

RUFINA ORATA, PETITIONER, VS. HON. INTERMEDIATE APPELLATE COURT, HON. OTILIO G. ABAYA, PRESIDING JUDGE, REGIONAL TRIAL COURT OF PASIG, M.M., BRANCH CLIV (154), AND GERTRUDES RE...*G.R. No. 73471. May 08, 1990*

Ponente: PARAS, J.

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This is a petition for certiorari with preliminary injunction and/or restraining order praying: (a) to annul and/or to set aside the resolution of the Intermediate Appellate Court dated May 23, 1985, dismissing the petition for review for having been filed beyond the reglementary period, in AC-G.R. SP. 06161 entitled "Rufina Orata v. Hon. Otilio G. Abaya, et als." and (b) to reverse the decision dated March 4, 1985 of the Regional Trial Court of Pasig affirming the decision of the Municipal Trial Court of San Juan, Rizal, by ejecting the petitioner, in Civil Case No. 5083 entitled "Gertrudes Reyes, as Judicial Administratrix of the Estate of the late Florencio dela Cruz v. Rufina Orata".

As gathered from the records, the facts of the case are as follows:

Gertrudes Reyes vda. de dela Cruz (private respondent) is a judicial administratrix of the property of her late husband Florencio dela Cruz. Since 1961 the year she was appointed by the Court as administratrix, she personally demanded payment of rental on the lot owned by her deceased husband Florencio dela Cruz from Rufina Orata, the petitioner, but the latter refused for the reason that she has already paid her rental to the grandson of Florencio dela Cruz, Celso Teodoro. Thus, on May 24, 1980 Gertrudes Reyes filed Civil Case No. 5083 against Rufina Orata for ejectment before the Municipal Court of San Juan, Metro Manila, for non-payment of rental in the amount of P25.00 a month (Rollo, Annex "D", p. 48).

On the other hand, petitioner Rufina Orata argued that she paid her rental in November, 1979 to March, 1980 to Celso Teodoro because the latter inherited the property from Florencio dela Cruz, his grandfather, who had been renting the lot to petitioner since 1946 until dela Cruz died in 1979. She paid her rent up to the present to Celso Teodoro, without knowing that Gertrudes Reyes is the administratrix as the latter was not the one who rented the lot to her. (Rollo, *ibid*).

The Municipal Court, now the Metropolitan Trial Court of San Juan, Metro Manila, Branch LVII (57)* rendered judgment on August 27, 1984, in favor of private respondent Gertrudes Reyes, plaintiff in Civil Case No. 5083, and against petitioner, who is the defendant in the said case, the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered:

(a) Ordering the defendant and all persons claiming rights under her, to vacate and remove the house on the property administered by the plaintiff;

(b) To pay rent at the rate of P20.00 a month starting November 1979 until the defendant shall have completely vacated the leased property and possession turn over to the plaintiff, minus whatever payments made during the pendency of this case;

(c) Attorney's fees of P500.00, and costs of the suit.

SO ORDERED." (Rollo, Annex "D", p. 49).

Petitioner Rufina Orata appealed the decision of the Metropolitan Trial Court to the Regional Trial Court of Pasig, Branch 154, as Civil Case No. 51684** (Rollo, Petition, p. 6).

On March 4, 1985, the respondent judge rendered a decision affirming the decision of the Metropolitan Trial Court (Rollo, Annex "E", p. 52).

Petitioner received the decision of the Regional Trial Court on March 9, 1985 and on March 18, 1985, petitioner filed a Motion for Reconsideration of the decision, which was denied in an order dated April 23, 1985 and received by petitioner on May 2, 1985 (Rollo, Petition, p. 6).

On May 8, 1985, petitioner filed with the Regional Trial Court a Notice of Appeal with notice to the adverse party (Rollo, Annex "F", p. 53).

And on the same date, petitioner filed a Motion to Fix Supersedeas Bond and respondent judge denied the motion in an order dated May 21, 1985 (Rollo, Annex "G", p. 54).

On May 17, 1985, petitioner filed a petition for review with the Intermediate Appellate Court (Rollo, Annex "H", pp. 55-69).

On May 23, 1985, the Intermediate Appellate Court rendered the questioned resolution, the dispositive portion of which reads:

"WHEREFORE, the petition for review is dismissed for having been filed beyond the reglementary period.

SO ORDERED." (Rollo, Annex "A", pp. 35-35-A).

On June 13, 1985, petitioner filed a Motion for Reconsideration of the resolution dated May 23, 1985 (Rollo, Annex "B", pp. 36-46).

On January 6, 1986, the Court denied the Motion for Reconsideration (Rollo, Annex "C", p. 47).

Hence, this petition.

The Second Division of this Court in its resolution dated October 27, 1986 gave due course to the petition (Rollo, Petition, pp. 2-31; Resolution, p. 102).

The main issue in this case is whether or not the petition for review filed in the Court of Appeals which was obviously filed beyond the reglementary period, may still be considered in the interest of substantial justice.

The instant petition is impressed with merit.

There is no question that the petition in the case at bar was filed out of time, the reckoning thereof being counted from the receipt of the decision on March 9, 1985 and not from the denial of the motion for reconsideration.

Counting the fifteen (15) day period from March 9, 1985, the petition should have been filed on March 24, 1985. The running of the period was, however, interrupted by the filing of the motion for reconsideration on March 18, 1985, thereby leaving a balance of six (6) days. Said motion for reconsideration was denied and received by the

petitioner on May 2, 1985 and the period commenced to run again. Adding the balance of six (6) days the petition should have been filed on May 8, 1985 instead of May 17, 1985 which is nine (9) days later. In fact a motion for reconsideration is not a prerequisite to an appeal, a petition for review or a petition for review on certiorari (*Habaluyas Enterprises, Inc. v. Japson*, 142 SCRA 209 [1986]).

Section 45 of the Judiciary Act as amended by Republic Act No. 6031 does not allow an appeal by record on appeal and notice of appeal from a CFI decision in an appealed case falling within the exclusive original jurisdiction of the municipal or city courts, but the remedy is a petition for review (*Landicho v. Tensuan*, 151 SCRA 410 [1987]). The petition for review of the RTC decision must be filed within the fifteen (15) day period to appeal, which is the period for filing a petition for review of a final judgment or order of the RTC in an appeal from a final judgment or order of a municipal circuit trial court, municipal trial court and the metropolitan trial court (*Servicewide Specialist, Inc. v. Court of Appeals*, G.R. No. 79778, September 21, 1988).

Be that as it may, this Court has in a number of cases, in the exercise of equity jurisdiction decided to disregard technicalities in order to resolve the case on its merits based on the evidence (*St. Peter Memorial Park, Inc. v. Cleo-fas*, 121 SCRA 287 [1983]).

Furthermore, it is well settled that litigations should, as much as possible, be decided on their merits and not on technicalities (*Galdo v. Rosete*, 84 SCRA 239, 242-243 [1978]); that every party-litigant must be afforded the amplest opportunity for the proper and just determination of his case, free from unacceptable plea of technicalities (*Heirs of Ceferino Morales v. Court of Appeals*, 67 SCRA 304; 310 [1975]). This Court has ruled further that being a few days late in the filing of the petition for review does not merit automatic dismissal thereof (*Serrano v. Court of Appeals*, 139 SCRA 179 [1985]). And even assuming that a petition for review is filed a few days late, where strong considerations of substantial justice are manifest in the petition, this Court may relax the stringent application of technical rules in the exercise of its equity jurisdiction. In addition to the basic merits of the main case, such a petition usually embodies justifying circumstances which warrant Our heeding the petitioner's cry for justice, inspite of the earlier negligence of counsel (*Ibid*).

Coming back to the case at bar, it is readily evident that this case has a good cause of action. Hence, it appears more appropriate to consider the petition on its merits rather than to dismiss it on technicalities.

The records show that in the late 1979 up to the early part of 1980 when demand letters were sent by Reyes to the petitioner to pay the rent to her, Teodoro was still the registered owner of the property (TCT No. 436125 of the Rizal Registry of Deeds). His title was cancelled only on November 9, 1983, three (3) years after the filing of this case in 1980. Hence, when respondent Reyes sent a demand letter to the petitioner on October 17, 1979 to pay the rent to her, and when her ejectment complaint was filed on May 24, 1980, the title of the leased premises was still in the name of Teodoro.

Since a certificate of title is conclusive evidence of ownership in favor of the person named therein (*Yumul v. Rive-ra, et al.*, 64 Phil. 13 [1937]) and every person dealing with registered land may safely rely on its correctness (*Director of Lands v. Abache, et al.*, 73 Phil. 606 [1942]), petitioner was in good faith in paying the rentals to her lessor, Teodoro, who was in fact the registered owner, also up to November 9, 1983.

Payment in good faith to any person in possession of the credit shall release the debtor (Article 1242, Civil Code).

Significantly, after Teodoro's title was cancelled on November 9, 1983, the new title that replaced it was issued in the name of his grandparent, the deceased Florencio de la Cruz. As a grandson and legal heir of the registered owner, Teodoro was a co-owner of the property. Payment of the obligation to him discharged the debtor, but he (Teodoro) should account to the other co-owners for their share of the credit (Articles 500 and 1214, Civil Code).

Since petitioner has not defaulted in the payment of her rental obligation as lessee of the property in question, the administratrix thereof has no cause of action for her ejectment thereof.

But thereafter, the petitioner should pay the rentals to the private respondent as administratrix of the estate of the deceased registered owner, Florencio dela Cruz.

PREMISES CONSIDERED, the petition is hereby GRANTED; the questioned decision and resolution are hereby ANNULLED and SET ASIDE; and the complaint for ejectment is hereby DISMISSED.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

* Presided over by Judge Justiniano G. De Dumo.

** Presided by Judge Otilio G. Abaya

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