

THIRD DIVISION

[G.R. No. 194122, October 11, 2012]

**HECTOR HERNANDEZ, PETITIONER, VS. SUSAN SAN PEDRO
AGONCILLO, RESPONDENT.**

DECISION

PERALTA, J.:

Assailed in the present petition for review on *certiorari* under Rule 45 of the Rules of Court are the April 29, 2010 Decision^[1] and October 12, 2010 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 108801.

The instant petition arose from a Complaint for Damages filed with the Metropolitan Trial Court (MeTC) of Parañaque City against herein petitioner and one Freddie Apawan Verwin by herein respondent, alleging as follows:

x x x x

2. x x x Defendant Hector Hernandez is x x x the owner of the delivery van which is the subject matter of the above-entitled case. He is doing business under the name of Cargo Solution Innovation and is the employer of Defendant Freddie Apawan Verwin;
3. That on October 5, 2006 at around 12:15 in the afternoon, Defendant Freddie Apawan Verwin was driving a delivery van belonging to a certain Hector Hernandez, bearing plate number RBB-510, along Buendia Avenue Flyover, South Super-Highway (Osmeña Avenue), and negligently backed against a Honda City model with plate number XMF-496, owned and driven by the Plaintiff at the time of the incident;
4. That at the time of the incident, the traffic condition at the Buendia Avenue Flyover was bumper-to-bumper and that Plaintiff's and Defendant's vehicles were in an ascending position;
5. That Defendant driver alighted from his van and so did the Plaintiff to assess the damage done. Plaintiff observed that the pedestal of the van totally engaged and hooked the front bumper of her Honda car;
6. That after a brief discussion of the incident, Defendant driver went back to his van and stepped on the gas which caused the van to move abruptly forward and resulted to the disengagement of the bumper of Plaintiff's car and damage to the car radiator, and as a consequence, the Plaintiff's car was towed. Plaintiff paid P1,700 as

towing fee. x x x

7. Right after the incident, Plaintiff made various demands from Defendants, thru the secretary of the Cargo Solution Innovation or C.S.I., the company which the driver of the van was working for, to pay the actual damages sustained, but to Plaintiff's dismay her demands were unheeded;
8. That defendant Hector Hernandez never talked [n]or appeared to the Plaintiff despite several requests made by the latter. Instead, he made a person appear having the name of Mr. De Ocampo before the Plaintiff in her clinic at Medical Center Manila, sometime on October 11, 2006 and acted in representation of Hector Hernandez and made a number of inquiries regarding the accident that transpired;
9. That sometime after, Plaintiff contacted Mr. De Ocampo for feedback regarding Defendant's position about the incident, and Mr. De Ocampo spoke that the Defendants are still waiting for the police report and ever since that conversation, no communication transpired between the parties regarding any agreement or settlement about the accident;
10. That as a direct consequence of the foregoing, Plaintiff's vehicle sustained heavy damage and the repair of which amounted to P130,602.53. A copy of the official receipt given by Honda Makati is hereby attached as Annex "D";
11. Plaintiff was unable to use her vehicle in going to work for five (5) weeks and led her to commute by means of a taxi every time her duty called her in Medical Center Manila in United Nations Avenue, Manila costing her P500-1000/day;
12. Considering the character of Defendant driver's negligence, together with the malicious refusal to pay actual damages of both Defendants and Plaintiff's experience of sleepless nights and anxiety because of the incident, Defendants should be held liable for moral damages in an amount of not less than P50,000.00;
13. Forced to litigate, Plaintiff engaged the services of a lawyer and have agreed to pay attorney's fees in the amount of P30,000.00 plus P2,500.00 per appearance.^[3]

On May 31, 2007, the MeTC issued a Summons Under Summary Procedure^[4] which was served upon and received by petitioner on June 18, 2007. However, the summons was not served on the other defendant. The case then proceeded only against petitioner.

On July 6, 2007, petitioner filed an *Ex Parte* Motion for Extension of Time to File His Answer claiming that he just engaged the services of his counsel. He prayed that he be granted an additional period of fifteen (15) days or until July 21, 2007 within

which to file his responsive pleading.^[5]

On July 18, 2007, the MeTC issued an Order^[6] denying petitioner's *Ex Parte* Motion for Extension of Time holding that the said Motion was filed beyond the reglementary period provided for by the Revised Rules on Summary Procedure and that it is likewise a prohibited pleading under the said Rule.

Petitioner filed a Motion for Reconsideration^[7] on August 17, 2007. Meanwhile, petitioner, nonetheless, filed his Answer with Affirmative and Negative Defenses and Compulsory Counterclaims^[8] on July 26, 2007.

Respondent opposed petitioner's Motion for Reconsideration.^[9] In the meantime, she filed a Motion to Render Judgment^[10] on August 24, 2007, on the ground that petitioner failed to file his answer within the time prescribed by the Revised Rules on Summary Procedure.

On September 7, 2007, the MeTC issued an Order^[11] ruling that in view of the fact that the amount being claimed by respondent exceeds P200,000.00, the case shall be governed by the "Rules on Regular Procedure." In the same Order, the MeTC denied petitioner's Motion for Reconsideration and directed him to file his Comment/Opposition to respondent's Motion to Render Judgment.

Petitioner filed his Opposition^[12] on September 14, 2007.

On October 23, 2007, the MeTC issued an Order^[13] denying respondent's Motion to Render Judgment reiterating its ruling that the case does not fall under the Revised Rules on Summary Procedure.

On November 14, 2007, respondent filed a Motion to Declare Defendant (herein petitioner) Hector Hernandez in Default and to Render Judgment.^[14]

Petitioner opposed contending that he has already filed his Answer prior to respondent's Motion to declare him in default and that he had actively participated in the case by filing various pleadings.^[15]

On December 4, 2007, the MeTC issued an Order^[16] declaring petitioner in default and directing respondent to present evidence *ex parte*.

Petitioner filed a Motion to Set Aside Order of Default,^[17] but the MeTC denied it in its Order^[18] dated February 8, 2008.

After respondent's evidence *ex parte* was presented, the MeTC rendered its Decision^[19] dated August 6, 2008, the dispositive portion of which reads as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff Susan San Pedro Agoncillo and against the defendant Hector Hernandez, ordering him,

- a) To pay the plaintiff the amount of One Hundred Thirty-Two Thousand Three Hundred Two Pesos and 53/100 (Php 132,302.53) for the actual damages for the repair of the car and the towing fee;
- b) Attorney's fees in the amount of Ten Thousand Pesos (Php 10,000.00)
- c) And costs.

The case as against defendant Freddie Apawan Verwin is dismissed without prejudice as summons was not validly served upon him.

SO ORDERED.^[20]

The MeTC held that respondent was able to sufficiently establish her cause of action against petitioner in accordance with the provisions of Article 2180 of the Civil Code.

Petitioner appealed to the RTC which, however, denied the same in its Decision dated February 18, 2009. The RTC affirmed the findings and conclusions of the MeTC. As to the procedural aspect, the RTC ruled that the MeTC correctly denied due course to petitioner's Answer as the Motion for Extension to file the same was filed out of time and that the said Answer was, in fact, filed beyond the extended period requested in the Motion for Extension.

Petitioner then filed a petition for review with the CA. On April 29, 2010, the CA rendered its assailed Decision denying the petition for lack of merit. Petitioner filed a Motion for Reconsideration, but the CA denied it in its Resolution dated October 12, 2010.

Hence, the instant petition for review on *certiorari* raising a sole issue, to wit:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS DECISION IS IN ACCORD WITH APPLICABLE DECISIONS OF THE HONORABLE SUPREME COURT, SPECIFICALLY THE HONORABLE SUPREME COURT'S RULING IN *SABLAS vs. SABLAS* (526 SCRA 292 [2007]).^[21]

Petitioner's basic contention is that, pursuant to this Court's ruling in *Sablas v. Sablas*,^[22] the MeTC should have admitted his Answer as his pleading was filed before he was declared in default.

The petition is without merit.

It is true that this Court held in *Sablas* that where the Answer is filed beyond the reglementary period but before the defendant is declared in default and there is no showing that defendant intends to delay the case and no prejudice is caused to the plaintiff, the Answer should be admitted.^[23]

It must be emphasized, however, that it is not mandatory on the part of the trial court to admit an Answer which is belatedly filed where the defendant is not yet

declared in default. Settled is the rule that it is within the discretion of the trial court to permit the filing of an answer even beyond the reglementary period, **provided that there is justification for the belated action and there is no showing that the defendant intended to delay the case.**^[24]

In the instant case, the MeTC found it proper not to admit petitioner's Answer and to subsequently declare him in default, because petitioner's *Ex Parte* Motion for Extension of Time to File His Answer was filed out of time; that petitioner filed his Answer beyond the period requested in the Motion for Extension; and that petitioner failed to appear during the scheduled hearing on respondent's Motion to declare him in default.

The Court finds no cogent reason to depart from the above ruling of the MeTC, as affirmed by the RTC and the CA.

Sablas differs from the instant case on two aspects, to wit: *first*, in *Sablas*, the petitioners' motion for extension to file their answer was seasonably filed while in the present case, petitioner's Motion for Extension to File His Answer was filed beyond the 15-day period allowed by the Rules of Court; *second*, in *Sablas*, since the trial court admitted the petitioners' Answer, this Court held that the trial court was correct in denying the subsequent motion of the respondent to declare the petitioners in default while, in the instant case, the MeTC denied due course to petitioner's Answer on the ground that the Motion for Extension was not seasonably filed and that the Answer was filed beyond the period requested in the Motion for Extension, thus, justifying the order of default. Thus, the principle enunciated in *Sablas* is not applicable in the present case.

In this respect, the Court agrees with the CA in its ruling that procedural rules are not to be ignored or disdained at will to suit the convenience of a party.

Procedural rules are designed to facilitate the adjudication of cases.^[25] Courts and litigants alike are enjoined to abide strictly by the rules.^[26] While in certain instances, the Court allows a relaxation in the application of the rules, there is no intention to forge a weapon for erring litigants to violate the rules with impunity.^[27] The liberal interpretation and application of rules apply only in proper cases of demonstrable merit and under justifiable causes and circumstances.^[28] While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice.^[29] Party litigants and their counsel are well advised to abide by – rather than flaunt – procedural rules for these rules illumine the path of the law and rationalize the pursuit of justice.^[30]

Moreover, while the Court frowns upon default judgments, it does not condone gross transgressions of the rules.^[31] The Court is duty-bound to observe its rules and procedures and uphold the noble purpose behind their issuance. Rules are laid down for the benefit of all and should not be made dependent upon a suitor's sweet time and own bidding.^[32]

Petitioner's negligence in the present case is inexcusable, because aside from the belated filing of his Motion for Extension to File His Answer, he also failed to file his