



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, Crim Case No. SB-23-AR-0088
Plaintiff-Appellee, For: Violation of Sec. 3(e) of R.A.
3019, as amended

- versus -

Present:
LAGOS, J., Chairperson,
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.

BENJAMIN C. BONGON, ET
AL.

Accused-Appellants. *Promulgated:*

April 01, 2024
Gregorio J. Larios

X-----X

RESOLUTION

LAGOS, J.:

For the Court's consideration are the Motions for Reconsideration filed, through counsel, by accused-appellants (i.) Roger T. Ang ("Ang") dated October 31, 2023,¹ and (ii.) Benjamin D. Bongon ("Bongon") dated December 4, 2023,² together with the corresponding Comments filed by the Office of the Special Prosecutor (OSP), Office of the Ombudsman, as counsel for plaintiff-appellee, dated January 2, 2024³ and March 8, 2024,⁴ respectively. It should be noted that Bongon, in error, first furnished the Office of the Solicitor General (OSG) with copy of his motion, instead of the OSP – thereby causing delay in the filing of OSP's Comment as to his motion. Accused-appellants motions stemmed from the Court's October 17, 2023 Resolution⁵ which

¹ Records, p. 97.

² *Id.* p. 136.

³ *Id.* p. 154.

⁴ *Id.* p. 175.

⁵ *Id.*, p. p. 87.

dismissed their appeals with regard to a conviction meted against them by a Regional Trial Court.

To recall, appellants were convicted after trial for violation of Sec. 3(e) of RA 3019,⁶ known as the Anti-Graft and Corrupt Practices Acts, before the Regional Trial Court-Branch 23 at Cebu City, in a decision promulgated on December 18, 2017. After the denial of their motions for reconsideration, they each filed a Notice of Appeal, clearly, albeit mistakenly, indicating they were appealing their case to the Court of Appeals (“CA”).

The records were forwarded to the CA on February 20, 2020, and the case docketed as CA-G.R. CR N0. 03693. The CA then routinely asked the Office of the Solicitor General (OSG) to comment on the case. The OSG in its response raised the issue that since the case involved violation of R.A. 3019, the CA lacks appellate jurisdiction, as the same is lodged with the Sandiganbayan pursuant to R.A. 10660, specifically, *viz.*, “.... The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of the regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.”

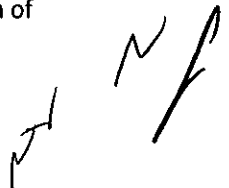
On June 27, 2022, or approximately two (2) years and four (4) months, the CA issued *an 18-page decision* which ordered that the appealed case be remanded to the RTC and the records sent instead to the Sandiganbayan. The RTC forwarded the records of the case to the Sandiganbayan, which the court received and the case raffled off to this Court on September 25, 2023. This Court in its October 17, 2023 Resolution, which is now the subject of appellants’ motions for reconsideration, ordered the appeals dismissed based on the Supreme Court’s ruling in *Melencion vs. Sandiganbayan, et al.* (G.R. No. 150684, June 12, 2008, 554 SCRA 345) and pursuant to the clear and unequivocal mandate under Sec. 2, Rule 50 of the Rules of Court which reads in part that, “...An appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright.” This Court stated in the said Resolution that it need not transfer this case back to the Court of Appeals and will instead dismiss the same in accordance with the *Melencion* ruling, as clearly no correction of the appellate court designation was made within the 15-day period to appeal.⁷

DISCUSSION

Ang’s Motion for Reconsideration and the OSP’s Comment

⁶ They were acquitted on a companion case before the same court for Estafa thru Falsification of Public Document under Art. 315 (2) (a), in relation to Art. 171 of the Revised Penal Code.

⁷ *Id.*, Resolution, p. 92.



Ang invokes *Curammeng vs. People* (G.R. No. 219510, November 14, 2016) and *Villanueva vs. People* (G.R. No. 188630, February 23, 2011).

On *Curameng*, Ang asserts that the Supreme Court “relaxed the application of technical rules of procedure to serve the broader interest of justice,”⁸ He posits that while the said case involved a petition for review under Rule 42 (Petition for Review from the Regional Trial Court to the Court of Appeals), the same leniency in *Curameng* can be applied in his case by analogy.⁹ In *Curammeng*, the Supreme Court described that:

...[T]he dismissal of Curammeng’s appeal is *based solely* on his counsel’s negligence in failing to attach a certification of non-forum shopping as well as material portions of the record. Notwithstanding the filing of a Motion for Reconsideration with Compliance dated November 6, 2014, the CA upheld its earlier dismissal, ratiocinating that the reasons represented by Curammeng’s counsel were not compelling enough to relax the technical rules on appeal.

