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SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 16, 2019 which reads as follows:

“G.R. No. 248769 (City of Iligan, represented by Mayor Celso G. Regencia, Louela S. Maybituin as City Treasurer of Iligan City and the Sanggunian Panlungsod of the City of Iligan v. National Steel Corp. represented by its duly appointed Liquidator Atty. Danilo L. Concepcion)

The present Petition for Review¹ under Rule 45 assails the Court of Appeals (CA) December 18, 2018² and June 20, 2019³ Resolutions in CA-G.R. SP No. 156746.

The case stemmed from the cases filed by the parties against each other on the matter of the validity of the auction sale and final deed of sale/forfeiture conducted by the City of Iligan (*petitioner*) for failure of the National Steel Corporation (*NSC*) to pay its real property taxes.

The trial court issued the Omnibus Orders dated April 4, 2017⁴ and May 21, 2018⁵ in Civil Case No. 10-639 declaring the October 19, 2016 auction sale as null and void. Petitioners appealed the case before the CA where it was dismissed in the December 18, 2018 Resolution for failure of the petitioner to comply with the appellate court’s Order⁶ to submit certain documents/pleadings.

¹ *Rollo*, pp. 3-25.
² *Id.* at 26-27; penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Rodil V. Zalameda and Henri Jean Paul B. Inting (now both Members of this Court), concurring.
³ *Id.* at 47-49; penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Rodil V. Zalameda (now a Member of this Court) and Jhosep Y. Lopez, concurring.
⁴ *Id.* at 77-83.
⁵ *Id.* at 97-100.
⁶ *Id.* at 102, dated July 31, 2018.

Petitioners, thereafter, filed a Motion for Consolidation with CA-G.R. No. 149852 and for Reconsideration⁷ alleging that it had complied with the appellate court's July 31, 2018 Resolution through registered mail at Iligan City. The CA, however, found that there was no such compliance received by the court. Furthermore, there was a discrepancy with the registry card number of the mail matter intended for the court, as certified by the postmaster and the registry card number attached to the purported Compliance.⁸ The Affidavit of Service and Filing by Registered Mail⁹ of the supposed compliance shows that the CA was not among those furnished through registered mail. And lastly, the motion failed to indicate the receipt of the December 18, 2018 Resolution by petitioner, thus, the court cannot determine the timeliness of the motion for reconsideration. Accordingly, the motion was denied in a Resolution dated June 20, 2019.

Petitioners come to this Court for relief from the aforesaid CA resolutions.

Evidently, the CA dismissed the petition purely on technical grounds on the basis of Section 1,¹⁰ Rule 65, in relation to Sections 3¹¹ and 5,¹² Rule 46 of the 1997 Revised Rules of Civil Procedure.

We have held in recent jurisprudence that in the interest of judicial economy, the CA should avoid dismissal of cases based merely on technical grounds. Judicial economy requires the prosecution of cases "with the least cost to the parties" and to the courts' time, effort, and resources.¹³

With the service of the supposed compliance to respondents and the trial court, we can presume good faith on the part of petitioners to faithfully comply with the appellate court's order to submit certain

⁷ Id. at 28-40.

⁸ Id. at 103-107.

⁹ Id. at 106-107.

¹⁰ **Section 1. *Petition for certiorari.*** — x x x

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

¹¹ **Section 3. *Contents and filing of petition; effect of noncompliance with requirements.*** — x x x

The petitioner shall pay the corresponding docket and other lawful fees to the clerk of court and deposit the amount of ₱500.00 for costs at the time of the filing of the petition.

The failure of the petitioner to comply any of the requirements shall be sufficient ground for the dismissal of the petition.

¹² **Section 5. *Action by the court.*** — The court may dismiss the petition outright with specific reasons for such dismissal or require the respondent to file a comment on the same within ten (10) days from notice. Only pleadings required by the court shall be allowed. All other pleadings and papers, may be filed only with leave of court.

¹³ *Malixi v. Baltazar*, 846 SCRA 244, 277, November 22, 2017.

additional pleadings/orders from the proceedings in the lower court. More importantly, record shows that the required pleadings/orders were already attached to the motion filed by petitioners before the CA. After all, the purpose of procedural rules is to facilitate the attainment of justice, rather than frustrate it. A strict and rigid application of the rules must always be eschewed when it would subvert the rules' primary objective of enhancing fair trials and expediting 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 determination of his cause, free from the constraints of technicalities.¹⁴


WHEREFORE, the instant petition is **GRANTED**. The assailed Resolutions dated December 18, 2018 and June 20, 2019 in CA-G.R. SP No. 156746, are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for the determination of the propriety of consolidation with CA-G.R. SP No. 149852 or for resolution on the merits of the case.

Judge Honorio E. Guanlao, Jr. of the Regional Trial Court, Branch 57, National Capital Region at Makati City is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

The Cash Collection and Disbursement Division is hereby **DIRECTED** to **RETURN** to the petitioners the excess payment for the legal fees in the amount of ₱300.00 under O.R. No. 0263379-SC-EP dated September 2, 2019.

SO ORDERED.” *Perlas-Bernabe, J., on Official Business; Gesmundo, J., designated as Acting Working Chairperson per Special Order No. 2717 dated October 10, 2019; Zalameda, J., took no part; Lazaro-Javier, J., designated as Additional Member per Special Order No. 2712-B dated October 14, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *10/16/19*

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¹⁴ *Development Bank of the Phils. v. Court of Appeals*, 411 Phil. 121, 138 (2001).



Atty. Voltaire I. Rovira
Counsel for Petitioners
1st Floor, Main Building
City Hall Complex
Buhanginan Hill, Palao
Iligan City, 9200 Lanao del Norte

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Manila
(CA-G.R. SP No. 156746)

TAN ACUT LOPEZ & PISON
Counsel for Respondents
23/F Philippine Stock Exchange Center
East Tower, Exchange Road
Ortigas Center, 1605 Pasig City

The Presiding Judge
Regional Trial Court, Branch 57
1200 Makati City
(Civil Case No. 10-639)

Cash Collection & Disbursement
Division (x)
Supreme Court