

ESTRELLA R. EMPAYNADO AND ERODITA EMPAYNADO, PETITIONERS, VS. COURT OF APPEALS, ELENITA CANJA AND ROLANDO CANJA, RESPONDENTS.

G.R. No. 91606. December 17, 1991

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This petition for review on certiorari seeks to reverse the decision of the Court of Appeals dated October 26, 1989, which set aside the decision of the Regional Trial Court of Caloocan City, Branch 23 dated May 10, 1989 and dismissed the complaint for unlawful detainer filed in the Metropolitan Trial Court of Caloocan City, Branch 53, on the ground of lack of conciliation between the parties at the barangay level.

The antecedent facts are stated by the Metropolitan Trial Court (MTC) as follows:

"The records show that plaintiffs Estrella and Erodita Empaynado are the true and lawful owners of a lot and residential house existing thereon situated at 110 Emilio Jacinto Street, Caloocan City; that said residential (sic) is being rented by the defendant by virtue of a contract of lease for a period of one year beginning January 1, 1987 to end on January 1, 1988 (Exh. 'A') at a monthly rental of P350.00; that despite the expiration of the said contract of lease, defendant continued occupying the premises in question so that plaintiff Estrella Empaynado on August 22, 1988 sent the defendant a letter asking her to vacate the premises in question within sixty (60) days from receipt of said letter; that notwithstanding said demand, defendant continued to occupy the subject premises; that on October 29, 1988, plaintiffs thru counsel sent the defendant another letter of demand (Exh. 'B') giving the defendant until November 10, 1988 within which to vacate the leased premises. Defendant ignored this demand, prompting the plaintiffs to file a complaint before the Office of Barangay Captain of the place. Unfortunately, no settlement was reached thereat by the parties. Accordingly, the corresponding Certificate To File Action was issued (Exh.'C'). Hence, this action.

"The defendant interposed the defense that agreement between her and plaintiff Estrella Empaynado is that she (defendant) could occupy the leased premises as long she would need the premises and therefore the lease cannot be terminated unilaterally by the plaintiff. Defendant further alleged that the written Lease Contract (Exh. 'A') which allegedly expired on January 1, 1988 as bogus and counterfeit, as her signature therein is a forgery." (Rollo, p. 52).

On January 13, 1989, the MTC rendered a decision, the dispositive portion of which, reads:

"WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered in favor of the plaintiffs and against the defendant and all persons claiming right under her to vacate the premises located at No. 110 Emilio Jacinto Street, Caloocan City and to pay the plaintiffs the sum of FIVE THOUSAND (P5, 000.00) PESOS as and for attorney's fees and the sum of FIVE HUNDRED (P500.00) PESOS as appearance fee for one hearing and the costs of the suit.

"The counter-claim is hereby Dismissed for lack of merit.

"SO ORDERED." (Rollo, p. 53)

The defendants went to the Regional Trial Court (RTC) on appeal. On May 10, 1989, the RTC issued a decision, the dispositive portion of which states:

"WHEREFORE, the Decision of the Court a quo, dated January 30, 1989, is hereby affirmed en toto.

"Accordingly, judgment is hereby rendered in favor of the plaintiff against the herein defendants ordering the latter and all persons claiming rights under her, as follows:

- a. to vacate the premises located at No. 110 Emilio Jacinto St., Caloocan City;
- b. to pay the plaintiffs the sum of P5,000.00 as and for attorney's fees;
- c. to pay the sum of P500.00 as appearance fee for one hearing;
- d. and to pay the costs.

"SO ORDERED." (Rollo, p. 57)

Whereupon, the defendants filed a petition for review with the respondent Court of Appeals. As earlier stated, the respondent Court on October 12, 1989, reversed the RTC decision, to wit:

"As pointed out by the petitioners, un rebutted by the respondents, 'there was no confrontation between the party-litigants herein at the barangay concerned prior to the filing of the case.' Even the 'Certification to File Action' issued by barangay captain Jesus Olba, to the effect 'that no settlement was reached and therefore, the corresponding complaint for the dispute can now be filed in court,' does not show what exactly was done to comply with the required conciliation before its issuance.

"The petitioners having raised in their answer the lack of conciliation at the barangay level prior to the filing of the case in court (par. 16, answer), and in their affidavit attached to their position paper (pp. 50-54; 59-62, rec.), but which was not resolved by the Metropolitan Trial Court; and on appeal to the respondent Regional Trial Court raised it anew (pp. 88-95, at 90, 92-93, rec.) but which was resolved adverse to them, the petitioners cannot be deemed to have abandoned their defense of lack of conciliation at the barangay level.

"WHEREFORE, the decision of the respondent Regional Trial Court is REVERSED and the complaint for detainer (sic) of the respondents Estrella R. Empaynado and Erodita Empaynado for detainer (sic) against the petitioners Rolando Canja and Elenita Canja in the Metropolitan Trial Court, DISMISSED. Costs against the respondents Empaynados." (Rollo, p. 78)

Hence, this petition anchored on the following grounds:

"A

"RESPONDENT COURT OF APPEALS ERRED GRAVELY, ON QUESTIONS OF LAW, IN NOT DISMISSING OUTRIGHT THE PETITION IN CA-G.R. SP NO. 17660 IN VIEW OF CANJA'S FAILURE TO ANNEX TO THEIR PETITION FOR REVIEW A CERTIFIED TRUE COPY OF THE ASSAILED DECISION, IN PATENT VIOLATION OF THE STRICT REQUIREMENT TO THE EFFECT.

"B

"RESPONDENT COURT OF APPEALS ERRED GRAVELY, ON QUESTIONS OF LAW, IN NOT HOLDING THAT CANJA HAD ALREADY ABANDONED, IN THE METROPOLITAN TRIAL COURT, THEIR 'DEFENSE' THAT THERE WAS 'NO CONFRONTATION' BETWEEN THE PARTIES IN THE BARANGAY, CONSIDERING FURTHER THAT 'CONCILIATION' PROCEEDINGS THEREAT WERE

INDEED MOOTED AND USELESS.

"C

"RESPONDENT COURT OF APPEALS ERRED GRAVELY, ON QUESTIONS OF LAW, IN NOT HOLDING THAT ALL PRESUMPTIONS OF LAW ARE IN FAVOR OF THE 'CERTIFICATION TO FILE ACTION.'

"D

"RESPONDENT COURT OF APPEALS ERRED GRAVELY, ON QUESTIONS OF LAW, IN NOT HOLDING THAT CANJA HAD MISERABLY FAILED TO REBUT BY CLEAR AND CONVINCING EVIDENCE THE PRESUMPTIONS FAVORING THE 'CERTIFICATION TO FILE ACTION.'

"E

"RESPONDENT COURT OF APPEALS ERRED GRAVELY, ON QUESTIONS OF LAW, IN NOT HOLDING THAT THERE WAS 'NO CONFRONTATION' IN THE BARANGAY FOR THE SIMPLE REASON THAT CANJA DID NOT APPEAR WHEN SUMMONED, THUS THE ISSUANCE OF THE 'CERTIFICATION TO FILE ACTION' WAS JUSTIFIED BY APPLICABLE LAW.

"F

"RESPONDENT COURT OF APPEALS, ERRED GRAVELY, ON QUESTIONS OF LAW, IN REVERSING THE DECISIONS BELOW AND DISMISSING EMPAYNADO'S COMPLAINT CIVIL CASE NO. 18796 IN THE METROPOLITAN TRIAL COURT, ON THE SOLE BASIS OF BASELESS AND INAPPLICABLE TECHNICALITY." (Rollo, pp. 15-16)

All the above issues could be narrowed down to only one: whether or not, the respondent Court of Appeals committed a reversible error in holding that no conciliation proceedings between the parties occurred at the barangay level pursuant to PD 1508.

We answer in the affirmative.

Generally, We accord respect and finality to the factual findings of the Court of Appeals. However, in certain cases, such findings are disregarded if there appears in the record some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted that, if considered, would affect the result of the case (see *San Sebastian College v. Court of Appeals, et al.*, G.R. No. 84401, May 15, 1991; *Lee v. Court of Appeals, et al.*, G.R. No. 90423, September 6, 1991). The case at bar is once more a showcase of this exception.

The primordial objective of P.D. 1508 is to reduce the number of court litigations and prevent the deterioration of the quality of justice which has been brought by the indiscriminate filing of cases in the courts (*Galuba v. Laureta*, G.R. No. 71091, January 29, 1988, 157 SCRA 627, 634). To ensure this objective, section 6 of PD 1508 requires the parties to undergo a conciliation process before the Lupon Chairman or the Pangkat as a pre-condition to filing a complaint in court subject to certain exceptions which are inapplicable in this case. The said section has been declared compulsory in nature (*Morata v. Go*, G.R. No. 62339, October 27, 1983, 125 SCRA 444, 453). However, the conciliation process is not a jurisdictional requirement so that non-compliance therewith cannot affect the jurisdiction which the court has otherwise acquired over the subject matter or over the person of the defendant (*Presco v. Court of Appeals*, G.R. No. 82215, December 10, 1990, 192 SCRA 232, 240-241).

A painstaking review of the records reveals that the certification issued by the Barangay Captain (Rollo, p. 35) complied with the mandate of P.D. 1508 and thus, is valid.

It is true that the private respondents alleged in their answer the absence of confrontation at the Barangay (Records, p. 14). Yet, We find that they never seriously and extensively pursued this line of defense. Their position paper did not reiterate this procedural issue. Instead, two issues were posed therein, as follows: (1) are the grounds of ejectment alleged in annexes "B" and "C" of the complaint valid and justified? and (2) is the ownership by the lessee of a house a ground for ejectment in the instant case? (Records, p. 51; Rollo, p. 40) Nowhere in the said pleading did they discuss the procedural issue they now vigorously raise. In effect, they abandoned such issue for the more substantial issues aforestated. It was only when the MTC decided the case against the private respondents that they took up the matter of non-confrontation seriously. But, it was too late. They themselves dealt the final blow to their defense when they and the petitioners admitted that there is no possibility of settling the case amicably (Rollo, p. 36) at the preliminary conference before the MTC. Such judicial admission is not only a glaring confirmation of the certification issued by the Barangay Captain but also a graphic demonstration of the futility of remanding the case to the Katarungang Pambarangay.

Moreover, the presumption that the Barangay Captain has regularly performed his official duty has not been rebutted by any convincing and substantial evidence. As to what transpired at the Barangay No. 5 in Kalookan City where her complaint was filed, petitioner Estrella R. Empaynado in her affidavit stated, thus:

"That on October 15, 1988 at 10:00 a.m., my complaint was set for hearing;

"That I personally appeared during the said date and time of hearing in the Barangay Hall but the respondent Elenita E. Canja failed and did not appear;

"That the none-appearance (sic) of the respondent Elenita E. Canja during the hearing was considered by the Barangay Captain as a refusal to be mediated or settlement of the case, and so the Barangay Captain issued a Certification to File Action dated October 21, 1988 in the above-mentioned case to be brought and filed in the proper court;" (Annex "2," p. 96, Rollo; also see Petition, p. 27, *ibid*, as well as Petitioners' memorandum, pp. 151-152, *ibid*)

The private respondents failed to refute the aforequoted statements. Their verbal assertions casting doubt on the disputed certification remain just that. Belief, suspicion and conjectures cannot overcome the presumption of regularity and legality which attaches to the disputed certification (see *Tolentino v. Catoy*, 82 Phil. 300, 304). Hence, in the absence of contrary evidence, it is presumed that everything done by the Barangay Captain in connection with the issuance of the disputed certification was done pursuant to law.

With the uncontroverted fact of the private respondents' non-appearance, the Barangay Captain was well-within his powers to issue the disputed certification. Rule VI, Section 7 thereof, provides that the failure of the respondent to appear shall likewise be a sufficient basis for the issuance of a certification for filing complainant's cause of action in court.

From the foregoing premises, it is plain that the private respondents' attempt to resuscitate the procedural issue must fail. Hence, the respondent Court of Appeals' decision sustaining their lost cause should be set aside.

ACCORDINGLY, the decision of the Court of Appeals dated October 12, 1989, is hereby SET ASIDE and the decision of the Regional Trial Court of Caloocan City, Branch 23, dated May 10, 1989 is REINSTATED. This Decision is immediately executory.

SO ORDERED.

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

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