Supreme Court E-Library

extra solicitous and equally alert to the possibility that the prosecutor could be in error. Utmost caution must be exercised to ensure that a miscarriage of justice does not occur.

While the policy of the courts to expedite disposal of cases and prevent clogging of court dockets is desirable, speed in judicial administration should not be promoted at the expense of justice, which is indispensable to any court system worthy of its name.

In view of the foregoing, respondent Judge Jaime N. Salazar, Jr., is hereby REPRIMANDED for negligence in the performance of his duties with a stern warning that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and *Sandoval-Gutierrez, JJ.,* concur.

Bellosillo, J., no part.

EN BANC

[A.M. No. P-99-1311. August 15, 2001]

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **ALBERTO V. GARONG, Court Interpreter III, Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro,** *respondent.*

SYNOPSIS

On March 3, 1993, respondent, Court Interpreter III of the RTC, Branch 40, Calapan City, Oriental Mindoro, was convicted of the crime of frustrated homicide. The judgment of the trial court was affirmed by the Court of Appeals and became final on November 15, 1996, for which entry of judgment was made on February 24,1999. An Order of Execution of Judgment and Warrant of Arrest were thereafter issued by the Acting Presiding Judge of Branch 39, RTC of Calapan City. However, it appeared that a motion for

Supreme Court E-Library

reconsideration was filed by respondent on November 21, 1996. On April 16, 1999, respondent filed with the Court of Appeals a Motion To Lift/Set Aside Entry Of Judgment and Resolve Motion For Reconsideration and to Recall Order of Execution and Warrant of Arrest.

On June 1, 1999, an administrative complaint was filed against respondent praying that he be dismissed from the service by reason of his conviction of a crime involving moral turpitude. The respondent filed a Manifestation With Motion To Dismiss, praying that the administrative case be dismissed for lack of cause of action.

On August 26, 1999, the Court of Appeals issued a Resolution, granting the Urgent Motion To Quash filed by respondent; lifting the Entry of Judgment; and ordering the Presiding Judge of the Regional Trial Court of Calapan, Oriental Mindoro to recall forthwith the Order of Execution and Warrant of Arrest based on the void entry of judgment. The Court of Appeals found that respondent was not properly served with notice of the decision against him. Consequently, the entry of judgment was premature and, therefore, void. It was only on November 12, 1996 that respondent learned of the appellate court's decision affirming his conviction. Respondent's period to file a motion for reconsideration should be counted from November 12, 1996, the date he actually received a copy of the decision. Hence, his motion for reconsideration filed on November 21, 1996 was on time.

The Supreme Court held in abeyance the administrative complaint against respondent pending the final outcome of his appeal in the criminal case.

Strict compliance with Rules prescribing the time within which certain acts must be done, or certain proceedings taken such rules is mandatory and imperative. Nevertheless, procedural rules were conceived to aid the attainment of justice. If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter. In this case, respondent's life and liberty is at stake. The Court found that it is but just that respondent be given every opportunity to defend himself and to pursue his appeal. To do otherwise would be tantamount to a grave injustice. A relaxation of the rules, considering the particular circumstance prevailing in this case is justified.

SYLLABUS

1. REMEDIAL LAW; PROCEDURAL RULES; STRICT COMPLIANCE WITH THE RULES IS MANDATORY AND IMPERATIVE; RULES SHALL BE LIBERALLY

Supreme Court E-Library

CONSTRUED TO ACHIEVE SUBSTANTIAL JUSTICE.— Rules prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative. Nevertheless, procedural rules were conceived to aid the attainment of justice. If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter. Pursuant to this, Rule 1, Section 6, of the 1997 Rules of Civil Procedure states that: SEC. 6. *Construction.* – These rules shall be *liberally construed* in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

2. **ID.; ID.; RELAXATION OF THE RULES IS JUSTIFIED WHERE ACCUSED'S LIFE AND LIBERTY IS AT STAKE; CASE AT BAR.**— In this case, respondent's life and liberty is at stake. The trial court sentenced him to suffer the penalty of imprisonment of four (4) months of *Arresto Mayor,* as minimum, to four (4) years and two (2) months of *Prision Correccional,* as maximum, together with the accessory penalties provided by law plus costs, not to mention the social stigma of being branded a convicted criminal for life. It is but just, therefore, that respondent be given every opportunity to defend himself and to pursue his appeal. To do otherwise would be tantamount to a grave injustice. A relaxation of the rules, considering the particular circumstance prevailing in this case is justified. Where personal liberty is involved, a democratic society employs a different arithmetic and insists that it is less important to reach an unshakable decision than to do justice.

3. **ID.; MOTIONS; MOTION FOR RECONSIDERATION; LIBERAL CONSTRUCTION OF THE RULES; RULING IN CASE OF GOLDLOOP PROPERTIES, INC. v. COURT OF APPEALS (212 SCRA 498), CITED.**— The liberal construction of the rules with regard to motions for reconsideration is set forth in the case of *Goldloop Properties, Inc. v. Court of Appeals,* where this Court made the following pointed statements, *viz:* Admittedly, the filing of respondents-spouses' motion for reconsideration did not stop the period of appeal because xxx the reglementary period within which respondents-spouses should have appealed expired on 23 November 1989. But where a rigid application of the rule will result in a manifest failure or miscarriage of justice, then the rule may be relaxed especially if a party successfully shows that the alleged defect in the questioned final and executory judgment is not apparent on its face or from the recitals contained therein. Technicalities may thus be disregarded in order to resolve the case. After all, no party can

Supreme Court E-Library

can even claim a vested right in technicalities. Litigations should, as much as possible, be decided on the merits and not on technicalities.

4. **CONSTITUTIONAL LAW; JUDICIAL DEPARTMENT; SUPREME COURT; CANNOT BE DIVESTED OF ITS SUPERVISORY POWER TO DISCIPLINE ERRANT MEMBERS OF THE JUDICIARY AS WELL AS THOSE EMPLOYED BY HIM.**— Considering that this Court cannot be divested of its supervisory power to discipline errant members of the Judiciary, as well as those employed therein, the administrative proceedings should be held in abeyance pending the final outcome of the appeal in the criminal case.

DECISION

YNARES-SANTIAGO, *J.*:

Respondent Alberto V. Garong, Court Interpreter III of the Regional Trial Court of Calapan City, Mindoro, Branch 40, was charged with frustrated homicide before Branch 39 of the same court, in Criminal Case No. C-3406. On March 3, 1993, then Presiding Judge Marciano T. Virola rendered judgment finding respondent guilty beyond reasonable doubt of frustrated homicide and sentencing him to imprisonment of four (4) months of *Arresto Mayor,* as minimum, to four (4) years and two (2) months of *Prision Correcional,* as maximum, together with accessory penalties provided by law and to pay the costs.[1]

The judgment of the trial court was affirmed by the Court of Appeals in a Decision promulgated on August 9, 1996,[2] and the same became final on November 15, 1996, for which Entry of Judgment was accordingly made.[3]

---

[1] *Rollo,* Annex B.

[2] *Ibid.,* Annex C.

[3] *Id.,* Annexes D and D-1.

Supreme Court E-Library

On May 24, 1999, Judge Tomas C. Leynes, Executive Judge and Presiding Judge of the Regional Trial Court of Calapan City, Oriental Mindoro, Branch 40 wrote a letter to the Office of the Court Administrator (OCA) stating that he had issued the corresponding warrant of arrest to execute the aforesaid final Decision against respondent Garong. However, the latter remained at large, had not yet been terminated from the service and continued to receive his salaries and other fringe benefits as Court Interpreter III despite the accessory penalty imposed on him.[4] Hence, in the interest of the service, Judge Leynes requested that respondent Garong be terminated from the service and that his position of Court Interpreter III be declared vacant.

On June 1, 1999, the OCA filed a formal Administrative Complaint against respondent praying for his dismissal from the service with forfeiture of all his retirement benefits and leave credits, and with prejudice to his re-employment in any government agency or government-owned and controlled corporation.[5]

Upon evaluation, the OCA recommended that the administrative complaint be treated as an administrative matter; that the findings of the lower court as affirmed by the appellate court be adopted in lieu of an investigation; that respondent Garong be dismissed from the service by reason of his conviction of a crime involving moral turpitude with forfeiture of all benefits and leave credits with prejudice to his re-employment in any government agency or government-owned or controlled corporation; and that thereafter his position be declared vacant.

This Court, in a Resolution dated July 5, 1999, noted the administrative complaint and docketed the same as Administrative Matter No. P-99-1311.

On September 23, 1999, respondent filed a Manifestation With Motion To Dismiss, praying that the Court's Resolution dated July 5, 1999 be recalled and the administrative case be dismissed for lack of cause of action averring, among others, that as early as March 5, 1999, he had already been contesting the validity and due execution

[4] Annex A, *Rollo*.

[5] *Id.*, pp. 3-4.

Supreme Court E-Library

of the Resolution of the Court of Appeals dated February 24, 1999, which directed the Entry of Judgment in the criminal case against him, namely, CA-G.R. CR No. 14852. While this was pending, an Order of Execution of Judgment[6] and Warrant of Arrest dated March 4, 1999[7] were surreptitiously issued by Acting Presiding Judge Tomas C. Leynes of Branch 39, RTC of Calapan City in Criminal Case No. C-3406. To forestall the execution of the warrant, respondent alleged that he filed an Urgent Motion to Quash Warrant of Arrest.[8]

Respondent further stated that on March 11, 1999, he filed a Motion for Inhibition[9] of Judge Leynes from sitting in Criminal Case No. C-3406 in view of the fact that prior to the Order of Execution of Judgment dated March 4, 1999, respondent filed a letter-complaint dated October 16, 1998 and an affidavit-complaint dated November 13, 1998 against Judge Leynes with the OCA, docketed as OCA-IPI No. 98-634-RTJ,[10] for Falsification of Public Document and Violation of R.A. No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

Simultaneous with the foregoing, respondent filed another complaint against Judge Leynes for the same offense with the Office of the Ombudsman, where it was docketed as OMB No. 1-98-2378.[11] Likewise on even date, respondent filed a Supplemental Pleading to the Urgent Motion to Quash Warrant of Arrest.[12]

On April 16, 1999, respondent filed with the Court of Appeals in CA-G.R. CR No. 14852 a Motion To Lift/Set Aside Entry Of Judgment and Resolve Motion For Reconsideration and to Recall Order of Execution and Warrant of Arrest.[13]

The appellate court thereafter issued a Resolution dated March

---

[6] See Annex B, Manifestation With Motion To Dismiss.

[7] *Ibid.*, Annex C.

[8] *Id.*, Annex D.

[9] *Id.*, Annexes E to E-4.

[10] *Id.*, Annex E-5.

[11] *Id.*, Annex E-6.

[12] *Id.*, Annex F.

[13] *Id.*, Annex G.

Supreme Court E-Library

31, 1999,[14] directing the Office of the Solicitor General (OSG) to file its Comment on the said motion.

Pursuant to the foregoing directive, the OSG then submitted a Comment dated July 8, 1999,[15] praying that, for reasons stated therein, the motion filed by respondent be granted "in the broader interest of justice."

On August 26, 1999, the Court Appeals issued a Resolution,[16] granting the Urgent Motion To Quash filed by respondent; lifting the Entry of Judgment; and ordering the Presiding Judge of the Regional Trial Court of Calapan, Oriental Mindoro to recall forthwith the Order of Execution and Warrant of Arrest based on the void entry of judgment. In resolving the foregoing incidents, the appellate court found that while respondent's former counsel notified the trial court of his change of address, the copy of the judgment of conviction against respondent was sent to his old address by registered mail, for which reason it was returned unserved. On October 30, 1996, a copy of the decision was also sent to respondent's office at Calapan, Oriental Mindoro, but respondent failed to receive it since he was at that time on official leave in Manila from October 1996 up to November 8, 1996. Upon being informed of the decision through a long distance telephone call from Calapan to Manila, respondent checked the status of the case with the Court of Appeals. It was only on November 12, 1996 that respondent learned of the appellate court's decision affirming his conviction. On November 21, 1996, respondent filed with the Court of Appeals a motion for reconsideration.

Based on the foregoing, the Court of Appeals concluded that respondent was not properly served with notice of the decision against him. Consequently, the entry of judgment was premature and, therefore, void. Respondent's period to file a motion for reconsideration should be counted from November 12, 1996, the date he actually received a copy of the decision. Hence, the Motion for Reconsideration filed on November 21, 1996 was on time. Moreover,

---

[14] *Id.*, Annex H.

[15] *Id.*, Annex I.

[16] *Id.*, Annex J.

Supreme Court E-Library

the notice of judgment should have been sent to respondent's counsel of record's new address, and the sending of the same to counsel's old address was improper and invalid, in view of the latter's formal notice of change of address filed on January 10, 1995. For this reason, respondent's period to file motion for reconsideration from said decision could not have commenced to run.

