

SECOND DIVISION

[G.R. No. 156606, August 17, 2007]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
REGIONAL EXECUTIVE DIRECTOR, DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES, REGIONAL OFFICE
IV, PETITIONER, VS. ILDEFONSO T. OLETA, RESPONDENT.**

DECISION

CARPIO, J.:

The Case

This is a petition for review on certiorari^[1] of the Decision^[2] dated 30 July 2002 and the Resolution^[3] dated 3 January 2003 of the Court of Appeals in CA-G.R. SP No. 66714. The 30 July 2002 Decision set aside the 24 July 2001 and 6 September 2001 Orders of the Regional Trial Court, Branch 80, Morong, Rizal (trial court) which reinstated the complaint filed by petitioner Republic of the Philippines (petitioner) and denied respondent Ildefonso Oleta's (respondent) motion for reconsideration, respectively. The 3 January 2003 Resolution denied petitioner's motion for reconsideration.

The Facts

On 29 December 1999, petitioner filed a complaint for cancellation of free patent, original certificate of title, and reversion against respondent and the Register of Deeds of Rizal. On 17 April 2000, respondent filed his answer. Thereafter, the trial court issued an Order dated 4 July 2000 directing petitioner "to take the legal steps so that the case can be expedited."

On 11 January 2001, the trial court issued an Order^[4] dismissing the complaint without prejudice because of petitioner's failure to set the case for pre-trial. Upon petitioner's motion and over respondent's opposition, the trial court reinstated the complaint on 15 March 2001.^[5]

Pre-trial was set for 17 May 2001. However, on 8 May 2001, petitioner moved that the pre-trial be reset to 14 June 2001 at 10:00 a.m. The trial court granted petitioner's motion and reset the pre-trial to 14 June 2001 at 8:30 a.m. The trial court warned petitioner that failure to appear at the scheduled pre-trial would constrain the trial court to act accordingly.

On the 14 June 2001 pre-trial, petitioner and petitioner's counsel failed to appear. Records also showed that petitioner failed to file a pre-trial brief. In an Order^[6] dated the same day, the trial court dismissed the complaint for failure to prosecute.

Petitioner filed a motion for reconsideration. Petitioner's counsel explained that he arrived at the pre-trial conference at 9:55 a.m. because he expected the pre-trial to start at 10:00 a.m., the time requested in the motion for postponement. Petitioner also explained that the pre-trial brief was filed on 8 June 2001 by registered mail and that it was unfortunate that neither the trial court nor respondent received it on time. Petitioner asked the trial court to reconsider its 14 June 2001 Order and reset the pre-trial to 2 August 2001.

In its 24 July 2001 Order,^[7] the trial court, in the interest of substantial justice, granted petitioner's motion and reinstated the complaint. Respondent filed an Urgent Motion for Reconsideration. In its 6 September 2001 Order,^[8] the trial court denied respondent's motion.

On 18 September 2001, respondent filed a petition^[9] for certiorari with prayer for preliminary injunction or temporary restraining order with the Court of Appeals. Respondent alleged that the trial court acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the 24 July 2001 and 6 September 2001 Orders because the trial court disregarded the rules on pre-trial.

In its 30 July 2002 Decision, the Court of Appeals granted the petition and set aside the 24 July 2001 and 6 September 2001 Orders of the trial court. The Court of Appeals ruled that the trial court "abused its discretion" when it reinstated the complaint even if petitioner's counsel had no special authority to represent plaintiff at pre-trial. The Court of Appeals added that the trial court had no discretion on the matter of petitioner's failure to file its pre-trial brief on time.

Petitioner filed a motion for reconsideration which the Court of Appeals denied in its 3 January 2003 Resolution.

Hence, this petition.

The Issue

Petitioner raises the sole issue of whether the Court of Appeals erred in setting aside the 24 July 2001 and 6 September 2001 Orders of the trial court.

The Ruling of the Court

The petition is meritorious.

On Failure to File Pre-trial Brief

Section 6, Rule 18^[10] of the Rules of Court (Rules) mandates that parties shall file with the court and serve on the adverse party their pre-trial briefs at least three days before the scheduled pre-trial. The Rules also provide that failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.^[11] Therefore, plaintiff's failure to file the pre-trial brief shall be cause for dismissal of the action.^[12]

The Court of Appeals erred in ruling that the trial court had "no discretion" on the matter of a party's failure to file a pre-trial brief. If the trial court has discretion to