

INSULAR LIFE ASSURANCE CO., LTD., PETITIONER, VS. THE HON. COURT OF APPEALS, THIRTEENTH DIVISION, THE HON. BIENVENIDO V. REYES, PRESIDING JUDGE, REGIONAL TRIAL COURT, FOURTH JUD...

G.R. No. 97654. November 14, 1994

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-97654/>

VITUG, J.:

The attention of this Court has been invited to the supposed disregard by both the court a quo and the Court of Appeals of pertinent provisions of the Revised Rules of Court on written interrogatories.

Insular Life Assurance Co., Inc. (“Insular Life”), instituted this petition for review on certiorari, praying that we should reverse the 7th January 1991 decision of the Court of Appeals which sustained the 5th July 1990 Order of the Regional Trial Court, Branch 29, at San Pablo City, denying petitioner’s motion (a) to dismiss the complaint of private respondents Ofelia A. Brucal and Donna A. Brucal and (b) to declare respondent Ricardo Brucal in default on the third-party complaint.

On 04 April 1989, Ofelia Brucal, together with her daughter Donna Brucal, herein private respondents, claiming to be the designated beneficiaries of Horacio Aquino, brother of Ofelia Brucal, brought an action against Insular Life to recover from the latter the proceeds of an insurance policy covering the life of now deceased Aquino.

In its answer, Insular Life contended, among other things, that the insurance policy was a nullity, there having been gross misrepresentation and material concealment in its procurement and that, in any case, the death of the insured was not accidental, but deliberate, thereby precluding, under the terms of the policy, the recovery of the insurance proceeds.

Before pre-trial, Insular Life filed a motion for leave to file a third-party complaint against Ofelia Brucal’s husband, respondent Ricardo Brucal, an insurance underwriter of Philam Life Insurance. Insular Life asserted that Ricardo Brucal forged, or caused to be forged, the signature of Horacio Aquino on the application for insurance coverage. The trial court granted the motion. Ricardo Brucal filed his answer. The parties thereupon submitted their respective pre-trial briefs.

In the course of the proceedings that followed, Insular Life sent private respondents a request for admission along with a set of written interrogatories. Insular Life likewise filed a motion asking the trial court to direct private respondents to produce six (6) other alleged insurance policies, as well as other related papers, covering the life of Horacio Aquino and to allow the inspection of the site where Aquino died. The trial court, in its 16th February 1990 Order, directed counsel for private respondents to comment. In their manifestation, dated 02 March 1990, private respondents averred that the request of Insular Life was merely “designed to delay the proceedings and just a fishing expedition.”[1]

The trial court, in its 13th March 1990 Order,[2] denied the request for the production of the documents

aforestated; relative, however, to the written interrogatories, it ruled:

“In the matter of the written interrogatories, Third-Party Defendant Ricardo Brucal and plaintiffs objected to the same, thru its manifestation received by the Court on March 2, 1990. The objection is anchored on immateriality, impertinency and irrelevancy. The Court believes otherwise and rules that the plaintiffs and third-party defendant must answer the interrogatories within a period of ten (10) days from receipt of this Order.” (Emphasis supplied)

“SO ORDERED.”

Private respondents failed to give their answers to the interrogatories. On the scheduled initial presentation of evidence by private respondents on 13 June 1990, private respondents still had not provided any answer to the written interrogatories, prompting Insular Life to file, on 20 June 1990, a motion to dismiss the complaint and to declare third party defendant Rodolfo Brucal in default.[3] Private respondents opposed the motion, arguing that the modes of discovery should not be so utilized as to, in effect, permit unrestrained “fishing expeditions.”[4]

In an Order, dated 05 July 1990, the trial court denied the motion of Insular Life, holding that “(s)ubstantial justice (would) be better served if the case (were to be) decided on (the) merits.”[5] The denial was reiterated in its 31st July 1990 Order, but the court re-scheduled the hearing “(t)o give (Insular Life) ample time to elevate the matter to the higher courts and (to) secure a ruling thereon.”[6]

Two months later, or on 01 October 1990. Insular Life filed with the Court of Appeals its petition for certiorari, injunction and mandamus, with prayer for temporary restraining order, assailing the 05th July 1990 Order of the trial court. On 11 October 1990, the appellate court issued a restraining order.

