



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

SEGUNDINA A. GALVEZ,
Petitioner,

G.R. No. 157445

Present:

-versus-

SERENO, C.J.,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR, and
REYES, JJ.

**HON. COURT OF APPEALS,
SPOUSES HONORIO C.
MONTANO and SUSANA P.
MONTANO and PHILIPPINE
NATIONAL BANK,**
Respondents.

Promulgated:

APR 03 2013

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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, 2002¹ 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.

¹ *Rollo*, pp. 32-33; penned by Associate Justice Rebecca De Guia-Salvador, and concurred in by Associate Justice Godardo A. Jacinto (retired) and Associate Justice Eloy R. Bello, Jr. (retired).

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 Montañas,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 Montañas were void; and that in view of the valid acquisition of the property by PNB during the foreclosure sale, the subsequent sale to the Montañas 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 ₱5,000 as attorney's fees; (c) To pay plaintiffs a reasonable rental in the amount of ₱ 100 per month being the

² Records, pp. 215-216.

³ Id. at 214.

⁴ Id. at 5-6.

⁵ Id. at 1-4.

⁶ Id. at 21-27.

⁷ *Rollo*, pp. 74-99.

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

⁸ Id. at 97.

⁹ Records, pp. 255-256.

¹⁰ *Rollo*, pp. 66-72

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:

¹¹ Id. at 73.

¹² Id. at 32-33.

¹³ CA *Rollo*, pp.71-76

¹⁴ *Rollo*, pp. 34-35.

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.

¹⁵ Id. at 19.

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

¹⁶ Id. at 20.

¹⁷ Id. at 20-21.

¹⁸ Id. at 22.

¹⁹ Id. at 22-23.

²⁰ Id. at 23.

²¹ Id. at 24-25.

²² Id. at 25.

longer assail the lack of her consent to the sale between Jovita and Eustacio by reason of prescription; and (c) that Jovita could not question the validity of the sale by reason of estoppel.²³

Ruling of the Court

Section 2, Rule 42 of the 1997 *Rules of Civil Procedure*, pertinently provides as follows:

Section 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.**

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The dismissal of Segundina’s petition for review upon the ground stated in the assailed resolutions was based on Section 3, Rule 42 of the 1997 *Rules of Civil Procedure*, to wit:

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 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.**

Considering that Segundina attached 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, the mandatory nature of the requirement of attaching clearly legible duplicate originals or certified true copies of the judgments or final orders is not in issue here. What is in issue was her failure to attach “the pleadings and other material portions of the record as would support the allegations of the petition.”

The petition is meritorious.

²³ Id. at 112-125.

In *Atillo v. Bombay*,²⁴ a case strikingly similar to this one because the petitioner did not annex to her petition copies of the pleadings and other material portions of the record like the complaint, answer and position papers filed in the trial court in violation of the rule, the Court had the occasion to hold that although the phrase “of the pleadings and other material portions of the record as would support the allegations of the petition” contemplated the exercise of discretion by a petitioner in selecting the documents relevant to the petition for review, it was still the CA that would determine if the attached supporting documents were sufficient to make out a *prima facie* case.²⁵ In so holding, however, the Court “fairly assumed that the CA took pains in the case at bar to examine the documents attached to the petition so that it could discern whether on the basis of what have been submitted it could already judiciously determine the merits of the petition. The crucial issue to consider then is whether or not the documents accompanying the petition before the CA sufficiently supported the allegations therein.”²⁶

In *Cusi-Hernandez v. Diaz*,²⁷ a case where the petitioner did not attach to her petition for review a copy of the contract to sell that was at the center of controversy, the Court nonetheless found that there was a substantial compliance with the rule, considering that the petitioner had appended to the petition for review a certified copy of the decision of the MTC that contained a verbatim reproduction of the omitted contract.

Moreover, it is settled that the petitioner’s failure to append the pleadings and pertinent documents to the petition can be rectified by the subsequent filing of a motion for reconsideration to which is attached the omitted pleadings and documents as required by the CA.²⁸

The foregoing rulings show that the mere failure to attach copies of the pleadings and other material portions of the record as would support the allegations of the petition for review is not necessarily fatal as to warrant the outright denial of due course when the 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 RTC, and other attachments of the petition sufficiently substantiate the allegations.

For the guidance of the CA, therefore, the Court has laid down three guideposts in determining the necessity of attaching the pleadings and portions of the records to the petition in *Air Philippines Corporation v. Zamora*,²⁹ which involved the dismissal of a petition for *certiorari* assailing

²⁴ G.R. No. 136906, February 7, 2001, 351 SCRA 361.

²⁵ Id. at 368-369.

²⁶ Id.

²⁷ G.R. No. 140436, July 18, 2000, 336 SCRA 113. 114-115.

²⁸ *Mendoza v. David*, G.R. No. 147575, October 22, 2004, 441 SCRA 172, 180-181.

²⁹ G.R. No. 148247, August 7, 2006, 498 SCRA 59.

an unfavorable decision in a labor dispute for failing to attach copies of all pleadings (like the complaint, answer, position paper) and other material portions of the record as would support the allegations in the petition, to wit:

First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a *prima facie* case of grave abuse of discretion as to convince the court to give due course to the petition.

Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.

Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.³⁰

The guideposts, which equally apply to a petition for review filed in the CA under Rule 42,³¹ reflect that the significant determinant of the sufficiency of the attached documents is whether the accompanying documents support the allegations of the petition.

For this case, then, the relevancy of the documents Segundina attached to her petition for review could be appreciated by looking at her allegations, which have been as set forth earlier, and her assignment of errors, which reads thusly:

1. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN NOT DECLARING AS NULL AND VOID THE SALE OF THE SUBJECT PROPERTY BY EUSTACIO GALVEZ TO JOVITA GALVEZ, THE SAME BEING WITHOUT THE CONSENT OF HIS WIFE, PETITIONER SEGUNDINA GALVEZ.
2. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN NOT DECLARING AS NULL AND VOID THE SALE OF THE SUBJECT PROPERTY BY EUSTACIO GALVEZ TO JOVITA GALVEZ, THE SAME BEING WITHOUT CONSIDERATION.

³⁰ Id. at 69-70.

³¹ Section 1, Rule 65, *Rules of Court*, imposes a requirement for the petition for *certiorari* to be accompanied by, among others, a certified true copy of the judgment, order or resolution subject thereof, and **copies of all pleadings and documents relevant and pertinent thereto**, which is similar to the requirement under Section 2, Rule 42.

3. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN NOT DECLARING AS NULL AND VOID THE AUCTION SALE OF THE SUBJECT PROPERTY CONDUCTED IN A PLACE OTHER THAN THE PLACE STIPULATED IN THE DEED OF REAL ESTATE MORTGAGE, I.E., THE CAPITOL OF THE PROVINCE OF LEYTE.
4. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN DECLARING RESPONDENT PNB AS A BUYER IN GOOD FAITH OF THE SUBJECT PROPERTY.
5. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN DECLARING RESPONDENT SPOUSES MONTANO AS BUYERS IN GOOD FAITH OF THE SUBJECT PROPERTY.
6. THE HONORABLE REGIONAL TRIAL COURT COMMITTED AN ERROR OF LAW IN AFFIRMING, AND NOT REVERSING THE DECISION OF THE REGIONAL TRIAL COURT (sic) AND IN NOT DISMISSING THE COMPLAINT AND GRANTING PETITIONER'S COUNTERCLAIMS AND THIRD PARTY CLAIMS.³²

The Court considers the attachments of Segundina's petition for review (*i.e.*, 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) already sufficient to enable the CA to pass upon her assigned errors and to resolve her appeal even without the pleadings and other portions of the records. To still deny due course to her petition for not attaching the complaint and the answer despite the MTC decision having substantially summarized their contents was to ignore the spirit and purpose of the requirement to give sufficient information to the CA. The Court reiterates what it has cautioned the CA in *Air Philippines Corporation v. Zamora*³³ not to be overzealous in its enforcement of the rules.

In its resolution denying Segundina's motion for reconsideration, the CA brushed aside her position of not needing to attach other portions of the records of the MTC and the RTC by reminding that she was the party who had raised "exceptions to the findings of fact and conclusions of law" by the MTC and the RTC.³⁴ The CA's reminder was unfounded, however, considering that her petition focused only on questions of law, like the effects of the lack of her consent to the sale to Jovita, the want of consideration for that sale, and the conduct of the foreclosure sale in a place other than that stipulated in the deed of real estate mortgage. It was plain that she was not assailing the propriety of the findings of fact by the MTC and the RTC, but only the conclusions reached by said lower courts after their appreciation of the facts. In dealing with the questions of law, the CA could simply refer to the attached decisions of the MTC and the RTC.

³² CA rollo, pp. 10-11.

³³ *Supra* note 29, at 70.

³⁴ Rollo, p. 34.

Besides, even had the CA actually believed that the proper consideration of the petition for review would be requiring another look at the factual issues, it could still resolve such issues by relying on the accepted principle that the factual findings of the lower courts were entitled to great weight. Likewise, were a reference to the records of the trial court be held by the CA to be still necessary to settle any remaining doubt as to the propriety of the factual findings of the lower courts, the CA could have itself called upon Segundina to submit additional documents, or could have itself directed the clerk of court of the RTC to elevate the original records to enable it to make a complete adjudication of the case. Outright denial of due course under the circumstances contravened Segundina's right to be heard on her appeal, and constituted a gross error on the part of the CA.

WHEREFORE, the Court **GRANTS** the petition for review on *certiorari*; **REVERSES** and **SETS ASIDE** the assailed resolution promulgated on June 25, 2002 outrightly denying due course to the petition for review in C.A.-G.R. SP No. 71044 entitled *Segundina A. Galvez v. Spouses Honorio C. Montano and Susana P. Montano and Philippine National Bank*, and the resolution promulgated on February 6, 2003 denying petitioner's motion for reconsideration; and **REINSTATES** C.A.-G.R. SP No. 71044, with instructions for the Court of Appeals to process and resolve the appeal with reasonable dispatch.

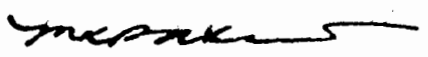
Respondents are ordered to pay the costs of suit.

SO ORDERED.




LUCAS P. BERSAMIN
Associate Justice


WE CONCUR:




MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice