

**SPOUSES OBDULIA H. ESPEJO AND HILDELBERTO T. ESPEJO,  
PETITIONERS, VS. GERALDINE COLOMA ITO, RESPONDENT.***G.R. No. 176511. August 04, 2009*

Ponente: CHICO-NAZARIO, J.

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Before the Court is a Petition for Review on Certiorari, under Rule 45 of the Revised Rules of Court, in which petitioners, spouses Obdulia H. Espejo (Obdulia) and Hildelberto T. Espejo (Hildelberto), seek the reversal of the Resolutions dated 19 December 2006[1] and 6 February 2007[2] of the Court of Appeals in CA-G.R. SP No. 97074. The appellate court dismissed petitioners' Petition for Review, under Rule 42 of the Revised Rules of Court, appealing the Decision[3] dated 6 November 2006 of the Regional Trial Court (RTC) of Makati City, Branch 58, in Civil Case No. 06-288, for failure of petitioners to attach to the dismissed Petition their Complaint for Unlawful Detainer[4] against respondent Geraldine Coloma Ito, filed with the Metropolitan Trial Court (MeTC) of Makati City, Branch 66, and docketed as Civil Case No. 85435.

The facts, as gathered from the records, are as follows:

Petitioners are claiming ownership of Lots 16 and 17, Catmon St., San Antonio Village, Makati City, covered by Transfer Certificates of Title (TCTs) No. 219266 and No. 219267 in petitioners' names, on which stood a seven-door apartment (collectively referred to as the Catmon Property), one of which, Apartment Unit No. 9197-B (subject property), is being occupied by respondent. The Catmon Property was previously owned by petitioner Obdulia's mother, the late Teodora Gana Vda. de Hemedes (Teodora), and was registered under TCTs No. 148461/T-1019 and No. 148462/T-1019 in Teodora's name. According to petitioners, they came to own the Catmon Property, among other properties, by virtue of a document, bearing the title Donation of Real Property Inter Vivos, executed by Teodora in their favor on 21 July 1981.

On 22 June 2004, petitioners filed a Complaint for Unlawful Detainer against respondent before the MeTC, docketed as Civil Case No. 85435. Petitioners alleged in their Complaint that respondent was leasing and occupying the subject property; petitioners, through a letter dated 11 December 2002, informed respondent that, beginning the date of receipt thereof, respondent should pay monthly rentals for the subject property to petitioners; petitioners made several attempts to confer with respondent and to enter the subject property to inspect the same, but respondent refused; petitioners sent respondent a billing statement for P170,000.00, consisting of unpaid rentals for the period of January to May 2004 at P10,000.00 per month; by September 2004, the monthly rental for the subject property would increase to P15,000.00; and petitioners gave respondent a Final Demand and Notice dated 8 June 2004, yet respondent still failed and refused to pay the monthly rentals for the subject property. The end of petitioners' Complaint contained the following prayer:

P R A Y E R

WHEREFORE, [herein petitioners] pray this Honorable Court to render judgment in their favor and against the [herein respondent], as follows:

- Ordering the [respondent] to vacate the premises in question and to restore possession thereof to the [petitioners];
- Ordering the [respondent] to pay the [petitioners] the sum of ONE HUNDRED AND SEVENTY THOUSAND PESOS (P170,000.00) representing the accrued rents on the premises covering the period from January, 2003 to May, 2004, inclusive, and TEN THOUSAND PESOS (P10,000.00) per month from June, 2004 and thereafter;
- Ordering the [respondent] to pay the [petitioners], beginning on the month of September, 2004, a rent of FIFTEEN THOUSAND PESOS (P15,000.00) per month for the premises;
- Ordering the [respondent] to pay [petitioners] expenses of litigation amounting to Five Thousand Pesos (P5,000.00) and court costs of this suit;

Further [petitioners] pray this Honorable Court to grant them such other measures of relief as may be just and proper in the premises.[5]

