain pleadings are intended to promote the speedy disposition of cases in the interest of justice, not throw out such pleadings on pure technicality.

Here, on March 15, 2006 petitioner heirs filed their motion for extension of 30 days (counted from March 21 when the original period was to run out) within which to file their petition. If the CA would want to deny that extension or shorten it to only 15 days up to April 5, 2006, it had technically at least 20 days (from March 15 to April 4) within which to so warn petitioners that they might have a chance to finish up and file their petition. Yet, it did not. While the parties have no right to expect the CA to grant their motion for extension, they have a right to expect reasonableness from it.

Technically the CA waited 44 days up to April 28, 2006 before acting on the motion that petitioners filed on March 15, 2006. The CA knew, when it reduced to only 15 days the extension asked of it, that such reduced extension had already come to pass 23 days earlier on April 5, 2006. Surely, the CA did not expect petitioners to still be able to cope with the reduced extension. Since the rules allow the CA to grant an extra 15-day extension "for the most compelling reason," the CA ought to have given petitioners reasonable notice that it did not regard its ground sufficiently compelling. The CA gave petitioner heirs absolutely no chance to file a timely petition.

What is more, when the CA acted on the motion for extension on April 28, 2006 the petition was already at hand, having been filed earlier on April 20. The CA cannot pretend that it had been waiting with bated breath to have a look at the petition and that, consequently, it could only grant a shorter extension for its filing. Indeed, the CA did not dismiss the petition outright when it did not get the same by April 5, its desired deadline. The CA got the petition on April 20, 2006 but waited eight days more or until April 28, 2006 before looking at it. So what was the point in its denying the longer extension when it was not ready to act promptly on the petition?

Procedural rules are intended to facilitate the administration of justice, not frustrate it. It is always better that a case is decided on the merits rather than disposed of because of procedural infirmities. Considering that the case involves tenancy relations and possession of agricultural landholding and that PARAD and DARAB have made conflicting findings, a review of the case by the CA was clearly in order.

WHEREFORE, the Court GRANTS the petition, SETS ASIDE the Court of Appeals resolutions in CA-G.R. SP 93935 dated April 28, 2006 and August 7, 2006 and DIRECTS it to give due course to the petition of petitioner Heirs of Marilou K. Santiago and adjudicate it on its merits.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr.,[*] Peralta, and Mendoza, JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order

933 dated January 24, 2011.

[1] Rules of Court, Rule 43, Sec. 4. Period of appeal.-- x x x Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

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