

ALFONSO SINGSON CORTAL, JUANITO SINGSON CORTAL, NENITA CODILLA, GENEROSO PEPITO LONGAKIT, PONCIANA BATOON, AND GREGORIA SABROSO, PETITIONERS, VS. INAKI A. LARRAZABAL ENTERPRISES...

G.R. No. 199107. August 30, 2017

Ponente: LEONEN, J.

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LEONEN, J.:

Procedural rules must be faithfully followed and dutifully enforced. Still, their application should not amount to "plac[ing] the administration of justice in a straightjacket." [1] An inordinate fixation on technicalities cannot defeat the need for a full, just, and equitable litigation of claims.

This resolves a Petition for Review on Certiorari [2] under Rule 45 of the 1997 Rules of Civil Procedure, praying that the assailed September 30, 2010 [3] and September 7, 2011 [4] Resolutions of the Court of Appeals in CA--G.R. SP No. 04659 be reversed and set aside, and that the Court of Appeals be directed to give due course to the dismissed appeal of Alfonso Singson Cortal, Juanito Singson Cortal, Nenita Codilla, Generoso Pepito Longakit, Ponciana Batoon, and Gregoria Sabroso (petitioners).

The assailed Court of Appeals September 30, 2010 Resolution dismissed petitioners' appeal under Rule 43 of the 1997 Rules of Civil Procedure on account of several technical defects. First was an inconsistency between the listing of petitioners' names in their prior Motion for Extension of Time and subsequent Petition for Review, in which the accompanying verification and certification of non-forum shopping were laden with this same inconsistency and other defects. Second was the non--inclusion of the original Complaint filed by the adverse party, now private respondent Inaki A. Larrazabal Enterprises, before the Regional Agrarian Reform Adjudicator of the Department of Agrarian Reform. And last was petitioners' counsel's failure to indicate the place of issue of the official receipt of his payment of annual membership dues to the Integrated Bar of the Philippines. [5]

The assailed Court of Appeals September 7, 2011 Resolution denied petitioners' Motion for Reconsideration. [6]

Private respondent Inaki A. Larrazabal Enterprises (Larrazabal Enterprises) owned three (3) parcels of land in Sitio Coob, Barangay Libertad, Ormoc City: Lot No. 5383-G, with an area of 7.6950 hectares and covered by Transfer Certificate of Title (TCT) No. 10530; Lot No. 5383-N, with an area of 5.7719 hectares and covered by TCT No. 10530; and Lot No. 5383-F, with an area of 8.7466 hectares and covered by TCT No. 16178. [7]

In 1988, these three (3) parcels were placed under the Compulsory Acquisition Scheme of Presidential Decree No. 27, as amended by Executive Order No. 228. Pursuant to the Scheme, Emancipation Patents and new transfer certificates of title were issued to farmer-beneficiaries, petitioners included. [8]

In 1999, Larrazabal Enterprises filed its Action for Recovery of these parcels against the Department of Agrarian Reform and the petitioners before the Office of the Regional Adjudicator, Department of Agrarian Reform Adjudication Board (DARAB). [9] It assailed the cancellation of its transfer certificates of title and the subsequent

issuance of new titles to petitioners. It alleged that no price had been fixed, much less paid, for the expropriation of its properties, in violation of the just compensation requirement under Presidential Decree No. 27, as amended. Thus, it prayed for the recovery of these lots and the cancellation of petitioners' transfer certificates of title.[10]

In their Answer, petitioners denied non-payment of just compensation. They presented certifications issued by the Land Bank of the Philippines (Landbank) that the amounts of P80,359.37 and P95,691.49 had been deposited as payments in the name of Larrazabal Enterprises.[11] They added that since they had paid, the cancellation of Larrazabal Enterprises' transfer certificates of title, the subdivision of the parcels, and the issuance of emancipation patents in their favor were all properly made.[12]

In his October 15, 1999 Decision,[13] Regional Adjudicator Felixberto M. Diloy (Regional Adjudicator Diloy) noted that there was nothing in the records to show that just compensation was fixed or paid for the parcels.[14] Hence, he ruled in favor of Larrazabal Enterprises and ordered that it be restored to ownership of the lots.[15]

Petitioners appealed to the DARAB. In its September 16, 2008 Decision,[16] the DARAB reversed the Decision of Regional Adjudicator Diloy.[17] It ruled that Larrazabal Enterprises' action, which was filed in 1999, was already barred by prescription and laches, as the assailed Emancipation Patents were issued in 1988.[18] It likewise gave credence to the certificates issued by Landbank, which confirmed the payment of just compensation.[19]

Larrazabal Enterprises filed a Motion for Reconsideration. In its September 30, 2009 Resolution,[20] the DARAB reversed its own decision and granted Larrazabal Enterprises' Motion for Reconsideration.[21] It justified its ruling by saying that Larrazabal Enterprises had been denied due process when the parcels were taken from it without having been given just compensation.[22]

Petitioners then filed a Petition for Review before the Court of Appeals. In its assailed September 30, 2010 Resolution,[23] the Court of Appeals dismissed their Petition for the following formal errors:

- the name of Raymundo Claros Codilla was indicated in the Motion for Extension of Time to File Petition for Review as one of the petitioners, but in the Petition for Review and in the Verification and Certification of Non-Forum Shopping, his name was no longer indicated[;]
- the Verification and Certification of Non-Forum Shopping failed to show any competent evidence of identity of the petitioners, Alfonso Singson Cortal, Juanito Singson Cortal, Nenita Codilla, Cenon Baseles, Felimon Almacin Batoon, Rodrigo Panilag Cabonillas, Generoso Pepito Longakit, Exopiro Limgas Cabonillas, Jose Panilag Cabonillas, Avelino Panilag Cabonillas, Ricardo Estrera German and Victoria Rosales, at least one current identification document issued by an official agency bearing the photographs and signatures of petitioners, in violation of Sec. 2.(2) Rule IV of the Rules of Notarial Practice[;]
- petitioners failed to attach the copy of the Complaint filed by respondent Inaki A. Larrazabal Enterprises before the Office of the Regional Adjudicator, Tacloban City, docketed as DARAB Case No. E.O. No. 288 (sic); and
- counsel for the petitioners, Atty. Norjue I. Juego did not indicate the place of issue of his [Integrated Bar of the Philippines] number.[24]

Following the dismissal of their Petition for Review, petitioners filed a Motion for Reconsideration. In its assailed September 7, 2011 Resolution,[25] the Court of Appeals denied petitioners' Motion for Reconsideration.

Thus, this Petition was filed.

For resolution of this Court is the sole issue of whether or not the dismissal of petitioners' appeal was justified by

the errors noted by the Court of Appeals.

It was not.

I

Appeal is the remedy available to a litigant seeking to reverse or modify a judgment on the merits of a case.[26] The right to appeal is not constitutional or natural, and is not part of due process[27] but is a mere statutory privilege.[28] Thus, it must be availed in keeping with the manner set by law and is lost by a litigant who does not comply with the rules.[29]

Nevertheless, appeal has been recognized as an important part of our judicial system and courts have been advised by the Supreme Court to cautiously proceed to avoid inordinately denying litigants this right.[30]

II

Procedural rules "are tools designed to facilitate the adjudication of cases [so] [c]ourts and litigants alike are thus enjoined to abide strictly by the rules." [31] They provide a system for forestalling arbitrariness, caprice, despotism, or whimsicality in dispute settlement. Thus, they are not to be ignored to suit the interests of a party.[32] Their disregard cannot be justified by a sweeping reliance on a "policy of liberal construction." [33]

Still, this Court has stressed that every party litigant must be afforded the fullest opportunity to properly ventilate and argue his or her case, "free from the constraints of technicalities." [34] Rule 1, Section 6 of the Rules of Court expressly stipulates their liberal construction to the extent that justice is better served:

Section 6. Construction. - These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

Procedural rules may be relaxed for the most persuasive of reasons so as to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.[35] This Court has noted that a strict application of the rules should not amount to straight-jacketing the administration of justice[36] and that the principles of justice and equity must not be sacrificed for a stern application of the rules of procedure.[37] In *Obut v. Court of Appeals*: [38]

We cannot look with favor on a course of action which would place the administration of justice in a straightjacket for then the result would be a poor kind of justice if there would be justice at all. Verily, judicial orders, such as the one subject of this petition, are issued to be obeyed. nonetheless a non-compliance is to be dealt with as the circumstances attending the case may warrant. What should guide judicial action is the principle that a party-litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or property on technicalities.[39] (Emphasis supplied)

Nevertheless, alluding to the "interest of substantial justice" should not automatically compel the suspension of procedural rules.[40] While they may have occasionally been suspended, it remains basic policy that the Rules of Court are to be faithfully observed. A bare invocation of substantial justice cannot override the standard strict implementation of procedural rules.[41] In *Spouses Bergonia v. Court of Appeals*: [42]

The petitioners ought to be reminded that the bare invocation of "the interest of substantial justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. Procedural rules. are not to be belittled or dismissed simply because their non- observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.[43] (Emphasis supplied)

In *Barnes v. Padilla*,^[44] this Court relaxed the 15-day period to perfect an appeal to serve substantial justice; and identified situations justifying a liberal application of procedural rules:

[T]his Court has relaxed this rule in order to serve substantial justice considering (a) matters of life, liberty, honor or property, (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.^[45]

A petition for review filed out of time was entertained by this Court in *Yong Chan Kim v. People*^[46] as it considered the strict application of the rules as unjustly depriving the accused of his liberty. It appeared that no party stood to suffer substantial injury if the accused were to be extended an opportunity to be heard.^[47]

Telan v. Court of Appeals^[48] gave due course to a belatedly filed petition. Finding that the petitioners were assisted by someone who misrepresented himself to be a lawyer, it held that denying an opportunity for relief to petitioners, despite the misrepresentation, was tantamount to depriving them of their right to counsel.^[49] It underscored that in criminal cases, the right to counsel is immutable as its denial could amount to a peremptory deprivation of a person's life, liberty, or property.^[50] It stated that the right to counsel was just as important in civil cases:^[51]

There is no reason why the rule in criminal cases has to be different from that in civil cases. The preeminent right to due process of law applies not only to life and liberty but also to property. There can be no fair hearing unless a party, who is in danger of losing his house in which he and his family live and in which he has established a modest means of livelihood, is given the right to be heard by himself and counsel.^[52]

III

Judgments and final orders of quasi-judicial agencies are appealed to the Court of Appeals through petitions for review under Rule 43 of the 1997 Rules of Civil Procedure. Rule 43 was adopted in order to provide uniform rules on appeals from quasi-judicial agencies.^[53]

Rule 43 appeals shall be taken through the filing of a verified petition for review with the Court of Appeals,^[54] within 15 days from notice of the appealed action.^[55]

Rule 43, Section 6 specifies the required contents of Rule 43 petitions:

Section 6. Contents of the Petition. - The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

Rule 43, Section 7 stipulates that failure to comply with these requisites may be sufficient ground for dismissing the appeal:

Section 7. 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.

IV

In its assailed September 30, 2010 Resolution, the Court of Appeals dismissed petitioners' appeal for purely formal defects and without discussing the merits of the case:[56]

After a cursory examination of the instant Petition for Review filed by petitioner under Rule 43 of the 1997 Rules in Civil Procedure, the same reveals the following defects:

- the name of Raymundo Claros Codilla was indicated in the Motion for Extension of Time to File Petition for Review as one of the petitioners, but in the Petition for Review and in the Verification and Certification of Non Forum Shopping, his name was no longer indicated[;]
- the Verification and Certification of Non-Forum Shopping failed to show any competent evidence of identity of the petitioners, Alfonso Singson Cortal, Juanito Singson Cortal, Nenita Codilla, Cenon Baseles, Felimon Almacin Batoon, Rodrigo Panilag Cabonillas, Generoso Pepito Longakit, Exopiro Limgas Cabonillas, Jose Panilag Cabonillas, Avelino Panilag Cabonillas. Ricardo Estrera German and Victoria Rosales, at least one current identification document issued by an official agency bearing the photographs and signatures of petitioners, in violation of Sec. 2.(2) Rule IV of the Rules of Notarial Practice[;]
- petitioners failed to attach the copy of the Complaint filed by respondent Inaki A. Larrazabal Enterprises before the Office of the Regional Adjudicator, Tacloban City, docketed as DARAB Case No. E.O. No. 288 (sic); and
- counsel for the petitioners, Atty. Norjue I. Juego did not indicate the place of issue of his [Integrated Bar of the Philippines] number.[57]

Contrary to the Court of Appeals' conclusion, this Court does not consider these defects to have been so fatal as to peremptorily deny petitioners the opportunity to fully ventilate their case on appeal.

IV.A

Rule 7, Sections 4 and 5 of the 1997 Rules of Civil Procedure articulate the basic rules concerning the verification of pleadings and their accompaniment by a certification of non-forum shopping:

Section 4. Verification. - Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit.

A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his knowledge and belief.

A pleading required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned pleading.

Section 5. Certification Against Forum Shopping. - The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise

provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

An affiant verifies a pleading to indicate that he or she has read it and that to his or her knowledge and belief, its allegations are true and correct and that it has been prepared in good faith and not out of mere speculation.[58] Jurisprudence has considered the lack of verification as a mere formal, rather than a jurisdictional, defect that is not fatal. Thus, courts may order the correction of a pleading or act on an unverified pleading, if the circumstances would warrant the dispensing of the procedural requirement to serve the ends of justice.[59]

Altres v. Empleo,[60] outlined the differences "between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping":

- 1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.
- 2) As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective, The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.
- 3) Verification is deemed substantially complied with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification, and when matters alleged in the petition have been made in good faith or are true and correct.
- 4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons".
- 5) The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the Rule.
- 6) Finally, the certification against forum shopping must be executed by the party-pleader, not by his counsel. If, however, for reasonable or justifiable reasons, the party-pleader is unable to sign, he must execute a Special Power of Attorney designating his counsel of record to sign on his behalf.[61] (Emphasis supplied, citations omitted)

Thus, in *Torres v. Specialized Packaging Development Corporation*,[62] this Court gave due course to a petition even if the verification and certification against forum shopping were not signed by all of the parties.[63] Though there were 25 petitioners in *Torres*, this Court held that the signatures of just two (2) of them in the verification were suitable, substantial compliance considering that they were "unquestionably real parties in interest, who undoubtedly have sufficient knowledge and belief to swear to the truth of the allegations in the Petition." [64] On the lacking signatures in the certificate of non-forum shopping, this Court noted that the petitioners have shown that "there was reasonable cause for the failure of some of them to sign the certification against forum shopping,

and that the outright dismissal of the Petition would defeat the administration of justice." [65]

