



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**LORRAINE D. BARRA,**  
Petitioner,

**G.R. No. 205250**

Present:

**CARPIO, J., Chairperson,**  
**BRION,**  
**DEL CASTILLO,**  
**PEREZ, and**  
**PERLAS-BERNABE, JJ.**

- versus -

Promulgated:

**CIVIL SERVICE COMMISSION,**  
Respondent.

MAR 18 2013 *H.M. Cabalang Perpetuo*

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**RESOLUTION**

**BRION, J.:**

Before the Court is the petition for review on *certiorari*,<sup>1</sup> filed by petitioner Lorraine D. Barra, assailing the July 11, 2012<sup>2</sup> and the December 7, 2012<sup>3</sup> resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 125421, dismissing outright the petitioner's Rule 43 petition for review for procedural defects.

On March 2, 2001, Bureau of Fisheries and Aquatic Resources (BFAR) Director Malcolm I. Sarmiento, Jr. appointed the petitioner as Supply Officer II in the BFAR, Region XII. An anonymous letter sent via e-mail questioned the appointments of the petitioner and several individuals, for violation of the prohibition on nepotism under Section 79, Book V of the Revised Administrative Code of 1987.

In a January 6, 2006 letter, Civil Service Commission (CSC) Director Macybel Alfaro-Sahi requested BFAR Director Sani D. Macabalang to give her copies of the appointment papers of the petitioner and her colleagues. In

<sup>1</sup> Under Rule 45 of the Rules of Court; *rollo*, pp. 5-15.

<sup>2</sup> Penned by Associate Justice Fernanda Lampas Peralta, and concurred in by Associate Justices Francisco P. Acosta and Angelita A. Gacutan; *id.* at 21-22.

<sup>3</sup> *Id.* at 19.

Resolution No. 08-0539 dated April 10, 2008, the CSC directed the conduct of further investigation on the appointments of the petitioner and her colleagues, and to file the appropriate disciplinary cases against them.

In a June 15, 2010 order, CSC Director Grace R. Belgado-Saqueton recalled the appointments of the petitioner and Huzaifah D. Disomimba for violation of the prohibition on nepotism. On August 6, 2010, the petitioner and Disomimba filed with the CSC regional office a motion for reconsideration and prayed for the conduct of a preliminary investigation, claiming that they were denied due process. In a September 20, 2010 order, the CSC Regional Director denied the motion for reconsideration.

The petitioner and Disomimba appealed to the CSC *en banc*. In Decision No. 110581 dated October 10, 2011, the CSC *en banc* affirmed the orders of the CSC Regional Director. When the CSC denied the motion for reconsideration that followed, the petitioner filed a Rule 43 petition for review with the CA.

In its July 11, 2012 resolution,<sup>4</sup> the CA dismissed the petition outright for: (a) failure to state the date of receipt of the copy of the October 10, 2011 CSC decision; and (b) failure to indicate the notary public's office address in the notarial certificates in the verification and certification of non-forum shopping and in the affidavit of service.

After the CA denied<sup>5</sup> her motion for reconsideration,<sup>6</sup> the petitioner filed the present petition.

The petitioner submits that the petition before the CA indicated the date of receipt of the October 10, 2011 CSC decision, and that the failure to indicate the notary public's office address is a mere technicality that does not substantially affect the merits of the case.

***We grant the petition.***

The petitioner's failure to state the date of receipt of the copy of the October 10, 2011 CSC decision is not fatal to her case since the dates are evident from the records. Besides, we have ruled that the more important material date which must be duly alleged in the petition is the date of receipt of the resolution of denial of the motion for reconsideration, which the petitioner has duly complied with.<sup>7</sup>

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> *Supra* note 3.

<sup>6</sup> *Rollo*, pp. 23-26.

<sup>7</sup> *Acaylar, Jr. v. Harayo*, G.R. No. 176995, July 30, 2008, 560 SCRA 624, 636; and *Security Bank Corporation v. Indiana Aerospace University*, 500 Phil. 51, 60 (2005).

As to the failure to state the notary public's office address, the omission was rectified with the attachment in the motion for reconsideration of the verification and certification of non-forum shopping and of the affidavit of service, with the notary public's office address.<sup>8</sup>

Courts should not be unduly strict in cases involving procedural lapses that do not really impair the proper administration of justice. Since litigation is not a game of technicalities, every litigant should be afforded the amplest opportunity for the proper and just determination of his case, free from the constraints of technicalities. Procedural rules are mere tools designed to facilitate the attainment of justice, and even the Rules of Court expressly mandates that it "shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding."<sup>9</sup>

The demands of justice require the CA to resolve the issues before it, considering that what is at stake is not only the petitioner's position, but her very livelihood. Dismissing the petitioner's appeal could give rise to the impression that the appellate court may be fostering injustice should the appeal turn out to be meritorious. Thus, it is far better and more prudent for the court to excuse a technical lapse and afford the parties a substantive review of the case on appeal, to attain the ends of justice than to dismiss said appeal on technicalities.

Let this case be a reminder to our courts, particularly to the CA, where the inordinate desire to lessen the case load or to clear the dockets may be at the expense of substantive justice; where a case appears to be substantively meritorious and the technical lapses are of the nature that they can be complied with without doing violence to the mandatory provisions of the Rules, the better recourse to follow is to apply the rule of liberality that the Rules of Court provides and to give the deficient party the opportunity to comply, particularly when the amounts and interests involved in the litigation are substantial.

**WHEREFORE**, we **GRANT** the petition. The July 11, 2012 and the December 7, 2012 resolutions of the Court of Appeals in CA-G.R. SP No. 125421 are **REVERSED** and **SET ASIDE**. CA-G.R. SP No. 125421 is **REINSTATED** and **REMANDED** to the Court of Appeals for further proceedings.

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<sup>8</sup> *Rollo*, pp. 29-30.

<sup>9</sup> RULES OF COURT, Rule 1, Section 6.

**SO ORDERED.**

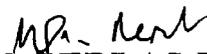
  
**ARTURO D. BRION**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Associate Justice

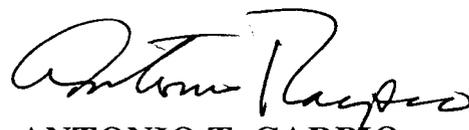
  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**ATTESTATION**

I attest 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.

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson Attestation, it is hereby certified 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