Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

RODANTE F. GUYAMIN, LUCINIA F. GUYAMIN, and EILEEN G. GATARIN, *Petitioners,*	**G.R. No. 202189**
	Present:
- versus -	SERENO, *C.J., Chairperson,* LEONARDO-DE CASTRO, DEL CASTILLO, PERLAS-BERNABE, *and* CAGUIOA, *JJ.*
JACINTO G. FLORES and MAXIMO G. FLORES, represented by RAMON G. FLORES, *Respondents.*	Promulgated: **APR 2 5 2017**

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D E C I S I O N

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] seeks to set aside the May 23, 2012 Decision[2] of the Court of Appeals (CA) in CA-G.R. CV. No. 92924 which affirmed the October 21, 2008 Decision[3] of the Regional Trial Court (RTC) of Trece Martires City, Branch 23 in Civil Case No. TMCV-0040-06.

Factual Antecedents

In 2006, respondents Jacinto G. Flores and Maximo G. Flores, represented by their brother and attorney-in-fact Ramon G. Flores, filed a Complaint[4] for Recovery of Possession against petitioners Rodante F. Guyamin (Rodante), Lucinia F. Guyamin (Lucinia), and Eileen G. Gatarin (Eileen). The case was docketed as Civil Case No. TMCV-0040-06 and assigned to Branch 23 of the RTC of Trece Martires City.

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[1] *Rollo*, pp. 8-32.
[2] Id. at 34-42; penned by Associate Justice Leoncia R. Dimagiba and concurred in by Associate Justices Hakim S. Abdulwahid and Marlene Gonzales-Sison.
[3] Id. at 69-71; penned by Executive Judge Aurelio G. Icasiano, Jr.
[4] Id. at 44-46.

Respondents alleged in their Complaint that they are the registered owners of a 984-square meter lot in *Barangay* Santiago, General Trias, Cavite covered by Transfer Certificate of Title No. T-308589 (the subject property);[5] that petitioners are their relatives who for many years have been occupying the subject property by mere tolerance of respondents' predecessors and parents, the original owners of the same; that petitioners have been "reminded x x x to vacate the premises"[6] because respondents have decided to sell the property; that petitioners failed to vacate; that respondents made several attempts to settle the matter through conciliation before the *Punong Barangay* but the same proved futile; that the *Punong Barangay* was constrained to issue a Certification To File Action;[7] that respondents were thus compelled to file the Complaint and incur legal expenses, for which they pray that petitioners be ordered to vacate the subject property and pay ₱20,000.00 attorney's fees, ₱5,000.00 litigation expenses, and costs.

On September 25, 2006, summons and a copy of the Complaint were served upon petitioners through Eileen, who nonetheless refused to sign and acknowledge receipt thereof. This fact was noted in the court process server's Return of Summons dated September 26, 2006.[8]

On January 9, 2007, respondents filed a Motion to Declare Defendants in Default, arguing that despite service of summons on September 25, 2006, petitioners failed to file their answer.

On May 28, 2007, petitioners filed their Answer with Motion to Dismiss.

On June 5, 2007, respondents filed their Reply to Answer, arguing that petitioners' Answer was belatedly filed, which is why they filed a motion to declare petitioners in default; and for this reason, they prayed that the Answer be stricken off the record.

On December 26, 2007, the RTC issued an Order decreeing as follows:

> WHEREFORE, for failure to file their responsive answer within the reglementary period of fifteen (15) days, defendants are hereby declared in default. The pleadings filed by the defendant on May 30, 2007

5 Id. at 49-50.
6 Id. at 45.
7 Id. at 73.
8 Id. at 53.

is [sic] hereby denied.[9]

Petitioners moved to reconsider, but the trial court was unmoved. It proceeded to receive respondents' evidence *ex parte*.

Ruling of the Regional Trial Court

On October 21, 2008, the RTC issued a Decision[10] declaring as follows:

> The plaintiffs as represented by their attorney-in-fact, Ramon G. Flores when presented in Court reiterated the allegations in the complaint and presented in evidence the Transfer Certificate of Title No. T-308589 in the names of Jacinto Flores and Maximo Flores (Exhibit "B"); the tax declaration (Exhibit "C") of the property; and the Certification (Exhibit "F") issued by Brgy. Justice Lito R. Sarte of Barangay Santiago, Bayan ng Heneral Trias, Cavite.
>
> x x x x
>
> In the case at bar, by a preponderance of evidence, plaintiffs have proven their case.
>
> On September 26, 2006 the Return of Summons by the process server of this Court, Rozanno L. Morabe, as certified, stated, to wit:
>
> > This is to certify that on September 25, 2006 the undersigned cause [sic] the service of Summons together with a copy of the complaint upon defendants x x x thru EILEEN GATARIN, one of the defendants, who received a copy of the Summons for all the defendants who refused to sign and acknowledge receipt of said summons.
>
> This served as a proof of receipt by the defendants of the copy of the complaint upon them. However defendants filed their answer with motion to dismiss way beyond the reglementary period on May 28, 2007 which prompted this Court to deny their motion. Defendants, if indeed having a good defense, could have been vigilant in this case instead of resorting to delays in the prosecution thereof.
>
> WHEREFORE, judgment is rendered in favor of the plaintiffs as against the defendants herein and hereby orders, to wit:
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> 1) Ordering the defendants and their respective families and or any other persons claiming rights under them, to vacate subject parcel of land and deliver the same peacefully to the possession of the plaintiffs;

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9 Id. at 69.

10 Id. at 69-71.

2) Ordering the defendants to pay the plaintiffs the amount of ₱10,000.00 as reasonable attorney's fees, ₱5,000.00 as litigation expenses, plus the costs of suit.

SO ORDERED.[11]

Ruling of the Court of Appeals

Petitioners filed an appeal before the CA which was docketed as CA-G.R. CV. No. 92924. On May 23, 2012, the CA rendered the assailed Decision containing the following pronouncement:

Aggrieved, the Guyamins filed this instant appeal raising the following assignment of errors:

1. The trial court erred in not dismissing the complaint on the ground of lack of cause of action or prematurity;

2. The trial court erred in declaring the defendants in default and proceeding to receive plaintiffs' evidence ex-parte; and

3. The trial court erred and abused its discretion when it rendered its Decision favorable to the plaintiffs prior or without the filing of the plaintiffs' Formal Offer of Evidence.

x x x x

The Guyamins argue that the case should have been dismissed for failure of the Floreses to give notice or demand to vacate and to observe conciliation process in the barangay. They further argued that based on the averments in the complaint the Floreses merely reminded them to vacate but no actual demand to vacate has been given.

In this jurisdiction, there are three kinds of actions for the recovery of possession of real property and one is *accion publiciana* or the plenary action for the recovery of the real right of possession, which should be brought in the proper Regional Trial Court when the dispossession has lasted for more than one year.

After a review of the averments of the complaint, we find that the *court-a-quo* did not err in assuming jurisdiction over the case. From the allegations of the complaint it appears that the land subject of the case was originally owned by the Floreses' grandmother, Damasa Vda. De Guzman and was later acquired by their mother, Julia Guyamin who in turn transferred the ownership of the property to them. Based on the attached Transfer Certificate of Title, the property was transferred to the Floreses on May 10, 1991. The Floreses averred in the complaint that since the time the ownership of the property was transferred to them, they have been reminding the Guyamins to vacate the premises because they wanted

[11] Id. at 70-71.

to sell the property.

While it is true that the complaint uses the word "reminding" instead of the word "demanding", it still does not mean that no demand to vacate was made by the Floreses. It is clear on the records that the Floreses filed a complaint for the Guyamins to vacate the premises before Office of the Barangay Chairman of Barangay Santiago, General Trias, Cavite. On the subject line of the complaint the following words are clearly written: "Ukol sa: Pagpapaalis sa bahay na nakatirik sa lupa na hindi naman kanila" which is clearly a demand to vacate.

On March 11, 2006 the Office of the Barangay Chairman issued a certificate to file action because the parties were unable to settle their dispute. Contrary to the argument of the Guyamins, the records also show that there was an attempt to settle the issues between the parties before the Office of the Barangay Chairman.

Anent the second ground raised by the Guyamins, records will also show that Return of Summons was filed by the Process Server, Rozanno L. Morabe on September 25, 2006 certifying that a copy of the summons was received on September 26, 2006 by one of the defendants Eileen Gatarin, who received a copy for all the defendants.[12] It was only on May 28, 2007 that the Guyamins filed an Answer with a Motion to Dismiss, or more than 8 months after receiving the summons, hence the *court-a-quo* did not commit any error in declaring the Guyamins in default.

As to the last error raised, it is settled that for evidence to be considered, the same must be formally offered. However, in *People v. Napat-a*, the Supreme Court relaxed the foregoing rule and allowed evidence not formally offered to be admitted and considered by the trial court provided the following requirements are present, *viz*: first, the same must have been duly identified by testimony duly recorded and, second, the same must have been incorporated in the records of the case.

In the instant case, we find that the requirements have been satisfied. The exhibits were presented and marked during the *ex-parte* hearing of August 7, 2008. Therefore, notwithstanding the fact that exhibits "A" to "F" were not formally offered prior to the rendition of the Decision in Civil Case No. TMCV-0040-06 by the *court-a-quo*, the trial court judge committed no error when he admitted and considered them in the resolution of the case.

WHEREFORE, in view of the foregoing, the Decision dated October 21, 2008 of the Regional Trial Court of Trece Martires City in Civil Case No. TMCV-0040-06 is AFFIRMED.

SO ORDERED.[13] (Citations omitted)

Hence, the present Petition.

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12 Summons was served on September 25, 2006, and the Return was issued on September 26, 2006.

13 *Rollo*, pp. 37-41.

Issues

In an April 23, 2014 Resolution,[14] this Court resolved to give due course to the Petition, which contains the following assignment of errors:

> 1. THE COURT OF APPEALS ERRED IN NOT RULING THAT THE REGIONAL TRIAL COURT COMMITTED A REVERSIBLE ERROR IN NOT DISMISSING THE COMPLAINT ON THE GROUND OF LACK OF CAUSE OF ACTION OR PREMATURITY.
>
> 2. THE COURT OF APPEALS ERRED IN FINDING THAT THE REGIONAL TRIAL COURT WAS CORRECT IN DECLARING THE PETITIONERS IN DEFAULT AND PROCEEDING TO RECEIVE RESPONDENTS' EVIDENCE *EX PARTE*.
>
> 3. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE REGIONAL TRIAL COURT VALIDLY RENDERED ITS DECISION FAVORABLE TO THE RESPONDENTS WITHOUT THE FILING OF THE FORMAL OFFER OF EVIDENCE.[15]

Petitioners' Arguments

In their Petition and Reply,[16] petitioners insist that there is no demand to vacate the subject property, and the lack of such demand renders the action against them premature; that the filing of a conciliation case before the *barangay* captain (or *barangay* chairman) and the issuance of a certificate to file action in court cannot take the place of the required notice to vacate; that only Rodante was made respondent in the *barangay* conciliation process when Lucinia and Eileen should have been impleaded as well; that the Return of Summons dated September 26, 2006 is a sham; that summons was improperly served upon Rodante and Lucinia through Eileen or by substituted service; that it was impossible for Eileen to have received the summons and complaint at her residence on September 25, 2006, as she was then teaching in school; that when summons was served, Lucinia was then abroad, and so summons should have been made through publication; and that the filing of their Answer prior to respondents' motion to declare them in default, and the latter's filing of a reply to their answer, cured the defective answer.

Petitioners add that it was error for the lower courts to have ruled in favor of respondents in spite of the fact that the latter made no formal offer

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[14] Id. at 96-97.

[15] Id. at 14-15.

[16] Id. at 90-93. Captioned as Compliance Explanation to the Show Cause Order and Reply to Respondents' Comment.

of their evidence; that respondents' evidence cannot therefore be considered, since it is a settled maxim that "courts will only consider as evidence that which has been formally offered";[17] that the purposes of a formal offer are to 1) enable the trial court to know the purpose or purposes for which the proponent is presenting the evidence, 2) allow opposing parties to examine the evidence and object to its admissibility, and 3) facilitate review as the appellate court will not be required to review documents not previously scrutinized by the trial court; and that the evidence presented *ex parte* is insufficient to prove respondents' case, as it failed to show how the latter came into ownership of the subject property and it failed to prove the identity of the property.

Petitioners thus pray that the CA Decision be reversed and set aside and that a new judgment be rendered ordering the dismissal of Civil Case No. TMCV-0040-06.

Respondents' Argument

Respondents simply point out in their single-page Comment[18] that the arguments raised in the instant Petition have been adequately passed upon by the lower courts; thus, there is no cogent reason to reverse their decisions.

Our Ruling

The Court denies the Petition.

The Court notes that petitioners raise purely procedural questions and nothing more. In other words, petitioners aim to win their case not on the merit, but on *pure technicality*. But in order for this Court to even consider their arguments, petitioners should have at least shown that they have a substantial defense to respondents' claim. There must be a semblance of validity in their resistance to respondents' Complaint. However, there appears to be none at all. The fact remains that respondents are the registered owners of the subject property, per Transfer Certificate of Title No. T-308589 and the tax declaration in their names;[19] that petitioners are respondents' relatives who have been occupying the property by mere tolerance and liberality of the latter; that several times in the past, they have been "reminded" to vacate the property; and that they have failed and refused to do so, even after the conduct of conciliation proceedings before the *Barangay* Chairman.

[17] Id. at 27. Citation omitted.
[18] Id. at 82.
[19] Id. at 49-51.

As owners, respondents' substantive rights must be protected in the first instance; they cannot be defeated by a resort to procedural hairsplitting that gets the parties and this Court nowhere. The Court will not pretend to engage in a useless discussion of the virtues of adhering strictly to procedure, when to do so would promote a clear injustice and violation of respondents' substantive rights. More so when the result would be the same, that is, petitioners would eventually and ultimately lose their case.

To be sure, while petitioners attached every other pleading filed and order issued below to the instant Petition, they did not attach a copy of their Answer to the Complaint if only to demonstrate to this Court that they have a plausible and substantial defense against the respondents' Complaint. To repeat, this Court will not waste its precious time and energy in a futile exercise where the result would be for naught; petitioners will not be indulged when it appears that they have no valid claim in the first place. Quite the contrary, the Court must give respondents the justice they deserve. As owners of the subject property who have been deprived of the use thereof for so many years owing to petitioners' continued occupation, and after all these years of giving unconditionally to the petitioners who are their relatives, respondents must now enjoy the fruits of their ownership. Respondents have been more than cordial in dealing with petitioners; they have shown only respect and reverence to the latter, even to the extent of using less offensive language in their complaint for fear of generating more enmity than is required. Thus, instead of using "demand", respondents chose "remind". The parties being relatives and the context and circumstances being the way they are, the choice of words is understandable. The Court will treat respondents' act as a polite demand; indeed, the law never required a harsh or impolite demand but only a categorical one.

With the clear realization that they are settling on land that they do not own, occupants of registered private lands by mere tolerance of the owners should always expect that one day, they would have to vacate the same. Their time is merely borrowed; they have no right to the property whatsoever, and their presence is merely tolerated and under the good graces of the owners. As it were, they live under constant threat of being evicted; they cannot pretend that this threat of eviction does not exist. It is never too much to ask them to give a little leeway to the property owners; after all, they have benefited from their tolerated use of the lands, while the owners have clearly lost by their inability to use the same.

Thus, this Court need only reiterate the CA's pronouncement that there could be no more categorical demand by respondents than the filing of a case against petitioners before the *Barangay* Chairman to cause the latter's eviction from the property. The fact that only Rodante was made respondent in the conciliation process is of no moment; given the context, relation,

circumstances, lack of a visible defense, and the above pronouncement, this claim of the petitioners must be treated as undue hairsplitting. This Court's "duty is to dispel any vestige of doubt rather than indulge in subtle distinctions."[20]

Regarding the claim of improper service of summons, the record reveals that the contrary is true. The court process server's Return of Summons dated September 26, 2006 exists, and must be presumed regular. The mere fact that the RTC, and even the respondents, requested at different stages in the proceedings that summons be served once more upon petitioners does not prove that the service thereof made on September 25, 2006 was invalid; it only means that the court and parties desire the service of summons anew which was clearly unnecessary. The claim that Lucinia was then abroad is of no moment either; there is no evidence to support this self-serving claim.

The filing of petitioners' answer prior to respondents' motion to declare them in default, and the latter's filing of a reply, do not erase the fact that petitioners' answer is late. Respondents' reply filed thereafter is, like the belated answer, a mere scrap of paper, as it proceeds from the said answer.

Finally, the Court supports the CA's pronouncement that since respondents' exhibits were presented and marked during the *ex parte* hearing of August 7, 2008, the trial court judge committed no error when he admitted and considered them in the resolution of the case notwithstanding that no formal offer of evidence was made. The pieces of evidence were identified during the *ex parte* hearing and marked as Exhibits "A" to "F" for respondents and were incorporated into the records of the case. As a matter of fact, the RTC Judge referred to them in his October 21, 2008 Decision. If they were not included in the record, the RTC Judge could not have referred to them in arriving at judgment.

> While it is true that the rules of procedure are intended to promote rather than frustrate the ends of justice, and the swift unclogging of court docket is a laudable objective, it nevertheless must not be met at the expense of substantial justice. This Court has time and again reiterated the doctrine that the **rules of procedure are mere tools aimed at facilitating the attainment of justice**, rather than its frustration. **A strict and rigid application of the rules must always be eschewed when it would subvert the primary objective of the rules, that is, to enhance fair trials and expedite justice. Technicalities should never be used to defeat the substantive rights of the other party**. Every party-litigant must be afforded the amplest opportunity for the proper and just

[20] *Alliance Insurance & Surety Company, Inc. v. Hon. Piccio*, 105 Phil. 1192, 1202 (1959).

> determination of his cause, free from the constraints of technicalities. Considering that there was **substantial compliance**, a liberal interpretation of procedural rules in this x x x case is more in keeping with the constitutional mandate to secure social justice.[21] (Emphasis supplied)

By not attaching a copy of their Answer to their Petition, petitioners are shielding themselves from a perusal of their defense; in a sense, this is quite revealing of the merits of their claim, and in another, it is an ingenious scheme that this Court censures. Indeed, they failed to realize that this Court is not composed of machines that will mindlessly and mechanically solve a problem at the touch of a button; it will not be forced into motion on petitioners' turn of a key. They must be reminded that –

> **The Rules of Court was conceived and promulgated to set forth guidelines in the dispensation of justice, but not to bind and chain the hand that dispenses it, for otherwise, courts will be mere slaves to or robots of technical rules, shorn of judicial discretion.** That is precisely why courts, in rendering justice, have always been, as they in fact ought to be, conscientiously guided by the norm that on the balance, **technicalities take a backseat to substantive rights, and not the other way around.** As applied to the instant case, in the language of then Chief Justice Querube Makalintal, **technicalities 'should give way to the realities of the situation'**.[22] (Emphasis supplied)

WHEREFORE, the Petition is **DENIED**. The May 23, 2012 Decision of the Court of Appeals in CA-G.R. CV. No. 92924 is **AFFIRMED**.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

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21 *Victorio-Aquino v. Pacific Plans, Inc.*, G.R. No. 193108, December 10, 2014, 744 SCRA 480, 500, citing *Alcantara v. The Philippine Commercial and International Bank*, 648 Phil. 267, 279-280 (2010).

22 *Heirs of Spouses Natonton v. Spouses Magaway*, 520 Phil. 723, 729-730 (2006).

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
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.

MARIA LOURDES P. A. SERENO
Chief Justice