

MILA GRACE PATACSIL PIOTROWSKI, REP. BY HER ATTORNEY-IN-FACT, VENUS G. PATACSIL, PETITIONER, VS. HON. COURT OF APPEALS AND GINA Q. DAPLIYAN, RESPONDENT.

G.R. No. 193140. January 11, 2016

Ponente: BRION, J.

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BRION, J.:

Before this Court is a petition for certiorari[1] filed by Mila Grace Patacsil Piotrowski (Piotrowski) to challenge the March 15, 2010[2] and July 19, 2010[3] resolutions of the Court of Appeals (CA) in CA-G.R. No. SP No. 113020.

The CA, through the challenged resolutions, denied Piotrowski's urgent motion for additional time to file a petition, for certiorari[4] and motion for reconsideration of the denial.[5]

Antecedents

This case stemmed from a complaint[6] for annulment of documents with recovery of possession and damages filed by respondent Gina Q. Dapliyan (Dapliyan) against her father Simeon Dapliyan (Simeon) and petitioner Piotrowski before the Regional Trial Court (RTC) of Agoo, La Union.

The dispute involved a parcel of land with an area of 3,577 square meters located at Barangay Saytan, Pugo, La Union. The land was allegedly registered under the names of Simeon and his late wife Petra Ternate-Dapliyan.[7]

The RTC found that Dapliyan failed to exert earnest efforts to compromise with her father as required by the Family Code and the Rules on Katarungang Pambarangay. The RTC thus dismissed the original complaint against Simeon.

Dapliyan then filed an amended complaint alleging that she failed to compromise with her father despite earnest efforts. She later filed a re-amended complaint[8] with the same allegations except for the corrected United States address of Piotrowski.

Dapliyan alleged that Simeon sold portions of the undivided land to Piotrowski in 2002. She averred that Simeon and Piotrowski made it appear that her mother who died in 1992 signed the Deeds of Absolute Sale. Dapliyan further claimed that Piotrowski registered the falsified Deeds of Absolute Sale with the Office of the Register of Deeds and consequently took possession of the lots.

Dapliyan prayed that the RTC nullify the Deeds of Absolute Sale and all the other documents issued by virtue of the Deeds. She also prayed for the award of damages, costs of litigation, and attorney's fees.[9]

The Proceedings at the Regional Trial Court

The RTC dismissed the re-amended complaint against Simeon because there was no proof that the case passed through the barangay conciliation proceedings, a condition precedent before judicial action.[10]

The RTC, however, declared Piotrowski in default and found the re-amended complaint meritorious as against her.

In its August 31, 2004 decision, the RTC ruled that:

The defendant Mila Grace Piotrowski did not file her answer after a long passage of time.

In the Order of this Court dated August 30, 2004 it was stated that this case will be decided under Section 3, Rule 9 [declaration of default] of the 1997 Rules of Civil Procedure.

The Complaint is meritorious as against the defendant, Mila Grace Piotrowski.

The RTC did not discuss why the case was meritorious against Piotrowski. The dispositive portion of the RTC decision reads:

WHEREFORE, upon the foregoing premises, judgment is hereby rendered in favor of the plaintiff, declaring the two (2) Deeds of Absolute Sale null and void. The defendant Piotrowski is ordered to pay the plaintiff the following -

- The amount of Ten Thousand Pesos (P10,000.00) for actual damages;
- Ten Thousand Pesos (P10,000.00) for attorney's fees; and
- Sixteen Thousand Pesos (P16,000.00) for litigation expenses.

SO ORDERED.

A writ of execution was issued to implement the RTC decision.[11]

Almost four years after the promulgation of the August 31, 2004 RTC decision, Piotrowski filed on July 14, 2008, an omnibus motion[12] for new trial and to set aside the decision, the order of default, and the writ of execution.

Piotrowski claimed that she learned of the judgment against her only on July 7, 2008, when she went to the RTC to confirm the information she gathered about the case. Piotrowski thereafter filed the omnibus motion assailing the August 31, 2004 decision. She averred that the omnibus motion was timely filed on July 14, 2008, or within the fifteen-day reglementary period counted from July 7, 2008, when she was made aware of the decision.

Piotrowski argued that the RTC had no jurisdiction to hear the case because no summons was ever issued. She further alleged that she was not notified that a motion, if any, had been filed to declare her in default. She also argued that the dismissal of the complaint against Simeon rendered all subsequent actions of the RTC null and void.

On September 11, 2008, the RTC issued an order[13] partly granting Piotrowski's omnibus motion "to give her a fighting chance to dispute the claim of [Dapliyan] by adducing her evidence, all in the interest of justice."

Piotrowski thus filed her answer to the re-amended complaint. She claimed that she is the absolute and registered owner of a parcel of land covered by Transfer Certificate of Title (TCT) No. T-7382.[14] Piotrowski averred that she acquired the parcel of land by virtue of the Deed of Absolute Sale[15] executed in her favor by Simeon on June 15, 2004.

Piotrowski asserted that the lot sold to her was a portion of a bigger land covered by TCT No. RT-4511 registered under the name of Simeon. Simeon allegedly became the exclusive owner of the land when he and his heirs, including Dapliyan, executed an extrajudicial settlement dividing the property.[16]

During the "new trial," Piotrowski testified and presented her witnesses. She also formally offered her

documentary evidence.[17] Dapliyan did not present any rebuttal evidence.

On September 30, 2009, the RTC declared that its August 31, 2004 decision had become final and executory[18] and could not be assailed by a mere motion. The RTC ruled that Piotrowski's omnibus motion was an improper remedy and that the final and executory August 31, 2004 decision "should have been assailed in a new case under a Rule that is appropriate to the situation."

Piotrowski then filed a notice of appeal[19] of the August 31, 2004 decision and September 30, 2009 order. The notice of appeal was amended on October 20, 2009, to correct a typographical error.[20] The RTC gave due course to the amended notice of appeal on the same day.[21]

However, the RTC later denied due course to the amended notice of appeal and granted Dapliyan's motion for reconsideration of the October 20, 2009 order. The RTC held that the August 31, 2004 decision, which had become final and executory, could no longer be appealed.

Piotrowski moved[22] but failed[23] to obtain a reconsideration of the November 18, 2009 RTC order. Her counsel then filed with the CA the motion for additional time to file a petition for certiorari, on the ground, among others, of heavy workload.

The Court of Appeals Ruling

The CA denied the motion for additional time to file a petition for certiorari. It held that the ground invoked by the petitioner - i.e., Section 4 (3) of Rule 65 of the Rules of Court, which provides that "[n]o extension of time to file the petition shall be granted except for compelling reason and in no case exceeding 15 days" - has been deleted on December 27, 2007 by A.M. No. 07-7-12-SC (Amendments to Rules 41, 45, 58 and 65 of the Rules of Court).

The dispositive portion of the March 15, 2010 resolution reads:

"WHEREFORE, premises considered, the Urgent Motion for Additional Time to File Petition is DENIED and the instant case is deemed CLOSED and TERMINATED.

SO ORDERED."

Aggrieved, Piotrowski moved for reconsideration of the March 15, 2010 resolution. She argued that there was substantial compliance with the rules. She noted that the petition for certiorari was duly filed on March 22, 2010, or merely 10 days from the date when it should have been filed. She reiterated that there were just and compelling reasons for granting the motion for additional time.

On July 19, 2010, the CA denied Piotrowski's motion for reconsideration; thus, she came to us for relief through the present petition.

The Petition[24]

Piotrowski questions the overly strict application of the Rules of Court and contends that the CA disregarded issues of paramount importance. She argues that although the provision on motion for extension had been deleted, a motion for extension of time is not absolutely prohibited. She invokes the rule that the reason for procedural law is the orderly administration of justice, that is, to ensure the effective enforcement of substantive rights.

She reiterates that the decision and order of the RTC were void since the trial court did not acquire jurisdiction over her person.

Thus, Piotrowski prays that the Court set aside the CA resolutions, dismiss the re-amended complaint, and set aside the August 31, 2004 decision and September 30, 2009 order of the RTC.

