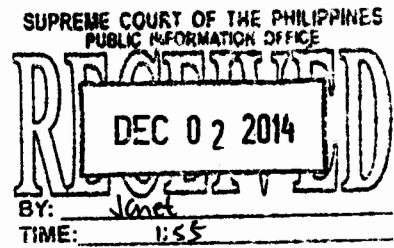




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 November 2014** which reads as follows:*

**G.R. No. 203615 – Cresencia Antigua, Genevieve Antigua and Adrian Antigua v. Vicente Yurtola and Melchita Historia.**

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the June 2, 2011<sup>1</sup> and August 29, 2012 Resolutions<sup>2</sup> of the Court of Appeals (CA), in CA G.R. SP No. 05918, denying the motion for extension of time to file petition for review filed by the petitioners.

One of the petitioners, Cresencia Antigua (*Cresencia*), a widow, borrowed money in the amount of ₱200,000.00 from DynoLenders Corporation (*DLC*). As security for the loan, she executed a real estate mortgage over a parcel of land located in Barangay Looc, Mandaue City (*subject property*), which they had been occupying since 1978 and on which her family home was built. The land was covered by a Free Patent title awarded to Cresencia's father-in-law. Due to Cresencia's failure to pay the loan, the subject property was foreclosed and subsequently sold in an auction to DLC as the lone bidder.

Sometime in 1999, the other petitioner, Genevieve Antigua (*Genevieve*), Cresencia's daughter, fell in love with respondent Vicente Yurtola (*Yurtola*), a married man. Unaware of Yurtola's marital status, Genevieve cohabited with him. During this time, Yurtola came to know of the foreclosed property and convinced Genevieve to let him redeem the subject property from DLC because he intended to give it to her as a gift.

In March 1999, Yurtola redeemed the lot. Several years into the relationship, however, Yurtola suddenly left Genevieve, taking with him all the documents pertaining to the subject land.

In 2004, Genevieve discovered that Yurtola had a relationship with another woman, Melchita Historia (*Historia*).

<sup>1</sup> *Rollo*, p. 32-33. Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Pampio A. Abarintos and Gabriel T. Ingles.

<sup>2</sup> *Id.* at 35-37. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pampio A. Abarintos and Melchor Q.C. Sadang.

In July 2004, the petitioners were shocked to receive a letter from Yurtola, demanding that they pay back rentals in the amount of ₱58,000.00. Thereafter, they discovered that the title to the subject property had been transferred to Yurtola's name, per records of the Register of Deeds of Mandaue. The petitioners never heard from Yurtola again.

Sometime in 2008, Historia, claiming to be the owner of the subject property, appeared at the petitioners' house and verbally demanded that they vacate the premises. In June 2008, a demand letter to vacate was received by the petitioners. After answering the letter, the petitioners received a complaint for unlawful detainer filed with the Municipal Trial Court in Cities, Branch 3, Mandaue City, Cebu (*MTCC*). Mandatory conciliation proceedings were held. Yurtola, however, never personally appeared during the said proceedings. An attorney-in-fact appeared in Yurtola's stead.

On April 16, 2009, the MTCC granted the complaint for unlawful detainer. The petitioners filed an appeal with the Regional Trial Court, Branch 28, Mandaue City (*RTC*). In its March 25, 2011 Decision,<sup>3</sup> the RTC affirmed the MTCC ruling.

On May 16, 2011, petitioners filed a motion for extension of time to file their petition for review before the CA.

In its Resolution,<sup>4</sup> dated June 2, 2011, the CA denied the petitioners' motion for extension of time and altogether dismissed the case. In its recital of the procedural antecedents, the CA stated that petitioners allegedly received notice of the April 19, 2011 Order of the RTC on May 2, 2011. On May 16, 2011, petitioners filed a motion for extension to file petition for review with the CA. In denying the motion for extension, the CA explained that it could not have acted on the motion on such very limited time, especially so when the *rollo* was received by the office of the *ponente* only after its raffle on May 17, 2011. The CA declared that due to the procrastination in the filing of the motion for extension, it could not have been acted upon in due time and, thus, was deemed denied. To support its resolution, it cited the case of *Orosa vs. Court of Appeals*.<sup>5</sup>

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<sup>3</sup> Id. at 23. Based on the statements indicated in the petition for review on *certiorari*.

<sup>4</sup> Id. at 32-33.

<sup>5</sup> 330 Phil. 67 (1996).

*mgs*

The petitioners moved for reconsideration, but their motion was denied by the CA in its August 29, 2012 Resolution.<sup>6</sup> According to the CA, the motions for extension of time are not granted as a matter of right but subject to the sound discretion of the court, and lawyers should never presume that their motions for extension or postponement would be granted.

Hence, this petition.

Petitioners pray that the dismissal of their petition by the CA, on purely technical grounds, be reversed in the interest of justice.

The Court grants the petition.

The procedural aspects of the case are not disputed. As can be gleaned from the records, the petitioners received a copy of the April 19, 2011 Order of the RTC on May 2, 2011. Pursuant to Section 1 of Rule 42,<sup>7</sup> the petitioners had fifteen (15) days from May 2, 2011, or until May 17, 2011, to file a petition for review or a motion for extension of time to file their petition. On May 16, 2011, the petitioners duly filed their motion for extension of time. For the reason that the clerks forwarded the records of the case to the office of the *ponente* after the period, the CA dismissed the petition.

The CA should not have dismissed the petition. The petitioners filed the motion for extension of time to file a petition for review **within the period allowed** under Section 1 of Rule 42. If the records were brought to the attention of the *ponente* only after the period, it was not the fault of the petitioners. It was not their obligation to follow up the case after they had filed the motion. It would be preposterous to require them to do it. It was the duty of the court employees to see to it that the records reached the office of the *ponente* as soon as possible so that the latter could immediately act on any pending motion. **Parties should never be blamed for, and prejudiced by, the inefficiency of the court employees.**

<sup>6</sup> *Rollo*, pp. 35-37. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pampio A. Abarintos and Melchor Q.C. Sadang.

<sup>7</sup> Section 1. *How appeal taken; time for filing.* — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, **the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review.** No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

The CA's reliance on *Orosa vs. Court of Appeals* is misplaced. In the *Orosa* case, the petitioners therein filed their motion for additional time to file their answer **three (3) days beyond the reglementary period** and necessarily the Court was constrained to deny the said motion. In the case at bench, the petitioners were able to file their motion for extension within the allowable period of fifteen (15) days.


Moreover, there is no evidence on record to show that the said motion was intended solely for delay. Considering that it was only the petitioners' first time to file a motion for extension of time to file their petition before the CA and it was done so seasonably, the Court is of the view that what could have been a more prudent approach for the CA was to grant the additional period of fifteen (15) days prayed for by the petitioners to afford them a venue to ventilate the merits of their case. Whether or not their petition was meritorious is immaterial.

After all, rules of procedure are tools designed not to thwart but to facilitate the attainment of justice. Thus, their strict and rigid application may have to give way to, and be subordinated by, the need to aptly dispense substantial justice in the normal course.<sup>8</sup> As the Court pronounced in *Kent v. Micarez*,<sup>9</sup> courts should afford party-litigants the amplest opportunity to enable them to have their cases justly determined, free from constraints of technicalities. Technicalities should take a backseat against substantive rights and should give way to the realities of the situation.

**WHEREFORE**, the petition for review on *certiorari* is hereby **GRANTED**. The assailed June 2, 2011 and August 29, 2012 Resolutions of the Court of Appeals in CA-G.R. SP No. 05918, are hereby **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for appropriate proceedings.

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES Q. PERFECTO  
Division Clerk of Court *My 11/21*

<sup>8</sup> *Santos v. Litton Mills Incorporated*, G.R. No. 170646, June 22, 2011, 652 SCRA 510, 511.  
<sup>9</sup> G.R. No. 185758, March 9, 2011, 645 SCRA 176.

CRESENCIA ANTIGUA (reg)  
Z-1 No. 096, San Antonio Street  
Barangay Looc, Mandaue City  
6014 Cebu

M. B. MAHINAY & ASSOCIATES (reg)  
(ATTY. MAKILITO B. MAHINAY)  
Counsel for Respondents  
M.B. Mahinay Building, Francisca Village  
6th Street, Happy Valley, Cebu City

TIMOTE REMEDIO (reg)  
Attorney-In-Fact for Respondents  
476 M.J. Cuenco Avenue  
6000 Cebu City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 28  
Mandaue City

HON. PRESIDING JUDGE (reg)  
Municipal Trial Court in Cities, Branch 3  
Mandaue City

COURT OF APPEALS (reg)  
Visayas Station  
Cebu City  
CA-G.R. SP No. 05915

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GR203615. 11/12/14 (181)SR *11/12/14*