

FIRST DIVISION

[G.R. No. 157445, April 03, 2013]

SEGUNDINA A. GALVEZ, PETITIONER, VS. HON. COURT OF APPEALS, SPOUSES HONORIO C. MONTANO AND SUSANA P. MONTANO AND PHILIPPINE NATIONAL BANK, RESPONDENTS.

DECISION

BERSAMIN, J.:

The mere failure to attach copies of pleadings and other material portions of the record as would support the allegations should not cause the outright dismissal of a petition for review. The allegations of the petition must be examined to determine the sufficiency of the attachments appended thereto.

Antecedents

The petitioner assails the dismissal by the Court of Appeals (CA) of her petition for review through the resolution promulgated on June 25, 2002^[1] on the ground of her failure to attach to her petition “copies of pleadings and other material portions of the record as would support the allegations.” She prays that the dismissal be set aside, and that the case be remanded to the CA for resolution of her appeal on the merits, unless the Court should find it convenient instead to decide her appeal itself.

The case involves a parcel of land (property) located in Barangay District II, Babatngon, Leyte, which used to be owned by Spouses Eustacio and Segundina Galvez. After their marital relationship turned sour, Eustacio and Segundina separated and cohabited with other partners. On January 6, 1981, Eustacio sold the property to their daughter Jovita without the knowledge or consent of Segundina.^[2] After the sale, Jovita constituted a mortgage on the property on March 9, 1981 to secure her loan from the Philippine National Bank (PNB).^[3] Jovita failed to pay her obligation. Hence, PNB had the property extrajudicially foreclosed. In the ensuing foreclosure sale, PNB was the highest bidder. There being no redemption, the property became PNB’s acquired asset. On June 10, 1992, respondents Spouses Honorio and Susana Montaña purchased the property from PNB.^[4]

Thereafter, the Montañas tried to get the actual possession of the property, but Segundina refused to vacate. Accordingly, the Montañas sued Segundina for recovery of ownership and possession, and damages in the Municipal Trial Court of Babatngon, Leyte (MTC).^[5]

Segundina countered that the sale of the property by Eustacio to Jovita was null and void for having been done without her knowledge and consent; that the sale to PNB as well as to the Montañas were consequently void; and that the Montañas were also buyers in bad faith.^[6]

On February 4, 2000, the MTC ruled in favor of the Montañños,^[7] holding that the sale by Eustacio to Jovita was merely voidable, not null and void; that because Segundina had not brought an action for the annulment of the sale within 10 years from the date of the transaction, as provided in Article 173 of the *Civil Code*, the sale remained valid; that Segundina did not establish that the foreclosure proceedings, auction sale, and the acquisition of the property by the Montañños were void; and that in view of the valid acquisition of the property by PNB during the foreclosure sale, the subsequent sale to the Montañños was also valid.

The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered by way of ordering defendant Segundina Galvez; (a) To vacate the property in question and to peacefully turn-over the possession thereof unto the plaintiffs; (b) To pay P5,000 as attorney's fees; (c) To pay plaintiffs a reasonable rental in the amount of P 100 per month being the prevailing rental rate in this locality to start from 1993 up to the date when the defendant actually vacate the premises; (d) and to pay the cost.

SO DECIDED.^[8]

Segundina appealed to the Regional Trial Court (RTC) in Tacloban City, assigning the following errors, namely:

I. THAT THE TRIAL COURT ERRED IN NOT DECLARING THE SALE OF THE PROPERTY TO JOVITA GALVEZ BY EUSTACIO GALVEZ NULL AND VOID AS IT WAS WITHOUT THE CONSENT AND KNOWLEDGE OF SEGUNDINA GALVEZ.

II. THAT THE TRIAL COURT ERRED IN NOT DECLARING THAT PNB DID NOT ACQUIRE ANY RIGHT TO THE PROPERTY MORTGAGED BY JOVITA GALVEZ AS THE SALE FROM EUSTACIO GALVEZ TO JOVITA GALVEZ WAS IN THE FIRST PLACE NULL AND VOID.

III. THAT THE TRIAL COURT ERRED IN NOT DECLARING THAT SINCE PNB DID NOT ACQUIRE ANY RIGHT BECAUSE OF SUCH FRAUDULENT TRANSACTION PLAINTIFFS DID NOT LIKEWISE ACQUIRE ANY VALID RIGHTS TO SAID PROPERTY;

IV. THAT THE TRIAL COURT GRAVELY ERRED IN NOT DECLARING THE SALE OF THE PROPERTY AT THE PUBLIC BIDDING VOID FOR BEING A VIOLATION OF THE TERMS AND CONDITIONS OF THE DEED OF MORTGAGE AND THE SALE AT PUBLIC AUCTION OF THE PROPERTY IN QUESTION OUTSIDE THE CAPITAL OF THE PROVINCE OF LEYTE WAS A JURISDICTIONAL DEFECT.

V. THE TRIAL COURT ERRED IN DECLARING THAT SINCE SEGUNDINA GALVEZ FAILED TO CAUSE THE ANNULMENT OF THE SALE MADE BY HER

HUSBAND WHO ABANDONED HER WITHIN TEN YEARS FROM TRANSACTION PRESCRIPTION HAD SET IN.

VI. THAT THE TRIAL COURT ERRED IN DECLARING PLAINTIFFS AS OWNERS AND ENTITLED TO POSSESS THE PROPERTY.

VII. THAT THE TRIAL COURT ERRED IN AWARDING DAMAGES SUCH AS ATTORNEY'S FEES, RENTALS AND COST TO PLAINTIFFS AND AGAINST DEFENDANT SEGUNDINA GALVEZ EVEN WITHOUT EVEN SUFFICIENTLY PRESENTED.^[9]

On November 29, 2000, the RTC affirmed the MTC's decision.^[10]

Segundina filed a motion for reconsideration against the RTC's decision, but the RTC denied her motion on April 22, 2002.^[11]

Ruling of the CA

Thereafter, Segundina appealed to the CA by petition for review, docketed as C.A.-G.R. SP No. 71044 entitled *Segundina A. Galvez v. Spouses Honorio C. Montano and Susana P. Montano and Philippine National Bank*.

On June 25, 2002, the CA promulgated its first assailed resolution,^[12] viz:

A cursory perusal of the instant *petition for review* shows that no copies of pleadings and other material portions of the record as would support the allegations thereof were attached as annexes in violation of Section 2, Rule 42 of the 1997 Rules of Civil Procedure, which pertinently provides that the petition shall:

"... be accompanied by clearly 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."

WHEREFORE, in view of the foregoing, the instant petition for review is hereby *DISMISSED* outright.

SO ORDERED.

Segundina moved for the reconsideration of the resolution,^[13] arguing that it was within her judgment as petitioner to decide what documents, pleadings or portions of the records would support her petition; that her exercise of judgment was not a technical error that warranted the outright dismissal of her petition; that the rule requiring all pleadings and material portions of the records to be attached to the

petition was an “absurd requirement”; and that attaching the pleadings and other portions of the record was not an indispensable requirement the non-compliance with which would cause the denial of the petition.

On February 6, 2003, the CA denied Segundina’s motion for reconsideration,^[14] pertinently stating:

The motion is patently devoid of merit.

As a party raising exceptions to the findings of fact and conclusions of law in the February 4, 2000 Decision of the Municipal Trial Court of Babatngon, Leyte and the November 29, 2000 decision of Branch 34 of the Regional Trial Court of Tacloban City, petitioner is hardly in the proper position to adopt the brazen attitude that underlies the motion. She seeks the reversal of the lower court’s determination of the parties’ rights and yet, by her present stance, would have Us believe that the very decisions embodying the same are sufficient to serve as bases for the allowance of her petition. Needless to say, We find petitioner’s impolitic justification of the shortcomings of her petition quite incomprehensible.

To Our mind, petitioner’s obfuscation regarding what is required of her may be traceable to her misconstruction of the terms “pleading” and “material”. While the latter term is concededly relative, a simple reference to Rule 6 of the *1997 Rules of Civil Procedure* on “Kinds of Pleadings” would have effectively ruled out her unwarranted misgivings about reproducing the entire record and attaching the same to her petition. Given the cursory manner in which they are recounted in the petition, said attachments would have given Us a clearer and more complete background of the factual and procedural antecedents of the case.

At any rate, the procedural repercussion of petitioner’s omission is evidence from Section 3, Rule 43 of Rules, viz:

“Section 3. *Effect of failure to comply with requirements.* – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of the document which should accompany the petition shall be sufficient ground for the dismissal thereof.”

WHEREFORE, petitioner’s motion for reconsideration is DENIED for patent lack of merit.

SO ORDERED.

Aggrieved, Segundina has appealed to the Court.

Issues

Segundina submits that the CA refused to examine the merits of her petition because of a technicality.^[15] She contends that the CA thus erred, as follows:

1. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT IMPOSED AN UNREASONABLE REQUIREMENT THAT ALL PLEADINGS FILED BEFORE THE LOWER COURTS SHOULD BE ATTACHED TO THE PETITION.
2. THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT DISMISSED THE PETITION FOR REVIEW DESPITE THE ATTACHMENT OF MATERIAL PORTIONS OF THE RECORD AS WOULD SUPPORT THE PETITION.^[16]

Segundina amplifies that she attached to her petition for review the certified true copies of the MTC decision dated February 4, 2000, the RTC decision dated November 29, 2000, and the RTC order dated April 22, 2002; that her allegations and the references in her petition for review were directed at the MTC and RTC decisions and order; that the averments contained in the "Statement of Facts" of her petition for review were themselves culled from the MTC and RTC decisions;^[17] that, moreover, the grounds of her petition for review all concerned errors of law that, unlike questions of facts, could be resolved without having to examine the evidence of the parties, the pleadings they had submitted, and the portions of the records; that it was within her sound judgment to determine which documents, pleadings or portions of the record would support her petition;^[18] that the CA was imposing an "absurd requirement" by ruling that all pleadings and material portions should be attached to the petition for review;^[19] that the CA did not even specify which pleadings or material portions of the records should have been attached to her petition for review; and that the CA did not also specify the issue that it would be unable to appreciate and determine because of her supposedly incomplete attachments.^[20]

Segundina insists that the failure to attach the complaint, answer and reply to her petition for review did not warrant the outright dismissal of the petition for review; that the MTC decision had already stated the respective claims and defenses of the parties, making the attachment of the complaint, answer and reply to serve no useful purpose, but, instead, only to increase her expenses for photocopying; that attaching all pleadings was not required in the other modes of review;^[21] that even if a specific pleading should be needed to decide her petition for review, its absence should only justify the holding that a particular allegation was unsupported, but should not cause the dismissal of the entire petition; and that the CA could even direct the clerk of court of the RTC to elevate the original records and the evidence in the case.^[22]

On their part, the Montañas moved for the dismissal of the petition on several grounds, specifically: (a) that they were purchasers in good faith and for value when they acquired the property; (b) that Segundina could no longer assail the lack of her consent to the sale between Jovita and Eustacio by reason of prescription; and (c)