

ALBERTO DE GUZMAN, PETITIONER, VS. HON. INTERMEDIATE APPELLATE COURT AND DEVELOPMENT BANK OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 66350. January 20, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Is an agricultural lessee who is a party to a case on appeal to the Court of Appeals required to pay the docket fee? This is the issue raised in this petition for review on certiorari questioning the Resolution of the Court of Appeals dated December 27, 1983 in AC-G.R. UDK No. 3192 dismissing the appeal of petitioner for non-payment of the docket fee.

The facts are as follows:

On August 9, 1982, petitioner Alberto de Guzman filed a complaint against private respondent Development Bank of the Philippines with the Court of Agrarian Relations for violation of his security of tenure and/or right of redemption or preemption. In his complaint, petitioner alleged that he is a leaseholder and/or actual tiller of a small fishpond.[1] In the same complaint, petitioner prayed that he be allowed to litigate as a pauper litigant under Presidential Decree No. 946.

On September 2, 1982, the above-mentioned prayer of petitioner was granted by the lower court in an Order which specifically authorized him to litigate as a pauper.[2]

After due hearing, the Court of Agrarian Relations rendered its Decision dated July 7, 1983 dismissing the complaint of petitioner.

Not satisfied therewith, petitioner decided to appeal to the then Intermediate Appellate Court. However, for failure to pay the docket fee, the appellate court dismissed the appeal of petitioner in its Resolution dated December 27, 1983 stating, thus:

"It appearing that counsel for plaintiff-appellant has failed to pay the court docketing fee within the reglementary period therefore, plaintiff-appellant's appeal is considered abandoned, and ordered dismissed in accordance with the provision of Section 1 (d), Rule 50 of the Rules of Court." [3]

Hence, this petition questioning the above Resolution of the Intermediate Appellate Court.

After a careful study of the facts and records of this case. We find and so hold that the intermediate Appellate Court erred in dismissing the appeal of petitioner.

It is true that an appeal cannot be perfected if the corresponding docket fee is not paid. Indeed, such failure to pay the docket fee is a ground for the dismissal of an appeal. However, it cannot be denied that the foregoing rules do not apply to a pauper litigant who is exempt from paying legal fees even in the appellate courts.

In this case, petitioner intentionally did not pay the docket fee because he knew that inasmuch as he was allowed to litigate as a pauper litigant, he is not required to do so. This is not without basis. Section 16 of Presidential Decree No. 946 specifically provides support to the contention of petitioner, thus:

"Where a party is a tenant-farmer, agricultural lessee or tiller, settler, or amortizing owner-cultivator, he shall be entitled to the rights of a pauper and/or indigent litigant under Republic Act Numbered Six Hundred and Thirty-Five without further proof thereof. He shall continue to enjoy such status as pauper and/or indigent litigant in the appellate courts and until the case is finally disposed of." (Emphasis supplied.)

Obviously, the above-written law was formulated by our lawmakers as a way of affording protection to agricultural labor in consonance with the spirit of the constitutional provisions on labor. Under this law, petitioner, as an agricultural lessee, is entitled to the rights of a pauper and/or indigent litigant and shall continue to enjoy such status in the appellate courts until the case is terminated. Clearly then, the purpose of the law would be defeated if We allow the dismissal of the appeal of petitioner on the sole ground of non-payment of the docket fee.

Private respondent tries to justify the error committed by the Intermediate Appellate Court with the excuse that the said court had no knowledge of the fact that petitioner was allowed by the Court of Agrarian Relations to litigate as a pauper. The argument has no merit.

The original record of this case which was submitted to and duly received by the Intermediate Appellate Court contained the following: (1) the complaint of petitioner with the allegation that he is a leaseholder and/or actual tiller[4] and the prayer that he be allowed to litigate as a pauper litigant;[5] and (2) the order of the Court of Agrarian Relations of Balanga, Bataan authorizing petitioner to litigate as a pauper and which is reproduced herein as follows:

"Plaintiff alleges that he is an agricultural lessee over the property subject of litigation and prays that he be allowed to litigate as pauper.

"WHEREFORE, conformably with the provisions of Section 16, P.D. 946, plaintiff is hereby authorized to litigate as pauper."[6]

That said original record was duly received by the Intermediate Appellate Court is evidenced by its registered letter addressed to petitioner which states:

"Atty. Angelino M. Banzon (registered)
Balanga, Bataan

"Sir/Madam:

You are notified that the original record on the above entitled action was received in this Court. You are therefore required to pay the docketing fee of P48.00, deposit for cost of P50.00 and additional amount of P20.00 (Republic Act 3870) or a total of P118.00 within FIFTEEN (15) DAYS from receipt hereof. Upon failure to do so within the specified period, your appeal herein will be deemed abandoned and dismissed in accordance with the provisions of Section 1 (d), Rule 50 of the Rules of Court.

Very truly yours,

CESAR M. MARZAN

Clerk of Court"[7]

Bearing in mind Section 16 of Presidential Decree No. 946, petitioner, being an agricultural lessee, has the right to appeal as a pauper and should, therefore, not have been required to pay the docket fee.

At this point, it is apt to repeat the rule that the right to appeal is an essential part of the judicial system and litigants should not be deprived of their right to do so. The Court of Appeals (which has replaced the Intermediate Appellate Court) must be more cautious in the dismissal of appeals on the ground of mere technicalities especially where the appellant is a member of the labor force. A pauper litigant like petitioner in this case should not be deprived of his day in court.

WHEREFORE, in view of the foregoing, the Resolution of the Intermediate Appellate Court dated December 27, 1983 in AC-G.R. UDK No. 3192 is hereby REVERSED and SET ASIDE. The Court of Appeals is ordered to give due course to the appeal without further delay.

This Decision is immediately executory.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Page 1, Original Record.

[2] Page 53, Rollo.

[3] Page 67, Rollo. Penned by Justice Simeon M. Copengco and concurred in by Justices Lino M. Patajo and Jose P. Racela, Jr.

[4]

[5] See Complaint, pages 50-51, Rollo.

[6] Page 53, Rollo.

[7] Page 69, Rollo.

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