

Welfredo V. Lapitan
WELFREDO V. LAPITAN
Division Clerk of Court
Third Division

JUN 07 2017



Republic of the Philippines
Supreme Court
Baguio City

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
JUN 13 2017
BY: LOH
TIME: 11:12

THIRD DIVISION

**SPOUSES PROCESO O.
PONTILLAS, JR. and HELEN S.
PONTILLAS,**

Petitioners,

- versus -

**CARMEN OLIVARES VDA. DE
PONTILLAS,**
Respondent.

G.R. No. 207667

Present:

Velasco, Jr.
Chairperson,
Bersamin,
Reyes,
Jardeleza, and
Tijam, JJ.

Promulgated:

April 17, 2017

Welfredo V. Lapitan

X-----X

DECISION

TIJAM, J.:

Before this Court is a Petition for Review on Certiorari¹ under Rule 45, seeking the reversal of the: (1) Resolution² dated March 29, 2012; and (2) Resolution³ dated March 11, 2013 of the Court of Appeals (CA) in CA-G.R. SP No. 123550.

The Facts

Respondent Carmen Olivares Vda. De Pontillas averred that she and her late husband, Proceso, Sr. were the owners of a 863 square-meter

¹ Rollo at pp. 3-19.
² Id. at pp. 21-22.
³ Id. at pp. 23-24.

M

residential lot located in Mataoroc, Minalabac, Camarines Sur declared under A.R.P. No. 97-015-0067 in the name of Proceso, Sr.⁴

During the lifetime of Proceso, Sr., they allowed petitioners, spouses Proceso O. Pontillas, Jr. and Helen S. Pontillas to occupy a fourth of the above-described land.

On June 8, 2009, Proceso, Sr. died. After his death or sometime in February 2010, there was a falling out between petitioners and respondent.

On April 27, 2010, respondent, through counsel, formally demanded that petitioners vacate the subject property. However, petitioners refused to do the same. A complaint was then filed before the Office of the Lupong Tagapamayapa of Brgy. Mataoroc, Minalabac, Camarines Sur, but no settlement was reached.⁵

Subsequently, a complaint for unlawful detainer with damages was filed by respondent against petitioners. In said Complaint, respondent prayed that she be declared as the one entitled to the material and physical possession of the land in question and that petitioners be ordered to vacate the premises and to restore its physical possession to respondent. In support of her claim, respondent presented an Extrajudicial Settlement with Waiver of Rights dated July 5, 2010, whereby it is stated that all the properties left by Proceso, Sr., including the subject property, were waived by all the heirs in her favor.

For their part, petitioners maintained that after their marriage in 1978, an Affidavit of Waiver was executed by respondent and Proceso, Sr., giving them a portion of the subject land so they could build their house thereon. Also, Proceso, Jr. denied signing the Extrajudicial Settlement with Waiver; as such, he claimed that the same is a product of forgery.⁶

In a Decision⁷ dated June 16, 2011, the Municipal Trial Court (MTC) dismissed the complaint for unlawful detainer with damages and ruled that the Extrajudicial Settlement with Waiver produces no effect because the signature of one of the heirs, respondent Proceso, Jr., was forged. The MTC further ruled that the subject property is part of the conjugal property of respondent and Proceso, Sr. Upon the death of the latter, their conjugal partnership of gains was dissolved so that all conjugal properties of the spouses during their marriage came under the regime of co-ownership among his heirs. As an heir of Proceso, Sr., petitioner Proceso, Jr. is a co-owner together with the other heirs of Proceso, Sr. As a co-owner, Proceso, Jr. has the right to stay on the land which includes that portion occupied by

⁴ Id. at p. 77.

⁵ Id.

⁶ Id. at p. 78.

⁷ Id. at pp. 77-80.

M

them until there has been a final liquidation and partition of the estate of his father.

Respondent filed an Appeal before the Regional Trial Court (RTC), Branch 24, Naga City.

In a Decision⁸ dated November 23, 2011, the RTC held that the forgery was not sufficiently proven as mere variance of the signatures of petitioner Proceso, Jr. in said Settlement and the sample signatures produced cannot be considered as conclusive proof that the same were forged. Thus, on the strength of the Extrajudicial Settlement with Waiver, the RTC reversed the ruling of the MTC and ordered petitioners to vacate the subject property and to remove whatever structure they had introduced therein. Petitioners were also ordered to pay respondent a reasonable rental amounting to PhP 500.00 per month and costs of suit.

Petitioners filed a Petition for Review⁹ under Rule 42 before the CA.