....

While the Court understands and applauds the CA’s zealotry in upholding procedural rules, it cannot simply allow a man to be incarcerated without his conviction being reviewed due to the negligence of his counsel. To note, Curammeng, a public utility vehicle driver and his family’s sole breadwinner, is appealing his conviction for the crime of Reckless Imprudence Resulting in Homicide.... In view of these circumstances, as well as his counsel’s eventual – *albeit* irregular compliance with the technical rules of appeal, the CA should have disregarded the rules and proceeded to make a full review of the factual and legal bases of Curammeng’s conviction, including the attendance of modificatory circumstances (*e.g.*, the mitigating circumstance of voluntary surrender which Curammeng argues to be existent in his case), if any, pursuant to the principle that an appeal in criminal cases opens the the entire case for review.”¹⁰

In *Curammeng*, the Supreme Court reversed and set aside the CA’s resolutions and remanded the case for the resolution of the appeal on the merits.

Ang maintains that the Supreme Court in *Villanueva*, explicitly relaxed the rigid application of the rule enunciated in the case of *Melencion vs. Sandiganbayan*.¹¹ In the said case, he claims that “the Supreme Court took note of the special circumstances prevailing that justified the relaxation of the application of the technical rules of procedure;”¹² that there are also special circumstances that can be taken into account to extend to him the same

⁸ Records, p. 97, Ang’s Motion for Reconsideration.

⁹ *Id.*, p. 99.

¹⁰ 808 SCRA 622-623; underscoring supplied.

¹¹ G.R. No. 150684 (June 12, 2008); 554 SCRA 345.

¹² Records, Ang’s Motion for Reconsideration, par. 6, p. 101; underscoring supplied.

leniency, such as the fact that he was acquitted of Estafa through Falsification of Public Documents, on prosecution's theory that alleged Record of Multiple Withdrawals [Exhibit "L"] was purportedly falsified, which was used as basis for the R.A. 3019, Sec. 3(e) violation, coupled with the alleged conspiracy with appellant Bongon.¹³ He insists "[t]here is... no competent evidence to support the conclusion reached by the trial court in convicting him for violation of Section 3 (e) of R.A. No. 3019."¹⁴

On the other hand, the OSP maintains that the factual setting in *Curameng* is different from Ang's and, therefore, his argument must fail.¹⁵ *Curammeng* involved a decision of a Municipal Trial Court convicting the accused of the crime of Reckless Imprudence Resulting to Homicide, which the Regional Trial Court (RTC) affirmed. On appeal to the Court of Appeals (CA), the said court dismissed his petition under Sec. 2 of Rule 42 of the Rules of Court for failure to attach a certification of non-forum shopping, as well as material portions of the record. The Supreme Court relaxed the technical rules of procedure and remanded Curameng's case to the CA for resolution of the appeal on the merits.

The OSP asserts, "Notably, the special circumstances noted in *Curammeng* were visibly absent in the instant [Ang's] appeal. Here, appellant does not appear to be as helpless as Curammeng. For one, appellant Ang was a businessman and it has not been shown that he was his family's sole breadwinner. Moreover, his counsel did not take any remedial measures to rectify his erroneous resort to the CA despite being duly informed by the Office of the Solicitor General of the CA's lack of jurisdiction over the appeal. In fact, as noted in the CA's Decision dated 27 June 2022, the Consolidated Brief for the plaintiff-appellee was filed with the CA on 22 March 2022, but neither of the appellants filed a reply. In other words, appellant Ang adamantly maintained his erroneous instance before the CA. There is no explanation or justification provided by him in his present MR why he acted so."¹⁶

As duly noted by the OSP, Ang argues that his acquittal for estafa should be construed as a "special circumstance" to warrant the relaxation of the technical rules of procedure in his favor. He also claims that being a private person and not a government employee, precludes in his favor any liability for violation of R.A. 3019, unless there is conspiracy involved between him and Bongon. Ang maintains that conspiracy was not established by the prosecution during trial and there was proof that Exhibit "L" (Record of Multiple Withdrawals), which was the basis for the Sec. 3(e) R.A. 3019

¹³ *Id.*, par. 7, p. 102, par. 7.

¹⁴ *Ibid*, par. 8.

¹⁵ *Id.*, OSP's Comment, par. 21, p. 159.

¹⁶ *Id.*, par. 23, p. 160, underscoring supplied.

violation, was falsified. The OSP counters that “Ang’s arguments are misleading and without legal basis. Even without proof that Exh. ‘L’ was falsified, it was established that appellant Ang was able to withdraw from M/V Affy a total of 28,000 bags of sugar evidence (sic). In fact, he paid charges for a total of 26,908 bags of sugar (port charges for 15,000 bags of sugar on 26 August 2000 and 11,908 bags of sugar on 28 August 2000) and yet, because of his request for refund, and approved by appellant Bongon, he was able to receive an unjustified and unwarranted refund in the amount of ₱10,859,623.00[,] when he should have been entitled only to ₱832,323.00 refund, thus causing undue injury to the government and giving unwarranted benefit to him in the amount of ₱10,027,300.00.”¹⁷ On the conspiracy issue, OSP insists that the conspiracy between Ang and Bongon “was duly established by the prosecution and discussed in the assailed decision of the RTC.”¹⁸ In its remark, the OSP assailed Ang’s appeal as “questioning the findings of fact of the RTC. However, case law teaches that the findings of fact of the trial court is given much weight and respect on appeal absent any bad faith or malice on the part of the trial court....”¹⁹

Bongon’s Motion for Reconsideration and the OSP’s Comment

In Bongon’s motion for reconsideration,²⁰ he invokes the cases of *Jaro vs. CA*,²¹ *Pimentel vs. Adio*,²² and *Ginete vs. CA*.²³

Candidly, Bongon admits that the filing of Notice of Appeal to the CA instead of the Sandiganbayan was erroneous,²⁴ and he begs for the kind indulgence and consideration of the court to accommodate his appeal in the interest of justice.²⁵ From *Jaro*, he quotes, “Rules of procedure are essential to the proper, efficient and orderly dispensation of justice. Such rules are to be applied in a manner that will help serve and not defeat justice. Thus, we have ruled against the dismissal of appeals based solely on technicalities, especially so when the appellant has substantially complied with the formal requirements. Substantial compliance warrants a prudent and relaxation of the rules of procedure. Circumspect leniency will give the appellant the fullest opportunity to establish the merits of his complaint rather than to lose life, liberty, honor or property on technicalities.”²⁶

¹⁷ Records, OSP’s Comment, par. 30, p. 162.

¹⁸ *Ibid*, par. 31.

¹⁹ *Ibid*, par. 32.

²⁰ *Id.*, p. 136.

²¹ G.R. No. 137536 (February 19, 2002), 377 SCRA 282.

²² G.R. No. 222678 (October 17, 2018).

²³ G.R. No. 127596 (September 24, 1998), 296 SCRA 38.

²⁴ Records, Bongon’s Motion for Reconsideration, par. 3, p. 137.

²⁵ *Ibid*, par. 6.

²⁶ Records, p. 138, Bongon’s Motion for reconsideration.

In its Comment, OSP explained that, “In *Jaro*, the Supreme Court reversed the resolution ordering the dismissal of an ‘appeal by certiorari’ from a DARAB decision. The CA dismissal was based on its findings that (1) the appeal was not in the form of a petition for review as required by Supreme Court Revised Administrative Circular No. 1-95; and (2) the annexes attached to the petition were neither duplicate originals nor were certified true copies by authority or the corresponding officer or representative of the issuing entity, but only certified as true xerox copies by the petitioner’s counsel, in contravention of Administrative Circular No. 3-96. This was despite appellant’s filing of an **amended petition** with the attached certified true copies of the decisions and other supporting documents even before receipt of the CA’s resolution dismissing his original petition; that after receipt of the CA’s resolution dismissing his original petition, [petitioner] even filed an MR praying for admission of the amended petition. The SC remanded the appeal to CA for decision on the merits ruling that the **subsequent** and **substantial compliance** of an appellant may call for the relaxation of the rules of procedure.”²⁷

