

**ZENITH INSURANCE CORPORATION, PETITIONER, VS.
INTERMEDIATE APPELLATE COURT, THE INSURANCE COMMISSION
AND WILFREDO I. IBÁÑEZ, RESPONDENTS.**

G.R. No. 73336. September 24, 1986

Ponente: FERNAN, J.

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FERNAN, J.:

This is a petition for review of the decision of the then Intermediate Appellate Court dated November 11, 1985 in AC-G.R. SP. No. 06592 entitled "Zenith Insurance Corporation vs. Insurance Commission and Wilfredo I. Ibañez" which dismissed the appeal of Zenith Insurance Corporation, herein petitioner, for non-compliance with the prescribed formalities and procedure for appeal, as well as its resolution of January 2, 1986 which denied petitioner's motion for reconsideration of the aforesaid decision.

It appears that petitioner appealed an adverse decision of the Insurance Commission to the then Intermediate Appellate Court by filing a verified petition for review within the period for appeal. Private respondent Wilfredo I. Ibañez filed a motion to dismiss the appeal contending that petitioner failed to comply with the uniform procedure prescribed for appeals from quasi-judicial bodies set forth in Republic Act 5434. Section 3 of this law provides:

"Sec. 3. How appeals taken - Appeals shall be taken by filing a notice of appeal with the Court of Appeals and with the Court, officer, board, Commission or agency that made or rendered the ruling, award, order, decision or judgment appealed from, serving a copy thereof on all other interested parties. The notice of appeal shall state, under oath, the material dates to show that it was filed within the period fixed in this act."

For failure to so comply with the formalities, the respondent Court dismissed the appeal. The court stated that with the tremendous number of appeals, it cannot help but exact strict adherence to the pertinent rules governing such appeals, for to be lenient is to aggravate docket congestion and impair the efficacy of the court, to the detriment of all litigants before it.

Petitioner filed a motion for reconsideration but it was denied on January 2, 1986. Hence this petition.

Petitioner contends that it filed a verified petition for review without the required notice of appeal because of its honest belief that the same was not necessary since the Insurance Commission, whose decision is sought to be reviewed in the appellate court, is not among the quasi-judicial bodies specifically mentioned in Republic Act 5434.

After due consideration of the arguments raised in the pleadings, the court finds for petitioner. We note that the petition for review filed before the respondent court necessarily includes all the elements of a notice of appeal, i.e., it contains the names of the parties to the appeal, the judgment or order appealed from, the court to which the appeal is taken and the material dates to show that it was filed within the period fixed by law. It must also be considered that the same was filed on time and a copy thereof served upon the other party. We hold, therefore,

that there was substantial compliance with the requirements of law, in line with the liberal stance adopted by this Court in countless cases with respect to procedural technicalities.

As held in the case of *Economic Insurance Co. v. Uy Realty Co.*, 34 SCRA 744, reiterated in *Catindig v. Court of Appeals*, 88 SCRA 675.

"A rigid adherence to the technical rules and procedure disregards the fundamental aim of procedure to serve as our aid to justice, not as a means for its frustration, and the objective of the Rules of Court to afford litigants just, speedy and inexpensive determination of their controversy. Thus, excusable imperfections of form and technicalities of procedure or lapses in the literal or rigid observation of a procedural rule or non-jurisdictional deadline provided therein should be overlooked and brushed aside as trivial and indecisive in the interest of fair play and justice when public policy is not involved, no prejudice has been caused adverse party and the court has not been deprived of its authority or jurisdiction."

WHEREFORE, the petition is granted and respondent appellate court is ordered to give due course to the appeal of petitioner.

SO ORDERED.

Feria, (Chairman), Alampay, Gutierrez, Jr., and Paras, JJ., concur.

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