

SPS. HEBER & CHARLITA EDILLO, PETITIONERS, VS. SPS. NORBERTO & DESIDERIA DULPINA, RESPONDENTS.

G.R. No. 188360. January 21, 2010

Ponente: BRION, J.

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BRION, J.:

We resolve in this Decision the Petition for Review on Certiorari[1] filed by defendants-petitioners Spouses Heber and Charlita Edillo (defendants-petitioners) who seek to reverse and set aside the Resolutions dated January 28, 2009[2] and June 11, 2009[3] of the Special Former Special Division of Five of the Court of Appeals (CA) in CA-G.R. SP No. 02436-MIN. The first assailed CA Resolution dismissed outright the defendants-petitioners' Petition for Review for failure to state the factual background of the case; the second assailed CA Resolution denied the defendants-petitioners' Motion for Reconsideration.

FACTUAL BACKGROUND

The facts of the case, gathered from the parties' pleadings and annexes, are briefly summarized below.

On February 21, 2006, plaintiffs-respondents Spouses Norberto and Desideria Dulpina (plaintiffs-respondents) filed a Complaint for Forcible Entry against the defendants-petitioners with the Municipal Circuit Trial Court of Del Carmen-San Isidro-San Benito, Surigao del Norte (MCTC).[4]

The plaintiffs-respondents alleged that they purchased from Wencilito Camingue a 235-square meter residential lot and house located in Poblacion, San Isidro, Surigao del Norte, through a Deed of Sale[5] dated May 14, 1990. On August 8, 2005, defendant-petitioner Heber Edillo, without their consent and against their express prohibition, suddenly fenced off and occupied a 50-square meter portion of the western part of the disputed property while uttering threats against plaintiffs-respondents. On January 26, 2006, they sent the defendants-petitioners a notice to vacate the disputed property, but the defendants-petitioners refused to comply.[6]

In their Answer dated March 1, 2006, the defendants-petitioners countered that the Complaint states no cause of action because the plaintiffs-respondents failed to allege that they were in prior physical possession of the disputed property.[7] They also alleged that they acquired the disputed property through three (3) separate Deeds of Absolute Sale[8] from Apolinar Saragoza,[9] Felomino Forcadilla,[10] and Wenceslao Caunzad.[11]

THE MCTC RULING

On May 23, 2007, the MCTC rendered judgment dismissing the Complaint. It ordered the plaintiffs-respondents to pay the defendants-petitioners P10,000.00 as actual damages and another P10,000.00 as attorney's fees.[12] The plaintiffs-respondents' counsel received a copy of the MCTC Judgment on May 31, 2007.[13]

On June 5, 2007, the plaintiffs-respondents filed a Motion for Reconsideration[14] which the MCTC denied in its Resolution of June 8, 2007.[15]

On July 30, 2007, the plaintiffs-respondents filed a Notice of Appeal with the MCTC, which the latter granted.

On August 15, 2007, the plaintiffs-respondents filed their Appeal Memorandum with the Regional Trial Court, Branch 31, Dapa, Surigao del Norte (RTC).[16]

THE RTC RULING

The RTC decided the appeal on November 7, 2007. It set aside the MCTC judgment and ordered the defendants-petitioners to vacate the subject property and to restore the plaintiffs-respondents to their possession. It likewise ordered the payment of P10,000.00 as attorney's fees and the cost of suit.[17]

After the RTC denied[18] their Motion for Reconsideration,[19] the defendants-petitioners elevated the case to the CA through a Petition for Review under Rule 42 of the Rules of Court.[20] They argued that the plaintiffs-respondents' appeal with the RTC was filed out of time since the Revised Rules of Summary Procedure (RRSP) prohibits the filing of a motion for reconsideration.

THE CA RULING

The CA dismissed the Petition in its Resolution of January 28, 2009[21] on the ground that it does not contain a statement of the factual background of the case, in violation of Sections 2 and 3 of Rule 42 of the Rules of Court. A special division of five (5) justices, with Associate Justice Ruben C. Ayson dissenting,[22] rendered the resolution.

The defendants-petitioners moved to reconsider the dismissal, to amend the petition, and to admit their First Amended Petition.[23] The CA denied the motions in its Resolution of June 11, 2009, noting that the amended petition did not correct the infirmity of the original petition.[24]

Faced with this development, the defendants-petitioners filed the present Petition for Review on Certiorari under Rule 45 of the Rules of Court.

THE PETITION

The defendants-petitioners argue that the CA's outright dismissal of the petition was unwarranted since the Petition for Review and the Amended Petition (filed with the Motion for Reconsideration of the Dismissal of the Original Petition) sufficiently recited the factual background of the case. They submit that the annexes to the original and amended petitions, consisting of the Complaint, the Answer, the other pleadings, and the MCTC and RTC Decisions, also contain this factual background. They point out that a relaxation of technical rules is justified by the merits of the case - the RTC had no jurisdiction to entertain the plaintiffs-respondents' appeal because the MCTC Decision had become final and executory; the Motion for Reconsideration of the plaintiffs-respondents filed is a prohibited pleading in summary proceedings and did not stop the running of the period for the decision's finality.

For their part, the plaintiffs-respondents submit that the requirements set forth in Section 2 of Rule 42 of the Revised Rules of Court are mandatory and the defendants-petitioners have no discretion but to comply, citing *Galang v. Court of Appeals*[25] and *Tan v. Court of Appeals*.[26]

OUR RULING

We find for the defendants-petitioners.

Procedure on Appeal; Liberal Construction of Rules

An appeal to the CA from an RTC Decision rendered in the exercise of its appellate jurisdiction is via a Petition for Review under Rule 42 of the Revised Rules of Court. Section 2 of Rule 42 prescribes the following requirements:

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.

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 supplied.)

Non-compliance with these requirements is sufficient ground for the dismissal of the Petition, pursuant to Section 3 of the same Rule, which reads:

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 not a few cases, we have ruled that the right to appeal is neither a natural right nor a part of due process; it is a mere statutory privilege that may be exercised only in the manner and strictly in accordance with the provisions of law allowing the appeal.[27] The party who seeks to appeal must comply with the requirements of the law and the rules; failure to comply leads to the dismissal and the loss of the right to appeal.[28]

But while we have so ruled, we recognize nonetheless that the right to appeal is an essential part of our system of judicial processes, and courts should proceed with caution in order not to deprive a party of the right to appeal. We invariably made this recognition due to our overriding concern that every party-litigant be given the amplest opportunity to ventilate and secure the resolution of his cause, free from the constraints of technicalities.[29] This line of rulings is based, no less, on the Rules of Court which itself calls for a liberal construction of its provisions, with the objective of securing for the parties a just, speedy and inexpensive disposition of every action and proceeding.[30] In this line of rulings, we have repeatedly stressed that litigation is not merely a game of technicalities. The law and jurisprudence grant to courts - in the exercise of their discretion along the lines laid down by this Court - the prerogative to relax compliance with procedural rules of even the most mandatory character, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.[31]

We are aware of the plaintiffs-respondents' cited cases of *Galang v. Court of Appeals*[32] and *Tan v. Court of Appeals*,[33] but these rulings are not fully applicable to the present case as they are not squarely in point.

Galang involved the dismissal of a petition with the CA for nonpayment of costs within three (3) days from notice of the order. It involved a direct failure to comply with a CA directive - a matter vastly different from, and greater than, the question of sufficiency posed in this case. *Tan*, on the other hand, involved a motion for reconsideration that was considered a mere scrap of paper for lack of a notice of hearing. This is a matter that, at its core, is a due process concern - the failure to afford the opposing party the opportunity to respond to the motion in a duly scheduled hearing.

A commonality and the weightier reason (although not so given this characterization) behind our rulings in these cited cases is the lack of merit of the respective petitioners' underlying cases. In both cases, we took into account the relative merits of the parties' cases and found that a liberal interpretation, applied to the interlocutory issues before us, would be for naught because the petitioners' underlying cases clearly lacked merit. As we ruled then, so do we rule now. We assess, albeit preliminarily, if the appeal is meritorious on its face and relax the applicable rule of procedure only after a *prima facie* finding of merit.[34]

That there was substantial compliance with the Rules because the background facts can be found within the four corners of the petition and its incorporated annexes, is not a novel ruling for this Court. In the case of *Deloso v. Marapao*[35] (involving the same deficiency for lack of a specific and separate statement of facts outlining the factual background relied upon), we said:

An examination of the petition filed with the Court of Appeals reveals that while it does not contain a separate section on statement of facts, the facts of the case are, in fact, integrated in the petition particularly in the discussion/argument portion. Moreover, the decision of the DARAB which contains the facts of the case was attached to the petition and was even quoted by the appellate court. The petition also sufficiently discusses the errors committed by the DARAB in its assailed decision.

There was, therefore, substantial compliance with Sec. 6, Rule 43 of the Rules of Court. It is settled that liberal construction of the Rules may be invoked in situations where there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. After all, rules of procedure are not to be applied in a very rigid, technical sense; they are used only to help secure substantial justice.[36]

Given this precedent, it only remains for us to determine if we can apply a liberal construction of the Rules because a meaningful litigation of the case can ensue given the Petition's *prima facie* merit.

The defendants-petitioners' meritorious case; a motion for reconsideration is a prohibited pleading in summary procedure.

Our examination of the defendants-petitioners' petition preliminarily tells us that it is not without merit, which merit would remain unventilated unless we relax our application of the technical requirements applicable to their appeal. The question, too, that the defendants-petitioners pose is not a minor one as it involves a very basic question of law - whether the RTC has jurisdiction to entertain an appeal from a final and executory MCTC decision. According to the defendants-petitioners, the plaintiffs-respondents' filing of a motion for reconsideration of the MCTC judgment did not stop the running of the period for appeal since a motion for reconsideration is a prohibited pleading under the RRSP.

We agree with the defendants-petitioners.

Jurisdiction over forcible entry and unlawful detainer cases belongs to the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts.[37] The RRSP applies to prevent undue delays in the disposition of cases; to achieve this end, the filing of certain pleadings - a motion for reconsideration, among others - is prohibited.[38]

Specifically, Section 19(c) of the Rules of Summary Procedure and Section 13(c) of Rule 70 of the Rules of Court consider a motion for reconsideration of a judgment a prohibited pleading.[39] Thus, when the plaintiffs-respondents filed on June 5, 2007 a Motion for Reconsideration of the MCTC Judgment, the motion did not stop the running of the period for appeal. With the continuous running of this period, the May 23, 2007 MCTC judgment (which the plaintiffs-respondents received through counsel on May 31, 2007) had long lapsed to finality when the plaintiffs-respondents filed their Notice of Appeal on July 30, 2007.

The Doctrine of Immutability

A judgment that has become final and executory is immutable and unalterable;[40] the judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest Court of the land.[41] While there are recognized exceptions - e.g., the correction of clerical errors, the so-called nunc pro tunc entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable[42] - none of these exceptions apply to the present case.

Litigation must at some time end, even at the risk of occasional errors. Public policy dictates that once a judgment becomes final, executory and unappealable, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party. Unjustified delay in the enforcement of a judgment sets at naught the role and purpose of the courts to resolve justiciable controversies with finality.[43]

In the present case, the lapse of the period for appeal rendered the RTC without any jurisdiction to entertain, much less grant, the plaintiffs-respondents' appeal from the final and immutable MCTC judgment. This very basic legal reality would forever be lost if we allow the CA to dismiss the defendants-petitioners' appeal outright on the basis of a technicality that, after all, has been substantially complied with.

WHEREFORE, in light of all the foregoing, we hereby REVERSE and SET ASIDE the Resolutions dated January 28, 2009 and June 11, 2009 of the Special Former Special Division of Five of the Court of Appeals in CA-G.R. SP No. 02436-MIN. The Decision dated November 7, 2007 and Order dated July 1, 2008 of the Regional Trial Court, Branch 31, Dapa, Surigao del Norte are ANNULLED. The Judgment dated May 23, 2007 of the Municipal Circuit Trial Court, Del Carmen-San Isidro-San Benito, Surigao del Norte is REINSTATED. Costs against the plaintiffs-respondents.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Abad, and Perez, JJ., concur.

[1] Filed under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justice Mario V. Lopez, Michael P. Elbinias, and Associate Justice Elihu A. Ybañez concurring. Associate Justice Ruben C. Ayson dissented. See rollo, pp. 59-60.

[3] Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justice Jane Aurora C. Lantion, Associate

Justice Michael P. Elbinias, and Associate Justice Elihu A. Ybañez concurring. Associate Justice Ruben C. Ayson maintained his dissent. See rollo, pp. 63-64.

[4] Rollo, pp. 65-68.

[5] Id. at 69.

[6] Id. at 77.

[7] Id. at 82-85.

[8] Id. at 86-89.

[9] The name also appears as "Apolinario Saragoza" and "Apolinio Saragoza" in other parts of the rollo.

[10] The name also appears as "Filomeno Forcadilla" in other parts of the rollo.

[11] The name also appears as "Ricolito" in other parts of the rollo.

[12] Rollo, pp. 90-94.

[13] Id. at 95.

[14] Id. at 95-97.

[15] Id. at 107-108.

[16] Id. at 109-114.

[17] Id. at 115-121.

[18] Order dated July 1, 2008; id. at 122.

[19] Id. at 123-136.

[20] Id. at 173-191.

[21] Id. at 59-60.

[22] Id. at 61-62.

[23] Id. at 165-191.

[24] Associate Justice Ayson maintained his dissent; *supra* note 3.

[25] G.R. No. 76221, July 29, 1991, 199 SCRA 683.

[26] 356 Phil. 1058 (1998).

[27] *Colby Construction and Management Corporation v. National Labor Relations Commission*, G.R. No. 170099, November 28, 2007, 539 SCRA 159, 168; *De Guzman v. People*, G.R. No. 167492, March 22, 2007, 518 SCRA 767, 771-772; *Balgami v. Court of Appeals*, 487 Phil. 102, 115 (2004).

[28] *Colby Construction and Management Corporation v. National Labor Relations Commission*, *supra*; *De Guzman v. People*, *supra*.

[29] *Lanaria v. Planta*, G.R. No. 172891, November 22, 2007, 538 SCRA 79, 98; *Kimberly Independent Labor Union for Solidarity, Activism and Nationalism (KILUSAN) - Organized Labor Associations in Line Industries and Agriculture (OLALIA) v. Court of Appeals*, G.R. Nos. 149158-59, July 24, 2007, 528 SCRA 45, 62; *Novelty*

Phils., Inc. v. Court of Appeals, 458 Phil. 36, 48 (2003); Salazar v. Court of Appeals, 426 Phil. 864, 877 (2002).

[30] 1997 RULES OF CIVIL PROCEDURE, Rule 1, Section 6.

[31] Barranco v. Commission on the Settlement of Land Problems, G.R. No. 168990, June 16, 2006, 491 SCRA 222, 232; Reyes v. Sps. Torres, 429 Phil. 95, 101 (2002); PNB v. CA, 353 Phil. 473, 480 (1998); Aguilar v. Court of Appeals, G.R. No. 114282, November 28, 1995, 250 SCRA 371, 373.

[32] Supra note 25.

[33] Supra note 26.

[34] See: Securities and Exchange Commission v. PICOP Resources, Inc., G.R. No.164313, September 26, 2008, 566 SCRA 451, 469; Cuevas v. Bais Steel Corporation, 439 Phil. 793, 805 (2002).

[35] G.R. No. 144244, November 11, 2005, 474 SCRA 585.

[36] Id. at 590-591.

[37] REVISED RULE ON SUMMARY PROCEDURE, Section 1(A).

[38] Estate of Felomina G. Macadangdang v. Gaviola, G.R. No. 156809, March 4, 2009, 580 SCRA 565, 570-571; Spouses Arenas v. Court of Appeals, 399 Phil. 372, 384 (2000).

[39] Lucas v. Fabros, 381 Phil. 1, 6 (2000); Joven v. Court of Appeals, G.R. No. 80739, August 2, 1992, 212 SCRA 700, 707-708.

[40] Peña v. Government Service Insurance System, G.R. No. 159520, September 19, 2006, 502 SCRA 383, 404.

[41] Siy v. National Labor Relations Commission, G.R. No. 158971, August 25, 2005, 468 SCRA 154, 161-162; Sacdalan v. Court of Appeals, G.R. No. 128967, May 20, 2004, 428 SCRA 586, 599.

[42] Peña v. Government Service Insurance System, supra note 40; Siy v. National Labor Relations Commission, supra note 41 at 162; Sacdalan v. Court of Appeals, supra note 41.

[43] Huerta Alba Resort, Inc. v. Court of Appeals, 394 Phil. 22, 28 (2000).

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