The Respondent's Case[25]

Dapliyan argues that the CA was correct in strictly applying the Rules of Court as A.M. No. 07-7-12-SC had removed the phrase "[n]o extension of time to file the petition shall be granted except for compelling reason and in no case exceeding 15 days" from Rule 65. She insists that the assailed RTC judgment had already lapsed into finality for Piotrowski's failure to appeal. She maintains that a Rule 65 petition is not the proper remedy to obtain relief from a final and executory judgment. Finally, Dapliyan argues that Piotrowski waived the lack of jurisdiction over her person when she filed the omnibus motion questioning the August 31, 2004 RTC decision.

The Issue

Notwithstanding the number of issues the parties raised, the case poses to the Court the core issue of whether the CA gravely abused its discretion when it denied Piotrowski's motion for additional time to file a petition for certiorari.

The Court's Ruling

We dismiss the petition for lack of merit.

The CA did not gravely abuse its discretion when it denied Piotrowski's motion for additional time to file a petition for certiorari. The strict application of the Rules of Court does not by itself constitute grave abuse of discretion.

Piotrowski laments what she describes as the overly strict application of Rule 65. She claims that the CA ignored issues of paramount importance and disregarded her substantive rights over her property.

We do not agree with Piotrowski.

The strict application by the CA of the Rules of Court does not by itself constitute grave abuse of discretion. The CA had basis to deny the motion for additional time because the provision previously allowing extension of time to file a petition for certiorari (for compelling reason) had been deleted by A.M. No. 07-7-12-SC.

Further, the CA cited *Laguna Metis Corp. v. Court of Appeals*[26] as basis for the denial of Piotrowski's motion. The dispute in that case arose from a resolution of the National Labor Relations Commission (NLRQ reversing the decision of the Labor Arbiter in favor of the employees. The counsel for the employees filed with the CA a motion for extension of time to file a petition for certiorari, citing among others, the counsel's heavy workload. The CA granted the motion. The employer filed with this Court a petition for certiorari questioning the grant of extension.

We granted the petition in that case and held that the CA gravely abused its discretion. The Court ruled that the CA had no power to grant something that had already been expressly deleted from the rules.

Notably, subsequent cases have tempered the strict ruling in *Laguna Metts*.

In *Thenamaris Philippines, Inc. v. Court of Appeals*,[27] we held that the general rule is that a petition for certiorari must be filed strictly within sixty days from notice of the judgment or order denying the motion for reconsideration. However, the deletion of the provisions in Rule 65 pertaining to extension of time did not make the filing of such pleading absolutely prohibited. The Court observed that if this had been the intention, the deleted portion could just have simply been reworded to state that "no extension of time to file the petition shall be granted." In the absence of such prohibition, motions for extension are allowed, subject to the court's sound discretion.[28]

Citing another case,[29] the Court held that there are recognized exceptions to the strict observance of the Rules, such as:

(1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances.

In addition, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.[30] Heavy workload, standing alone, is not a sufficient reason to deviate from the sixty-day rule.[31] More importantly, a motion for extension of time must be filed before the expiration of the period sought to be extended; otherwise, the motion would have no effect since there would no longer be any period to extend and the assailed judgment or order would have become final and executory.[32]

The above principles make it obvious that the sixty-day period is generally not extendible. The courts, however, may grant extension only if any of the recognized exceptions exists. It follows that an unjustified and unfettered grant of extension may be assailed via a petition for certiorari. The grave abuse of discretion in such case would be the baseless extension of the sixty-day period, needlessly delaying the resolution of the case.

Additionally, there may be grave abuse of discretion if the court denies a motion for additional time despite the clear presence of a ground justifying an extension. The grave abuse of discretion in that case would be the unreasonably strict application of the rules resulting in prejudice and injustice to a litigant.

In either case, the court must carefully exercise its discretion whether to grant or deny a request for extension. It must base its decision on the grounds raised and whether these grounds have been established by the party requesting for extension.

