

THIRD DIVISION

[G.R. No. 109834, October 18, 1996]

**CECILE SAN JUAN DITCHING AND MA. CORAZON I. SAN JUAN,
PETITIONERS, VS. COURT OF APPEALS AND ADRIANO MOTAS,
RESPONDENTS.**

D E C I S I O N

PANGANIBAN, J.:

If a motion for extension of time -- to file a petition for review with respondent Court of Appeals -- was filed more than fifteen days from receipt of the order assailed, should the petition itself, when subsequently filed, be rejected outright for being filed late? On the other hand, should the merits of the case be looked into the first to ascertain whether to allow relaxation of the strict application of the rules?

Assailed in this petition^[1] for review on certiorari under Rule 45 of the Rules of Court are the Decision^[2] of respondent Court of Appeals^[3] promulgated August 25, 1992, and its Resolution^[4] of April 16, 1993 denying the motion for reconsideration of petitioners. In the assailed Decision, respondent Court dismissed their petition for review for being filed late, considering that their motion for extension was filed twenty (20) days from their receipt of the order of the trial court.

The Antecedent Facts

The antecedent of the present was an ejectment case^[5] filed in July 1989 with the Municipal Trial Court in Calamba, Laguna by herein petitioner Ditching and Zonette San Juan Bacani, seeking to eject herein private respondent Motas and another occupant named Vidal Batalla from the lot owned by the petitioner and her co-owners. Said case was tried under the old Rules on Summary Procedure.

The Municipal Trial Court found that the plaintiffs in said ejectment case were co-owners of parcels of land situated at Barangay Pansol, Calamba, Laguna covered by various transfer certificates of title. However in 1975, a contract of tenancy entitled "*Kasunduan Buwisan sa Sakahan*" was entered into by private respondent Motas and Dr. Eduardo San Juan, the predecessors-in-interest of petitioners. Then, in 1978, respondent Motas constructed his house on the lot covered by TCT No. 57823 without the consent of petitioners, who, upon learning of such fact, demanded that he vacate the property. The last demand to vacate having been made in September 1988, and respondent Motas having refused to vacate, petitioners lodged a complaint at the barangay level, but no amicable settlement was arrived at, hence the suit for ejectment.

For his part, respondent Motas alleged that he could not be ejected from his tenanted landholdings (including the lot where his house was located) because of the existing tenancy agreement, and that he had been giving rentals/shares to petitioners' overseer who without justifiable reason stopped receiving said rentals

or shares of the harvests, forcing respondent Motas to deposit the same with a bank.^[6]

After due consideration of the pleadings and evidence presented, the Municipal Trial Court found that there existed a tenancy relationship between petitioners and respondent Motas. Then, based on Section 24 of Republic Act No. 3844, the Agricultural Reform Code, as amended, which provides that "(t)he agricultural lessee shall have the right to continue in the exclusive possession and enjoyment of any home lot he may have occupied upon the effectivity of (RA 3844), which shall be considered as included in the leasehold", the MTC held^[7] that the portion of the land where respondent Motas' house was erected was considered included in the leasehold, hence the "ejectment" case was actually a tenancy case over which it had no jurisdiction. The court thus dismissed the case.

Petitioners appealed to the Regional Trial Court of Calamba, Laguna,^[8] which rendered a decision^[9] dated June 28, 1991, in Civil Case No. 1607-90-C affirming *in toto* the decision of the Municipal Trial Court. The Regional Trial Court made the following findings supporting the existence of an tenancy relationship:^[10]

"In the case at bar, the fact appears to be uncontroverted that plaintiffs (petitioners herein) became the registered owners of the property mentioned in the complaint only on May 8, 1978. This is quite evident from a reading of a copy of Transfer Certificate of Title No. 57823 (Annex 'D' of complaint). Moreover, the land sought to be recovered by them clearly appears to be a part of a larger tract of land identified as Lot 1416 of the subdivision plan (LRC) Psd-266142, the latter being also a portion of Lot 1416-X-2, Psd 58615, LRC Rec. No. 8418. Furthermore, this Court's analysis of the other Transfer Certificate of Title attached to the complaint as Annexes 'A' to 'C' and 'E' to 'I', inclusive, will clearly show that the parcels of land mentioned and described in the same certificates of title issued in the names of plaintiffs and their co-owners are the result of a previous subdivision of Lot 1416-X. Since Annexes 'A' to 'C' and 'E' to 'I' appear to have been issued to the plaintiffs and their co-owners also on May 8, 1978, there is no doubt at all that the parcel of land covered by such titles, including the land in question, came from one (1) tract of land.

The foregoing circumstances appear to be significant because plaintiffs never denied, much less controverted the fact that defendants, more particularly Adriano Motas (private respondent herein), have occupied a much bigger parcel of land belonging to Dr. Eduardo San Juan as tenants of the latter. Neither did plaintiffs dispute the defendants' claim that the land in question was a part and parcel of Dr. Eduardo San Juan's land being tenanted by defendants.

On the other hand, there is sufficient and uncontroverted proof offered by defendants that they have been tenants of Dr. San Juan's land since 1972; and that on October 7, 1975, defendant Motas even executed Annex '1' with Dr. San Juan, plaintiffs predecessor-in-interest.

Plaintiffs' contention that defendants are not tenants of the property in

question has no leg to stand on. Having succeeded Dr. Eduardo San Juan on the same property, they are bound to observe and respect the rights of defendants as tenant. Their claim that they never intended defendants to be their tenants cannot be given merit."

As expected, petitioners filed a motion for reconsideration of the aforequoted decision. In order to resolve the same, Judge Eleuterio Guerrero set the case for clarificatory hearing on August 30, 1991, on which date a representative from the Register of Deeds of Laguna (Calamba Branch) appeared and testified on the records and/or other papers and documents relative to the ownership and/or disposition of the land subject of the controversy.^[11]

Afterwards, Judge Eleuterio Guerrero issued an order dated January 8, 1992 granting reconsideration and setting aside his earlier order, thus:^[12]

"WHEREFORE, this Court finds merit to plaintiffs-appellants' Motion for Reconsideration and accordingly the decision of this Court dated June 28, 1991, is hereby reversed and set aside and another judgment is rendered as follows:

1. Ordering defendants-appellees and/or any persons claiming rights under them to vacate immediately the premises of the land owned by plaintiffs-appellants located at Barangay Pansol, Calamba, Laguna, and to surrender possession thereof to the latter; and

2. Defendants-appellees are further ordered to pay the costs."

On March 5, 1992, Judge Francisco Ma. Guerrero who took over as presiding judge of Branch 34, issued another order (this time upon motion for reconsideration of respondent Motas) reversing the earlier order of Judge Eleuterio Guerrero, as follows:^[13]

"The rule on the exercise of the Appellate Jurisdiction by Regional Trial Court mandates that cases appealed from the Metropolitan Trial Court 'be decided on the basis of the entire record of the proceeding had in the Court of origin and such memoranda and/or briefs as may be submitted by the parties or required by the Regional Trial Court' (vide. Sec. 22, Batas Pambansa Bilang 129). The fact that the Court then presided by Hon Eleuterio Guerrero conducted hearings and admitted testimonial evidence to clarify points on the decision of the Court a quo, is beyond the purview of the rule. This being the case, the motion for reconsideration must perforce be GRANTED.

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WHEREFORE, the Order of this Court dated January 8, 1992 is hereby ordered RECONSIDERED and SET ASIDE and the Order of the Municipal Trial Court dated June 14, 1990 is AFFIRMED en toto."

On April 13, 1992, petitioners filed with the respondents Court of Appeals a motion for extension of fifteen (15 days from April 18, 1992, or up to May 3, 1992, within which to file a petition for review, alleging the following material dates:^[14]

"2. On March 5, 1992, the said court issued an Order adverse to herein petitioners, a copy of which was received by petitioners thru counsel on March 17, 1992, please see Annex 'A'.

3. From the adverse order, petitioners filed a Motion for Reconsideration on March 27, 1992 which was denied by the court per Order of even date.

4. The Order denying petitioners' Motion for Reconsideration was received by petitioners thru counsel on April 3, 1992, please see Annex 'B', thus, petitioners have until April 18, 1992 within which to file a Petition for Review on Certiorari.

5. That petitioners will file a petition for review on certiorari of the said adverse order.

6. Due however, to volume and pressure of work from equally important cases, undersigned cannot file the petition within the time allowed by law, thus, needs a period of fifteen (15) days from April 18, 1992 within which to file said petition."

In response thereto, the Court of Appeals issued a resolution granting extension and stating:[15]

"Petitioners' motion for an extension of fifteen (15) days from April 18, 1992 or up to May 3, 1992 within which to file a petition for review is GRANTED, *conditioned upon the timeliness of said motion.*" (Italics ours)

The petition was filed on April 29, 1992.

Finding the petition to have been filed late as can be readily ascertained from the recitation of material dates, the respondent Court of appeals dismissed the petition with the following discussion:

"It is crystal clear from the foregoing undisputed facts that from March 17, 1992 the date petitioners received the order of March 22 (should be '05'), 1992 (Annex A, petition), to March 27, 1992 when they filed their motion for reconsideration of said order, ten (10) days were consumed. From April 3, 1992 the date petitioners received the order denying their motion for reconsideration up to April 13, 1992 when they filed their motion for extension of time to file a petition for review, another ten (10) days had elapsed. A total of twenty (20) days had already run from the time petitioners received a copy of the questioned order up to the time they actually filed on April 13, 1982 their motion for extension of time to file the petition. Clearly, the order of March 22 (should be '05'), 1992 had already become final and executory when petitioners filed on April 13, 1992 their motion for extension of time to file a petition for review. For this reason, this Court had no jurisdiction to entertain the petition for review except to dismiss it. (Sumbilo vs. IAC, 165 SCRA 232)."

Their motion for reconsideration of the aforequoted Decision having been denied by the Court of Appeals hastened to this Court.