

## SECOND DIVISION

[ G.R. No. 238298, January 22, 2020 ]

**JOEL F. LATOGAN, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### DECISION

**INTING, J.:**

*The Court is fully aware that procedural rules are not to be simply disregarded as they insure an orderly and speedy administration of justice. Nonetheless, it is equally true that courts are not enslaved by technicalities. They have the prerogative to relax compliance with procedural rules of even the most mandatory character, mindful of the duty to reconcile both the need to speedily put an end to litigation and the parties' right to an opportunity to be heard. Cases should be decided only after giving all parties the chance to argue their causes and defenses. Technicality and procedural imperfection should, as a rule, not serve as bases of decisions. In that way, the ends of justice would be served.*<sup>[1]</sup>

This Petition for Review on *Certiorari*<sup>[2]</sup> under Rule 45 of the Rules of Court seeks to reverse the Resolution<sup>[3]</sup> dated February 6, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 142093, which denied Joel F. Latogan's (petitioner) Omnibus Motion for Reconsideration and affirmed its previous Resolution<sup>[4]</sup> dated September 29, 2015, which denied due course and accordingly dismissed his petition for *certiorari* for various procedural infirmities.

#### *The antecedents*

In an Information<sup>[5]</sup> dated February 4, 2010, petitioner was indicted for the crime of Murder, allegedly committed as follows:

That on or about the 8th day of November, 2009, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, with intent to kill, and with treachery, did then and there willfully, unlawfully and feloniously strike a piece of wood on the back of the head of the victim MARY GRACE CABBIGAT and thereafter grab the head of the victim and twisted and grabbed her again and boxed her right eye, thereby inflicting upon the latter - lacerated wound, occipital region, measuring 4x3 cm. bisected by the posterior midline, hematoma, right upper eyelid, measuring 5x3.5 cm. 4 cm. from the anterior midline, scalp hematoma, which injuries resulted to the death of said MARY GRACE CABBIGAT.

That the killing was attended by the qualifying circumstance of treachery considering that the accused suddenly attacked the victim who did not have any means to defend herself and did not have the least expectation

to be hit and that the aggravating circumstance of disregard of sex also attended the killing considering that the victim is a woman.

CONTRARY TO LAW.<sup>[6]</sup>

During petitioner's arraignment, he entered a plea of not guilty to the charge.

In the Decision<sup>[7]</sup> dated June 5, 2015, Branch 5, Regional Trial Court (RTC), Baguio City, convicted petitioner for Murder in Criminal Case No. 30393-R on the basis of circumstantial evidence.

The RTC ruled that the evidence of the prosecution established the following: (1) at about midnight of November 8, 2009, the deceased Mary Grace Cabbigat (Mary Grace) went out with petitioner; (2) at 1:45 a.m. of the following day, petitioner brought Mary Grace to the Baguio General Hospital with severe head injuries that led to her death; and (3) petitioner and Mary Grace were together from the time they left the bar up to the time she was brought to the hospital.<sup>[8]</sup>

The RTC concluded that petitioner, as the victim's last companion, inflicted the fatal injuries upon her; that Mary Grace and petitioner were romantically involved with each other; and that they could have quarreled before the incident. To justify the conviction of the petitioner, the RTC further ruled that abuse of superior strength qualified the killing to Murder:<sup>[9]</sup>

WHEREFORE, premises considered, the Court finds Joel Latogan y Fias-ayen GUILTY beyond reasonable doubt of the crime of Murder and is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is further directed to pay the heirs of Mary Grace Cabbigat P50,000.00 as civil indemnity, another P50,000.00 as moral damages, and P37,900.00 as actual damages. These amounts shall earn interest at the rate of 6% per annum from the finality of this Decision until fully paid.

SO ORDERED.<sup>[10]</sup>

Aggrieved, petitioner moved for a reconsideration<sup>[11]</sup> of the RTC Decision, but the motion was denied due to the lack of notice of hearing as required by the Rules of Court.<sup>[12]</sup>

On July 24, 2015, petitioner filed a Manifestation<sup>[13]</sup> stating that the RTC should not have denied the motion on a mere technicality considering the gravity of the errors ascribed to it. On the same date, he filed a Notice of Appeal.<sup>[14]</sup> On July 27, 2015, Private Prosecutor Jennifer N. Asuncion filed a Comment and/or Opposition<sup>[15]</sup> to the Manifestation and Notice of Appeal of petitioner, and contended that the *pro forma* motion for reconsideration did not toll the running of the period to appeal. Hence; the assailed RTC Decision had become final and executory 15 days from its promulgation on June 30, 2015. Petitioner filed his Reply to Comment and/or Opposition to Accused's Manifestation and Notice of Appeal<sup>[16]</sup> thereafter.

In an Order<sup>[17]</sup> dated August 19, 2015, the RTC denied petitioner's appeal explaining:

The requirement of notice of hearing in all litigated motions has been part of the Rules for a long time. The alleged gravity of the errors ascribed to the Court or even the gravity of the conviction is not an excuse for disregarding the notice requirement. On the contrary, this should have urged accused to be more careful in adhering to the Rules so that his cause may not be dismissed on mere technicality.

Accused did not ask for a reconsideration of the July 13, 2015 Order. Instead, he filed a Notice of Appeal which was obviously filed beyond the 15-day reglementary period. As the Decision has lapsed into finality, the Court cannot give due course to the appeal.

SO ORDERED.<sup>[18]</sup>

Dismayed, petitioner initiated a special civil action for *certiorari* under Rule 65 of the Rules of Court before the CA.<sup>[19]</sup> In a Resolution<sup>[20]</sup> dated September 29, 2015, the CA dismissed the petition based on the following procedural flaws, *viz.*:

1. The records show that no motion for reconsideration from the Order of the public respondent dated August 19, 2015 denying the petitioner's Notice of Appeal was filed with the court *a quo* before the instant petition was resorted to;
2. The People of the Philippines was not impleaded as respondent in the petition; and the Office of the Solicitor General was not furnished with copy of the petition;
3. There is no proof of service of the petition on the respondents and no affidavit of service as to whether the petition was served by personal service or by registered mail.<sup>[21]</sup>

After almost five months from receipt of the Resolution dated September 29, 2015, petitioner filed an Omnibus Motion for Reconsideration on March 14, 2016. He claimed that he stands to serve *reclusion perpetua* for a heinous crime he purportedly committed; and that his petition was meant to correct the order of the RTC judge denying his appeal. Considering the judge's blatant and grave error in convicting him of Murder instead of Homicide, and in the interest of justice, technicalities should be set aside and his petition, as well as the notice of appeal, should be given due course.<sup>[22]</sup>

In the meantime, the CA in the Resolution dated February 26, 2016 denied due course to petitioner's Notice of Appeal for being erroneous and belatedly filed remedy.

On February 6, 2018, the CA rendered the assailed Resolution<sup>[23]</sup> denying petitioner's Omnibus Motion:

After a careful assessment of the allegations raised in petitioner's Omnibus Motion for Reconsideration, we found no merit in the arguments that have been presented therein. Petitioner did not even bother to explain the procedural lapses of his petition and considerably, he even failed to correct said lapses. Petitioner ought to be reminded that the bare invocation of "the interest of substantial justice" is not a magic

wand that will automatically compel courts to suspend procedural rules. Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. For while it is true that litigation is not a game of technicalities and that the rules of procedure should not be strictly followed in the interest of substantial justice, it does not mean that the Rules of Court may be ignored at will.

WHEREFORE, petitioner's Omnibus Motion for Reconsideration is DENIED.

SO ORDERED.<sup>[24]</sup>

Undeterred, petitioner filed the present petition arguing that the CA gravely erred in denying his Omnibus Motion for Reconsideration and Notice of Appeal.<sup>[25]</sup> Essentially, he points out to the Court that his conviction carries a prison term of *reclusion perpetua* which, standing alone, is a circumstance exceptional enough to allow him the opportunity to challenge the RTC's Decision for reasons of equity and substantial justice.

We grant the petition.

The notice in the motion for reconsideration filed by petitioner before the RTC reads as follows:

NOTICE:

The CLERK OF COURT  
Regional Trial Court  
Br. 6, Justice Hall,  
Baguio City

Sir:

Upon receipt hereof, please submit the same for hearing for the kind consideration of the Honorable Court. Further, please schedule the same for oral arguments as soon as the Prosecution files its comment thereto.

Thank you very much.<sup>[26]</sup>

The notification prays for the submission of the motion for reconsideration for hearing but without stating the time, date, and place of the hearing of the motion. This is not the notice of hearing contemplated under Sections 4 and 5, Rule 15<sup>[27]</sup> of the Rules of Court. The rules are explicit and clear. The notice of hearing shall state the time and place of hearing and shall be served upon all the parties concerned at least three days in advance. The reason is obvious: unless the movant sets the time and place of hearing, the court would have no way to determine whether the other party agrees to or objects to the motion, and if he objects, to hear him on his objection, since the Rules themselves do not fix any period within which he may file his reply or opposition.<sup>[28]</sup>

The Court is well aware of the judicial mandate that rules prescribing the time which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. With respect to notices of hearing of motions, in