

FIRST DIVISION

[G.R. No. 241385, July 07, 2020]

**SPOUSES MARIANO CORDERO AND RAQUEL CORDERO,
PETITIONERS, VS. LEONILA M. OCTAVIANO, RESPONDENT.**

DECISION

LOPEZ, J.:

There are times when strict adherence to the rules of procedure must yield to the search for truth and the demands of substantial justice. One such instance is present in this Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Court of Appeals' (CA) Resolution^[1] dated December 19, 2017 in CA-G.R. SP No. 11086.

ANTECEDENTS

In 2011, Leonila Octaviano, the registered owner of a land registered under Transfer Certificate of Title No. T-184403,^[2] filed a complaint^[3] for ejectment against Spouses Mariano and Raquel Cordero before the Municipal Circuit Trial Court (MCTC) docketed as Civil Case No. C-538. On May 22, 2013, the MCTC ruled in favor of Leonila and ordered Spouses Cordero to vacate the premises.^[4] The Spouses Cordero appealed to the Regional Trial Court (RTC).^[5] On December 7, 2016, the RTC affirmed the MCTC's findings.^[6] The Spouses Cordero moved for a reconsideration.^[7] On June 22, 2017, the RTC denied the motion for lack of merit.^[8] Aggrieved, the Spouses Cordero elevated the case to the CA through a petition for review docketed as CA-G.R. SP No. 11086.^[9]

On December 19, 2017, the CA dismissed Spouses Cordero's petition because of the following defects, to wit:

A cursory reading of the petition reveals the following infirmities:

- (i) Petitioners **failed to state the material date showing when the 7 December 2016 Decision was received**, in violation of Section 2 (b). Rule 42 of the Rules of Court;
- (ii) Petitioners **failed to append to the petition clearly legible duplicate original or true copy of the assailed 7 December 2016 Decision, as well as other pertinent portions of the records** necessary for a thorough evaluation of the case by this Court, in violation of Section 2 (d). Rule 42 of the Rules of Court.

WHEREFORE. in view of the foregoing and pursuant to Section 3, Rule 42 of the Rules of Court, the petition is **DISMISSED**.

SO ORDERED.^[10] (Emphasis in the original.)

Spouses Cordero sought reconsideration invoking substantial compliance with rules requiring statement of material dates. They claimed that the failure to state the date of receipt of the RTC Decision dated December 7, 2016 is inadvertent and does not warrant the outright dismissal of their petition for review. Nevertheless, the petition indicated the date of receipt of the RTC Order dated June 22, 2017 denying their motion for reconsideration. This is sufficient to determine the timeliness of the petition.^[11] As to the material records of the ease, Spouses Cordero alleged that the CA overlooked the copy of the RTC Decision dated December 7, 2016 which was attached as Annex "C" in the petition for review. Also appended in the petition are the RTC Order dated June 22, 2017 and the MCTC Decision dated May 22, 2013 which will enable the CA to evaluate the merits of the case. Furthermore, Spouses Cordero subsequently submitted additional records such as the complaint, answer, memoranda and motion for reconsideration.^[12]

On June 29, 2018, the CA denied Spouses Cordero's motion for reconsideration on the ground that it was filed one clay late, thus:

On 19 December 2017. We rendered a Decision dismissing petitioners' appeal and affirming the Decision rendered by the Regional Trial Court x x x in Civil Case C-538. A copy thereof was received by petitioners' counsel on 17 January 2018, x x x. Under the circumstances, petitioner[s] had until 1 February 2018, to file a motion for reconsideration.

Petitioner[s], however, did not file such Motion within the period prescribed. Instead, the petitioners filed their Motion for Reconsideration on 2 February 2018.

X X X X

ACCORDINGLY, petitioners' motion for reconsideration is hereby **DENIED.**

SO ORDERED.^[13]

Hence, this recourse. The Spouses Cordero argued that their motion for reconsideration was timely filed on February 1, 2018 as evidenced by the affidavit of the clerk who caused the mailing,^[14] the registry receipt^[15] and the postmaster's certification.^[16] They reiterate that the failure to state the date of receipt of the RTC Decision dated December 7, 2016 is not fatal. Also, material records of the case were attached in the petition for review and additional documents were submitted together with their motion for reconsideration. Lastly, the Spouses Cordero maintain that a rigid application of technicalities cannot prevail at the expense of a just resolution of the case.^[17]

RULING

We cannot overemphasize that courts have always tried to maintain a healthy

balance between the strict enforcement of procedural laws and the guarantee that every litigant be given the full opportunity for the just disposition of his cause.^[18] Indeed, the Court has allowed several cases to proceed in the broader interest of justice despite procedural defects and lapses.^[19] This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice.^[20] Here, there exists a clear need to prevent the commission of a grave injustice to Spouses Cordero which is not commensurate with their failure to comply with the prescribed procedure. The circumstances obtaining in this case merit the liberal application of the rule in the interest of fair play.

The rationale for requiring a complete statement of material dates is to determine whether the petition is timely filed.^[21] Accordingly, the petition must show when notice of the assailed judgment or order or resolution was received; when the motion for reconsideration was filed; and, when notice of its denial was received. However, this Court may relax strict observance of the rules to advance substantial justice. In *Security Bank Corporation v. Aerospace University*,^[22] the CA denied due course to the petition for failure to state the dates when the assailed order was received and the motion for reconsideration was filed. Yet, we held that "[t]he more material date for purposes of appeal to the Court of Appeals is the date of receipt of the trial court's order denying the motion for reconsideration" The case was remanded to the CA for resolution on the merits.

The doctrine was reiterated in *Acaylar, Jr. v. Harayo*^[23] *Barroga v. Data Center College of the Philippines*,^[24] *Barra v. Civil Service Commission*,^[25] *Sara Lee Philippines, Inc. v. Macatlang*^[26] *Capin-Cadiz v. Brent Hospital and Colleges, Inc.*^[27] and *Victoriano v. Dominguez*,^[28] In this case, the Spouses Cordero clearly stated in the petition for review before the CA the date they received the RTC Order dated June 22, 2017 denying their motion for reconsideration. Specifically, the Spouses Cordero received the Order on July 11, 2017 and timely filed the petition for review to the CA on July 26, 2017 or within 15-day reglementary period.^[29] As such, the Spouses

Cordero are deemed to have substantially complied with the rules. The failure to indicate the date when they received the other orders and resolutions may be dispensed with in the interest of justice.^[30]

Similarly, the CA found that Spouses Cordero violated Section 2(d) Rule 42 of the Rules of Court because they did not submit material records of the case. The rule requires that the petition for review before the CA shall "*be accompanied by dearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.*"

A perusal of the petition for review, however, reveals that copies of the RTC Order dated June 22, 2017, the MCTC Decision dated May 22, 2013, and the RTC Decision dated December 7, 2016 were in fact attached as Annexes "A," "B," and "C,"¹ respectively. Hence, Spouses Cordero complied with the requirement of attaching copies of the judgments and orders of the trial courts. Moreover, these attachments are already sufficient to enable the CA to pass upon the assigned errors and to