In her Answer to the Complaint, respondent admitted to leasing the subject property, not from petitioners, but from petitioner Obdulia's brother, Rogelio G. Hemedes (Rogelio), who inherited the subject property, in accordance with the last will and testament of Teodora, who died on 7 February 1991. Respondent averred that she had been peacefully and continuously occupying the subject property since 1994. Rogelio, as lessor, and respondent, as lessee, just renewed their Contract of Lease over the subject property on 27 April 2004, which was valid until April 2005.[6] Respondent was thus surprised to receive a demand letter directing her to pay accrued rentals to petitioners. When consulted by respondent's counsel concerning petitioners' demands for monthly rental payments for the subject property, Rogelio's counsel, in a letter dated 31 March 2003, advised that respondent pay the same to the court-appointed Special Administrator of Teodora's estate, who was another of petitioner Obdulia's brothers, Diosdado G. Hemedes (Diosdado).

Respondent additionally argued that petitioners had no cause of action for unlawful detainer, since they were not the lessors of the subject property, and their ownership over the same was still being disputed in pending cases.[7] Respondent could not have deprived petitioners of possession of the subject property through any of the means enumerated in Section 1, Rule 70 of the Revised Rules of Court since petitioners had never been in possession of said property.

During the preliminary conference in Civil Case No. 85435, the parties admitted the following facts before the MeTC:

- That the lessor in the leased contract with the [herein respondent] are not the [herein petitioners] in this case;
- That there are pending cases on the issue of ownership of the leased premises pending before various courts between the [petitioners] and the lessor;
- That the [respondent] is not a party to the said cases between [petitioners] and the lessor before various courts;
- That [petitioners] was (sic) actually aware of the existing cases regarding the ownership and possession over the leased premises when they filed this case;
- That the lessor in the leased contract with the [respondent] are (sic) not the plaintiff in this case.[8]

After submission by the parties of their Position Papers, the MeTC rendered its Decision[9] on 4 August 2005. The MeTC ruled that petitioners were able to establish their right to possession of the subject property through evidence showing their ownership, particularly, (1) the TCTs, in their names, over the Catmon Property, on which

the subject property stood; and (2) the Tax Declaration for the subject property. Hence, the MeTC decreed:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the [herein petitioners] Obdulia H. Espejo and Hidelberto T. Espejo and against [herein respondent] Geraldine Coloma Ito, to wit:

- Ordering [respondent] and all persons claiming rights under them (sic) to vacate the subject property more particularly described as Apartment No. 9197-B, Catmon Street, San Antonio Village, Makati City;
- Ordering [respondent] to pay [petitioners] the amount of TEN THOUSAND PESOS (P10,000.00) per month from date of demand on June 08, 2004 until [respondent] vacates the subject premises as compensation for the use and occupancy of the subject premises, plus attorney's fees in the amount of P10, 000.00 and costs of suit.[10]

Respondent filed an appeal with the RTC, which was docketed as Civil Case No. 06-288. In its Decision dated 6 November 2006, the RTC reversed the MeTC Decision dated 4 August 2005. The RTC declared that no unlawful detainer was committed, ratiocinating that:

The essence of the action for unlawful detainer is the existence of a contract, express or implied between the plaintiff and the defendant. More so, the fact of lease and the expiration of its terms are the essential elements of an unlawful detainer case. In unlawful detainer, the unlawful withholding of possession is made after the expiration or termination of the right to hold the same under any contract express or implied.

A close scrutiny of the complaint reveals that [herein petitioners'] action is not one for unlawful detainer. True enough, there is no contract express or implied between the parties that will serve as basis for the determination of the start of the unlawful possession. [Petitioners] never shed light on how [herein respondent] came to be the lessee or tenant of the former although admittedly they sent demand letters to the latter for her to pay a much higher amount of rental. It was the latter herself who claimed that she contracted with the Court-appointed administrator of the property eight (8) years ago and before the case was filed in Court.

