

# FIRST DIVISION

[ G.R. Nos. 224438-40, September 03, 2020 ]

**REPUBLIC OF THE PHILIPPINES REPRESENTED BY THE  
PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG)  
AND MID-PASIG LAND DEVELOPMENT CORP., PETITIONERS, VS.  
AUGUSTUS ALBERT V. MARTINEZ, CITY GOLF DEVELOPMENT  
CORPORATION AND GEEK'S NEW YORK PIZZERIA, INC.,  
RESPONDENTS.**

## DECISION

**REYES, J. JR., J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court seeks to reverse and set aside the Decision<sup>[2]</sup> dated November 4, 2015 and the Resolution<sup>[3]</sup> dated April 14, 2016 of the Court of Appeals (CA) in CA-G.R. SP Nos. 135972, 136895 and 136896, which reversed the Orders dated February 7, 2014 and May 30, 2014 of the Regional Trial Court (RTC) of Pasig City, Branch 155 in SCA Case No. 3861, and the Orders dated April 21, 2014 and July 10, 2014 of the RTC of Pasig City, Branch 67 in SCA Cases Nos. 3867 and 3868, respectively.

### Factual Antecedents

Petitioner Republic of the Philippines (petitioner), represented by the Presidential Commission on Good Government and Mid-Pasig Land Development Corporation, initiated three separate complaints for unlawful detainer and damages against respondent Augustus Albert V. Martinez (respondent Martinez),<sup>[4]</sup> doing business under the name and style of "Uncle Moe's Shawarma Hub," respondent City Golf Development Corporation (respondent City Golf) and respondent Geek's New York Pizzeria, Inc. (respondent Geek's, Inc.). The said cases were raffled to the Metropolitan Trial Court (MeTC) of Pasig City, Branch 72 and docketed as Civil Cases Nos. 18675, 18679 and 18682. In three separate Decisions, all dated March 15, 2013, the MeTC of Pasig City, Branch 72 dismissed the complaints against herein respondents.<sup>[5]</sup>

Subsequently, on May 20, 2013, the petitioner, through the Office of the Solicitor General (OSG), received copies of the Decisions dated March 15, 2013. The petitioner then filed on June 3, 2013, separate Notices of Appeal dated May 28, 2013, appealing the Decisions of the MeTC of Pasig City, Branch 72 to the CA, instead of the RTC.

On June 13, 2013, the MeTC of Pasig City, Branch 72 then received petitioner's Manifestation and Motion with Attached Notice of Appeal dated June 4, 2013. In the said Manifestation and Motion, petitioner acknowledged its error and pleaded to disregard the Notice of Appeal dated May 28, 2013, and to consider the attached

Notice of Appeal as its proper Notice of Appeal.<sup>[6]</sup>

Eventually, on June 18, 2013, the MeTC of Pasig City, Branch 72 issued a twin Order. The first Order granted petitioner's Manifestation and Motion, and ordered the substitution of the Notice of Appeal dated May 28, 2013 with that of the attached Notice of Appeal as petitioner's appropriate appeal. As to the second Order, the same MeTC gave due course to the petitioner's Notice of Appeal and directed the transmittal of the records to the Office of the Clerk of Court of the RTC.<sup>[7]</sup>

Respondents thereafter filed their Urgent Motions to Dismiss Appeal before the RTC of Pasig City, raffled to Branches 155 and 67, respectively. In the Order dated February 7, 2014, the RTC of Pasig City, Branch 155 denied respondent Martinez's Motion for lack of merit and ruled, to wit:<sup>[8]</sup>

At the outset, the Court observes that the MeTC Branch 72 per its Order dated June 18, 2013, already found the Manifestation and Motion filed by plaintiff-appellant to be meritorious and thus gave due course to the Notice of Appeal dated June 4, 2013. To the mind of this Court, the MeTC Order dated June 18, 2013, constitutes sufficient finding as to the timeliness of the appeal taken by plaintiff-appellant, and thus should be accorded due respect.

Moreover, defendant-appellee's insinuations of irregularity in the filing of the Manifestation and Motion and Notice of Appeal are merely based on its own suspicions and conjectures and not supported by the evidence on record. An examination of the records reveals that the subject Manifestation and Motion and Notice of Appeal were sent via registered mail through the Post Office of Mandaluyong City on June 4, 2013, as shown by the date stamped on said Manifestation and Motion. Under Section 3, Rule 13 of the Rules of Court, the date of mailing of a motion or pleading, as stamped on the envelop or the registry receipt shall be considered the date of filing thereof. The stamped date is considered the official record of the mailing of the said pleading and is deemed accurate as the same carries the presumption that it has been prepared in the course of the official duties that have been regularly performed. It cannot be therefore be gainsaid that appellant's Notice of Appeal was filed well within the reglementary period.

