

## SECOND DIVISION

[ G.R. No. 198196, July 17, 2017 ]

**SPOUSES LORETO AND MILAGROS SIBAY AND SPOUSES RUEL AND OLGA ELAS, PETITIONERS, V. SPOUSES BIENVENIDO AND JUANITA BERMUDEZ, RESPONDENTS.**

### D E C I S I O N

**PERALTA, J.:**

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking the reversal of the Decision<sup>[1]</sup> dated November 5, 2010 and Resolution<sup>[2]</sup> dated June 21, 2011, respectively, of the Court of Appeals in CA-G.R. SP No. 03998.<sup>[3]</sup>

The factual background is as follows:

The petitioners-spouses Loreto and Milagros Sibay (*Spouses Sibay*) were registered owners of the subject parcel of land covered under Transfer Certificate of Title No. T-77589, on which they built their family house.

Sometime in 1995, the Spouses Sibay obtained a loan from respondent Land Bank of the Philippines (*LBP*) and, as a security, they mortgaged the subject lot to LBP. On October 16, 1996, LBP foreclosed the mortgaged property and, thereafter, transferred the title over the said property in its name.

Subsequently, LBP sold the subject property to Nemesia Bermudez (*Nemesia*) through the private respondents Spouses Bienvenido and Juanita Bermudez (*Spouses Bermudez*) for Two Million Pesos (Php2,000,000.00). The purchase price was completely paid on May 26, 2003. Consequently, LBP executed a Deed of Sale dated August 29, 2003 in favor of Nemesia. By virtue of a writ of possession dated July 8, 2003, the subject property was transferred to LBP. Later, LBP transferred the same to Nemesia, who thereafter assigned herein private respondents Spouses Bermudez as caretakers.

On December 15, 2003, the Spouses Sibay filed before the Regional Trial Court, Branch 60 of Barili, Cebu, a complaint for annulment of the loan contract, docketed as Civil Case No. CEB-BAR-290.

However, on March 18, 2008,<sup>[4]</sup> when the case was called for the presentation of the Spouses Sibay's evidence, Loreto Sibay failed to attend due to arthritis. Thus, the court *a quo*, upon motion of the Spouses Bermudez, reset the hearing on July 29, 2008. It also directed Loreto Sibay, through counsel, to submit his medical certificate, otherwise, they will have to reimburse the defendants of the expenses incurred for unjustified postponement of the hearing.

On July 16, 2008, the Spouses Sibay, thru counsel, filed a motion for postponement due to a conflict in the hearing schedule of its counsel before another court.

In an Order<sup>[5]</sup> dated July 29, 2008, the court *a quo* denied the motion for postponement. In the same Order, the Spouses Sibay were ordered to reimburse the Spouses Bermudez in the amount of Five Thousand Pesos (Php5,000.00) and pay another Five Thousand Pesos (Php5,000.00) for their unexcused absences on the March 18, 2008 scheduled hearing, or a total of Ten Thousand Pesos (Php 10,000.00).

Aggrieved, the Spouses Sibay filed a motion for reconsideration, but the same was denied. In the Order dated October 10, 2008, the court *a quo* resolved to reduce the amount to be reimbursed and the fine to a total of Five Thousand Pesos (Php5,000.00).<sup>[6]</sup> Thus, before the Court of Appeals, the Spouses Sibay filed a petition for *certiorari* under Rule 65 of the Rules of Court, alleging grave abuse of discretion on the part of the court *a quo* when it fined the Spouses Sibay and their counsel for being absent due to illness and conflict of scheduled hearings, respectively.<sup>[7]</sup>

In the disputed Decision<sup>[8]</sup> dated November 5, 2010, the appellate court denied the petition for lack of merit. The appellate court found no grave abuse of discretion amounting to lack or excess of jurisdiction on the act of the public respondent of meting upon the petitioners the disputed fine.

The Spouses Sibay moved for reconsideration, but the same was denied anew in the Resolution<sup>[9]</sup> dated June 21, 2011. Thus, the instant petition.

This Court is now confronted with the following issues that are far from being novel, to wit:

#### I

WHETHER THE FAILURE TO ATTEND THE MARCH 18, 2008 HEARING BY A LITIGANT DUE TO SEVERE ARTHRITIS IS JUSTIFIED UNDER THE LAW AND THE RULES.

#### II

WHETHER LORETO SIBAY'S ABSENCE DUE TO SEVERE ARTHRITIS MERIT A FINE, PARTICULARLY ON LITIGANT WHO IS A PAUPER.

#### III

WHETHER THE ABSENCE OF THE PETITIONER'S COUNSEL ON JULY 29, 2008 WAS JUSTIFIED.

We deny the petition.

It must be stressed anew that in petitions for review on *certiorari* the Court addresses only the questions of law. It is not our function to analyze or weigh the evidence (which tasks belong to the trial court as the trier of facts and to the appellate court as the reviewer of facts). We are confined to the review of errors of law that may have been committed in the judgment under review.

In *Far Eastern Surety and Insurance Co., Inc. v. People*,<sup>[10]</sup> citing *Madrigal v. Court of Appeals*,<sup>[11]</sup> We had the occasion to stress this rule in these words:

The Supreme Court's jurisdiction is limited to reviewing errors of law that may have been committed by the lower court. The Supreme Court is not a trier of facts. It leaves these matters to the lower court, which [has] more opportunity and facilities to examine these matters. This same Court has declared that it is the policy of the Court to defer to the factual findings of the trial judge, who has the advantage of directly observing the witnesses on the stand and to determine their demeanor whether they are telling or distorting the truth.

Thus, in reviewing the instant petition for review on *certiorari* under Rule 45, in relation to the CA's decision on a Rule 65 petition, We will limit the issue on: *Whether the appellate court was correct in its finding that the court a quo committed no grave abuse of discretion in denying the Spouses Sibay's motion for postponement and in imposing a fine therein?*

The petition lacks merit.

As a rule, the grant or denial of a motion for postponement is addressed to the sound discretion of the court, which should always be predicated on the consideration that more than the mere convenience of the courts or of the parties in the case, the ends of justice and fairness should be served thereby. After all, postponements and continuances are part and parcel of our procedural system of dispensing justice. When no substantial rights are affected and the intention to delay is not manifest with the corresponding motion to transfer the hearing having been filed accordingly, it is sound judicial discretion to allow the same to the end that the merits of the case may be fully ventilated. Thus, in considering motions for postponements, two things must be borne in mind: (1) the reason for the postponement, and (2) the merits of the case of the movant. Unless grave abuse of discretion is shown, such discretion will not be interfered with either by *mandamus* or appeal.<sup>[12]</sup> Because it is a matter of privilege, not a right, a movant for postponement should not assume beforehand that his motion will be granted.<sup>[13]</sup>

Thus, We agree with the appellate court's finding that in the absence of any clear and manifest grave abuse of discretion resulting in lack or in excess of jurisdiction, We cannot overturn the decision of the court *a quo*. Moreso, in this case, where the denial of the motion for postponement appears to be justified.

The court *a quo* committed no grave abuse of discretion in denying the Spouse Sibay's motion for postponement, and in imposing fine and reimbursement of expenses. To recapitulate: *First*, when Loreto Sibay failed to appear during the March 18, 2008 hearing, the court *a quo* directed him, through counsel, to submit his medical certificate to support his defense of illness. However, Loreto Sibay took four (4) months to submit the medical certificate which is actually dated July 17, 2008; *Second*, the court *a quo* categorically notified the Spouses Sibay's counsel that failure to submit the medical certificate would entail the reimbursement of defendants' expenses due to unjustified postponement. Nevertheless, despite sufficient notice, even during the hearing on July 29, 2008, no medical certificate was submitted, thus, the court *a quo* granted the motion to reimburse defendant's expenses and the corresponding fine for unjustified absence; and *Third*, the Spouses Sibay's counsel's absence on the July 29, 2008 hearing was unjustified, considering that said hearing was scheduled months in advance.