



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**SPOUSES MARIANO CORDERO
 AND RAQUEL CORDERO,**

Petitioners,

G.R. No. 241385

Present:

PERALTA, *CJ.*, Chairperson,
 CAGUIOA,
 REYES, J., JR.,
 LAZARO-JAVIER, and
 LOPEZ, *JJ.*

-versus-

Promulgated:

LEONILA M. OCTAVIANO,

Respondent.

JUL 07 2020

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D E C I S I O N

LOPEZ, J.:

There are times when strict adherence to the rules of procedure must yield to the search for truth and the demands of substantial justice. One such instance is present in this Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Court of Appeals' (CA) Resolution¹ dated December 19, 2017 in CA-G.R. SP No. 11086.

ANTECEDENTS

In 2011, Leonila Octaviano, the registered owner of a land registered under Transfer Certificate of Title No. T-184403,² filed a complaint³ for ejectment against Spouses Mariano and Raquel Cordero before the Municipal Circuit Trial Court (MCTC) docketed as Civil Case No. C-538. On May 22, 2013, the MCTC ruled in favor of Leonila and ordered Spouses Cordero to

¹ *Rollo*, pp. 44-45; penned by Associate Justice Geraldine C. Fiel-Macaraig, with the concurrence of Associate Justices Pamela Ann Abella Maxino and Louis P. Acosta.

² *Id.* at 112-113.

³ *Id.* at 108-110.

vacate the premises.⁴ The Spouses Cordero appealed to the Regional Trial Court (RTC).⁵ On December 7, 2016, the RTC affirmed the MCTC's findings.⁶ The Spouses Cordero moved for a reconsideration.⁷ On June 22, 2017, the RTC denied the motion for lack of merit.⁸ Aggrieved, the Spouses Cordero elevated the case to the CA through a petition for review docketed as CA-G.R. SP No. 11086.⁹

On December 19, 2017, the CA dismissed Spouses Cordero's petition because of the following defects, to wit:

A cursory reading of the petition reveals the following infirmities:

- (i) Petitioners **failed to state the material date showing when the 7 December 2016 Decision was received**, in violation of Section 2 (b), Rule 42 of the Rules of Court;
- (ii) Petitioners **failed to append to the petition clearly legible duplicate original or true copy of the assailed 7 December 2016 Decision, as well as other pertinent portions of the records** necessary for a thorough evaluation of the case by this Court, in violation of Section 2 (d), Rule 42 of the Rules of Court.

WHEREFORE, in view of the foregoing and pursuant to Section 3, Rule 42 of the Rules of Court, the petition is **DISMISSED**.

SO ORDERED.¹⁰ (Emphasis in the original.)

Spouses Cordero sought reconsideration invoking substantial compliance with rules requiring statement of material dates. They claimed that the failure to state the date of receipt of the RTC Decision dated December 7, 2016 is inadvertent and does not warrant the outright dismissal of their petition for review. Nevertheless, the petition indicated the date of receipt of the RTC Order dated June 22, 2017 denying their motion for reconsideration. This is sufficient to determine the timeliness of the petition.¹¹ As to the material records of the case, Spouses Cordero alleged that the CA overlooked the copy of the RTC Decision dated December 7, 2016 which was attached as Annex "C" in the petition for review. Also appended in the petition are the RTC Order dated June 22, 2017 and the MCTC Decision dated May 22, 2013 which will enable the CA to evaluate the merits of the case. Furthermore, Spouses Cordero subsequently submitted additional records such as the complaint, answer, memoranda and motion for reconsideration.¹²

⁴ *Id.* at 73-80.

⁵ *Id.* at 130-137.

⁶ *Id.* at 81-85.

⁷ *Id.* at 150-154.

⁸ *Id.* at 71-72.

⁹ *Id.* at 54-66.

¹⁰ *Id.* at 44-45.

¹¹ *Id.* at 89-98.

¹² *Id.* at 108-154.

On June 29, 2018, the CA denied Spouses Cordero's motion for reconsideration on the ground that it was filed one day late, thus:

On 19 December 2017, We rendered a Decision dismissing petitioners' appeal and affirming the Decision rendered by the Regional Trial Court x x x in Civil Case C-538. A copy thereof was received by petitioners' counsel on 17 January 2018, x x x. Under the circumstances, petitioner[s] had until 1 February 2018, to file a motion for reconsideration.

