

FIRST DIVISION

[G.R. No. 117574, January 02, 1997]

**CONCRETE AGGREGATES CORPORATION, PETITIONER, VS. THE
HONORABLE COURT OF APPEALS, HON. PRISCILA S. AGANA,
REGIONAL TRIAL COURT OF CEBU CITY, BRANCH 24, AND
VIVIEN S. SORIGUEZ, RESPONDENTS.
D E C I S I O N**

BELLOSILLO, J.:

Does Rule 26 of the Revised Rules of Court require a party to respond to a Request for Admission of matters raised in his pleadings? Will his failure to place under oath his denials in his response to the request be deemed an admission of the matters sought to be admitted?

Petitioner is a domestic corporation engaged in the business of manufacturing and selling Bituminous Concrete Mix, Ready Mix Concrete and other construction materials. It has several plant sites in the country one of which is the Cebu plant site situated in Tuyan, Naga, Cebu. Private respondent on the other hand is engaged in the business of providing security services to various establishments under the name and style 101 Security and Detective Services.

Sometime in October 1990 petitioner retained the services of private respondent for its Cebu plant site. On 8 November 1991 it terminated the services of private respondent alleging that it was dissatisfied with the latter's services because she failed to prevent and promptly investigate a theft case which occurred in its Cebu plant site.

On 6 October 1992 private respondent Vivien S. Soriguez instituted an action with the Regional Trial Court of Cebu^[1] for collection of unpaid fees for her security services rendered to petitioner. She also claimed that the termination of her services was unlawful so that she should be awarded moral damages.

Petitioner contended that its refusal to pay was justified because private respondent was answerable for the losses it incurred arising from the theft attributable to her fault. Petitioner thus claimed that there was legal set-off or compensation regarding the unpaid fees due private respondent and the amount of the stolen articles owned by petitioner.

On 30 August 1993 petitioner sent private respondent a Request for Admission by the latter of her responsibility of the theft that occurred on 5 June 1991 at the Cebu plant site.^[2] Thereafter private respondent through counsel filed a Manifestation and Reply to the Request for Admission.^[3] It was not under oath.

On 8 October 1993 petitioner filed a Motion for Summary Judgment positing that private respondent impliedly admitted the matters set forth in the Request for

Admission by failing to respond under oath as required under Sec. 2, Rule 26, of the Rules of Court.^[4] Petitioner contended that the manifestation and reply not being verified was ineffectual and thus should be stricken off the records. Private respondent countered that her reply although not under oath effectively denied the matters set forth in the request.

Public respondents ruled in favor of private respondent holding that the circumstances warranted a relaxation of the rules in the interest of justice.^[5] The trial court rationalized that -

While it is desirable that the Rules of Court be faithfully and even meticulously observed, courts should not be so strict about procedural lapses as in this case which do not really impair the proper administration of justice. Considering that the protection of the substantive rights of the parties is paramount over mere technicalities, the court elects to deny defendant's motion for summary judgment.^[6]

Respondent courts further ruled that a summary judgment was improper because the dispute involved factual issues which could only be resolved in a full-blown hearing.^[7]

After the trial court denied its motion for reconsideration petitioner elevated the matter to the Court of Appeals in a special civil action for certiorari but the latter likewise denied the petition for lack of merit; hence, the instant petition.

The pivotal issue in this case is the effect of the Request for Admission filed by petitioner and, consequently, whether private respondent may be considered to have impliedly admitted the matters referred to in the request when she filed a manifestation and reply that was not under oath.^[8]

We deny the petition.

The Request for Admission of petitioner does not fall under Rule 26 of the Rules of Court. As we held in *Po v. Court of Appeals*^[9] and *Briboneria v. Court of Appeals*,^[10] Rule 26 as a mode of discovery contemplates of interrogatories that would clarify and tend to shed light on the truth or falsity of the allegations in a pleading. That is its primary function. It does not refer to a mere reiteration of what has already been alleged in the pleadings.

A cursory reading of petitioner's Request for Admission clearly shows that it contains the same material averments in his Answer to respondent's Complaint in the trial court. Petitioner merely recopied or reproduced in its Request for Admission its affirmative defenses and counterclaims alleged in its Answer. As we held in *Po v. CA*,^[11] petitioner's request constitutes an utter redundancy and a useless, pointless process which the respondent should not be subjected to. In the first place, what the petitioner seeks to be admitted by private respondent is the very subject matter of the complaint. In effect, petitioner would want private respondent to deny her allegations in her verified Complaint and admit the allegations in the Answer of petitioner (Manifestation and Reply to Request for Admission). Plainly, this is illogical if not preposterous. Respondent cannot be said to have admitted the averments in the Answer of petitioner just because she failed to have her response to the request