In the present case, Piotrowski's counsel manifested that he needed additional time to prepare the petition for certiorari because: (1) he had "some difficulty in consulting with [Piotrowski] who is residing abroad and is now in old age and in ailment [sic]"; (2) he was "burdened with duties as an officer of the court, in the preparation of some other petitions...which heavily toll on his time to finalize the petition"; and (3) "there is an urgent need for additional time to secure the certified true copies of the voluminous documents xxx required by the rules to support the petition." [33]

We do not find these general and bare allegations sufficient to relax the application of the Rules. Thus, the CA did not abuse, much less gravely abuse, its discretion when it denied Piotrowski's motion for additional time.

Ideally, the CA should have tackled the merits of the grounds raised by Piotrowski and not merely held that the sixty-day period is non-extendible. Nonetheless, its failure to do so does not amount to grave abuse of discretion because Piotrowski's counsel gave no compelling reason that would have justified extension.

In *Laguna Metts*, the Court found unconvincing the grounds submitted by the counsel in asking for an extension of time to file the petition, namely, the "lack of material time occasioned by voluminous pleadings that have to be written and numerous court appearances to be undertaken" and "lack of funds."

On the first ground, we held that heavy workload is relative and often self-serving, and that standing alone, it is not a sufficient reason to deviate from the sixty-day rule. On the second ground (lack of funds), we ruled that it was a bare allegation unsubstantiated by any proof or affidavit of merit.[34]

As in Laguna Metts, the excuse of Piotrowski's counsel that he was "burdened with duties as an officer of the court" is self-serving. His excuse that he had difficulty consulting with Piotrowski who was abroad, allegedly old and sick, was not supported by proof or affidavit. We also cannot grant an extension simply because the case involved "voluminous documents." Otherwise, it would be easy for a litigant to engage in dilatory tactics by conveniently claiming that he had to "secure certified true copies of voluminous documents" without effort to prove the veracity of such claim.

For all these reasons, we hold that the CA did not gravely abuse its discretion when it denied the motion for additional time. With the core threshold issue in this case resolved, we see no more reason to tackle the parties' peripheral issues.

WHEREFORE, in view of the foregoing findings and legal premises, we DISMISS the petition and AFFIRM the March 15, 2010 and July 19, 2010 resolutions of the Court of Appeals (CA) in CA-G.R. No. SP No. 113020.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Mendoza, and Leonen, JJ., concur.

[1] Rollo, pp. 8-35. The petition is filed under Rule 65 of the Rules of Court.

[2] Id at 38-39. The resolution is penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Marelene Gonzales-Sison and Stephen C. Cruz of the Special Fourth Division.

[3] Id. at 55-58.

[4] Id. at 59-63. The intended Rule 65 petition was attached to the urgent motion at 64-110.

[5] Id. at 40-51.

[6] Civil Case No. A-2204, Regional Trial Court, Branch 31, Agoo, La Union, presided by Executive Judge Clifton U. Ganay.

[7] Rollo, p. 143.

[8] Id. at 142-146. The re-amended complaint was dated March 31, 2003.

[9] Id. at 145.

[10] Id. at 163.

[11] Id. at 50. A copy of the writ of execution is not on record but Piotrowski judicially admitted that the writ had been issued.

[12] Id. at 147-159.

[13] Id. at 172.

[14] Id. at 166.

[15] Id. at 164-165.

[16] Id. at 207-210.

[17] Id. at 179-184.

[18] Id. at 139-141.

[19] Id. at 230.

[20] Id. at 232.

[21] Id. at 130.

[22] Id. at 115-120.

[23] Id. at 114.

[24] Supra note 1.

[25] Rollo, pp. 240-261.

[26] 611 Phil. 530(2009).

[27] G.R. No. 191215. February 3, 2014, 715 SCRA 153.

[28] Ibid. Original quotations and citations omitted.

[29] Ibid, citing Labao v. Flores, G.R. No. 187984, November 15, 2010, 634 SCRA 723, 732.

[30] Ibid.

[31] Supra note 25 citing Yutingco v. Court of Appeals, 435 Phil. 84 (2002).

[32] Ibid at 167, citing Vda. de Victoria v. Court of Appeals, 490 Phil. 220, 221-222 (2005).

[33] Supra note 4.

[34] Supra note 25.

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