

THIRD DIVISION

[G.R. No. 106581, March 03, 1997]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO FLORES ALIAS "JOHNNY" AND ROLANDO MACALINTAL, ACCUSED-APPELLANTS. RESOLUTION

MELO, J.:

This has reference to an appeal interposed by accused-appellants Renato Flores and Rolando Macalintal from the decision of the Regional Trial Court of the Fourth Judicial Region (Branch 5, Lemery, Batangas), finding them guilty of the crime of murder and sentencing each of them to suffer the penalty of Reclusion Perpetua and to indemnify jointly and severally the heirs of the deceased Edoviguez Adelantar in the sum of P50,000.00.

The gravamen of the charge as recited in the Information reads:

That on or about the 6th day of March, 1989, at about 4:30 o'clock in the afternoon, in Barangay Pingas, Municipality of Alitagtag, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and iron pipe, conspiring and confederating together, acting in common accord and mutually helping each other, with intent to kill, and without any justifiable cause, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said weapon, one Edoviguez Adelantar, suddenly and without warning, thereby inflicting upon the latter multiple stab wounds on the different parts of his body, which directly cause his death.

(p. 3, Rollo.)

Upon arraignment, both accused pleaded not guilty and trial on the merits was thereupon undertaken, with the prosecution presenting three witnesses, namely, Juanito Aninao, the lone eyewitness to the incident; Patrolman Esguerra, the investigator of the case; and Dr. Herminigildo de Claro, the Municipal Health Officer of Lemery, Batangas who conducted the post-mortem examination on the victim's cadaver.

After the prosecution rested its case and on the date scheduled for the accused to present their evidence, counsel for accused Renato Flores made an oral manifestation that Flores is waiving his right to present evidence and requested time to file a demurrer to evidence. The same manifestation and motion were adopted by accused Rolando Makalintal's counsel. The court acceded and ordered both accused to file their demurrer to evidence within 20 days from the date of hearing, while the prosecution was ordered to file its' opposition thereto within 10 days from receipt of the aforementioned motion.

After considering the issues and arguments raised by the accused in their demurrer, the trial court promulgated on April 7, 1992, a decision on the merits, sentencing the accused to reclusion perpetua, aside from ordering them to pay civil indemnity to the heirs of the victim.

Both accused now seek the reversal of their conviction on the ground of insufficiency of the evidence for the prosecution to establish their guilt beyond reasonable doubt.

Taking into consideration the factual circumstances of this case and to avert any possible miscarriage of justice, we are remanding this case to the lower court.

Rules on procedure are promulgated so that the power of the court to administer justice may be efficiently and effectively exercised. The Rules are not made in restraint of its power but to make it completely and fully available for justice. In the words of Justice Moreland:

The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adapted to obtain that thing. In other words, it is a means to an end. It is the means by which the powers of the court are made effective in just judgments. When it loses the character of the one and takes on that of the other the administration of justice becomes incomplete and unsatisfactory and lays itself open to grave criticism.

(Manila Railroad Co. vs. Attorney

General, 20 Phil 523 [1911])

The Rules on procedure are merely tools designed to facilitate the attainment of justice. When they are rigid and strict in application, resulting in technicalities that tend to frustrate rather than promote justice, the Court is empowered to suspend the rules. For if the application and operation of the Rules tend to subvert and defeat, instead of promoting and enhancing justice, their suspension is justified. Justice Jose Abad Santos in *Viuda de Ordoveza vs. Raymundo* (63 Phil 275; 278 [1936]) quoted an American case, thus: ". . . it is always within the power of the court to suspend its own rules or except a particular case from its operation, whenever, the purposes of justice require."

In *Olacao vs. NLRC* (177 SCRA 38 [1989]), *Legasto vs. Court of Appeals* (172 SCRA 722 [1989]), *City Fair Corporation vs. NLRC* (243 SCRA 572 [1995]), *Republic vs. Court of Appeals* (83 SCRA 453 [1973]), *Bank of America, NT & SA vs. Gerochi Jr.* (230 SCRA 9 [1994]), we suspended the Rules to allow the filing of appeals beyond the reglementary period in the interest of substantial justice.

In a resolution in *Domingo de Guzman vs. Sandiganbayan*, (G.R. 103276, April 11, 1996), the Court En Banc set aside its previous decision affirming de Guzman's conviction and the denial with finality of his subsequent motion for reconsideration, and instead remanded the case to the trial court for the reception of de Guzman's evidence. In said case, de Guzman's counsel filed with the trial court a demurrer to