

FOURTH DIVISION

² *Id.* Pp. 523-526.

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In the case of *Cañaveras v. Judge Gamboa-Delos Santos*,³ the High Court ruled that the counsel's failure to attend the hearing because of health reasons was a valid cause. In this case, Supreme Court reminded the lower courts to be more circumspect in the exercise of discretion in the application of the rules of procedure and highlighted that procedural rules are conceived to aid the attainment of justice.⁴

In the present case, the counsel of accused Padate reasons that there was confusion as to whether the hearing date on 29 June 2023 would push through because he expected a Court Order to set the final dates for the prosecution's presentation of evidence and corresponding venue. Likewise, 28 June 2023 was declared a regular holiday throughout the country in observance of Eid'l Adha. The counsel points out that he had always made sure to appear before this Court despite his residence to be in Davao to represent his father-client.

While it is true that the substantive rights of the accused can be deemed waived for failure to follow the rules, the exception to this is if a valid cause exists. In this case, the Court, in the broader interest of justice, deems it proper to reconsider its ruling to afford the accused the opportunity to cross-examine prosecution witness, Atty. Ladeza.

WHEREFORE, in view of the foregoing, the *Motion for Reconsideration* is hereby **GRANTED** with a stern warning that its recurrence shall not be tolerated by this Court.

SO ORDERED.

Quezon City, Philippines.


MICHAEL FREDERICK L. MUSNGI

Chairperson
Associate Justice

We concur:


LORIFEL LACAP PAHIMNA

Associate Justice


BAYANI H. JACINTO

Associate Justice

³ G.R. No. 241348. July 05, 2022.

⁴ *Id.*