

FIRST DIVISION

[G.R. No. 198531, September 28, 2015]

ETHEL, EMMIE, ELVIE, EARLYN, EVELYN, ALL SURNAMED ACAMPADO, AND KATIPUNAN M. DE LOS REYES AND THE REGIONAL TRIAL COURT, KALIBO, AKLAN, BRANCH 6, PETITIONERS, VS. SPOUSES LOURDES R. COSMILLA AND FELIMON COSMILLA, AND LORELIE COSMILLA, FOR HERSELF AND AS ATTORNEY-IN-FACT OF LOURDES R. COSMILLA, RESPONDENTS.

D E C I S I O N

PEREZ, J.:

For resolution of the Court is the instant Petition for Review on *Certiorari*^[1] filed by petitioners Ethel Acampado, Emmie Acampado, Elvie Acampado, Earlyn Acampado and Evelyn Acampado seeking to reverse and set aside the Resolutions dated 28 June 2007^[2] and 19 August 2011^[3] of the Court of Appeals, Cebu City in CA-G.R. SP. No. 00805. The assailed resolutions reversed the Order^[4] dated 16 May 2005 of the Regional Trial Court (RTC) of Aklan, Branch 6 which denied the Motion for Reconsideration filed by respondents Spouses Lourdes and Felimon Cosmilla for being *pro forma*. The dispositive portion of the Court of Appeals Decision reads:

"WHEREFORE, petitioner's motion for reconsideration is hereby GRANTED and the Order of the Court a quo dated May 16, 2005, declaring the Motion for Reconsideration pro forma is hereby ANNULLED and SET ASIDE and the court a quo is hereby directed to forthwith resolve petitioners' motion for reconsideration of its Decision dated March 31, 2005."^[5]

The Antecedents

The present petition stems from the Petition for the Declaration of the Nullity of Document filed by respondents against petitioners before the RTC of Kalibo, Aklan, Branch 6. In their Amended Complaint^[6] docketed as SPL. Civil Case No. 6644, respondents Spouses Cosmilla alleged that the sale of their share on the subject property was effected thru a forged Special Power of Attorney (SPA) and is therefore null and void.^[7]

After trial on the merits, the RTC rendered a Decision^[8] dated 31 March 2005 dismissing the complaint of the respondents for failure to prove by preponderance of evidence that the signatures of the respondents in the SPA were forged. The RTC disposed in this wise:

"WHEREFORE, in view of the foregoing considerations, [respondents'] complaint is hereby DISMISSED. [Respondents] are also ordered to

jointly and severally pay [petitioner Katipunan de los Reyes] the sum of P25,000.00 for transportation expenses and attorney's fees as well as [petitioner Acampados] P21,772.50 for attorney's fees and litigation expenses.

Costs against the [respondents]."^[9]

Aggrieved, respondents filed a Motion for Reconsideration^[10] on 6 May 2005 seeking for the reversal of the earlier RTC Decision.

For failure of the respondents, however, to comply with the requirement of notice of hearing as required under Sections 4 and 5 of Rule 15 of the Revised Rules of Court, the court *a quo* denied the Motion for Reconsideration in Order^[11] dated 16 May 2005, *viz*:

"WHEREFORE, in view of the foregoing considerations, the Motion for Reconsideration is declared *pro forma* and the decision sought to be reconsidered is declared final and executory as the period of appeal has already expired.

SO ORDERED."

Ascribing grave abuse of discretion, respondents elevated the matter to the Court of Appeals by filing a Petition for *Certiorari*, Prohibition and Mandamus^[12] with prayer for Preliminary Injunction and TRO seeking to annul and set aside the RTC Order dated 16 May 2005.

For lack of merit, the Court of Appeals dismissed the petition filed by the respondents in a Decision dated 27 October 2006.^[13] The appellate court held that there is no showing that lower court committed grave abuse of discretion amounting to lack or excess in jurisdiction in denying the Motion for Reconsideration of the respondents. Resonating the disquisition of the lower court, the Court of Appeals declared that a motion which fails to comply with Sections 4, 5 and 6 of the Rules of Court is nothing but a useless piece of paper and does not stall the running of the reglementary period.^[14]

On Motion for Reconsideration by Respondents,^[15] however, the Court of Appeals reversed its earlier Resolution and allowed the relaxation of the procedural in a Resolution^[16] dated 28 June 2007. Hence, the appellate court vacated the 16 May 2005 Order of the RTC directed the court *a quo* to thresh out the Motion for Reconsideration filed by the respondents on the merits.

In a Resolution^[17] dated 19 August 2011, the Court of Appeals denied the Motion for Reconsideration filed by petitioners.

Issue

Petitioners are now before this Court *via* this instant Petition for Review on *Certiorari*^[18] praying that the Court of Appeals Resolution be reversed and set aside on the ground that:

THE COURT OF APPEALS GRAVELY ERRED AND COMMITTED REVERSIBLE ERROR IN ISSUING RESOLUTION DATED 28 JUNE 2007 AND RESOLUTION DATED 19 AUGUST 2011 WHICH, IN EFFECT RECONSIDERED ITS OWN DECISION DATED 27 OCTOBER 2006 DISMISSING THE PETITION FOR CERTIORARI, PROHIBITION, MANDAMUS WITH PRAYER FOR PRELIMINARY INJUNCTION AND TRO OF RESPONDENTS.^[19]

The Court's Ruling

We resolve to grant the petition.

The Motion for Reconsideration is a contentious motion that needs to comply with the required notice and hearing and service to the adverse party as mandated by the following provisions of the Revised Rules of Court:

RULE 15. SEC. 4. *Hearing of motion.* - Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.

SEC. 5. *Notice of hearing.* - The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.

SEC. 6. *Proof of service necessary.* No written motion set for hearing shall be acted upon by the court without proof of service thereof.

The foregoing requirements — that the notice shall be directed to the parties concerned, and shall state the time and place for the hearing of the motion — are mandatory, and if not religiously complied with, the motion becomes *pro forma*.^[20] A motion that does not comply with the requirements of Sections 4 and 5 of Rule 15 of the Rules of Court is a worthless piece of paper which the clerk of court has no right to receive and which the court has no authority to act upon.^[21] The logic for such requirement is simple: a motion invariably contains a prayer which the movant makes to the court which is usually in the interest of the adverse party to oppose.^[22] The notice of hearing to the adverse party is therefore a form of due process; it gives the other party the opportunity to properly vent his opposition to the prayer of the movant.^[23] In keeping with the principles of due process, therefore, a motion which does not afford the adverse party a chance to oppose should simply be disregarded.^[24] Principles of natural justice demand that a right of a party should not be affected without giving it an opportunity to be heard.^[25]

Harsh as they may seem, these rules were introduced to avoid capricious change of mind in order to provide due process to both parties and to ensure impartiality in the trial.^[26]