From *Pimentel*, Bongon quotes,²⁸ “The Rules of Court were conceived and promulgated to set forth guidelines in the dispensation of justice but not bind and chain the hand that dispenses it, for otherwise, courts will be mere slaves or robots of technical rules, shorn of judicial discretion.... [that] technicalities take a back seat to substantiate right and not the other way around.” In its Comment, the OSP clarified that in *Pimentel*, “... the Supreme Court reversed CA’s decision affirming the RTC’s decision ordering the dismissal of a complaint on complainant’s failure to file **Pre-Trial** brief on time... as it was observed that the untimely filing of Pre-Trial Brief was so far the **only procedural lapse** that petitioner committed and that she had been **diligent** in the prosecution of her cause against respondents, and had not demonstrated a proclivity to delay the proceedings.”²⁹

Bongon invoked the decision in *Ginete*, which quoted extensively from “Justice Teehankee, in his concurring opinion in *Republic v. Court of Appeals*.”³⁰ He followed the same with statements that his conviction violated “his right to due process and the right to be presumed innocent until the contrary is proved beyond reasonable doubt,”³¹ without any explanation or discussion. He also simply stated that “[t]he Trial Court based its decision on presumption.”³²

²⁷ Records, OSP’s Comment, par.23-24, pp. 180-181; emphases supplied.

²⁸ *Id.*, Bongon’s Motion for Reconsideration, par. 8, p. 138; underscoring/emphases supplied.

²⁹ *Id.*, OSP’s Comment, par. 24, p. 181; underscoring supplied.

³⁰ *Id.*, note 24, par. 9, pp. 138-141.

³¹ *Id.*, par. 10, p. 141.

³² *Ibid.*, par. 11.

The OSP in presented detailed facts in *Ginete*, viz.: "...the Supreme Court again reversed CA's dismissal of an appeal... for failure of the appellants to file their Appellants' Brief. The facts of the case shows (sic) that appellants' counsel received the resolution on 03 July 1995. Thus, the last day for filing of an MR would have been on 13 July 1995 and said resolution would have attained finality on 19 July 1995. On 01 August 1995, appellants filed their Appellants' Brief. A motion for reconsideration dated 18 July 1995 was already filed together with the Appellants' Brief but received by the CA only on 29 December 1995. As early as 08 December 1995, the CA already ordered entry of judgment and expunction of Appellants' Brief after verifying that no MR was filed with CA nor was an appeal to the Supreme Court filed. When appellants moved to reconsider the Entry of Judgment, the CA had to order its Judicial Records Division to verify if an MR was filed, not only once but twice. Only after it received confirmation that no MR had indeed been filed did it order the issuance of the entry of judgment. As the CA itself appeared unsure as to whether appellants filed an MR of the dismissal of their appeal within the reglementary period, the SC ruled that for the relaxation of the rules of procedure as **greater prejudice would be avoided** if appellants' appeal is reinstated and given due course."³³

In its final note, OSP recapped that, "Bongon was indeed at fault in the erroneous filing of his appeal before the CA. His Notice of Appeal dated 28 June 2019 was explicit that he was appealing his case to the Court of Appeals.... The ruling in *Melencion v. Sandigan* is explicit that an appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright."³⁴ As to Bongon's claim that the RTC based its decision on a presumption, the OSP commented that "the same cannot persuade. The assailed Decision clearly show the bases of his and Ang's conviction."³⁵

The Court's Ruling

The Court finds no compelling reason to grant appellants' motions for reconsideration and considers their grounds or reasons in support of their motions unpersuasive.

In *Curammeng*, the CA dismissed his appeal for his failure to attach a *certification of non forum shopping* to his petition. The High Court remanded the case to the CA for the resolution of the appeal, "in light of prevailing

³³ Records, OSP's Comment, par. 25, p. 181; underscoring/emphases supplied.

³⁴ *Id.*, par. 27, p. 182.

³⁵ *Ibid*, par. 28.

circumstances of the case, such as where strong considerations of substantial justice are **manifest** in the petition....³⁶

In *Villanueva*, a criminal case involving violation of Sec. 2 (d) of RA 6713, the Municipal Circuit Trial Court (MCTC) found Villanueva guilty and the subject decision was affirmed by the RTC. A petition to the CA was dismissed the case in light Sandiganbayan's exclusive jurisdiction on the matter under the statute as pointed out by the OSG, and later joined in by the OSP, in that "that the dismissal of petitioner's appeal by the CA was proper as it was indeed the Sandiganbayan which has jurisdiction over the case."³⁷ On his petition for review on certiorari under Rule 45 before Supreme Court, the High Court held:

Thus, in this case, the CA was correct in dismissing the appeal for lack of jurisdiction under. Section 2 of Rule 50 of the 1997 Revised Rules of Court provides, among others, that "an appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright." This has been the consistent holding of the Court.

The peculiar circumstances of the case, however, constrain the Court to reconsider its position and give the petitioner a chance to bring her case to the Sandiganbayan. The Court notes that the CA eventually decided the administrative case filed against petitioner in her favor. This administrative case (*where only substantial evidence is required*) is so intertwined with this criminal case (*where evidence beyond reasonable doubt is required*). The CA pointed out that Martinez had issued an Official Receipt and Certification that petitioner had indeed paid her loan. The receipt was signed by Martinez herself as the General Manager of CABMPCI, attesting to the payment of the loan. The CA further ruled that Martinez failed to prove that the petitioner exerted undue influence in obtaining the loan.

Records also bear out that the earlier civil case against Armando, the petitioner's husband, was also finally resolved in his favor since the obligation had already been settled. This civil case is also intertwined with the administrative and criminal cases filed against petitioner.

Thus, it appears that the filing of the criminal case against petitioner was merely an **afterthought** considering that the civil case against her husband and administrative case against her resolved in the couple's favor.³⁸ (Emphasis supplied)

We agree with the OSP's position that:

"A reading of *Villanueva* will show that the Supreme Court relaxed the rules of procedure after taking into consideration the peculiar

³⁶ 808 SCRA 613, 620; emphasis supplied.

³⁷ 644 SCRA 358, 365.

³⁸ 644 SCRA 358, 367-368.

circumstances of that case. *First*, the Supreme Court took note that the CA earlier decided the administrative case filed against Villanueva in her favor and that it appears that the filing of the criminal case against petitioner was merely an afterthought considering that the civil case against her husband and the administrative case against her were resolved in their favor. And *secondly*, the Supreme Court also took note that the petitioner had no participatory negligence in the filing of the petition for review before the CA instead of before the Sandiganbayan and the resulting dismissal by the CA was utterly attributable to the gross negligence of her counsel.

In this case, however, appellant Ang failed to show that the filing of the case against him was an afterthought. Moreover, as previously pointed out, appellant Ang, through his counsel, was already duly informed of the CA's lack of jurisdiction over his appeal. However, his counsel remained adamant. With this, the actuation of the counsel cannot be considered as constituting gross negligence, so as to excuse appellant Ang from its adverse effect.

At any rate, assuming *arguendo* that the negligence of Ang's counsel does not bind him, the fact however is, the appeal of Ang has no merit.

Appellant Ang claims that the RTC acquitted him and appellant Bongon of the crime of Estafa thru Falsification of Public Documents based on the trial court's finding that there was no proof presented that the Record of Multiple Withdrawal dated 29 August 2000 (Exh. "L") was falsified. So he argues that since that same Exh. "L" was used as basis for indicting them for violation of Sec. 3(e) of R.A. No. 3019, there is no competent document to support their conviction.

Appellant Ang's argument is misleading and without legal basis. Even without proof that Exh. "L" was falsified, it was established that appellant Ang was able to withdraw from M/V Affy a total of 28,000 bags of sugar evidence. In fact, he paid port charges for a total of 26,908 bags of sugar (port charges for 15,000 bags of sugar on 26 August 2000 and 11,908 bags of sugar on 28 August 2000) and yet, because of his request for refund, and approved by appellant Bongon, he was able to receive an unjustified and unwarranted refund in the amount of ₱10,859,623.00 when he should have been entitled only to ₱832,323.00 refund, thus causing undue injury to the government and giving unwarranted benefit to him in the amount of ₱10,027,300.00.

The conspiracy between the accused-appellants was duly established by the prosecution and discussed in the assailed decision of the RTC.

Actually, in his appeal, appellant Ang is questioning the findings of fact of the RTC. However, case law teaches that the findings of fact of the trial court is given much weight and respect on appeal absent any bad faith or malice on the part of the trial court. Thus, in *Gelacio vs. Sandiganbayan*,³⁹ which applies to this case by analogy, the Supreme Court held:

³⁹ G.R. Nos. 250951 and 250958, 10 August 2022.

From here, it must be pointed out that findings of fact of the Sandiganbayan, as a trial court, are accorded great weight and respect, especially on the assessment or appreciation of the testimonies of witnesses. This is more so when there is nothing to show that the ruling of the court was tainted with malice or bad faith. Hence, the findings of fact are binding and conclusive on this Court in the absence of a showing that they come under the established exceptions.” (OSP Comment on Ang’s Motion for Reconsideration, pp. 8-9)

In the *Jaro* case cited by Bongon, the CA dismissed the case because the appeal was not “in the form of a petition for review under the Supreme Court Revised Administrative Circular” and “the annexes attached to the petition neither duplicate originals nor were they certified true copies.”⁴⁰ The Supreme Court ruled, “While we agree with the Court of Appeals that the defective petition deserved to be dismissed, the amended petition filed by petitioner should have been given due course. Petitioner filed the amended petition, now in proper form, accompanied by annexes, all of which were certified true copies.... This is more than substantial compliance.”⁴¹ In particular, the High Court pointed out that, “In the instant case, petitioner lost no time in rectifying the flaws in his petition when he realized that the *original* petition he filed was in danger of being dismissed. Petitioner did not wait for the filing of his motion for reconsideration to do this. Petitioner filed his amended petition with the attached certified true copies of the decision and other supporting documents even before receipt of the resolution of the Court of Appeals dismissing his original petition. Petitioner again manifested for admission of the amended petition in his motion for reconsideration. Clearly, petitioner had demonstrated willingness to comply with the requirements set out in the two circulars.”⁴²

The *Pimentel* case, also cited by Bongon, involved a claim for damages which petitioner “Joanne”⁴³ Pimentel filed with the Regional Trial Court (RTC). On January 29, 2014, the RTC set the case for preliminary conference (PC) for February 14, 2014, and required the parties to file their respective pre-trial (PT) briefs and serve the same on the adverse party at least three days before the scheduled date. Another notice dated January 30, 2014 set the pre-trial for March 17, 2014. One of the defendants in the case filed her PT brief on February 12, copy furnished complainant via registered mail. The remaining defendants, “Reynaldo” and “Christian”, filed their PT briefs during the February 14th PC. Pimentel tried to file her PT Brief during the March 17 PT hearing, but the same was objected to by counsels for the other parties for being filed late. RTC dismissed Pimentel’s case (and her motion

⁴⁰ 377 SCRA 282, 296.

⁴¹ 377 SCRA 282, 296.

⁴² 377 SCRA 282, 297; emphasis/underscoring supplied.

⁴³ She has also been referred to a “Joanna” in some parts of the Supreme Court’s Decision.

for reconsideration denied), for violation of the mandate found in Section 6, Rule 18 of the Rules of Court, in relation to Section 5 of the same rule, to wit:

SEC. 5. *Effect of failure to appear.* – The failure of the plaintiff to appear when so required pursuant to the next preceding section⁴⁴ shall be cause for dismissal of the action. The dismissal shall be with prejudice, unless otherwise ordered by the court. A similar failure on the part of the defendant shall be cause to allow plaintiff to present his[/her] evidence *ex parte* and the court to render judgment on the basis thereof.

SEC. 6. *Pre-trial Brief.* – The parties shall file with the court and serve on the adverse party, in such a manner as shall ensure their receipt thereof at least three (3) days before the date if the pre-trial briefs which shall contain, among others:

xxx

xxx

Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.

In its ruling, the Supreme Court noted the following circumstances, among others, as justifiable grounds to relax the application of the Rules, in that: (1.) That Joanna's counsel received the Notice of PC only on February 12, 2014, it was improbable for her to file her PT brief at least three days prior to February 14, 2014, the date of the PC; (2.) "Cristy" filed her brief on February 12, 2014 but furnished Joanna a copy thereof only on February 14, 2014. "Reynaldo" and "Christian" filed their PT brief only on February 14, 2014 during the PC. Thus, respondents likewise failed to comply with the mandate of the Notice of PC and Section 6, Rule 18; (3.) Joanna and her counsel actively participated marking exhibits, witnesses identified and trial dates fixed, thus, most of the matters to be taken during the PT were already accomplished; (4.) Joanna's counsel was under the impression that the pre-marking of documentary exhibits had not been terminated inasmuch as the Branch Clerk of Court granted the request to mark the original photographs on March 17, 2014; (5.) Joanna's PT was filed on March 17, 2014, the PT hearing; and (6.) Joanna had been actively prosecuting her case, including her attendance in the mediation and judicial dispute resolution proceedings, and she never caused any delay in the proceedings. The High Court gave due consideration that, "[g]iven the *realities* obtaining in this case, the liberal construction of the Rules will promote and secure a just determination of the

