



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARIA CONSOLACION RIVERA-
PASCUAL,

Petitioner,

- versus -

SPOUSES MARILYN LIM and
GEORGE LIM and the REGISTRY
OF DEEDS OF VALENZUELA
CITY,

Respondents.

G.R. No. 191837

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BRION,*
BERSAMIN, and
REYES, JJ.

Promulgated:

19 SEP 2012

X-----X

RESOLUTION

REYES, J.:

This is a petition for review on *certiorari* assailing the Resolutions dated October 15, 2009¹ and March 11, 2010² of the Court of Appeals (CA) in CA-G.R. SP No. 109265.

* Acting member per Special Order No. 1305 dated September 10, 2012 *vice* Associate Justice Martin S. Villarama, Jr..

¹ Penned by Associate Justice Jose Catral Mendoza (now a member of this Court), with Associate Justices Myrna Dimaranan-Vidal and Romeo F. Barza, concurring; *rollo*, pp. 41-42.

² Penned by Associate Justice Romeo F. Barza, with Associate Justices Magdangal M. De Leon and Ruben C. Ayson, concurring; *id.* at 44-45.

The facts leading to the filing of this petition are undisputed.

Subject of the present controversy is a parcel of land with an approximate area of 4.4 hectares and located at Bignay, Valenzuela City. The property is covered by Transfer Certificate of Title (TCT) No. V-73892, registered in the names of George and Marilyn Lim (Spouses Lim).

On September 8, 2004, Maria Consolacion Rivera-Pascual (Consolacion) filed before the Office of the Regional Agrarian Reform Adjudicator (RARAD) for Region IV-A a petition to be recognized as a tenant of a property located at Bignay, Valenzuela City against Danilo Deato (Deato). At that time, the property, which has an approximate area of 4.4 hectares, was covered by TCT No. 24759 under Deato's name. During the pendency of the petition, Deato sold the property to Spouses Lim. The sale was registered on December 21, 2004 leading to the issuance of TCT No. V-73892 in favor of Spouses Lim. Considering this development, Consolacion filed a motion on March 3, 2005 to implead Spouses Lim as respondents.³

The petition, which was docketed as DARAB Case No. R-0400-0012-04, was granted by Regional Adjudicator Conchita C. Miñas (RA Miñas) in a Decision⁴ dated December 2, 2005, the dispositive portion of which states:

WHEREFORE, premises considered, judgment is hereby rendered:

- 1) Declaring that petitioner is the tenant of the subject landholding by succession from her deceased father;
- 2) Declaring respondents spouses George and Marilyn Lim to have subrogated to the rights and substituted to the obligation of spouses Danilo and Divina Deato;
- 3) Ordering the respondents and all persons claiming rights under them to maintain petitioner in peaceful possession and cultivation of the agricultural land subject hereof;

³ Id. at 59.

⁴ Id. at 55-67.

- 4) Declaring petitioner to have the right to exercise the right of redemption of the subject parcel of agricultural land pursuant to Section 12 of RA 3844 as [a]mended; and
- 5) Dismissing the petition against Louie Cruz, Fire Force Agency and Danny Boy Rivera for having no proximate tenurial relationship with the petitioner hence beyond the jurisdictional ambit of this Office.

SO ORDERED.⁵

On July 7, 2006, the foregoing decision became final.⁶

Upon Consolacion's motion for execution filed on January 7, 2008, RA Miñas issued a writ of execution on January 8, 2008.⁷

On January 21, 2008, Consolacion filed a petition against Spouses Lim and the Registrar of Deeds of Valenzuela City praying for the issuance of an order directing Spouses Lim to accept the amount of ₱10,000,000.00 which she undertook to tender during the initial hearing, declaring the property redeemed, and cancelling TCT No. V-73892.⁸ Consolacion consigned with the RARAD the amount of ₱10,000,000.00 on March 3, 2008.⁹

Consolacion's petition, which was docketed as DARAB Case No. R-0400-001-08, was given due course by RA Miñas in a Decision¹⁰ dated June 2, 2008, the dispositive portion of which states:

WHEREFORE, foregoing premises considered, judgment is hereby rendered:

1. As prayed for, declaring that the landholding subject of the petition as lawfully redeemed;

⁵ Id. at 66.
⁶ Id. at 68-69.
⁷ Id. at 70-71.
⁸ Id. at 73-75.
⁹ Id. at 106.
¹⁰ Id. at 97-108.

2. Ordering respondent spouses to accept and withdraw the amount of the redemption price consigned with this Office which was deposited for safekeeping indicated in Manager's Check No. 0000004518 issued by Allied Bank in the name of Spouses Marilyn and George Lim and/or DAR Adjudication Board Region IV-A in the amount of ten (10) million pesos;
3. Upon acceptance and the withdrawal of the redemption price as ordered in paragraph 2 hereof, ordering respondent spouses to execute a Deed of Redemption in favor of petitioner;
4. In case of refusal and/or failure of respondent spouses to execute the Deed of Redemption as ordered above, the Regional Clerk of the Board is hereby ordered to execute a Deed of Redemption in the name of the petitioner; and
5. Directing the Register of Deeds for Valenzuela City to cause the cancellation of TCT No. V-73892 registered in the name of respondent spouses Marilyn and George Lim and a new one issued in the name of petitioner upon presentment of the Deed of Redemption.

SO ORDERED.¹¹

On appeal, the Department of Agrarian Reform Adjudication Board (DARAB) issued a Decision¹² on February 18, 2009 reversing RA Miñas Decision dated June 2, 2008. Specifically:

WHEREFORE, in view of the foregoing, the appealed Decision dated 02 June 2008 is hereby **REVERSED** and **SET ASIDE**. A new judgment is hereby rendered:

1. **DECLARING** the landholding to be not lawfully redeemed;
2. **DECLARING** petitioner-appellee not a bona fide tenant of the subject landholding;
3. **DECLARING** that petitioner-appellee cannot redeem the subject parcel registered in the names of the respondents-appellants;
4. **ORDERING** the respondents-appellants to be maintained in peaceful possession of the subject landholding[; and]

¹¹ Id. at 107-108.

¹² Id. at 140-155.

5. **DIRECTING** the Clerk of the Board of the Regional Agrarian Reform Adjudicator of Region IV-A to return the Manager's Check No. 0000004518 issued by Allied Bank in the name of Spouses Marilyn and George Lim and/or DAR Adjudication Board Region IV-A in the amount of Ten Million pesos to herein petitioner-appellee.

SO ORDERED.¹³

On April 13, 2009, Consolacion moved for reconsideration,¹⁴ which the DARAB denied in a Resolution¹⁵ dated June 8, 2009 for being filed out of time.

SECTION 12 Rule X of the 2003 DARAB Rules provides that a Motion for Reconsideration shall be filed within fifteen (15) days from receipt of notice of the order, resolution, or decision of the Board or Adjudicator. Records show that both the petitioner-appellee and her counsel received a copy of the Decision dated 18 February 2009 on 27 February 2009 and that Legal Officer Nancy Geocada[,] the alleged new counsel of the herein petitioner[-]appellee[,] filed the Motion for Reconsideration only on 13 April 2009, clearly the Motion for Reconsideration was filed beyond the fifteen (15) days (sic) reglementary period thus the herein Decision has already become final and executory.
x x x.¹⁶

On June 25, 2009, Consolacion filed a petition for review under Rule 43 of the Rules of Court with the CA.¹⁷

On July 1, 2009, the CA resolved to require Consolacion's counsel to submit within five (5) days from notice his Mandatory Continuing Legal Education (MCLE) Certificate of Compliance or Exemption and an amended Verification and Certification Against Non-Forum-Shopping.¹⁸ Apparently, Consolacion's counsel failed to indicate in the petition his MCLE Certificate of Compliance or Exemption Number as required under Bar Matter No. 1922. Also, the jurat of Consolacion's verification and certification against

¹³ Id. at 153-154.

¹⁴ Id. at 157-163.

¹⁵ Id. at 164-167.

¹⁶ Id. at 165-166.

¹⁷ Id. at 26.

¹⁸ Id. at 26-27.

non-forum-shopping failed to indicate any competent evidence of Consolacion's identity apart from her community tax certificate.

Considering the failure of Consolacion and her counsel to comply, the CA issued a Resolution¹⁹ on October 15, 2009 dismissing the petition.

On July 7, 2009, the counsel for the petitioner received the above-mentioned Resolution. However, the counsel for the petitioner failed to comply with the said Resolution which was due on July 19, 2009.

For failure of the counsel for the petitioner to comply with the Resolution dated July 1, 2009, despite receipt of the notice thereof, the petition is hereby **DISMISSED**.

SO ORDERED.²⁰

Consolacion moved for reconsideration but this was denied by the CA in a Resolution²¹ dated March 11, 2010.

Consolacion is, before this Court, claiming that the CA's summary dismissal of her petition on technical grounds is unwarranted. Consolacion invoked substantial justice against the CA's strict application of the rule requiring her counsel to note his MCLE Compliance or Exemption Certificate Number and the rule rendering the jurat of her verification and certification on non-forum-shopping defective in the absence of the details of any one of her current identification document issued by an official agency bearing her photograph and signature. That there was merit in her petition and that she complied, albeit belatedly as her counsel's MCLE Compliance Certificate Number was indicated and a verification and certificate on non-forum-shopping with a proper jurat was attached to her motion for reconsideration, should have sufficed for the CA to reverse the dismissal of her petition and decide the same on its merits. Consolacion alleged that procedural rules or technicalities are designed to facilitate the

¹⁹ Id. at 41-42.

²⁰ Id. at 41.

²¹ Id. at 44-45.

attainment of justice and their rigid application should be avoided if this would frustrate rather than promote substantial justice.

The Court finds no merit in the petition. The Court sees no reversible error committed by the CA in dismissing Consolacion's petition before it on the ground of petitioner's unexplained failure to comply with basic procedural requirements attendant to the filing of a petition for review under Rule 43 of the Rules of Court. Notably, Consolacion and her counsel remained obstinate despite the opportunity afforded to them by the CA to rectify their lapses. While there was compliance, this took place, however, after the CA had ordered the dismissal of Consolacion's petition and without reasonable cause proffered to justify its belatedness. Consolacion and her counsel claimed inadvertence and negligence but they did not explain the circumstances thereof. Absent valid and compelling reasons, the requested leniency and liberality in the observance of procedural rules appears to be an afterthought, hence, cannot be granted. The CA saw no compelling need meriting the relaxation of the rules. Neither does this Court see any.

The Court is aware of the exceptional cases where technicalities were liberally construed. However, in these cases, outright dismissal is rendered unjust by the presence of a satisfactory and persuasive explanation. The parties therein who prayed for liberal interpretation were able to hurdle that heavy burden of proving that they deserve an exceptional treatment. It was never the Court's intent "to forge a bastion for erring litigants to violate the rules with impunity."²²

This Court will not condone a cavalier attitude towards procedural rules. It is the duty of every member of the bar to comply with these rules. They are not at liberty to seek exceptions should they fail to observe these rules and rationalize their omission by harking on liberal construction.

²² *Pates v. Commission on Elections*, G.R. No. 184915, June 30, 2009, 591 SCRA 481, 487, citing *Hon. Fortich v. Hon. Corona*, 359 Phil. 210, 220 (1998).

While it is the negligence of Consolacion's counsel that led to this unfortunate result, she is bound by such.

WHEREFORE, premises considered, the petition is **DISMISSED**.
The Resolutions dated October 15, 2009 and March 11, 2010 of the Court of Appeals in CA-G.R. SP No. 109265 are **AFFIRMED**.


Costs against the petitioner.

SO ORDERED.




BIENVENIDO L. REYES
Associate Justice

WE CONCUR:



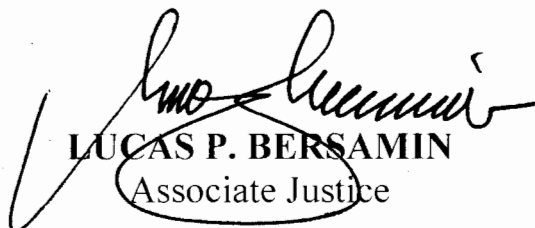
MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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