Petitioner[s], however, did not file such Motion within the period prescribed. Instead, the petitioners filed their Motion for Reconsideration on 2 February 2018.

X X X X

ACCORDINGLY, petitioners' motion for reconsideration is hereby **DENIED**.

SO ORDERED.¹³

Hence, this recourse. The Spouses Cordero argued that their motion for reconsideration was timely filed on February 1, 2018 as evidenced by the affidavit of the clerk who caused the mailing,¹⁴ the registry receipt¹⁵ and the postmaster's certification.¹⁶ They reiterate that the failure to state the date of receipt of the RTC Decision dated December 7, 2016 is not fatal. Also, material records of the case were attached in the petition for review and additional documents were submitted together with their motion for reconsideration. Lastly, the Spouses Cordero maintain that a rigid application of technicalities cannot prevail at the expense of a just resolution of the case.¹⁷

RULING

We cannot overemphasize that courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant be given the full opportunity for the just disposition of his cause.¹⁸ Indeed, the Court has allowed several cases to proceed in the broader interest of justice despite procedural defects and lapses.¹⁹ This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice.²⁰ Here, there exists a clear need to prevent the commission of a grave injustice to Spouses Cordero which is not commensurate with their failure to comply with the prescribed

¹³ *Id.* at 47-48.

¹⁴ *Id.* at 51-52.

¹⁵ *Id.* at 49.

¹⁶ *Id.* at 50.

¹⁷ *Id.* at 16-37.

¹⁸ *Tanenglian v. Lorenzo*, 573 Phil. 472 (2008), citing *Nepyes v. Court of Appeals*, 506 Phil. 613 (2005).

¹⁹ *Malixi v. Baltazar*, 821 Phil. 423 (2017), citing *Paras v. Judge Baldado*, 406 Phil. 589 (2001); *Durban Apartments Corporation v. Catacutan*, 514 Phil. 187 (2005); *Manila Electric Company v. Gala*, 683 Phil. 356 (2012); *Doble v. ABB, Inc./Nitin Desai*, 810 Phil. 210 (2017); *Heirs of Amada Zaulda v. Zaulda*, 729 Phil. 639 (2014); *Trajano v. Uniwide Sales Warehouse Club*, 736 Phil. 264 (2014).

²⁰ *Philippine Bank of Communications v. Court of Appeals*, 805 Phil. 964 (2017).

procedure. The circumstances obtaining in this case merit the liberal application of the rule in the interest of fair play.

The rationale for requiring a complete statement of material dates is to determine whether the petition is timely filed.²¹ Accordingly, the petition must show when notice of the assailed judgment or order or resolution was received; when the motion for reconsideration was filed; and, when notice of its denial was received. However, this Court may relax strict observance of the rules to advance substantial justice. In *Security Bank Corporation v. Aerospace University*,²² the CA denied due course to the petition for failure to state the dates when the assailed order was received and the motion for reconsideration was filed. Yet, we held that “[t]he more material date for purposes of appeal to the Court of Appeals is the date of receipt of the trial court’s order denying the motion for reconsideration.” The case was remanded to the CA for resolution on the merits.

The doctrine was reiterated in *Acaylar, Jr. v. Harayo*,²³ *Barroga v. Data Center College of the Philippines*,²⁴ *Barra v. Civil Service Commission*,²⁵ *Sara Lee Philippines, Inc. v. Macatlang*,²⁶ *Capin-Cadiz v. Brent Hospital and Colleges, Inc.*²⁷ and *Victoriano v. Dominguez*.²⁸ In this case, the Spouses Cordero clearly stated in the petition for review before the CA the date they received the RTC Order dated June 22, 2017 denying their motion for reconsideration. Specifically, the Spouses Cordero received the Order on July 11, 2017 and timely filed the petition for review to the CA on July 26, 2017 or within 15-day reglementary period.²⁹ As such, the Spouses

²¹ *Technological Institute of the Philippines Teachers and Employees Organization (TIPTEO) v. Court of Appeals*, 608 Phil. 632 (2009).

²² 500 Phil. 51 (2005).

²³ 582 Phil. 600 (2008). In this case, the Court held that the petitioner’s failure to state the material dates is not fatal to his cause of action, provided the date of his receipt, *i.e.*, 9 May 2006, of the RTC Resolution dated 18 April 2006 denying his Motion for Reconsideration is duly alleged in his Petition.

²⁴ 667 Phil. 808 (2011). In this case, the petition before the CA stated only the date of receipt of the NLRC’s Resolution denying the motion for partial reconsideration. It failed to state when petitioner received the assailed NLRC Decision and when he filed his partial motion for reconsideration. The Court ruled that this omission is not fatal since the date of receipt of the denial of the motion for reconsideration was alleged.

²⁵ 706 Phil. 523 (2013). In this case, the petitioner’s failure to state the date of receipt of the copy of the October 10, 2011 CSC decision is not fatal to her case since the dates are evident from the records.

²⁶ 735 Phil. 71 (2014). In this case, the Corporations alleged in their petition before the CA that when they received the Resolution of the NLRC on 6 July 2006, it can be determined whether the petition was filed within the 60-day reglementary period. And as a matter of fact, the appeal was filed on 8 September 2006, and well within the 60-day period.

²⁷ 781 Phil. 610 (2016). In this case, Cadiz’s failure to state the date of receipt of the copy of the NLRC decision is not fatal to her case since she duly alleged the date of receipt of the resolution denying the motion for reconsideration.

²⁸ G.R. No. 214794, July 23, 2018, 872 SCRA 479. In this case, a perusal of the petition for review shows that Victoriano clearly specified that he received the assailed OMB MOLEO resolution denying his motion for reconsideration on October 7, 2013. More importantly, the records show that the petition was filed by registered mail on October 21, 2013, or well-within the 15-day reglementary period. Accordingly, Victoriano is deemed to have substantially complied with the rules.

²⁹ *Rollo*, pp. 54-55. The pertinent portion of the petition for review states:

TIMELINESS OF THE PETITION

1. On July 11, 2017, petitioners received the Order of the Regional Trial Court, x x x, dated June 22, 2017, on Civil Case No. C-538, x x x:

x x x x

3. Being the aggrieved parties x x x, herein petitioners have until July 26, 2017 within which to file the instant Petition for Review x x x: (Emphasis Supplied)



Cordero are deemed to have substantially complied with the rules. The failure to indicate the date when they received the other orders and resolutions may be dispensed with in the interest of justice.³⁰

Similarly, the CA found that Spouses Cordero violated Section 2(d) Rule 42 of the Rules of Court because they did not submit material records of the case. The rule requires that the petition for review before the CA shall “*be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.*”

A perusal of the petition for review, however, reveals that copies of the RTC Order dated June 22, 2017, the MCTC Decision dated May 22, 2013, and the RTC Decision dated December 7, 2016 were in fact attached as Annexes “A,” “B,” and “C,” respectively. Hence, Spouses Cordero complied with the requirement of attaching copies of the judgments and orders of the trial courts. Moreover, these attachments are already sufficient to enable the CA to pass upon the assigned errors and to resolve the appeal even without the pleadings and other portions of the records. To be sure, the assailed decisions of the trial courts substantially summarized the contents of the omitted records.³¹ Likewise, the CA can resolve the issues by relying on the principle that the factual findings of the lower courts are entitled to great weight. It can also direct Spouses Cordero to submit additional documents or the clerk of court of the RTC and MCTC to elevate the original records of the case. Notably, the Spouses Cordero appended the pertinent pleadings and documents in their motion for reconsideration before the CA. On this point, we reiterate that there is ample jurisprudence³² holding that the subsequent and substantial compliance of a party may call for the relaxation of the rules of procedure.³³ Yet, the CA failed to do so and insisted on the outright dismissal of the petition.

³⁰ *Victoriano v. Dominguez*, *supra* note 28.

³¹ 708 Phil. 9 (2013). In this case, the Court considers the attachments of Segundina’s petition for review (*i.e.*, the certified true copies of the MTC decision dated February 4, 2000, the RTC decision dated November 29, 2000, and the RTC order dated April 22, 2002) already sufficient and to still deny due course to her petition for not attaching the complaint and the answer despite the MTC decision having substantially summarized their contents was to ignore the spirit and purpose of the requirement to give sufficient information to the CA.

³² *Mendoza v. David*, 484 Phil. 128 (2004). In this case, Mendoza failed to append the pleadings and pertinent documents in her petition to the Court of Appeals. Subsequently, Mendoza rectified her error by filing a motion for reconsideration and appending the required pleadings and documents. The Court held that instead of denying the motion for reconsideration, the Court of Appeals should have ruled on the merits of the case. Also, in *Donato v. Court of Appeals*, G.R. No. 129638, 8 December 2003, the Court of Appeals dismissed the petition because only a certified copy of the questioned decision was annexed leaving out copies of the pleadings and other material portions of the record to support the allegations of the petition. This Court reversed the Court of Appeals’ dismissal of the case since copies of the pleadings and material portions of the records were attached in the petitioner’s motion for reconsideration. This Court considered the subsequent submission as substantial compliance which justifies relaxation of the rule.

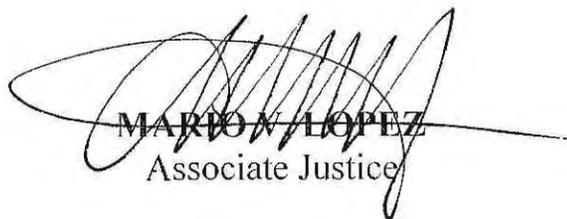
³³ *Jaro v. Court of Appeals*, 427 Phil. 532 (2002)

Lastly, it is undisputed that Spouses Cordero received on January 17, 2018, a copy of the CA Resolution dated December 19, 2017 and they had 15 days from notice or until February 1, 2018 to file a motion for reconsideration. Corollarily, Spouses Cordero moved for a reconsideration. However, the CA denied the motion because it was filed on February 2, 2018 or one day late. Quite the contrary, we find that the motion was filed within the prescribed period. The affidavit of the clerk who caused the mailing, the registry receipt and the postmaster's certification all established that Spouses Cordero filed the motion through registered mail on February 1, 2018 and not on February 2, 2018. Applying Section 3, Rule 13³⁴ of the Rules of Court, the date of mailing shall be considered as the date of filing when a pleading is filed by registered mail. It does not matter when the court actually receives the mailed pleading.³⁵

In all, the CA's outright dismissal of the petition for review constitutes a gross error and contravenes Spouses Cordero's right to be heard on appeal. The ends of justice will be better served if the case is determined on the merits, after full opportunity is given to all parties for ventilation of their causes and defenses, rather than on some procedural imperfections. It is far better to dispose of the case on the merits, which is a primordial end, rather than on a technicality that may result in injustice.³⁶

FOR THESE REASONS, the petition is **GRANTED**. The case is **REMANDED** to the Court of Appeals which is **DIRECTED** to reinstate and give due course to the petition in CA-G.R. SP No. 11086 for a proper resolution on the merits with dispatch.

SO ORDERED.


MARTON LOPEZ
Associate Justice

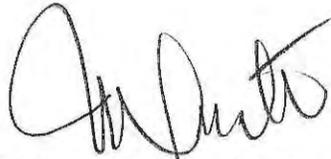
³⁴ Section 3 of Rule 13 reads in full:

Sec. 3. *Manner of filing.* — The filing of pleadings, appearances, motions, notices, orders, judgments and all other papers shall be made by presenting the original copies thereof, plainly indicated as such, personally to the clerk of court or by sending them by registered mail. In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. **In the second case, the date of the mailing of motions, pleadings, or any other papers or payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court.** The envelope shall be attached to the record of the case. (Emphasis Supplied)

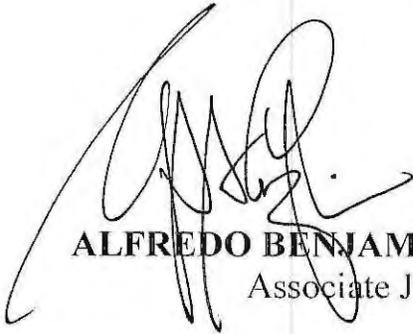
³⁵ *Russel v. Ebasan*, 633 Phil. 384 (2010).

³⁶ *Heirs of Villagracia v. Equitable Banking Corp.*, 573 Phil. 212 (2008).

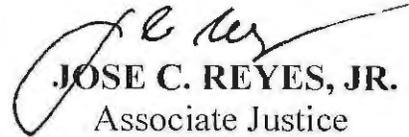
WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



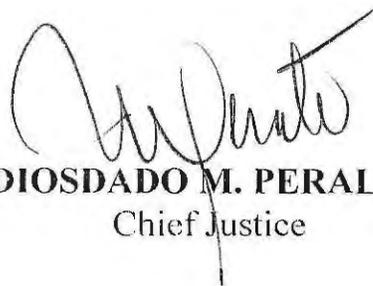
JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice