

FIRST DIVISION

[G.R. NO. 154338, October 05, 2007]

UNIVERSAL ROBINA CORPORATION, PETITIONER, VS. ALBERT LIM, DOING BUSINESS UNDER THE NAME AND STYLE "NEW H-R GROCERY," RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Before us is a Petition for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Resolutions dated January 16, 2002 and July 1, 2002 of the Court of Appeals in CA-G.R. SP No. 67368.

The present controversy stemmed from a contract of sale between Universal Robina Corporation, petitioner, and Albert Lim, respondent. Pursuant to the contract, petitioner sold to respondent grocery products in the total amount of P808,059.88. After tendering partial payments, respondent refused to settle his obligation despite petitioner's repeated demands.

Thus, on May 31, 1999, petitioner filed with the Regional Trial Court, Branch 227, Quezon City, a complaint against respondent for a sum of money, docketed as Civil Case No. Q-99-37791.^[1]

On June 22, 1999, the trial court issued an Order dismissing the complaint *motu proprio* on grounds of lack of jurisdiction and improper venue, thus:

The case is misplaced with respect to jurisdiction and venue. There is not even a remote connection by the parties to Quezon City, where this Regional Trial Court sits, the plaintiff corporation has principal office at Pasig City and the defendant is, as provided in the complaint, from Laoag City.

Wherefore, premises considered, this case is hereby DISMISSED without prejudice for improper venue and for lack of jurisdiction.^[2]

Accordingly, petitioner filed a motion for reconsideration together with an amended complaint alleging that the parties agreed that the proper venue for any dispute relative to the transaction is Quezon City.

In an Order dated October 11, 1999, the trial court granted the motion and admitted petitioner's amended complaint.

On December 6, 1999, summons was served upon respondent. For his failure to file an answer seasonably and upon motion of petitioner, the trial court issued an Order dated September 12, 2000 declaring him in default and allowing petitioner to

present its evidence *ex parte*.^[3]

However, on April 17, 2001, the trial court, still unsure whether venue was properly laid, issued an Order directing petitioner to file a memorandum of authorities on whether it can file a complaint in Quezon City.^[4] Subsequently, on May 11, 2001, the trial court again issued an Order dismissing the complaint on the ground of improper venue, thus:

It appears that there is no connection whatsoever between Quezon City and the parties. Plaintiff's official place of business is in Pasig whereas the defendant's residence is stated to be in Laoag City – both stipulated in the Complaint. The filing is based on the stipulation at the back of the delivery receipt that venue shall be in Quezon City --- which is not even stated in the Complaint nor admitted to have been signed by the defendant.

WHEREFORE, premises considered, venue is hereby declared to have been improperly laid. This case is hereby dismissed without prejudice to filing in the proper venue.^[5]

Petitioner filed a motion for reconsideration but it was denied by the trial court in its Resolution dated August 15, 2001.^[6]

Petitioner then filed with the Court of Appeals a petition for review. But it was dismissed due to petitioner's failure to attach thereto an explanation why copies of the petition were not served by personal service but by registered mail, in violation of Section 11, Rule 14 of the 1997 Rules of Civil Procedure, as amended.^[7]

Petitioner filed a motion for reconsideration but it was likewise denied by the appellate court in a Resolution dated July 1, 2002, thus:

After a careful assessment of the petitioner's motion for reconsideration of the Resolution dated March 21, 2002 dismissing the instant case for failure to comply with Section 11, Rule 14, this Court finds the reasons therein alleged to be not well-taken.

Moreover, Supreme Court Circular No. 1-88 and Administrative Circular No. 3-96, provide that subsequent compliance with the requirements of a petition for review/*certiorari* shall not warrant reconsideration of the order of dismissal unless the court is fully satisfied that the non-compliance with the said requirements was not in any way attributable to the party, despite due negligence on his part, and that there are highly justifiable and compelling reasons for the court to make such other disposition as it may deem just and equitable.

We find such reasons wanting in the present case.

Besides, after a restudy of the facts, law and jurisprudence, as well as the dispositions already contained in the assailed Resolutions of public respondent, **we find the present petition for *certiorari* to be patently without merit, and the questions raised therein are too unsubstantial to require consideration.**