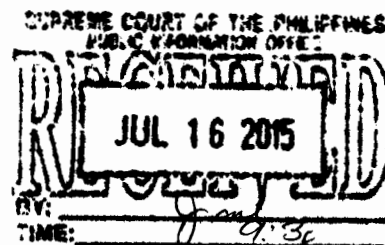




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **June 22, 2015**, which reads as follows:

G.R. No. 191708 (Romeo, Manuel, Jimmy and Hannibal, all surnamed Mojeca v. Lyliha, Ross, Roy and Rizza, all surnamed Aquino). - This treats of the petition for review on *certiorari* under Rule 45 of the Rules of Court which is taken from the Resolutions¹ of the Court of Appeals (CA), dated October 13, 2009² and March 2, 2010,³ in CA-G.R. SP No. 110595.

The instant petition arose from a Complaint for Ejectment and Damages⁴ filed with the Department of Agrarian Reform and Adjudication Board (DARAB) in Lingayen, Pangasinan by herein respondents against herein petitioners.

Respondents alleged that: they are the owners of a 132,704 square-meter parcel of agricultural land in Dasol, Pangasinan having purchased the same from the heirs of one Maximina Arizala (Maximina); at the time of the sale, petitioners were cultivating the said land as tenants; that the subject land was initially offered for sale to petitioners but the latter showed no interest in buying it; after purchasing the disputed lot, respondents assumed the tenancy agreement between the heirs of Maximina and petitioners with the latter agreeing to pay rent at one hundred (100) cavans of *palay* per cropping or two hundred (200) cavans of *palay* per year; subsequently, petitioners did not honor the tenancy agreement by failing to tender rental payments despite demands from respondents; no settlement was reached after the matter was brought to the Office of the Barangay Agrarian Reform Committee.

On their part, petitioners contended that after the subject property was sold to respondents, the DARAB gave petitioners the right to redeem the disputed land from respondents, and that they did, in fact, redeem the same.

¹ Penned by Associate Justice Normandie B. Pizarro, with Associate Justices Rosalinda Asuncion-Vicente and Ramon R. Garcia, concurring.

² *Rollo*, pp. 89-91.

³ *Id.* at 84-88.

⁴ *Id.* at 34-38.

Petitioners claim that since they promptly and validly exercised their right of redemption, they are deemed cultivators-owners of the subject land and, as such, they are not liable to pay rentals for the use of the said land.⁵

On July 26, 2007, the Provincial Agrarian Reform Adjudicator assigned to the case issued a Resolution⁶ dismissing respondents' complaint for lack of cause of action on the ground that the same has been rendered moot by reason of a decision issued by the DARAB Central Office which considers petitioners as owners of the subject land subject to their payment of the redemption price.

Respondents moved for reconsideration but their motion was denied via an Order⁷ issued by the Provincial Agrarian Reform Adjudicator on October 4, 2007.

Aggrieved, respondents filed an appeal with the DARAB Central Office in Diliman, Quezon City.

On February 24, 2009, the DARAB Central Office promulgated its Decision in respondents' favor. The dispositive portion of the Decision reads as follows:

WHEREFORE, premises considered, appeal is **GRANTED**. The 26 July 2007 Resolution and the 04 October 2007 Order are **REVERSED and SET ASIDE** and a new Decision is issued, thus:

1. **ORDERING** the Mojecas to vacate the subject holdings and turn-over to the Aquinos the peaceful possession and cultivation thereof;

2. **ORDERING** the Mojecas to pay the Aquinos the unpaid lease rentals from December 2002 up to the present; and

3. **DIRECTING** the Clerk of the Board of the Provincial Agrarian Reform Adjudication Board of Pangasinan to return to the Mojecas the Philippine National Bank passbook Savings Account No. 431-543398-9 in the name of Romeo Fernandez Mojeca and Manuel Fernandez Mojeca.

SO ORDERED.⁸

The DARAB Central Office held that while petitioners were able to timely file a petition for redemption, the exercise of their right of redemption was ineffectual for their failure to tender the redemption price at the time of

⁵ See Answer with Motion to Dismiss, *id.* at 32-33.

⁶ *Rollo*, pp. 30-31.

⁷ *Id.* at 27.

⁸ *Id.* at 59-60.

filing of the petition. The DARAB Central Office held that tender of payment or consignment is an indispensable requirement to the proper exercise of petitioners' right of redemption.⁹

Petitioners filed a motion for reconsideration, but the DARAB Central Office denied it in its Resolution dated July 28, 2009.

Petitioners then elevated the case to the CA and moved for extension of time to file a petition for review under Rule 43 of the Rules of Court.

On October 13, 2009, the CA issued a Resolution¹⁰ denying petitioners' motion seeking extension of time to file a petition for review. The CA held that under the Rules of Court, petitioners had fifteen (15) days or until September 8, 2009 to file a petition or at least a motion for extension of time to file the same. However, records reveal that petitioners belatedly filed their motion for extension via registered mail on September 9, 2009, without any justification for the delay.

Petitioners filed a motion for reconsideration. They likewise submitted their petition for review. However, the CA denied the motion for reconsideration and merely noted the petition for review. In an extended Resolution¹¹ promulgated on March 2, 2010, the CA held that petitioners failed to prove their claim that they had timely filed their motion for extension. In addition, the CA ruled that it found no reason to apply the rules with liberality as it noted other violations of the Rules which were committed by petitioners when they submitted their petition for review.

Hence, the instant petition for review on *certiorari* with the following Assignment of Errors:

1. THE HONORABLE COURT OF APPEALS ERRED IN DENYING THE MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW.

2. THE HONORABLE COURT OF APPEALS ALSO ERRED IN DENYING THE MOTION FOR RECONSIDERATION FILED BY PETITIONERS.¹²

Petitioners contend that procedural rules may be applied liberally in the instant case considering that there was no gross violation of the rules and

⁹ See DARAB Decision, *id.* at 46-60.

¹⁰ *Rollo*, p. 90.

¹¹ *Id.* at 84-88.

¹² *Id.* at 18.

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that a strict application thereof would violate the substantive rights of the parties as well as their right to due process.

The Court finds the petition meritorious.

Time and again, this Court has 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.¹³ From time to time, however, this Court has 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.

Apropos is this Court's ruling in the case of *CMTC International Marketing Corporation v. Bhagis International Trading Corporation*,¹⁴ where it was held that:

[This Court] cannot look with favor on a course of action which would place the administration of justice in a straightjacket, for then the result would be a poor kind of justice if there would be justice at all. Verily, judicial orders are issued to be obeyed, nonetheless a non-compliance is to be dealt with as the circumstances attending the case may warrant. What should guide judicial action is the principle that a party-litigant is to be given the fullest opportunity to establish the merits of his complaint of defense rather than for him to lose life, liberty, honor or property on technicalities.

The same principle was highlighted in *Philippine National Bank and Development Bank of the Philippines v. Philippine Milling Company, Incorporated, et al.* where the Court ruled that even if an appellant failed to file a motion for extension of time to file his brief on or before the expiration of the reglementary period, the Court of Appeals does not necessarily lose jurisdiction to hear and decide the appealed case, and that the Court of Appeals has discretion to dismiss or not to dismiss appellant's appeal, which discretion must be a sound one to be exercised in accordance with the tenets of justice and fair play having in mind the circumstances obtaining in each case.

Ergo, where strong considerations of substantive justice are manifest in the petition, the strict application of the rules of procedure may be relaxed, in the exercise of its equity jurisdiction. Thus, a rigid application of the rules of procedure will not be entertained if it will obstruct rather than serve the broader interests of justice in the light of the prevailing circumstances in the case under consideration.¹⁵

¹³ *Dreamland Hotel Resort v. Johnson*, G.R. No. 191455, March 12, 2014.

¹⁴ *CMTC International Marketing Corporation v. Bhagis International Trading Corporation*, G.R. No. 170488, December 10, 2012, 687 SCRA 469.

¹⁵ *Supra*, at 475-476. (Citations omitted)

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In the instant petition, considering that: (1) the delay in the filing of petitioners' motion for extension of time to file a petition for review with the CA was only one day; (2) there is no showing that petitioners were guilty of participatory negligence in the dismissal of their appeal; and (3) respondents did not suffer any material injury by reason of such delay, this Court is of the view that 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 technicality or 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.¹⁶

Nevertheless, considering that this Court is not a trier of facts, the appropriate action to take is to remand the case to the appellate court for further proceedings, for it to thoroughly examine the factual and legal issues that still need to be threshed out.

WHEREFORE, the instant petition is **GRANTED**. The Resolutions of the Court of Appeals, dated October 13, 2009 and March 2, 2010, are **SET ASIDE**. The case is **REMANDED** to the Court of Appeals, which is **DIRECTED** to reinstate and give due course to the petition for review in CA-G.R. SP No. 110595, and to decide the same on the merits.

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN
 Division Clerk of Court *7/6/15*

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¹⁶ *Tiangco, et. al. v. Land Bank of the Phils*, 646 Phil. 554, 568 (2010), citing *Heirs of Villagracia v. Equitable Banking Corporation*, 573 Phil. 212, 220 (2008).