Was there therefore unlawful withholding of property in the instant case? This Court again answers in the negative. There is no valid cause for such an action as unlawful detainer and the jurisdictional requirement was not satisfied. How can something be determined when in the first place it was inexistent? It bears stressing that there was no lease agreement between the parties and that the demand to vacate by [petitioners] does not make [respondent] tenants (sic) of the former and this despite the allegation of ownership based on the muniments of title. It is a known maxim that regardless of actual condition of title to the property, the party in peaceable, direct possession shall not be turned out by a strong hand, violence or even terror. Thus, a party who can prove prior possession can recover the same even against the owner himself. Whatever may be the character of his prior possession, if he has in his favor priority of time, has the security that entitles him to remain in the property until he is lawfully ejected by a person having a better right by other remedies provided for by law for recovery.

Since the jurisdictional requirement to constitute a valid cause for unlawful detainer was not satisfied[,] the lower Court was indeed without jurisdiction to hear and decide this case.[11]

The dispositive portion of the RTC Decision reads:

WHEREFORE, the assailed Decision is REVERSED AND SET ASIDE.

The complaint before the court a quo is, for lack of jurisdiction, hereby DISMISSED.[12]

Petitioners, upon receipt of the RTC Decision dated 6 November 2006, at first, erroneously filed a Notice of Appeal with the RTC, which was accordingly dismissed by the said court for being the wrong mode of appeal, in an Order[13] dated 2 February 2007. Petitioners subsequently filed the appropriate Petition for Review with the Court of Appeals on 4 December 2006, which was docketed as CA-G.R. SP No. 97074.

On 19 December 2006, the Court of Appeals issued a Resolution dismissing outright the Petition in CA-G.R. SP No. 97074 for petitioners' failure to attach the Complaint for Unlawful Detainer which they filed before the MeTC, in violation of Section 2, Rule 42 of the Revised Rules of Court. According to the appellate court:

The case is dismissible outright.

The principal issue raised by the petitioners is the question of whether or not the Metropolitan Trial Court had jurisdiction over their complaint for unlawful detainer. They argue that jurisdiction of the court over the subject matter of the action is determined by the material allegations of the complaint. The petition is, however, not accompanied by the complaint for unlawful detainer. Accordingly, the Court has no way of determining if indeed the MeTC had jurisdiction over the complaint.

Section 2 of Rule 42 of the 1997 Revised Code of Civil Procedure states that "the petition shall x x (d) be accompanied by clearly legible duplicate originals or true copies of the judgements 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 petitioner."

Section 3 of the same rule reads:

Section 3. Effect of failure to comply with requirements. - The failure of the petitioner to comply with any of the foregoing requirements regarding x x x the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.[14]

Petitioners filed on 3 January 2007 with the Court of Appeals a Motion for Reconsideration of the 19 December 2006 Resolution with Motion to Admit,[15] as part of their Petition, a copy of the Complaint for Unlawful Detainer which they filed with the MeTC. Petitioners also maintained that their Petition deserved to be reinstated given the merits thereof, since the RTC erroneously ruled that the MeTC had no jurisdiction over petitioners' Complaint.

In its Resolution dated 6 February 2007, the Court of Appeals denied petitioners' Motion for Reconsideration, stating that:

After carefully considering the grounds raised in the subject motion, we find that the said reasons and the arguments in support thereof have been amply treated, discussed and passed upon in the subject resolution. x x x.[16]

Hence, this Petition with a single assignment of error, to wit:

THE COURT OF APPEALS, FORMER ELEVENTH DIVISION, MANILA, ERRED WHEN IT DISMISSED OUTRIGHTLY THE PETITION FOR REVIEW DATED 4 DECEMBER 2006 IN VIOLATION OF SECTION 2, RULE 42 OF THE RULES OF CIVIL PROCEDURE AND REFUSED TO RECONSIDER ITS RESOLUTION OF DISMISSAL DESPITE SUBSEQUENT RECTIFICATION OF THE DEFICIENCY TO PUT PREMIUM ON TECHNICALITIES AT THE EXPENSE OF SUBSTANTIAL JUSTICE.[17]

Petitioners assail the dismissal of their Petition for Review by the Court of Appeals despite their subsequent submission of a copy of their Complaint for Unlawful Detainer before the MeTC, in compliance with Sec. 2, Rule 42 of the Revised Rules of Court. Petitioners pray for the reversal of the Resolutions dated 19 December 2006 and 6 February 2007 and for a remand of the case to the Court of Appeals for resolution on the merits of their Petition.

