

## **THIRTEENTH DIVISION**

**[ CA-G.R. CV. No. 98142, March 31, 2014 ]**

**HEIRS OF LILIA PARAS JOSE, REPRESENTED BY ENRIQUE P. JOSE, PLAINTIFFS-APPELLANTS, VS. HEIRS OF BIENVENIDO PARAS, REPRESENTED BY CONCEPCION PARAS, DEFENDANTS-APPELLEES.**

### **D E C I S I O N**

**YBAÑEZ, J.:**

In this Appeal<sup>[1]</sup>, plaintiffs-appellants assail the 3 February 2011 Order<sup>[2]</sup> and 20 September 2011 Order<sup>[3]</sup> of the Regional Trial Court of Gapan City, Nueva Ecija, Branch 87. The court a quo declared the plaintiffs-appellants non-suited for their failure to appear during the pre-trial conference and dismissed Civil Case No. 3828-10.

#### **Antecedents**

The plaintiffs-appellants filed a case against the defendants-appellees with the Regional Trial Court of Gapan City, Nueva Ecija on 17 May 2012. The case was docketed as Civil Case No. 3828-10.<sup>[4]</sup>

The preliminary conference was conducted on 11 November 2010. The case was not successfully mediated and was, thus, returned by the Mediator of the Court-Annexed-Mediation to the court a quo.<sup>[5]</sup> During the preliminary conference, the parties and their counsels were present. It was during the preliminary conference that the schedule of the pre-trial conference was set.<sup>[6]</sup>

On 03 February 2011, the scheduled pre-trial conference, the plaintiffs-appellants and their counsel failed to appear before the court a quo.<sup>[7]</sup> Instead, they filed an Urgent Motion for Postponement on the date of the pre-trial.<sup>[8]</sup> In praying that the pre-trial be canceled and re-set to another date, the plaintiffs-appellants reasoned that they need time to move for the amendment of the complaint and the plaintiffs-appellants' counsel has a conflict in his schedule by reason of another case.<sup>[9]</sup>

The defendants-appellees manifested that the plaintiffs-appellants be declared non-suited for their failure to appear despite due notice and prayed that the case be dismissed. Finding the defendants-appellees' motion to be meritorious, the court a quo dismissed the case.<sup>[10]</sup>

The plaintiffs-appellants moved for reconsideration,<sup>[11]</sup> but their motion was denied in an Order dated 20 September 2011.<sup>[12]</sup>

Undaunted, the plaintiffs-appellants filed the instant appeal and assigned this error:

THE HONORABLE REGIONAL TRIAL COURT IS VERY RESPECTFULLY SUBMITTED TO HAVE COMMITTED A GRAVE AND REVERSIBLE ERROR IN DENYING THE FIRST AND ONLY INSTANCE OF A MOTION FOR POSTPONEMENT GIVING STRINGENT APPLICATION OF THE RULES BY DECLARING THE PLAINTIFFS AS NON-SUITED DURING THE CONTINUATION OF THE PRE-TRIAL, DISMISSING THE CASE THEREBY DEFEATING THE DEMANDS OF SUBSTANTIAL JUSTICE.<sup>[13]</sup>

### **Our Ruling**

The plaintiffs-appellants argued that while the court has the power to dismiss a case for failure of the plaintiff to appear, such power must be tempered when a stringent application of the rules would defeat the demands of substantial justice.<sup>[14]</sup>

They further asseverated that a motion for postponement was duly filed with payment of the corresponding fee with the Clerk of Court and it was the only postponement sought by the plaintiffs-appellants.<sup>[15]</sup>

On the other hand, the defendants-appellees averred that the counsel of the plaintiffs-appellants filed a Motion for Postponement on the very day of the pre-trial conference. The motion, according to the defendants-appellees, was filed in violation of the three-day motion rule. <sup>[16]</sup>

In addition, the defendants-appellees pointed out that the plaintiffs-appellants deliberately failed to attend the pre-trial conference although notified of the the pre-trial conference beforehand.<sup>[17]</sup>

The consequences of the failure of the plaintiffs-appellants to attend the pre-trial conference is the central issue in this case.

Pre-trial is an answer to the clarion call for the speedy disposition of cases. Hailed as "the most important procedural innovation in Anglo-Saxon justice in the nineteenth century," pre-trial seeks to achieve the following:

- (a) The possibility of an amicable settlement or of a submission to alternative modes of dispute resolution;
- (b) The simplification of the issues;
- (c) The necessity or desirability of amendments to the pleadings;
- (d) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;