⁴⁴ Said "preceding section" to Sec. 5 reads: "SEC. 4. *Appearance of parties.* – It shall be the duty of the parties and their counsel to appear at the pre-trial. The non-appearance of a party may be excused only if a valid cause is shown therefor or if a representative shall appear in his[/her] behalf fully authorized in writing to enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and documents."

parties' causes of action against each other. As the court of last resort, justice should be the paramount consideration when the Court is confronted with an issue on the interpretation of the Rules, *subject to the petitioner's burden to convince the Court that enough reasons obtain to warrant the suspension of a strict adherence to procedural rules.*⁴⁵ In this regard, both appellants have failed to provide enough reasons in their motions for reconsideration as to warrant the same.

In *Ginete*, the Supreme Court on a petition for review reversed the CA's dismissal of the petitioners' appeal. As found by the Supreme Court, "Records show that the notice of appeal was filed within the reglementary period. As such, it was seasonably filed."⁴⁶ Moreover, "In the instant case, petitioners simply failed to file the Appellants' Brief within the extended period accorded to them after the appellate court had obtained jurisdiction over the case."⁴⁷ With due regard to the case, the High Court held:

Considering that the bone of contention consists of fifty-nine hectares of alleged inherited lands, it cannot be presumed that petitioners were disinterested in pursuing the case. They hired counsel precisely to handle all the legal matters. No duty was imposed upon them to remind their counsel to file Appellants' Brief.⁴⁸

....
To deprive petitioners of their share in the inheritance due to the negligence of their counsel coupled with their submissions of the trial court's failure to appreciate some of their evidence, documentary at that, are sufficient demonstrations of merits of their case.⁴⁹

....
In this Court's perusal of the records of the case, it appears that the lower court disregarded and misappreciated certain documents presented by petitioners in proving filiation as allowed by the Rules of Court. Second, it seems to have misapplied the established presumption in cases of marriage and filiation. Third, the forgery of the signature of the Notary Public in one of the questioned Deeds of Sale appears to have been clearly established by petitioners and unsatisfactorily and insufficiently rebutted by private respondents.

In view of these circumstances, this Court finds it imperative for the Court of Appeals to review the findings of fact made by the trial Court. For while this Court may review factual findings of the lower court, it will preempt the Court of Appeals in reviewing the same and reappreciating the evidence presented.⁵⁰

⁴⁵ See *Pimentel v. Adiao, et al.*, G.R. No. 222678, October 17, 2018, The Lawphil Project, Arellano Law Foundation, Philippine Laws and Jurisprudence Databank at lawphil.net/judjuris/2018/oct2018/gr_22268.html

⁴⁶ 296 SCRA 38, 46.

⁴⁷ *Id.*, p. 47.

⁴⁸ *Id.*, p. 55-56.

⁴⁹ *Id.*, p. 49, underscoring supplied.


⁵⁰ *Id.*, pp. 48-49, 56; emphases supplied.

An examination of these cases will show that Supreme Court's relaxation of the rules of procedure takes into consideration peculiar circumstances attendant to said cases. Notably, the appellants therein made timely rectification of their procedural lapses, and made positive moves to correct procedural infirmities. Here, there are no peculiar circumstances or justifiable grounds to constrain Us to relax procedural rules. The period to rectify their mistake also had lapsed.

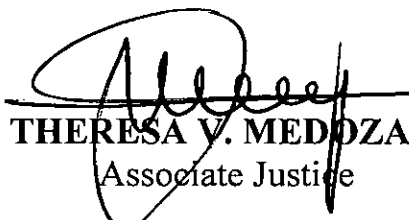
In the present case, Bongon who by the way is a lawyer, was indeed at fault in the erroneous filing of his appeal before the CA. His Notice of Appeal dated 28 June 2019 was explicit that he was appealing his case to the CA. The ruling in *Melencion v. Sandiganbayan* is explicit that an appeal erroneously taken to the CA shall not be transferred to the appropriate court but shall be dismissed outright. Such ruling has not been overturned or abandoned by the High Court.

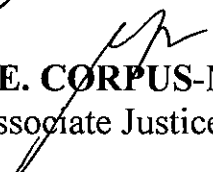
IN VIEW OF THE FOREGOING considerations, appellants Ang and Bongon's Motions for Reconsideration are both DENIED.

SO ORDERED.


RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


MARIA THERESA V. MEDOZA-ARCEGA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice