

FIRST DIVISION

[G.R. No. 165976, July 29, 2010]

SONIC STEEL INDUSTRIES, INC., PETITIONER, VS. COURT OF APPEALS, HON. EDUARDO B. PERALTA, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 17 OF THE REGIONAL TRIAL COURT OF MANILA, SEABOARD-EASTERN INSURANCE COMPANY, INC., PREMIER SHIPPING LINES, INC., AND ORIENTAL ASSURANCE CORPORATION, RESPONDENTS.

DECISION

DEL CASTILLO, J.:

In the present petition for *certiorari*, petitioner assails the September 17, 2004 Resolution^[1] of the Court of Appeals (CA) in CA-G.R. SP. No. 85023, which denied reconsideration of its August 2, 2004 Resolution^[2] that dismissed the petition before it for failure to comply with the requirements of Section 1, Rule 65 in relation with Section 3, Rule 46 and Section 11, Rule 13 of the Rules of Court.

Factual Antecedents

Petitioner Sonic Steel Industries Inc. (Sonic) is engaged in the manufacture and sale of galvanized steel sheets or G.I. sheets. In 2001, petitioner procured from respondent Seaboard-Eastern Insurance Company, Inc. (Seaboard) a marine open policy designated: "Seaboard-Eastern Insurance Co., Marine Open Policy No. 10227". In March 2003 petitioner loaded 371 crates of G.I. sheets valued at P19,979,460.00 on board respondent Premier Shipping Lines, Inc.'s (Premier's) vessel, the M/V Premship XIV, for shipment to its clients in Davao City. Prior to departure of the vessel, respondent Premier procured an insurance policy from respondent Oriental Assurance Corporation (Oriental) to cover the goods of petitioner shipped on board the vessel.

On or about March 28, 2003, while the vessel was navigating in the vicinity of Calangaman Island, the Master of the vessel ordered an inspection on the ship. In the course of the inspection, it was discovered that the cargo was flooded with seawater.

Despite petitioner Sonic's demand for indemnification for the total loss of its insured cargo, respondents Seaboard and Oriental refused to settle its claim. Hence, Sonic filed a complaint with the Regional Trial Court (RTC) of Manila, Branch 17.

Petitioner's original complaint against respondents was filed within 60 days of the loss of its goods, in compliance with a stipulation in the bill of lading issued by respondent Premier that "(s)uits based on claims arising from shortage, damage, or non delivery of shipment shall be instituted within [60] days of the date of accrual of the right of action."

As respondents did not pay petitioner's claim even long after 90 days from the date of accrual of the right of action, petitioner moved before the RTC to have its Amended Complaint admitted, to incorporate Sections 243 and 244 of the Insurance Code, which provide for the proper interest to be awarded in cases where there is unreasonable refusal to pay valid claims.

After respondent Seaboard's Comment and/or Opposition to Petitioner's Motion for Leave of Court to File Amended Complaint and Motion to Admit Amended Complaint, and petitioner's Reply thereto were filed, the RTC denied the admission of petitioner's Amended Complaint. Petitioner moved for a reconsideration but the same was denied. Petitioner thus filed a petition for *certiorari* with the CA.

Proceedings Before the Court of Appeals

The CA dismissed the petition for certiorari filed before it in its August 2, 2004 Resolution, which disposed as follows:

WHEREFORE, we hereby DISMISS the petition for failure to comply with the requirements of Section 1, Rule 65 in relation with Section 3, Rule 46 and Section 11, Rule 13 of the Revised Rules of Court.

SO ORDERED.^[3]

The motion for reconsideration was denied in the assailed September 17, 2004 Resolution, the dispositive portion of which states:

CONSIDERING THE FOREGOING, we hereby DENY petitioner's motion for reconsideration for having been filed out of time.

SO ORDERED.^[4]

Hence, this petition.

Issues

Petitioner raises the following issues:

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WHETHER X X X THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DID NOT GRANT PETITIONER'S MOTION FOR RECONSIDERATION DATED AUGUST 23, 2004

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