In a Resolution¹⁰ dated March 29, 2012, the CA dismissed the petition outright for the following infirmities: (1) failure to append proof of service of the petition to the adverse party; and (2) failure to provide the updated PTR number of petitioners' counsel.

The petitioners filed a Motion for Reconsideration¹¹ but the same was denied in a Resolution¹² dated March 11, 2013.

Hence, this Petition.

The Issue

Whether or not the CA erred in dismissing the petition outright.

The Ruling

We grant the Petition.

Courts should not be unduly strict in cases involving procedural lapses that do not really impair the proper administration of justice. Since litigation is not a game of technicalities, every litigant should be afforded the amplest opportunity for the proper and just determination of his case, free from the constraints of technicalities.¹³

⁸ Id. at pp. 81-87.

⁹ Id. at pp. 26-42.

¹⁰ Supra Note 2, at 21-22.

¹¹ *Rollo* at pp. 43-45.

¹² Supra Note 3, at 23-24.

¹³ *Barra v. Civil Service Commission*, G.R. No. 205250, March 18, 2013. 

While petitioners failed to attach the proof of service in their petition before the CA, petitioners submitted an Affidavit of Service when they filed their Motion for Reconsideration. In this case, We deem it proper to consider that their belated submission of said proof of service constitutes substantial compliance.

As to the failure of petitioners' counsel to update her PTR number, it must be considered that the purpose of requiring a counsel to indicate her PTR number is merely to protect the public from bogus lawyers.¹⁴ Notably, petitioners' counsel has a corresponding PTR number. However, she merely failed to indicate the updated one inadvertently. Her belated submission of the same must also be treated as substantial compliance for the danger which the law seeks to protect the public from is not present in this case.

Lastly, the case of *MTM Garment Manufacturing, Inc. et.al. v. CA, et.al.*¹⁵ cited by the CA is not squarely applicable in the present case. In *MTM Garment*, the procedural infirmities involve the failure to file a Petition for Certiorari within the 60-day period and the failure to file a motion for reconsideration. None of such procedural flaws exist in the instant case and on the contrary, it is undisputed that petitioners timely filed their petition before the CA.

Although it is true that procedural rules should be treated with utmost respect and due regard since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice, this is not an inflexible tenet. After all, rules of procedure are mere tools designed to facilitate the attainment of justice. Their strict and rigid application especially on technical matters, which tends to frustrate rather than promote substantial justice, must be avoided.¹⁶

WHEREFORE, the petition is **GRANTED**. The Resolutions dated March 29, 2012 and March 11, 2013 of the Court of Appeals are **REVERSED and SET ASIDE**. The case is **REMANDED** to the Court of Appeals for further proceedings.

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

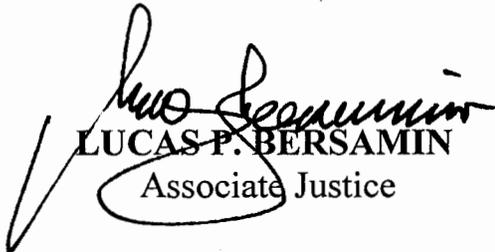
¹⁴ *Galicto v. Aquino III*, G.R. No. 193978, February 28, 2012.

¹⁵ G.R. No. 152336, June 9, 2005.

¹⁶ *Tiorosio-Espinosa v. Hofilena-Europa*, G.R. No. 185746, January 20, 2016.

WE CONCUR:


PRESBITERIO J. VELASCO, JR.
Associate Justice
Chairperson

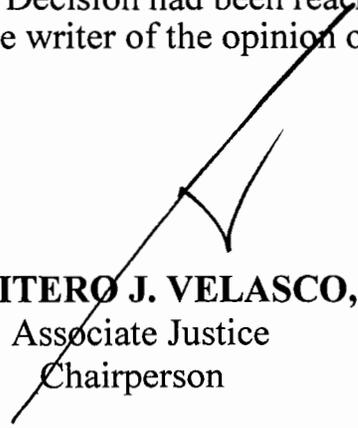

LUCAS P. BERSAMIN
Associate Justice


BIENVENIDO L. REYES
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERIO J. VELASCO, JR.
Associate Justice
Chairperson

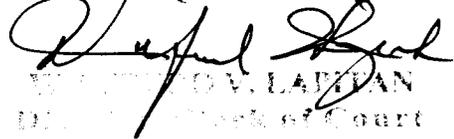
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P.A. SERENO
Chief Justice

CERTIFIED TRUE COPY



RAFAEL S. LAPID
Deputy Clerk of Court

JUN 07 2017

K