On 07 January 1991, the Court of Appeals rendered its questioned decision ultimately denying Insular Life’s petition and remanding the case to the trial court for further proceedings.[7]

The grounds relied upon by Insular Life in filing the instant petition before us revolve around its main predicate expressed in the prefatory statement, viz:

“‘In the interest of substantial justice,’ the trial court refused to dismiss the complaint or at least to consider defendant’s (Insular Life) defense and third party plaintiff’s (Insular Life) action as established on account of the adverse parties’ repeated and groundless refusal to obey the trial court’s Order directing them to answer the written interrogatories proffered by defendant, in the light of the express provision to that effect of Rule 29, Section 5 and other related provisions in the Rules of Court.”[8]

Sections 1 and 2, Rule 25, of the Rules of Court, on the matter of written interrogatories, state:

“Section 1. Interrogatories to parties; service thereof. - Under the same conditions specified in Section 1 of Rule 24, any party may serve upon any adverse party written interrogatories to be answered by the party served
x x x.

“Section 2. Answer to interrogatories. - The interrogatories shall be answered separately and fully in writing under oath. The answer shall be signed by the person making them, and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories within fifteen (15) days after service of the interrogatories, unless the court on motion and notice and for good cause shown, enlarges or shortens the time.”

The submission of interrogatories to parties under this rule is one of the five major procedural methods of discovery.[9] Discovery, in general, is defined as the disclosure of facts resting in the knowledge of the defendant, or as the production of deeds, writings, or things in his possession or power, in order to maintain the right or title of the party asking it, in a suit or proceeding.[10]

In order to give life to the provisions on interrogatories, Section 5, Rule 29, of the Revised Rules of Court (a reproduction of Section 5, Rule 24 of the old Rules of Court with an additional phrase^[11] which Section 5, in turn, was copiously taken from Rule 37[d] of the U.S. Federal Rules of Civil Procedure^[12]) provides:

“Sec. 5. Failure of party to attend or serve answers. - If a party or an officer or managing agent of a party wilfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or fails to serve answers to interrogatories submitted under Rule 25, after proper service of such interrogatories, the court on motion and notice, may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, and in its discretion, order him to pay reasonable expenses incurred by the other, including attorney’s fees.” (Emphasis supplied.)

The matter of how, and when, the above sanctions should be applied is one that primarily rests on the sound discretion of the court where the case pends, having always in mind the paramount and overriding interest of justice. For while the modes of discovery are intended to attain the resolution of litigations with great expediency, they are not contemplated, however, to be ultimate causes of injustice. It behooves trial courts to examine well the circumstances of each case and to make their considered determination thereafter. It is only in clear cases of grave abuse of that discretion when appellate courts will interfere in their judgment. It is in this context that the case of *Arellano vs. Court of First Instance of Sorsogon, Branch I*,^[13] invoked by petitioner, must likewise be understood.

In the case at bench, the trial court, opted to decide the case on its merits. In its Order of 31 July 1990, elaborating on its previous Order of 05 July 1990, it said:

“The Court is of the considered view that the greater interest of justice will be better served if the case is tried absent any advantage because of technicalities. The Court is not unmindful of the failure of the plaintiffs’ counsel to heed the order of the Court and is not pleased at all with it. But it is guided by established jurisprudence directing a liberal application of procedural rules.”

“x x x x x x x x

“The Court also entertains the view that the questions propounded by the defendant in the written interrogatories can be asked by counsel to the witnesses for the plaintiffs during the trial and secure all the answers he wants from them, and if he is not satisfied then the matters sought to be established, can be proved through its own evidence.”^[14]

The appellate court sustained the court a quo in this wise:

“We are not unaware of Section 5, Rule 29 and other related provisions of the Rules of Court regarding failure of party to serve answers to written interrogatories. Yet, the trial court in arriving at its conclusion, liberally construed the letter of the law, which the respondent court understandably applied in the interest of fair play. The trial court mainly acted on what it believed as proper, in order that substantial justice be better served if the case is decided on the merits.