Also, the RTC of Pasig City, Branch 67, in its Order dated April 21, 2014 denied respondents City Golf and Geek's, Inc.'s Motion, viz.:<sup>[9]</sup>

Now, we go to the issue of whether the appeal of plaintiff-appellant which was given due course by the Metropolitan Trial Court of Pasig City, Branch 72 is dismissible.

x x x x

A judicious review of the records readily reveals that the [MeTC] Branch 72, in its Order dated June 18, 2013 found the plaintiff-appellant's Manifestation and Motion meritorious; hence, gave due course to the Notice of Appeal dated June 4, 2013. Suffice it to say, said Order is a clear showing that the plaintiff-appellant's Notice of Appeal was filed

within the period mandated by the rules. Notwithstanding, the alleged irregularities enumerated by the defendants-appellees pertaining to the timeliness of the filing of the Notice of Appeal, the fact remains that the court a quo which is clothed with competent jurisdiction to give due course to said appeal has ruled on the regularity of its filing.

The respondents subsequently filed their Motions for Reconsideration, Motion for Partial Reconsideration and Supplement to Motion for Partial Reconsideration (With Leave), but these Motions were denied by the RTC of Pasig City, Branch 155 and the RTC of Pasig City, Branch 67, in the Orders dated May 30, 2014 and July 10, 2014, respectively.

Respondents thereafter filed before the CA, separate Petitions for *Certiorari*, docketed as SP No. 135972, SP No. 136895 and SP No. 136896.<sup>[10]</sup> Upon motion, the CA then ordered the consolidation of these three Petitions. Respondents impute that the RTC of Pasig City, Branch 155 had acted with grave abuse of discretion when it issued the Orders dated February 7, 2014 and May 30, 2014, and that the RTC of Pasig City, Branch 67 also acted with grave abuse of discretion when it rendered the Orders dated April 21, 2014 and July 10, 2014, as both trial courts ruled that the petitioner's appeal was perfected on time.

In the assailed Decision dated November 4, 2015, the CA ruled that the RTC of Pasig City, Branch 155 and the RTC of Pasig City, Branch 67 gravely abused their discretion. The CA added that petitioner failed to prove that its appeal was timely filed. The CA stated that the Decision dated March 15, 2013 of the MeTC of Pasig City, Branch 72, was received by petitioner on May 20, 2013, and that petitioner had 15 days within which to file an appeal, or on June 4, 2013. However, the CA found that petitioner's Notice of Appeal was filed only on June 7, 2013, and not on June 4, 2013. While petitioner had asserted that its appeal was sent through registered mail on June 4, 2013, as shown by the date stamped on the envelop, the CA held that petitioner did not attach the said envelop or a certified copy thereof to the pleadings filed before the court in order to prove its claim. As such, the CA concluded that since petitioner's appeal had been filed beyond the reglementary period to appeal, the said RTCs of Pasig City should not have given due course to the Notice of Appeal. The CA ruled in this wise:

**WHEREFORE**, the *Consolidated Petitions for Certiorari* are hereby **GRANTED**. The *Orders* dated 7 February 2014 and 30 May 2014 of the Regional Trial Court of Pasig City, Branch 155, in SCA Case No. 3861, and the *Orders* dated 21 April 2014 and 10 July 2014 of the Regional Trial Court of Pasig City, Branch 67, in SCA Case Nos. 3867 and 3868 are **REVERSED** and **SET ASIDE**. Accordingly, the *Appeal* of respondents Republic of the Philippines, represented by the Presidential Commission on Good Government, and Mid-Pasig Land Development Corporation is **DISMISSED**. Both the Regional Trial Courts of Pasig City, Branch 155 and Branch 67 are **ENJOINED** from proceeding further with the disposition of the aforesaid cases.

**SO ORDERED.**<sup>[11]</sup>

Petitioner then moved for reconsideration, but was denied by the CA, in the assailed Resolution dated April 14, 2016.

Hence, the petitioner, through the OSG, comes to the Court raising this sole issue:

DID THE HONORABLE [CA] x x x ERR ON A QUESTION OF LAW IN FINDING THAT THE REGIONAL TRIAL COURTS COMMITTED GRAVE ABUSE OF DISCRETION WHEN THEY RULED THAT PETITIONER'S APPEAL WAS TIMELY FILED[.]<sup>[12]</sup>

Petitioner asserts that the CA erred in ruling that both the RTCs of Pasig City, Branch 155 and Branch 67, committed grave abuse of discretion in issuing the Orders and in ruling that petitioner's appeal was timely filed. Petitioner insists that the Orders of the said RTCs of Pasig City were issued with sufficient and legal basis, and that the same RTCs found that both the envelop and Manifestation and Motion were stamped with the date June 4, 2013. Petitioner adds that it has discharged its burden of proving that its appeal was in fact timely filed.<sup>[13]</sup>

### **The Court's Ruling**

At the outset, We stress that the resolution of the sole issue presented in this case requires a review of the factual findings of the trial courts, and of the CA.

It is settled that under Rule 45 of the Rules of Court, only questions of law may be raised in a petition for review on *certiorari* before this Court as we are not a trier of facts. Our jurisdiction in such a proceeding is limited to reviewing only errors of law that may have been committed by the lower courts. Consequently, findings of fact of the trial court and the CA are final and conclusive, and cannot be reviewed on appeal. It is not the function of the Court to reexamine or reevaluate evidence, whether testimonial or documentary, adduced by the parties in the proceedings below.<sup>[14]</sup> However, we are mindful that the preceding rule admits of several exceptions, to wit: 1) when the findings are grounded entirely on speculation, surmises or conjectures; 2) when the inference made is manifestly mistaken, absurd or impossible; 3) when there is grave abuse of discretion; 4) when the judgment is based on a misapprehension of facts; 5) when the findings of facts are conflicting; 6) when in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; 7) **when the findings are contrary to the trial court**; 8) when the findings are conclusions without citation of specific evidence on which they are based; 9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; 10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and, 11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.<sup>[15]</sup>

To recall, the MeTC of Pasig City, Branch 72 had given due course to petitioner's Notice of Appeal in the separate cases involving respondents Martinez, City Golf and Geek's, Inc. The RTCs of Pasig City, Branch 155 and Branch 67 then affirmed the findings of the said MeTC that petitioner's Notice of Appeal was timely filed. However, the CA had a contrary finding wherein it ruled that both the RTCs of Pasig City had gravely abused its discretion and that petitioner's appeal was filed beyond the reglementary period to appeal. As such, a deviation from the fundamental application of Rule 45 of the Rules of Court is warranted to the case at bar.

Timeliness of an appeal is a factual issue that requires a review of the evidence presented on when the appeal was actually filed.<sup>[16]</sup> In this case, to prove that its Notice of Appeal was sent via registered mail on June 4, 2013 and that it had been filed on time, petitioner only presented a photocopy of the Manifestation and Motion with attached Notice of Appeal, and appearing on the said document is also a photocopy of a registry receipt with the date stamped June 4, 2013.<sup>[17]</sup>

We stress that the basic evidentiary rule is that he who asserts a fact or the affirmative of an issue has the burden of proving it.<sup>[18]</sup>

A judicious review of the records reveals that the CA was correct in ruling that the RTCs of Pasig City acted with grave abuse of discretion since petitioner's Notice of Appeal was filed only on June 7, 2013.

Here, petitioner failed to discharge its burden of proof that its appeal was indeed filed on June 4, 2013.

We quote with approval the findings of the CA, *viz.* :

x x x However, their [petitioner] *Notice of Appeal* was filed only on 7 June 2013. Ineluctably, the *Appeal* was filed behind time. While they maintain that their *Appeal* was sent through registered mail on 4 June 2013 as shown by the date stamped on the envelop, they did not bother to attach the said envelop or certified copy thereof to the pleadings filed before Us. This *faux pas* blows a hole in the veracity and authenticity thereof. Indeed, their failure to attach such telling document is fatal to their claim.

*Au contraire*, the court *a quo* held that [petitioner's] *Manifestation and Motion and Notice of Appeal* were mailed via registered mail on 4 June 2013[,] as shown by the date stamped on said *Manifestation and Motion*. Contrarily, the MeTC categorically pronounced that the *Manifestation and Motion with attached Notice of Appeal* was filed on 7 June 2013. The 18 June 2013 MeTC Order speaks volumes that [petitioner's *Notice of Appeal* attached to the *Manifestation and Motion* was filed on 7 June 2013 and received by the MeTC on 13 June 2013[.]<sup>[19]</sup>

The Court observes that petitioner had already known the fact that it did not attach the envelop before the CA or certified copy thereof, which may prove petitioner's claim that its appeal was sent through registered mail on June 4, 2013. Yet, petitioner still did not bother to attach the same in its pleadings before us. Moreover, we find the need to stress that the stamped or superimposed date on a photocopy of petitioner's Manifestation and Motion with attached Notice of Appeal was a mere photocopy of an alleged registry receipt dated June 4, 2013. Petitioner could have presented the original registry receipts. It would have constituted as the best evidence of the fact of mailing on June 4, 2013 of petitioner's Manifestation and Motion, in the separate cases that involved respondents Martinez, City Golf and Geek's, Inc. Regrettably, petitioner failed to present such original registry receipts. Its continued failure to present the said original receipts can only lead one to recall the well-settled rule that when the evidence tends to prove a material fact which imposes a liability on a party, and he has in its power to produce evidence which from its very nature must overthrow the case made against him if it is not founded