THIRTEENTH DIVISION

[CA-G.R. CV NO. 99931, June 30, 2014]

FE B. ORENSE, REPRESENTED BY RENE H. IMPERIAL, PLAINTIFF-APPELLEE, VS. SPS. PEDRO & PAZ SURTIDA, DEFENDANTS-APPELLANTS.

D E C I S I O N

DIMAAMPAO, J.:

The Rules of Procedure are designed to ensure a fair, orderly and expeditious disposition of cases; however, the rules are not meant to allow hasty judgments at the price of great injustice. Where a strict and unflinching reliance on technical rules will defeat their real objective, and where the non-observance thereof is neither deliberate nor with intent to cause any undue delay by a party, a liberal construction of these rules would be becoming, if not compelling, at times.[1]

The foregoing legal aphorism finds application in the case at bench.

Repugned in this *Appeal* is the *Decision*[2] dated 29 October 2012 of the Regional Trial Court, Fifth Judicial Region, Legazpi City, Branch 1, in Civil Case No. 11068, for *Recovery of Possession*, the decretal portion of which reads:

> "WHEREFORE, in view of the foregoing, the court hereby renders judgment:
>
> 1. Directing the defendants or any person or persons acting under them to vacate and turn over the physical possession to the plaintiff or her representative the real property described as follows subject matter of the Contract to Sell; and,
>
> 2. Condemning the defendants to be jointly and severally liable to pay and/or reimburse to the plaintiff the total sum of P170,000.00 in attorney's fees, the same to earn interest, pursuant to *Eastern Shipping Lines, Inc. v. Court of Appeals*, at the rate of 6% per annum from February 18, 2012 and 12% per annum on the amounts due from the finality of this judgment until its satisfaction.
>
> SO ORDERED."[3]

The salient facts are not in dispute. The legal strife between the parties has its provenance in a *Complaint for Recovery of Possession*[4] lodged by plaintiff-appellee Fe Orense (appellee), represented by Rene Imperial, against defendants-appellants the spouses Pedro and Paz Surtida (appellants). After appellants filed their *Answer*, the case was initially scheduled for a pre-trial conference on 2 July 2012.[5] This was rescheduled to 17 July 2012,[6] 28 August 2012,[7] and 19 September 2012[8] as the parties manifested that they were in the process of settling their dispute. On

the last scheduled date for pre-trial conference, appellants and their counsel were not present, prompting the court *a quo* to allow appellee to present her evidence *ex parte*.[9] Ploughing through the evidence proffered by appellee, the court *a quo* rendered the challenged *Decision*.

Appellants moved for reconsideration but the court *a quo* unfavorably acted on their *Motion*.[10]

Through the present recourse, appellants raise the following errors—

I

THE DECISION OF THE HONORABLE TRIAL COURT DATED OCTOBER 29, 2012 AND ITS ORDER DATED NOVEMBER 19, 2012 IS (SIC) CONTRARY TO FACTS AND TO LAW.

II

THE HONORABLE TRIAL COURT GRAVELY ERRED IN RENDERING THE JUDGMENT EXCLUSIVELY BASED ON PLAINTIFF'S EVIDENCE WITHOUT FIRST GOING THRU THE MANDATORY MEDIATION CONFERENCE. ALSO IN VIOLATION OF ART. 2030 OF THE CIVIL CODE AND IN VIOLATION OF SEC. 6 OF RULE 1 OF THE REVISED RULES OF COURT.

The Appeal is meritorious.

The factual milieu obtaining here merits a reversal of the court *a quo's* judgment based on an *ex parte* evidence.

Case law teaches Us that the Court should afford party-litigants the amplest opportunity to enable them to have their cases justly determined, free from constraints of technicalities. Technicalities should take a backseat against substantive rights and should give way to the realities of the situation. The better and more prudent course of action in a judicial proceeding is to hear both sides and decide the case on the merits instead of disposing the case by technicalities. What should guide judicial action is the principle that a party-litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty or property on technicalities. The ends of justice and fairness would best be served if the issues involved in the case are threshed out in a full-blown trial. Trial courts are reminded to exert efforts to resolve the matters before them on the merits and to adjudge them accordingly to the satisfaction of the parties, lest in hastening the proceedings, they further delay the resolution of the cases.[11]

It is beyond cavil that appellants were present in all the scheduled pre-trial conferences, except for the last one set on 19 September 2012. This single instance of non-appearance, which was beyond their and that of their counsel's control, neither amounts to willful disregard of the orders of the court nor warrants the disallowance of appellants' right to present their evidence. Nothing on record would demonstrate that appellants had manifested lack of interest to defend their right or delay the proceedings. Appellants having shown no culpable negligence in not attending the scheduled pre-trial, the court *a quo* should not have so anxiously wielded its power to deny their right to pre-trial and present evidence to controvert