In her Comment herein, respondent asserts that the procedural lapses committed by petitioners justify the dismissal of their case, and petitioners cannot invoke the liberal construction of the rules of procedure where said

rules call for strict observance.

The Court finds merit in the instant Petition.

A decision of the RTC, rendered in its appellate jurisdiction, may be appealed to the Court of Appeals via a Petition for Review under Rule 42 of the Revised Rules of Court. Section 2 of Rule 42 prescribes the following requirements for a Petition for Review filed with the Court of Appeals:

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.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom. (Emphasis ours.)

Non-compliance with the requirements set forth in Section 2, Rule 42 of the Revised Rules of Court shall be a ground for dismissal of the Petition, pursuant to Section 3 of the same Rule, which reads:

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.

On the matter of appeal, the Court ruled on several occasions that 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 strictly in accordance with the provisions of the law. The party who seeks to appeal must comply with the requirements of the rules. Failure to do so results in the loss of that right. The perfection of an appeal in the manner and within the period permitted by law is not only mandatory, but also jurisdictional.[18]

Nonetheless, it bears stressing that the rules of procedure are merely tools designed to facilitate the attainment of justice. They were conceived and promulgated to effectively aid the court in the dispensation of justice. Courts are not slaves to or robots of technical rules, shorn of judicial discretion. In rendering justice, courts have always been, as they ought to be, conscientiously guided by the norm that on the balance, technicalities take a backseat against substantive rights, and not the other way around. Thus, if the application of the Rules would tend to frustrate rather than promote justice, it is always within the power of the Court to suspend the rules, or except a particular case from its operation.[19]

As the Court further elucidated in *Peñoso v. Dona*[20]:

Technicalities, however, must be avoided. The law abhors technicalities that impede the cause of justice. The

court's primary duty is to render or dispense justice. "A litigation is not a game of technicalities." "Lawsuits unlike duels are not to be won by a rapier's thrust. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts." Litigations must be decided on their merits and not on technicality. Every party litigant must be afforded the amplest opportunity for the proper and just determination of his cause, free from the unacceptable plea of technicalities. Thus, dismissal of appeals purely on technical grounds is frowned upon where the policy of the court is to encourage hearings of appeals on their merits and the rules of procedure ought not to be applied in a very rigid, technical sense; rules of procedure are used only to help secure, not override substantial justice. It is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice. (Emphasis supplied.)

It should be noted that in this case, petitioners immediately acted to rectify their earlier procedural lapse by submitting, together with their Motion for Reconsideration of the 19 December 2006 Resolution of the Court of Appeals, a Motion to Admit a copy of their Complaint for Unlawful Detainer. 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.[21]

Moreover, the Court held in *Spouses Lanaria v. Planta*[22] that under Section 3(d), Rule 3 of the Revised Internal Rules of the Court of Appeals,[23] 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. Therefore, the appellate court, instead of dismissing outright the Petition, could just as easily have required petitioners to submit the necessary document, i.e., a copy of petitioners' Complaint for Unlawful Detainer filed with the MeTC.

As a final matter, respondent calls the attention of this Court to the Decision[24] dated 22 August 2007 of the RTC of Makati, Branch 66, in Criminal Case No. 05-768,[25] convicting petitioners of estafa through falsification of a public document, particularly, the Donation of Real Property Inter Vivos allegedly executed by Teodora in petitioners' favor on 21 July 1981. However, petitioners' appeal of their conviction is still pending before the Court of Appeals. Since the 22 August 2007 Decision of the RTC in Criminal Case No. 05-768 is not yet final and executory, it cannot, as of yet, bind this Court.

WHEREFORE, premises considered, the instant Petition is GRANTED. The Resolutions dated 19 December 2006 and 6 February 2007 of the Court of Appeals in CA-G.R. SP No. 97074 are REVERSED and SET ASIDE, and the present case is REMANDED to the Court of Appeals for resolution on the merits. No costs.

### **SO ORDERED.**

Ynares-Santiago, (Chairperson), Velasco, Jr., Nachura, and Peralta, JJ., concur.

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[1] Penned by Associate Justice Jose Catral Mendoza with Associate Justices Elvi John S. Asuncion and Seseando E. Villon, concurring; rollo, pp. 26-30.

[2] *Id.* at 32.

[3] Penned by Judge Eugene C. Paras; *id.* at 181-184.

[4] *Id.* at 106-110.

[5] *Id.* at 108-109.

[6] Respondent's Contract of Lease with Rogelio was effective only until April 2005. However, considering that petitioners are still pursuing before this Court their ejectment case against respondent, and respondent is still opposing the same, then the only logical conclusion is that respondent is still in possession of the subject property up to present time, although records do not show with whom respondent renewed her lease contract.

[7] Teodora's heirs, other than the petitioners, filed before the RTC of Biñan, Laguna, a petition for the probate of Teodora's last will and testament, docketed as SP Case No. B-1383. When petitioners presented their TCTs before the RTC, Diosdado, as the Administrator of Teodora's estate, filed an Omnibus Motion/Opposition, with prayer to annul said TCTs and to punish petitioners for contempt. Diosdado alleged in said Motion that petitioners, despite knowing that the Catmon Property was part of Teodora's estate and subject of the pending probate proceedings, still withheld and refused to surrender the TCTs covering the said property to Diosdado, the court-appointed Administrator of Teodora's estate. Worse, petitioners had Teodora's TCTs for the Catmon Property cancelled and new ones issued in their names on the strength of the deed of donation. SP Case No. B-1383 has been submitted for decision by the RTC.

Diosdado, as Administrator of Teodora's estate, filed before the RTC of Makati, Branch 148, a Complaint for Quieting of Title and Annulment of Donation, Accounting with Injunction, against petitioners, docketed as Civil Case No. 04-704. Pursuant thereto, Diosdado registered an Affidavit of Adverse Claim and Notice of Lis Pendens on petitioners' TCTs for the Catmon Property. Civil Case No. 04-704 is still awaiting decision by the RTC.

Upon the complaints of Diosdado and two nephews, petitioners were criminally charged for estafa through falsification of public document (particularly, the Donation of Real Property Inter Vivos, which Teodora purportedly executed in petitioners' favor on 21 July 1981), before the RTC of Makati, Branch 66, docketed as Criminal Case No. 05-768. The RTC rendered a Decision dated 22 August 2007, convicting petitioners of the crime charged. Petitioners' appeal of their conviction is currently pending before the Court of Appeals.

[8] Order dated 20 April 2005, penned by Presiding Judge Perpetua Atal-Paño; rollo, p. 173.

[9] Penned by Pairing Judge Henry E. Laron; id. at 177-179.

[10] Id. at 179.

[11] Id. at 183-184.

[12] Id. at 184.

[13] Penned by Presiding Judge Eugene C. Paras; records, p. 509.

[14] Rollo, pp. 29-30.

[15] Id. at 101-104.

[16] Id. at 32.

[17] Id. at 10.

[18] *R. Transport Corporation v. Philippine Hawk Transport Corporation*, G.R. No. 155737, 19 October 2005, 473 SCRA 342, 348.

[19] *Coronel v. Desierto*, 448 Phil. 894, 903 (2003).

[20] G.R. No. 154018, 3 April 2007, 520 SCRA 232, 239-240.

[21] *Padilla, Jr. v. Alipio*, G.R. No. 156800, 25 November 2004, 444 SCRA 322, 327, which cited *Donato v.*

Court of Appeals, 462 Phil. 676, 691 (2003), citing *Jaro v. Court of Appeals*, 427 Phil. 532, 547 (2002); *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).

[22] G.R. No. 172891, 22 November 2007, 538 SCRA 79.

[23] Section 3(d), Rule 3 reads: "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."

[24] Penned by Judge Joselito C. Villarosa; rollo, pp. 221-232.

[25] Upon the complaint of Diosdado and two nephews.

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