

SECOND DIVISION

[G.R. No. 196875, August 19, 2015]

**TEDDY MARAVILLA, PETITIONER, VS. JOSEPH RIOS,
RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the July 25, 2008 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CEB SP No. 03594 dismissing herein petitioner's Petition for Review, as well as the CA's April 4, 2011 Resolution^[3] denying petitioner's Motion for Reconsideration.^[4]

Factual Antecedents

In 2:003, respondent Joseph Rios filed a criminal case against petitioner Teddy Maravilla for reckless imprudence resulting in serious physical injuries before the Municipal Trial Court in Cities (MTCC) of Himamaylan City, Negros Occidental, docketed as Criminal Case No. 2168-MTCC. Respondent accused petitioner of recklessly driving his jeep which caused it to collide with the motorcycle he (respondent) was then driving; as a result, respondent was injured and incapacitated to work for more than ninety days.

After trial, the MTCC rendered judgment^[5] on December 14, 2006, pronouncing as follows:

WHEREFORE, premises considered, the Quantum of proof necessary for the conviction of the accused not having been clearly established beyond any reasonable doubt, accused Teddy Maravilla is hereby acquitted of the crime charged. However, as the court finds preponderance of evidence to hold the accused liable in damages for the injuries sustained by the private complainant as a result of the lack of proof or lack [sic] basis and, as adverted to above, the accused is hereby ordered to pay private complainant the sum of P20,000.00 as temperate damages.

Other claim for damages is hereby ordered dismissed either for lack of basis and/or the same not proper [sic] in this case.

SO ORDERED.^[6]

Respondent interposed an appeal before the trial court. On May 19, 2008, the Regional Trial Court of Negros Occidental, 6th Judicial Region, Branch 56 issued its

Decision^[7] in the appealed case - Criminal Case No. 2049 - decreeing as follows:

WHEREFORE, viewed in the light of all the foregoing considerations, the decision of the Municipal Trial Court in Cities of Himamaylan City, Negros Occidental dated December 14, 2006, is hereby modified as follows:

1. The award of temperate damages in the amount of P20,000.00 is hereby deleted; and
2. Accused-appellee is hereby held liable to pay private complainant Joseph Rios the amount of Two Hundred Fifty Six Thousand Three Hundred Eighty Six Pesos and Twenty Five Centavos (P256,386.25) as actual and compensatory damages;
3. No award for moral damages and Attorney's Fees and no costs.

SO ORDERED.^[8]

Ruling of the Court of Appeals

Petitioner filed a Petition for Review with the CA, docketed as CA-G.R. CEB SP No. 03594. However, in its assailed July 25, 2008 Resolution, the CA dismissed the Petition, decreeing thus:

Filed before Us is a petition for review under Rule 42 filed by the petitioner on June 19, 2008 seeking to reverse/set aside the assailed Decision of the Regional Trial Court, Branch 56 of Himamaylan City, Negros Occidental dated 19 May 2008.

As viewed, the instant petition is defective in substance:

- a. It failed to incorporate a written explanation why the preferred personal mode of filing under Section 11, Rule 13, Revised Rules of Court, was not availed of;
- b. Some relevant and pertinent pleadings and documents, which are necessary for a better understanding and resolution of the instant petition, were not attached therein, in violation of Section 2(d), Rule 42^[9] of the Revised Rules of Court, to wit:
 - i. Copy of the information filed before the municipal trial court;
 - ii. Copy of the appellant's brief filed before the RTC;
 - iii. Copy of the appellee's brief, if any;
 - iv. Other pieces of evidence/documents adduced before the lower court.

While it is true that litigation is not a game of technicalities and that the rules of procedure should not be strictly enforced at the cost of substantial justice, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation

and assessment of the issues and their just resolution. Justice eschews anarchy.

Thus, for failure of the petitioner to comply with pertinent provisions of the Rules, the petition is hereby DISMISSED.

SO ORDERED.^[10]

Petitioner moved for reconsideration, but in its second assailed Resolution, the C A stood its ground, stating -

The petitioner subsequently filed a motion for reconsideration of the aforesaid Resolution by invoking the rule on liberal application of procedural laws. In trying to rectify the dearth in his petition, the petitioner attached to his motion certain portions of the record of the case in the court *a quo*.

A perusal of petitioner's motion for reconsideration, as well as the attachments thereto, shows that the petitioners [sic] still failed to comply with Section 2(d), Rule 42 of the Revised Rules of Court. There are allegations in the petition that draw support from the transcripts of stenographic notes, formal offer of evidence by the respondent, and the Order of the trial court that admitted said formal offer of evidence. The petitioner, however, had not appended the aforesaid documents to the petition. Thus, with such deficiency, the Court resolves to deny petitioner's motion for reconsideration.

WHEREFORE, premises considered, the petitioner's motion for reconsideration is hereby denied.

SO ORDERED.^[11]

Hence, the instant Petition.

Issues

Petitioner raises the following issues for resolution:

1.

THE HONORABLE COURT OF APPEALS ERRED IN DISMISSING THE PETITION FOR REVIEW UNDER RULE 42 DUE TO TECHNICALITIES.

2.

PETITIONER HAS A MERITORIOUS CASE AND [THE] PETITION IS NOT FRIVOLOUS AND DILATORY.^[12]

Petitioner's Arguments

In his Petition and Reply^[13] seeking reversal of the assailed CA dispositions and a remand of the case to the CA for consideration on its merits, petitioner argues that while the CA has discretion to dismiss the appeal, its discretion must be a sound one, and it must consider the circumstances of the case, the tenets of justice and fair play, and the fact that an appeal is an essential part of the judicial process, to the end that technicalities should be avoided.^[14] Petitioner asserts that the courts must afford every party litigant the amplest opportunity for the just and proper determination of his case free from the constraints of technicalities. He claims that Ms failure to submit pertinent documents required by the CA was due to misapprehension of Section 2(d) of Rule 42, as the said section mentions only copies of the judgments or orders of the lower courts, which brought him to the realization that other pleadings or documents may be submitted later on, as the need arises or as may be necessary. He argues that the Revised Internal Rules of the CA (Section 3[d], Rule 3) states that when a petition does not contain the complete annexes of the required number of copies, "the Chief of the Judicial Records Division shall require the petitioner to complete the annexes or file the necessary number of copies of the petition before docketing the case;" thus, the defect was cured when he submitted the required pleadings/documents together with his motion for reconsideration with the CA. Moreover, he insists that he has a meritorious case since there is no basis for the trial court's award of actual damages because respondent failed to prove and testify as to the same -respondent failed to present actual receipts of his hospital expenses, but merely relied on the hospital's statement of account (Exhibit "N") containing the amount of expenses allegedly incurred by him, which does not qualify as proof of actual expenses incurred; respondent failed to identify the said statement of account at the trial; and finally, respondent's other exhibits do not prove that he incurred medical expenses.

Respondent's Arguments

In his Comment,^[16] respondent supports the dismissal of the Petition by the CA. He contends that while petitioner submitted additional pleadings and documents when he filed his Motion for Reconsideration, still the same was insufficient. The CA may not be expected to rule properly on the petition without said pleadings and documents, since - unlike in an ordinary appeal - the trial court record is not automatically elevated to the appellate court in a petition for review. Respondent insists that petitioner may not invoke liberality in the application of the Rules. The cases he cited are not applicable because the parties complied wholly with their duty to attach all the relevant pleadings and documents necessary for the consideration of their petition whereas in his case, there was no complete compliance with the Rules because he failed to attach all the required pleadings and documents. Besides, petitioner has not given a valid excuse for failing to complete the required documents. In any case, while the phrase "of the pleadings and other material portions of the record" in Section 2 (d), Rule 42 -followed by the phrase "as would support the allegations of the petition" - means that petitioner has the discretion to select the documents that must be annexed to the petition, it is still the CA that will ultimately determine if the supporting documents are sufficient to even make out a *prima facie* case.^[17] Moreover, there is no question of law involved in the instant case, which justifies the denial of the petition. Respondent also avers that petitioner's plea for a re-examination of the evidence to justify his recourse is not allowed at this stage; and that just the same, respondent has sufficiently proved his entitlement to actual damages through the various pieces of evidence submitted and

admitted in the court below.

Our Ruling

The Court denies the Petition.

Under Section 2, Rule 42 of the 1997 Rules of Civil Procedure (1997 Rules), a petition for review shall be accompanied by, among others, copies of the pleadings and other material portions of the record as would support the allegations of the petition. Section 3 of the same rule states that failure of the petitioner to comply with any of the requirements regarding the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

In *Galvez v. Court of Appeals*,^[18] this Court held that there are three guideposts in determining the necessity of attaching pleadings and portions of the record to petitions under Rules 42 and 65 of the 1997 Rules, 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 [be] 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.**

The guideposts, which equally apply to a petition for review filed in the CA under Rule 42, reflect that the significant determinant of the sufficiency of the attached documents is whether the accompanying documents support the allegations of the petition.^[19] (Emphasis supplied)

It is true that in the case of *Spouses Espejo v. Ito*,^[20] which petitioner cites, the petitioners therein rectified their mistake by submitting the necessary pleading - in this case a copy of the complaint - to the CA, thus completing the attachments to their petition for review. The Court in said case held: