

THIRD DIVISION

[G.R. No. 140436, July 18, 2000]

**CORNELIA P. CUSI - HERNANDEZ, PETITIONER, VS. SPOUSES
EDUARDO DIAZ AND AMELIA MANGAHAS, RESPONDENTS.**

DECISION

PANGANIBAN, J.:

A petition for review filed before the Court of Appeals must contain a certified true copy or duplicate original of the assailed decision, final order or judgment. There is no requirement, however, that the other supporting papers attached to the petition should be certified true copies as well. In this case, the Contract to Sell, which is the center of the controversy, was reproduced verbatim in the MTC Decision, a duplicate original of which was attached to the Petition. Moreover, a certified true copy of the Contract was attached to the Motion for Reconsideration. Hence, the appellate court erred in denying due course to the Petition. We stress that rules of procedure must be used to facilitate, not frustrate, justice.

The Case

Before us is a Petition for Review seeking the reversal of the June 10, 1999 and October 15, 1999 Resolutions of the Court of Appeals in CA-GR SP. No. 52863.^[1] The first assailed Resolution disposed as follows:

"WHEREFORE, for being insufficient in substance, the petition for review should be, as it is hereby, DENIED DUE COURSE and accordingly DISMISSED."^[2]

The second assailed Resolution denied the Motion for Reconsideration.^[3]

The Facts

Petitioner filed before the Municipal Trial Court (MTC) of Norzagaray, Bulacan, an *accion publiciana* against herein respondents. She alleged that she was the registered owner of a paraphernal property situated in Minuyan, Norzagaray, Bulacan, which was covered by Original Certificate of Title (OCT) No. T-2435.^[4] In a Contract to Sell,^[5] she agreed to sell respondents a 300-square-meter portion of the disputed land, in consideration of a down payment of P6,000 and sixty consecutive monthly installments of P900 each.

For a period of twelve months starting from January 1985 to December 1985, respondents paid only a total of P15,445.^[6] Despite several demands, they allegedly failed to pay their outstanding obligation in the amount of P45,555. On September 12, 1995, petitioner sent them a notarized letter rescinding the Contract. Because they failed to vacate the property, she instituted the aforementioned action in the MTC of

Norzagaray.

On May 12, 1998, the MTC rendered its Decision^[7] in favor of petitioner. On appeal, the Regional Trial Court (RTC) of Malolos, Bulacan, reversed the MTC and dismissed the Complaint. In its May 5, 1999 Order, the RTC likewise denied the petitioner's Motion for Reconsideration.^[8]

Ruling of the Court of Appeals

The Court of Appeals (CA) denied due course to the appeal filed by petitioner because of her alleged failure to comply with Section 2, Rule 42 of the Rules of Court. It ratiocinated as follows:

"An examination of the petition reveals that petitioner failed to accompany it with certified true copies of such material portions of the record as would support the allegations in the petition as required under Sec. 2, Rule 42 of the 1997 Rules of Civil Procedure."

The CA justified the denial of the Motion for Reconsideration in this wise:

"Justifying her non-submission of certified true copies of material portions of the record, petitioner submits that she believed that since the petition was solely premised on one legal issue, 'no material portions of the record . . . had to be attached to the petition'. Petitioner nonetheless submitted, along with her motion, the pertinent documents.

"The above-said Sec. 2 of Rule 42 x x x is not without reason. How can this Court judiciously act on the petition without being able to assess the pertinent document/s relevant to the assailed decision? That a legal question is raised in the petition does not excuse non-compliance with the Rules.

"This Court not being satisfied that petitioner's `non-compliance was not attributable to the party, despite due diligence on his part, and that there are no highly justifiable and compelling reasons for the court to make such other disposition as it may deem just and equitable' (SC Adm. Circular No. 3-96), the present motion fails."^[9]

Hence, this Petition.^[10]

Issues

The petitioner submits the following questions for this Court's resolution:

"1.....Whether x x x the Honorable Court of Appeals acted in accordance with law in dismissing the case based on a technicality regardless of the clearly meritorious case of the petitioner[.]

"2.....Whether x x x judicial rescission is required in a contract to sell where the object of the contract had been delivered to the vendee[.]"^[11]

In resolving this Petition, the Court will discuss whether the dismissal of the case by the appellate court was proper.

This Court's Ruling

The Petition is meritorious. The case should be remanded to the CA for decision on the merits.

Main Issue: **Propriety of Denial of the Petition**

Section 2, Rule 42 of the 1997 Rules of Court requires that a petition filed before the CA must be accompanied by certified true copies or duplicate originals of the assailed decisions or final orders, as well as by copies of the pleadings and the other material portions of the records that would support the allegations therein. It provides as follows:

"Sec. 2. Form and contents. - The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) 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." (Emphasis supplied.)

Under Section 3 of the same Rule, which we quote below, noncompliance with any of the foregoing requisites is a ground for the dismissal of a petition:

"Sec. 3. Effect of failure to comply with requirements. -The failure of petitioner to comply with any of the foregoing requisites regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof."

The appellate court gave the Petition short shrift because "petitioner failed to accompany it with certified true copies of such material portions of the record as would support the allegations in the petition x x x."

We disagree. Attached to the Petition for Review^[12] filed before the Court of Appeals were original duplicate copies of the RTC and the MTC Decisions and of the RTC Order denying reconsideration. Moreover, we find that the MTC Decision reproduced verbatim the Contract to Sell, which is central to the dispute.

The fact that no certified true copy of the Contract to Sell was attached to the