“Hence, We see no capricious and whimsical exercise of judgment as equivalent to grave abuse of discretion when the trial court decided to try the case on the merits. This is also in keeping with the rule that rules on technicality were promulgated to secure, not to override substantial justice (*Alonzo v. Intermediate Appellate Court*, 150 SCRA 259).”^[15]

The real question now before us is whether or not the trial court has committed grave abuse of discretion in its questioned order. Like the appellate court to which the matter has been initially addressed, we are not inclined to conclude that any such clear transgression has been committed by the court a quo.

While we do not see the disquisitions made by both the court a quo and the appellate court to be lacking in good coherence, we find it appropriate, nonetheless, to say here once again that the discovery methods under our Rules of Court do not deserve to be taken lightly. These discovery rules can contribute in no small measure to the simplification of issues,[16] and in thereby hastening the disposition of cases.[17] In *Republic vs. Sandiganbayan*,[18] this Court, through now Chief Justice Andres Narvasa, has cautioned against an indifferent attitude by lawyers towards discovery procedures:

“x x x Now, it appears to the Court that among far too many lawyers (and not a few judges), there is, if not a regrettable unfamiliarity and even outright ignorance about the nature, purposes and operations of the modes of discovery, at least a strong yet unreasoned and unreasonable disinclination to resort to them -- which is a great pity for the intelligent and adequate use of the deposition-discovery mechanism, coupled with pre-trial procedure, could, as the experience of other jurisdictions convincingly demonstrates, effectively shorten the period of litigation and speed up adjudication. x x x.

“x x x x x x x x x x

“The various modes or instruments of discovery are meant to serve (1) as a device, along with the pre-trial hearing under Rule 20, to narrow and clarify the basic issues between the parties, and (2) as a device for ascertaining the facts relative to those issues. The evident purpose is, to repeat, to enable the parties, consistent with recognized privileges, to obtain the fullest possible knowledge of the issues and facts before civil trials and thus prevent that said trials are carried on in the dark.”

At a time particularly when the judiciary is being burdened by a backlog of cases and faced with yet an apparent propensity of parties to fully litigate their disputes, large or small, it should compel us even more now than before to pay close attention to and heed the Court’s call.

WHEREFORE, the petition is DENIED. The questioned Decision of the Court of Appeals is AFFIRMED. This case is REMANDED to the Regional Trial Court which is hereby directed to proceed, with dispatch, in resolving the case on the merits. No costs.

SO ORDERED.

Bidin, Romero, and Melo, JJ., concur.
Feliciano, J., (Chairman), on leave.

[1] Rollo, pp. 199-202.

[2] Rollo, p. 204.

[3] Rollo, pp. 226-232.

[4] Rollo, pp. 234-239.

[5] *Ibid.*, p. 240.

[6] Rollo, p. 253.

[7] Rollo, pp. 255-260.

[8] Rollo, p. 10.

[9] The other four methods include the following: Taking depositions, both of parties and witness (Rule 24); forcing the opposite party to admit facts or to admit the genuineness of documents (Rule 26); discovery of

documents by compelling inspection of said documents by motion (Rule 27); and, compelling a party to submit to physical or mental examination.

[10] Bouvier's Law Dictionary, p. 882.

[11] "and in its discretion, order him to pay reasonable expenses incurred by the other, including attorney's fees."

[12] "Rule 37. Refusal to Make Discovery: Consequences.

"xxx xxx xxx

"(d) Failure of Party to Attend or Serve Answers. If a party or an officer or managing agent of a party wilfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or fails to serve answers to interrogatories submitted under Rule 33, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party."

[13] 65 SCRA 46, where this Court found no grave abuse of discretion in an order dismissing the complaint. The Court, it may be noted, took into account the obviously deliberate and methodical acts of the plaintiff to unduly delay the court proceedings by securing interminable postponements and extensions that also justified the dismissal of the case under Section 3, Rule 17 (failure to prosecute) of the Rules of Court.

[14] Rollo, p. 251.

[15] Rollo, pp. 258-259.

[16] Nichols v. Sanborn Co., 24 F. Supp. 908.

[17] Woods v. Kornfield, 9 F.R.D. 196.

[18] 204 SCRA 212, 220-223.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.