In *Cavile v. Heirs of Clarita Cavile*, [66] this Court held that the signing by only one (1) of the 22 petitioners on the certificate of non-forum shopping [67] was substantial compliance as the petitioners had a common interest in the property involved, they being relatives and co-owners of that property. [68]

Cavile [69] was echoed in *Heirs of Agapito Olarte v. Office of the President*, [70] where the certification of non-forum shopping, signed by only two (2) of four (4) petitioners, [71] was condoned considering that the petitioners shared a common interest over the lot subject of that case. [72]

In the same vein, the inclusion of Raymundo Claros Codilla (Codilla) in the Motion for Extension of Time to File Petition for Review but not in the Petition for Review and in the verification and certificate of non-forum shopping [73] should not have been fatal to petitioners' appeal. The defective verification amounted to a mere formal defect that was neither jurisdictional nor fatal and for which a simple correction could have been ordered by the Court of Appeals. [74] Petitioners here, too, are acting out of a common interest. Even assuming that a strict application of the rules must be maintained, the Court of Appeals could just as easily have merely dropped Codilla as a party instead of peremptorily and indiscriminately foreclosing any further chance at relief to those who had affixed their signatures. [75]

IV.B

Equally not fatal to petitioners' appeal was their supposed failure to show competent evidence of identities in their petition's verification and certification of non-forum shopping.

Rule IV, Section 2(b)(2) of the 2004 Rules on Notarial Practice [76] stipulates that a notary public is not to perform a notarial act if the signatory to the document subject to notarization is not personally known to the notary or otherwise identified through a competent evidence of identity:

SECTION 2. Prohibitions. - . . .

. . . .

(b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document -

. . . .

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

Competent evidence of identity enables the notary to "verify the genuineness of the signature of the acknowledging party and to ascertain that the document is the party's free act and deed." [77] Rule II, Section 12 of the 2004 Rules on Notarial Practice elaborates on what is "competent evidence of identity":

Section 12. Competent Evidence of Identity. - The phrase "competent evidence of identity" refers to the identification of an individual based on:

(a)

at least one current identification document issued by an official agency bearing the photograph and signature of the individual, such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the

National Council for the Welfare of Disabled Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or

(b)

the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.[78]

As is evident from Rule IV, Section 2(b)(2) of the 2004 Rules on Notarial Practice, the need for a competent evidence of identity is not an absolute requirement. It is imperative only when the signatory is not personally known to the notary.[79] When the signatory is personally known to the notary, the presentation of competent evidence of identity is a superfluity.

Heirs of Amada Zaulda v. Zaulda,[80] which concerned the Court of Appeals' prior determination that a senior citizen card is not among the competent evidence of identity recognized in the 2004 Rules on Notarial Practice, referred to the more basic consideration that a defect in a pleading's verification is merely formal, and not jurisdictional or otherwise fatal:

Even assuming that a photocopy of competent evidence of identity was indeed required, non-attachment thereof would not render the petition fatally defective. It has been consistently held that verification is merely a formal, not jurisdictional, requirement, affecting merely the form of the pleading such that non-compliance therewith does not render the pleading fatally defective. It is simply intended to provide an assurance that the allegations are true and correct and not a product of the imagination or a matter of speculation, and that the pleading is filed in good faith. The court may in fact order the correction of the pleading verification is lacking or it may act on the pleading although it may not have been verified, where it is made evident that strict compliance with the rules may be dispensed so that the ends of justice may be served.[81] (Emphasis supplied, citation omitted)

In Coca-Cola Bottlers Philippines, Inc. v. Dela Cruz,[82] the petitioner bewailed the notary public's failure to "indicate that the affiants were personally known to the notary public, [or to] identify the affiants through competent evidence of identity other than their community tax certificate." [83]

The petitioner's objection, while correctly pointing out a deficiency, failed to convince this Court that a fatal defect existed:

[T]he defect is a technical and minor one; the respondents did file the required verification and certification of non-forum shopping with all the respondents properly participating, marred only by a glitch in the evidence of their identity. In the interest of justice, this minor defect should not defeat their petition and is one that we can overlook in the interest of substantial justice[.].[84]

In this case, the Court of Appeals' bare reference to petitioners' inadequate proof of identity does not justify the outright denial of their appeal. The Court of Appeals failed to absolutely discount the possibility that petitioners may have been personally known to the notary public, especially considering that, by that advanced stage in litigating their claims, they must have already verified several pleadings, likely before the same notary public.

It is true that the notary public failed to categorically indicate that petitioners were personally known to him.[85] Coca-Cola demonstrates, however, that even if this were the case, the notary public's lapse is not fatal. While the circumstances were concededly less than ideal, Coca-Cola did not obsess on how only community tax certificates were indicated in the verification and certification of non forum shopping.[86]

This Court elects to be liberal here, as it was in Coca-Cola. Even conceding the lapses noted by the Court of Appeals, petitioners had not gotten themselves into an irremediable predicament. This Court repeats that, ultimately, a defective verification is merely a formal and not a fatal, jurisdictional defect, which could have very easily been ordered corrected.[87] As to the defective certification of non-forum shopping, the greater cause of justice should have impelled the Court of Appeals, as this Court implored in *Altres v. Empleo*,[88] to have at least enabled petitioners to rectify their lapse, rather than completely deny them a chance at exhaustive litigation by a mere stroke of its pen.

IV.C

Rule 43, Section 6 of the 1997 Rules of Civil Procedure states that a verified petition for review must "be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers." [89]

In *Quintano v. National Labor Relations Commission*, [90] this Court faulted the Court of Appeals for dismissing a Rule 65 petition on account of failure to include in the petition a copy of the Complaint initially brought before the Labor Arbiter. Referencing Rule 65's own requirement that the petition shall be "accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non forum shopping," [91] this Court explained that appending a copy of an original complaint is not even required:

The Rules do not specify the precise documents, pleadings or parts of the records that should be appended to the petition other than the judgment, final order, or resolution being assailed. The Rules only state that such documents, pleadings or records should be relevant or pertinent to the assailed resolution, judgment or orders; as such, the initial determination of which pleading, document or parts of the records are relevant to the assailed order, resolution, or judgment, falls upon the petitioner. [92]

Given this Rule's generic reference to "copies of all pleadings and documents relevant and pertinent thereto," [93] this Court explained that:

The [Court of Appeals] will ultimately determine if the supporting documents are sufficient to even make out a prima facie case. If the [Court of Appeals] was of the view that the petitioner should have submitted other pleadings, documents or portions of the records to enable it to determine whether the petition was sufficient in substance, it should have accorded the petitioner, in the interest of substantial justice, a chance to submit the same instead of dismissing the petition outright. Clearly, this is the better policy. [94]

Quintano was echoed in *Panaga v. Court of Appeals*. [95] There, a petition for certiorari was dismissed by the Court of Appeals for failure to include an affidavit of proof of service and after appending only the decisions of the Labor Arbiter and the National Labor Relations Commission. [96] This Court explained that the petition's annexes sufficed as the Labor Arbiter's decision already recounted the material allegations in the pleadings of the parties and would have been enough for the Court of Appeals to determine whether there was a prima facie case. [97]

Quintano was further echoed in *Valenzuela v. Caltex Philippines, Inc.*, [98] where this Court stated that "the failure to submit certain documents, assuming there was such a failure on respondent's part, does not automatically warrant outright dismissal of its petition." [99]

Quintano equally holds true here, Though *Quintano* was concerned with a Rule 65 petition and this case with a Rule 43 petition, the crucial procedural rule here is substantially the same as that in which *Quintano* hinged. As

with Rule 65's generic reference to "copies of all pleadings and documents relevant and pertinent thereto,"[100] Rule 43 also only references "material portions of the record referred to . . . and other supporting papers." [101]

To be sure, the determination of what is sufficiently pertinent to require inclusion in a pleading is not a whimsical exercise. *Air Philippines Corporation v. Zamora* laid down guideposts for determining the necessity of the pleadings or parts of the records. It also clarified that even if a pertinent document was missing, its subsequent submission was no less fatal:

First, not all pleadings and parts of case records are required to be attached to the petition, Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a prima facie case of grave abuse of discretion as to convince the court to give due course to the petition.

Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also [be] found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.

Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.[102] (Citations omitted, emphasis supplied)

Here, petitioners' failure to attach a copy of the complaint originally filed by Larrazabal Enterprises before the DARAB should not have been fatal to their Rule 43 petition. Its inclusion was not absolutely required, as it was certainly not the award, judgment, final order or resolution appealed from.[103] If, in the Court of Appeals' judgment, it was a material document, the more prudent course of action would have been to afford petitioners time to adduce it, not to make a justification out of it for dispossessing petitioners of relief.

IV.D

Through Bar Matter No. 287, this court required the inclusion of the number and date of [lawyers'] official receipt indicating payment of their annual membership dues to the Integrated Bar of the Philippines for the current year; in lieu of this, a lawyer may indicate his or her lifetime membership number:[104]

Effective August 1, 1985, all lawyers shall indicate in all pleadings, motions and papers signed and filed by them in any Court in the Philippines, the number and date of their official receipt indicating payment of their annual membership dues to the Integrated Bar of the Philippines for the current year; provided, however, that such official receipt number and date for any year may be availed of and indicated in all such pleadings, motions and papers filed by them in court up to the end of the month of February of the next succeeding year. [105]

Indicating the place of issue of the official receipt is not even a requirement. While its inclusion may certainly have been desirable and would have allowed for a more consummate disclosure of information, its non inclusion was certainly not fatal. As with the other procedural lapses considered by the Court of Appeals, its non-inclusion could have very easily been remedied by the Court of Appeals' prudent allowance of time and opportunity to petitioners and their counsel.

V

This Court entertains no doubt that petitioners' Petition for Review, which the Court of Appeals discarded, falls within the exceptions to the customary strict application of procedural rules. This Court has previously overlooked more compelling procedural lapse, such as the period for filing pleadings and appeals. The Court of Appeals was harsh in denying petitioners the opportunity to exhaustively ventilate and argue their case.

Rather than dwelling on procedural minutiae, the Court of Appeals should have been impelled by the greater interest of justice. It should have enabled a better consideration of the intricate issues of the application of the Comprehensive Agrarian Reform Law, social justice, expropriation, and just compensation. The reversals of rulings at the level of the DARAB could have been taken as an indication that the matters at stake were far from being so plain that they should be ignored on mere technicalities. The better part of its discretion dictated a solicitous stance towards petitioners.

The present Petition must be granted. The Court of Appeals must give due course to petitioners' appeal to enable a better appreciation of the myriad substantive issues which have otherwise not been pleaded and litigated before this Court by the parties.

WHEREFORE, the Petition for Review on Certiorari is GRANTED. The assailed September 30, 2010 and September 7, 2011 Resolutions of the Court of Appeals in CA-G.R. SP No. 04659 are REVERSED and SET ASIDE. The Court of Appeals is ordered to give due course to the petition subject of CA-G.R. SP No. 04659.

SO ORDERED.

Velasco, Jr., (Chairperson), Bersamin, Martires, and Gesmundo, JJ., concur.

November 29, 2017

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on August 30, 2017 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on November 29, 2017 at 2:20 p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[1] *Obut v. Court of Appeals*, 162 Phil. 731, 744 (1976) [Per J. Muñoz-Palma, First Division].

[2] *Rollo*, pp. 13-26.

[3] *Id.* at 27-29. The Resolution was penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Edgardo L. Delos Santos and Eduardo B. Peralta, Jr. of the Twentieth Division, Court of

Appeals, Cebu City.

[4] Id. at 30-31. The Resolution was penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Edgardo L. Delos Santos and Ramon Paul L. Hernando of the Special Former Twentieth Division, Court of Appeals, Cebu City.

[5] Id. at 28-29.

[6] Id. at 31.

[7] Id. at 61, DARAB Decision.

[8] Id. at 61-62, DARAB Decision.

[9] Id. at 49, DARAB Decision.

[10] Id. at 49-50, DARAB Decision.

[11] Id. at 64-65, DARAB Decision.

[12] Id. at 50, DARAB Decision.

[13] Id. at 49-54, The Decision was penned by Regional Adjudicator Felixberto M. Diloy.

[14] Id. at 51-52, Office of the Regional Adjudicator Decision.

[15] Id. at 53-54, Office of the Regional Adjudicator Decision.

[16] Id. at 59-66. The Decision was penned by Assistant Secretary Augusto P. Quijano and concurred in by Assistant Secretary Edgar A. Igano, Assistant Secretary Delfin B. Samson, and Assistant Secretary Patricia Rualo-Bello of the DARAB. Secretary Nasser C. Pangandaman, Undersecretary Gerundio C. Madueño, and Undersecretary Renato F. Herrera did not sign the Decision.

[17] Id. at 66.

[18] Id. at 62.

[19] Id. at 65.

[20] Id. at 71-76.

[21] Id. at 75-76.

[22] Id. at 73-75.

[23] Id. at 27-29.

[24] Id. at 28-29.

[25] Id. at 30-31.

[26] Mercado v. Court of Appeals, 245 Phil. 49, 62 (1988) [Per, J. Navasa, First Division]; see also Association of Integrated Security Force of Bislig (AISFB) - ALU v. Court of Appeals, 505 Phil. 10, 18 (2005) [Per J. Chico-Nazario, Second Division] citing Sawadjaan v. Court of Appeals, 498 Phil. 552 (2005) [Per J. Chico Nazario, En Banc).

[27] Tropical Homes, Inc. v. National Housing Authority, 236 Phil. 580, 587 (1987) [Per J. Gutierrez, En Banc]; see also Polintan v. People of the Philippines, 604 Phil. 42, 47 (2009) [Per J. Carpio, First Division]; Yu v.

Samson-Tatad, 651 Phil. 431, 436 (2011) [Per J. Brion, Third Division] citing Philips Seafood (Philippines) Corporation v. Board of Investments, 597 Phil. 649 (2009) [Per J. Tinga, Second Division]; Balagtas Multi-Purpose Cooperative, Inc. v. Court of Appeals, 536 Phil. 511, 522 (2006) [Per J. Azcuna, Second Division].

[28] Spouses Plopenio v. Department of Agrarian Reform, 690 Phil. 126, 131 (2012) [Per J. Sereno, Second Division]; R Transport Corporation v. Philippine Hawk Transport Corporation, 510 Phil. 130, 135-136 (2005) [Per J. Quisumbing, First Division].

[29] Tropical Homes, Inc. v. National Housing Authority, 236 Phil. 580, 587 (1987) [Per J. Gutierrez, En Banc]; see also Bejarasco, Jr. v. People of the Philippines, 656 Phil. 337, 341 (2011) [Per J. Bersamin, Third Division]; Lepanto Consolidated Mining Corporation v. Icao, 724 Phil. 646, 656 (2014) [Per C.J. Sereno, First Division].

[30] National Waterworks and Sewerage Authority v. Municipality of Libmanan, 186 Phil. 79, 84 (1980) [Per J. De Castro, First Division].

[31] Garbo v. Court of Appeals, 327 Phil. 780, 784 (1996) [Per J. Francisco, Third Division].

[32] Sebastian v. Morales, 445 Phil. 597, 605 (2003) [Per J. Quisumbing, Second Division].

[33] Land Bank of the Philippines v. Court of Appeals, G.R. No. 221636, July 11, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/july2016/221636.pdf>> [Per J. Jardeleza, Third Division].

[34] A-One Feeds, Inc. v. Court of Appeals, 188 Phil. 577, 580 (1980) [Per J. De Castro, First Division].

[35] Asian Spirit Airlines v. Spouses Bautista, 491 Phil. 476, 483 (2005) [Per J. Callejo, Sr., Second Division]; Asia United Bank v. Goodland Company, Inc., 650 Phil. 174, 185 (2010) [Per J. Nachura, Second Division] citing Sebastian v. Hon. Morales, 445 Phil. 595, (2003) [Per J. Quisumbing, Second Division]; Sy v. Local Government of Quezon City, 710 Phil. 549, 557 (2013) [Per J. Perlas-Bernabe, Second Division].

[36] Obut v. Court of Appeals, 162 Phil. 731, 744 (1976) [Per J. Muñoz-Palma, First Division].

[37] Paredes v. Verano, 535 Phil. 274, 289 (2006) [Per J. Tinga, Third Division] citing RULES OF COURT, Rule I, sec. 6, Obut v. Court of Appeals, 162 Phil. 731 (1976) (Per J. Muñoz-Palma, First Division), Heirs of the Late F. Nuguidvda. De Habarer v. Court of Appeals, 192 Phil. 61 (1981) [Per J. Teehankee, First Division], Al-Amanah Islamic Investment Bank of the Philippines v. Celebrity Travel and Tours, Inc., 479 Phil. 1041 (2004) [Per J. Callejo, Sr., Second Division].

[38] 162 Phil. 731 (1976) [Per J. Muñoz-Palma, First Division].

[39] Id. at 744.

[40] Lazaro v. Court of Appeals, 386 Phil. 412, 417 (2000) [Per J. Panganiban, Third Division].

[41] Id.

[42] 680 Phil. 334 (2012) [Per J. Reyes, Second Division].

[43] Spouses Bergonia v. Court of Appeals, 680 Phil. 334, 343 (2012) (Per J. Reyes, Second Division) citing Lazaro v. Court of Appeals, 386 Phil. 412 (2000) [Per J. Panganiban, Third Division].

[44] 482 Phil. 903 (2004) [Per J. Austria-Martinez, Second Division].

[45] Barnes v. Padilla, 482 Phil. 903, 914-915 (2004) [Per J. Austria-Martinez, Second Division] citing Sanchez v. Court of Appeals, 452 Phil. 665 (2003) [Per J. Bellosillo, En Banc].

[46] 257 Phil. 283 (1989) [Per J. Padilla, Second Division].

[47] Id. at 292.

[48] 279 Phil. 587 (1991) [Per J. Sarmiento, Second Division].

[49] Id. at 595-596.

[50] Id. at 594.

[51] Id.

[52] Id. at 598.

[53] *Carpio v. Sulu Resources Development Corporation*, 435 Phil. 836, 844 (2002) [Per J. Panganiban, Third Division].

[54] RULES OF COURT, Rule 43, sec. 5.

[55] RULES OF COURT, Rule 43, sec. 4:

Section 4. Period of appeal. - The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. 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.

[56] Rollo, p. 16.

[57] Id. at 7-8.

[58] In the matter of the change of name of Antonina B. Oshita v. Republic, 125 Phil. 1098, 1100 (1967) [Per J. Zaldivar, En Banc]; see also *Pfizer, Inc. v. Galan*, 410 Phil. 483, 492 (2001) [Per C.J. Davide, Jr., First Division] citing *Robern Development Corporation v. Quintain*, 373 Phil. 773 (1999) [Per J. Panganiban, En Banc]; *Medada v. Heirs of Antonio Consing*, 681 Phil. 536, 545 (2012) [Per J. Reyes, Second Division] citing *Republic v. Coalbrine International Philippines, Inc.*, 631 Phil. 487 (2010) [Per J. Peralta, Third Division].

[59] In the matter of the change of name of Antonina B. Oshita v. Republic, 125 Phil. 1098, 1101 (1967) [Per J. Zaldivar, En Banc] see also *Pfizer, Inc. v. Galan*, 410 Phil. 483, 492 (2001) [Per C.J. Davide, Jr., First Division] citing *Robern Development Corporation v. Quintain*, 373 Phil. 773 (1999) [Per J. Panganihan, En Banc].

[60] 594 Phil. 246 (2008) [Per J. Carpio-Morales, En Banc].

[61] *Altres v. Empleo*, 594 Phil. 246,261-262 (2008) [Per J. Carpio-Morales, En Banc].

[62] 477 Phil. 540 (2004) [Per J. Panganiban, First Division].

[63] Id. at 543.

[64] Id. at 550.

[65] Id. at 55.

[66] 448 Phil. 302 (2003) [Per J. Puno, Third Division].

[67] Id. at 310.

[68] Id. at 311.

[69] 448 Phil. 302 (2003) [Per J. Puno, Third Division].

[70] 499 Phil. 562, 567-569 (2005) [Per J. Ynares-Santiago, First Division].

[71] *Heirs of Agapito Olarte v. Office of the President*, 499 Phil. 562, 564 (2005) [Per J. Ynares-Santiago, First Division].

[72] Id. at 568-569.

[73] Rollo, p. 7.

[74] *In the matter of the change of name of Antonina B. Oshita v. Republic*, 125 Phil. 1098, 1101 (1967) [Per J. Zaldivar, En Banc] See also *Pfizer, Inc. v. Galan*, 410 Phil. 483, 492 (2001) [Per C.J. Davide, Jr., First Division] citing *Robern Development Corporation v. Quintain*, 373 Phil. 773 (1999) [Per J. Panganiban, En Banc].

[75] *Altres v. Empleo*, 594 Phil. 246, 260 (2008) [Per J. Carpio-Morales, En Banc].

[76] Adm. Matter No. 02-8-13-SC (2004).

[77] *Dela Cruz-Sillano v. Pangan*, 592 Phil. 219, 227 (2008) [Per J. Carpio, First Division] citing *Bernardo v. Ramos*, 433 Phil. 8 (2002) [Per J. Bellosillo, Second Division].

[78] Adm. Matter No. 02-8-13-SC (2008).

[79] *Reyes v. Glaucoma Research Foundation, Inc.*, 760 Phil. 779, 786 (2015) [Per J. Peralta, Third Division].

[80] 729 Phil. 639 (2014) [Per J. Mendoza, Third Division].

[81] Id. at 650.

[82] 622 Phil. 886 (2009) [Per J. Brion, Second Division].

[83] Id. at 898.

[84] Id. at 900.

[85] Rollo, p. 46.

[86] *Coca-Cola Bottlers Philippines, Inc. v. Dela Cruz*, 622 Phil. 886, 898 (2009) [Per J. Brion, Second Division].

[87] *Heirs of Amada Zaulda v. Zaulda*, 729 Phil. 639, 650 (2014) [Per J. Mendoza, Third Division].

[88] 594 Phil. 246 (2008) [Per J. Carpio-Morales, En Banc].

[89] RULES OF COURT, Rule 43, sec. 6, Emphasis supplied.

[90] *Quintano v. National Labor Relations Commission*, 487 Phil. 412, 424 (2004) [Per J. Callejo, Sr., Second Division].

[91] RULES OF COURT, Rule 6, sec. 1 and 2 state:

Section 1. Petition for certiorari. - . . .

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping all provided in the third paragraph of section 3, Rule 46.

Section 2. Petition for prohibition. - . . .

The petition shall likewise be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

[92] Quintano v. National Labor Relations Commission, 487 Phil. 412, 424 (2004) [Per J. Callejo, Sr., Second Division].

[93] RULES OF COURT, Rule 65, sec. 1 and 2.

[94] Quintano v. National Labor Relations Commission, 487 Phil. 412, 424 (2004) [Per J. Callejo, Sr., Second Division].

[95] 534 Phil. 809 (2006) (Per J. Carpio-Morales, Third Division.).

[96] Id. at 812.

[97] Id. at 815-816.

[98] 653 Phil. 187 (2010) (Per J. Villarama, Jr., Third Division).

[99] Valenzuela v. Caltex Philippines, 653 Phil. 187, 197, (2010) [Per J. Villarama, Jr., Third Division].

[100] RULES OF COURT, Rule 65, sec. 1 and 2.

[101] RULES OF COURT, Rule 43, sec. 6.

[102] Air Philippines Corporation v. Zamora, 529 Phil. 718, 728 (2006) [Per J. Austria-Martinez, First Division].

[103] RULES OF COURT, Rule 43, sec. 6.

[104] Intestate Estate of Jose Uy v. Atty. Maghari, 768 Phil. 10, 23-24 (2015) [Per J. Leonen, En Banc].

[105] OCA Circ. No. 10-85 (1985).

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