

FIRST DIVISION

[G.R. No. 201601, March 12, 2014]

MARYLOU CABRERA, PETITIONER, VS. FELIX NG, RESPONDENT.

D E C I S I O N

REYES, J.:

Before this Court is a petition for review on *certiorari*^[1] under Rule 45 of the Rules of Court seeking to annul and set aside the Decision^[2] dated October 21, 2009 and the Resolution^[3] dated March 26, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 03392. The CA denied the petition for certiorari filed by Marylou Cabrera (petitioner), which assailed the Order^[4] dated December 19, 2007 of the Regional Trial Court (RTC) of Mandaue City, Branch 56, in Civil Case No. MAN-4773.

The Facts

On February 14, 2004, Felix Ng (respondent) filed a complaint for sum of money with the RTC against the petitioner and her husband Marionilo Cabrera (spouses Cabrera), alleging that the latter issued to him the following: (1) Metrobank Check No. 0244694 dated June 30, 2002 for the amount of Thirty-One Thousand Pesos (P31,000.00); (2) Metrobank Check No. 0244674 dated August 9, 2002 for the amount of Thirty-Eight Thousand Seventy-Four Pesos and Seventy-Six Centavos (P38,074.76); and (3) Metrobank Check No. 0244745 dated August 15, 2005 for Two Million Five Hundred Thousand Pesos (P2,500,000.00). That when presented for payment, the said checks were all dishonored as the accounts from which they had been drawn were already closed.

The spouses Cabrera admitted that they issued Metrobank Check No. 0244694 and Metrobank Check No. 0244674 to the respondent and that the same were dishonored when presented for payment. However, they claimed that they paid the respondent the amount represented by the said checks through the latter's son Richard Ng. Further, they deny having issued Metrobank Check No. 0244745 to the respondent, alleging that the said check was forcibly taken from them by Richard Ng.

On August 7, 2007, the RTC rendered a Decision,^[5] which ordered the spouses Cabrera to pay the respondent the following: (1) Two Million Five Hundred Sixty-Nine Thousand Seventy-Four Pesos (P2,569,074.00) plus legal interest from inception of the obligation until fully paid; (2) moral damages in the amount of Fifty Thousand Pesos (P50,000.00); (3) attorney's fees of Twenty Thousand Pesos (P20,000.00); and (4) litigation expenses in the amount of Ten Thousand Pesos (P10,000.00).

On August 8, 2007, the spouses Cabrera received a copy of the RTC Decision dated August 7, 2007. On August 14, 2007, the spouses Cabrera filed with the RTC a motion for reconsideration,^[6] which they set for hearing on August 17, 2007. On even date, the spouses Cabrera sent a copy of their motion for reconsideration to the respondent thru registered mail; it was actually received by the respondent on August 21, 2007.

The said motion for reconsideration, however, was not heard on August 17, 2007 as the new acting presiding judge of the said court had just assumed office. On August 28, 2007, the RTC issued a notice,^[7] which set the said motion for reconsideration for hearing on September 25, 2007.

On September 20, 2007, the respondent filed an opposition^[8] to the motion for reconsideration filed by the spouses Cabrera. The respondent alleged that the said motion for reconsideration is a mere scrap of paper since it violated the three-day notice requirement. The respondent pointed out that the spouses Cabrera sent to him a copy of their motion for reconsideration, which was set for hearing on August 17, 2007, via registered mail on August 14, 2007; that he actually received a copy thereof only on August 21, 2007 – four days after the scheduled hearing thereon.

It appears that the scheduled hearing of the spouses Cabrera's motion for reconsideration on September 25, 2007 did not push through. Consequently, on September 26, 2007, the RTC issued another notice,^[9] which set the said motion for reconsideration for hearing on October 26, 2007.

On October 26, 2007, the RTC issued an Order,^[10] which directed the parties to file their additional pleadings, after which the motion for reconsideration filed by the spouses Cabrera would be deemed submitted for resolution.

On December 19, 2007, the RTC issued an Order^[11] which denied the motion for reconsideration filed by the spouses Cabrera. The RTC pointed out that the spouses Cabrera violated Section 4, Rule 15 of the Rules of Court, which mandates that every motion required to be heard should be served by the movant in such a manner as to ensure its receipt by the other party at least three days before the date of hearing. Thus:

After a meticulous scrutiny of the records of this case, the court opines that the motion was filed beyond the reglementary three (3)[-]day period.

As the records bear out, the instant motion was mailed to the plaintiff's counsel on August 14[, 2007] and was set for hearing on August 17, 2007. However, the copy of said motion had reached plaintiff's side and a copy of which was received by plaintiff's counsel only on August 17, 2007[,] four (4) days late after it was supposed to be heard. Hence, a clear blatant violations [sic] of the rule on notice and hearing.^[12]

The RTC further opined that a motion, which fails to comply with the three-day notice requirement is a mere scrap of paper; it is not entitled to judicial cognizance

and would not toll the running of the reglementary period for filing the requisite pleadings. Accordingly, the RTC held, its Decision dated August 7, 2007 had already become final for failure of the spouses Cabrera to comply with the three-day notice requirement.

The petitioner then filed a petition for *certiorari*^[13] with the CA, alleging that the RTC gravely abused its discretion in denying her motion for reconsideration. The petitioner pointed out that the RTC did not actually conduct a hearing on her motion for reconsideration on August 17, 2007; that her motion for reconsideration was actually heard on October 26, 2007, after the respondent had already filed his opposition thereto. Thus, the petitioner claimed, the issue of her failure to comply with the three-day notice requirement had already been rendered moot. In any case, the petitioner asserted, the RTC should have resolved her motion for reconsideration on its merits rather than simply denying it on mere technicality.

On October 21, 2009, the CA, by way of the assailed Decision,^[14] denied the petition for *certiorari* filed by the petitioner. The CA opined that the RTC did not abuse its discretion in denying the motion for reconsideration filed by the spouses Cabrera since it merely applied the three-day notice requirement under Section 4, Rule 15 of the Rules of Court. Thus:

It appears that petitioner's Motion for Reconsideration was set for hearing on 17 August 2007. A copy thereof was mailed to private respondent on 14 August 2007, and private respondent actually received his copy only on 21 August 2007 or four (4) days after the set date of hearing; and thus, depriving him of the opportunity to oppose the motion. Respondent court, therefore, correctly held that such motion violated the three (3)-day notice rule; the essence of due process. Respondent court had applied said rule to the given situation, and of no doubt, mere adherence to the rules cannot be considered grave abuse of discretion on the part of the respondent court. x x x.^[15] (Citation omitted)

The petitioner sought a reconsideration of the Decision dated October 21, 2009 but it was denied by the CA in its Resolution^[16] dated March 26, 2012.

Hence, the instant petition.

The Issue

The sole issue to be resolved by the Court is whether the CA erred in affirming the RTC Order dated December 19, 2007, which denied the motion for reconsideration filed by the spouses Cabrera.

The Court's Ruling

The petition is meritorious.

Sections 4 and 5, Rule 15 of the Rules of Court provide that: