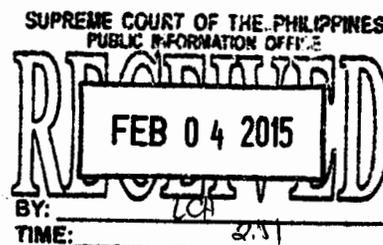




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **December 3, 2014** which reads as follows:

“G.R. No. 202987- ORVILLE BLANCO, *Petitioner* v. LIVIA RABAGO, *Respondent*.

Before us is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the Resolutions dated 15 February 2011¹ and 29 June 2012,² respectively, of the Court of Appeals which dismissed petitioner Orville Blanco’s petition for *certiorari*.

Petitioner filed an action for collection of sum of money amounting to P15,000.00 against respondent Livia Rabago before the Municipal Trial Court in Cities (MTCC) in Toledo City, Cebu. He alleged that respondent borrowed ₱15,000.00 from him evidenced by a signed Promissory Note dated 27 December 2006. When the loan became due, respondent failed to pay, prompting petitioner to file a case against her.

On the other hand, respondent asserted that she borrowed money from petitioner’s wife, Marimar Blanco (Marimar) and claimed full and even possible overpayment of the loan. She admitted signing 3 blank documents with the understanding that Marimar would fill out the blank documents with words to the effect that she authorized Marimar to obtain her forthcoming paychecks from the Department of Education for the months of February, March and April 2006 payable to her account.

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¹ Penned by Associate Justice Agnes Reyes-Carpio with Associate Justices Edgardo L. Delos Santos and Eduardo B. Peralta, Jr., concurring. *Rollo*, pp. 34-36.
² *Id.* at 47-48.

In a Judgment rendered on 29 April 2009, the MTCC ruled in favor of petitioner and ordered respondent to pay ₱15,000.00 with interest, attorney's fees, and litigation expenses. The MTCC ruled that the promissory note is the best evidence to prove the existence of the loan; that there is no need for petitioner to submit a separate receipt to prove that respondent received the money because the promissory note stated so; that the wide gap between the body of the promissory note, the signature and the name of the respondent could not be attributed to petitioner because the signature was signed by respondent herself; that respondent admitted her signature in the promissory note.

On appeal, the Regional Trial Court of Toledo City (RTC), Branch 59 reversed and set aside the MTCC's ruling and concluded that respondent had already paid her obligation. Thus, the RTC ordered the payment of damages in favor of respondent. The trial court faulted petitioner for failing to present evidence, aside from the questioned promissory note, to prove the loan. The trial court noted that the loan had already been paid as shown on the payroll that the checks representing the salary of respondent were received by Marimar.

Aggrieved, petitioner filed a petition for review before the Court of Appeals. On 15 February 2011, the Court of Appeals dismissed the petition for the following reasons:

1. Petitioner exhibited before the notary public his community tax certificate instead of a competent evidence of identity (at least one current identification document issued by an official agency bearing the photograph and signature of the individual), as defined in Section 1(b), in relation to Section 12(a), of Rule II, in violation of Section 2(b), Rule IV, of the 2004 Rules on Notarial Practice; and
2. The notary public, Atty. Rene C. Abcede, Jr., failed to indicate his notarial commission number, and the province/city where he is commissioned, as required by Section 2(b) & (c), Rule VIII of the 2004 Rules on Notarial Practice.³

Petitioner filed a Manifestation of Compliance with Motion for Reconsideration. He attached the notary public's notary commission number and province/city where the notary public is commissioned, as well as his license number to establish his identity.

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³ Resolution dated 15 February 2011. Id. at 34-35.

In a Resolution dated 29 June 2012, however, the Court of Appeals denied the motion for reconsideration for lack of merit.

Hence, this appeal. Petitioner implores us to reverse the Court of Appeals' dismissal and for a relaxation of the rules of procedure in favor of the substantial merit of the case. Petitioner points out the conflicting findings of the lower courts and defends the validity of the promissory note to establish the existence of the loan.

We grant the petition.

We have repeatedly emphasized 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. From time to time, however, we have recognized exceptions to the Rules, but only for the most compelling reasons where stubborn obedience to the Rules would defeat rather than serve the ends of justice.⁴

As a matter of fact, the 1997 Rules of Civil Procedure explicitly provides that these Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

In the instant case, there are 2 compelling reasons which warrant the relaxation of the rules of procedure. First, the subsequent compliance of petitioner through his submission of the missing requirements under the Rules on Notarial Practice. It was held on numerous occasions that the subsequent and substantial compliance of an appellant may warrant the relaxation of the rules of procedure.⁵

Second, a judicious review of the records of the case should be made in view of the conflicting findings of the lower courts. Thus, the Court of Appeals should have reconsidered its prior dismissal and reinstated the petition.

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⁴ *CMTC International Marketing Corporation v. Bhagis International Trading Corporation*, G.R. No. 170488, 10 December 2012, 687 SCRA 469, 474.

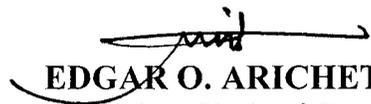
⁵ *Alcantara v. Philippine Commercial and International Bank*, G.R. No. 151349, 20 October 2010, 634 SCRA 48, 60; *Hipol v. National Labor Relations Commission*, G.R. No. 181818, 18 December 2008, 574 SCRA 852, 856.

Since this Court is not a trier of facts, a remand to the Court of Appeals for its prompt resolution is in order.

WHEREFORE, premises considered, the petition is **GRANTED**. The resolutions of the Court of Appeals dated 15 February 2011 and 29 June 2012 are hereby **SET ASIDE**. The case is **REMANDED** to the Court of Appeals which is directed to reinstate and give due course to the petition for *certiorari* in CA-G.R. SP No. 04723, and to decide the same on the merits.

SO ORDERED.”

Very truly yours,


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Division Clerk of Court ^{pk 117}
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Toledo City 6038 Cebu
(Civil Case No. T-2112)

The Hon. Presiding Judge
Municipal Trial Court in Cities
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(Civil Case No. 1042)

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