The Court of Appeals further found that the service of a copy of the decision to respondent's officemate, a certain Gabriel Aquino, on October 30, 1996, while respondent was on leave, was not valid service in the absence of showing that Gabriel Aquino was authorized to receive a copy of the decision in question. The appellate court relied on our ruling in the case of *Gundayao v. Court of Appeals,*[17] to the effect that service of the court's order upon any person other than the counsel of record is not legally effective and binding upon the party nor may it start the corresponding reglementary period for subsequent procedural steps that may be taken by the attorney. Likewise, the Court of Appeals held that service of notice, decision or order to a party is allowed only if the party is not represented by counsel. In other words, notice to a party, where said party is represented by counsel, as in this case, is not notice in law and is therefore void.

We find the foregoing legal dissertation of the Court of Appeals to be well taken.

Rules prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative.[18] Nevertheless, procedural rules were conceived to aid the attainment of justice. If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter. Pursuant to this, Rule 1, Section 6,[19] of the 1997 Rules of Civil Procedure states that:

> SEC. 6. *Construction.*—These rules shall be *liberally construed* in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding. (Italics ours)

[17] 185 SCRA 606 [1990].

[18] *FJR Garments Industries v. CA,* 130 SCRA 216 [1984].

[19] Formerly Section 2, Rule 1 of the Rules of Court.

Supreme Court E-Library

The liberal construction of the rules with regard to motions for reconsideration is set forth in the case of *Goldloop Properties, Inc. v. Court of Appeals,*[20] where this Court made the following pointed statements, *viz:*

> Admittedly, the filing of respondents-spouses' motion for reconsideration did not stop the period of appeal because xxx the reglementary period within which respondents-spouses should have appealed expired on 23 November 1989.
>
> But where a rigid application of the rule will result in a manifest failure or miscarriage of justice, then the rule may be relaxed especially if a party successfully shows that the alleged defect in the questioned final and executory judgment is not apparent on its face or from the recitals contained therein. Technicalities may thus be disregarded in order to resolve the case. After all, no party can even claim a vested right in technicalities. Litigations should, as much as possible, be decided on the merits and not on technicalities.

In the case of *Paz Reyes Aguam v. Court of Appeals, et al.*,[21] this Court repeated what has been consistently adhered to in a litany of cases that with regard to the disposition of appeals filed with the appellate court:

> The law abhors technicalities that impede the cause of justice. The court's primary duty is to render or dispense justice. "A litigation is not a game of technicalities." Law suits unlike duels are not to be won by a rapier's thrust. *Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. Litigations must be decided on their merits and not on technicality. Every party-litigant must be afforded the amplest opportunity for the proper and just determination of his cause, free from the unacceptable plea of technicalities.* Thus, dismissal of appeals purely on technical grounds is frowned upon where the policy of the court is to encourage hearings of appeals on their merits and the rules of procedure ought not to be applied in a very rigid, technical sense; rules of procedure are used only to help secure, not override substantial justice. *It is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose*

---

[20] 212 SCRA 498 [1992].

[21] G.R. No. 137672, 31 May 2000, pp. 4-5.

Supreme Court E-Library

of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not miscarriage of justice. (Italics ours; citations omitted)

In this case, respondent's life and liberty is at stake. The trial court sentenced him to suffer the penalty of imprisonment of four (4) months of Arresto Mayor, as minimum, to four (4) years and two (2) months of *Prision Correccional,* as maximum, together with the accessory penalties provided by law plus costs, not to mention the social stigma of being branded a convicted criminal for life. It is but just, therefore, that respondent be given every opportunity to defend himself and to pursue his appeal. To do otherwise would be tantamount to a grave injustice. A relaxation of the rules, considering the particular circumstance prevailing in this case is justified.[22] Where personal liberty is involved, a democratic society employs a different arithmetic and insists that it is less important to reach an unshakable decision than to do justice.[23]

Considering that this Court cannot be divested of its supervisory power to discipline errant members of the Judiciary, as well as those employed therein,[24] the administrative proceedings should be held in abeyance pending the final outcome of the appeal in the criminal case.

WHEREFORE, in view of all the foregoing, the proceedings in the administrative complaint against respondent is hereby *HELD IN ABEYANCE* pending the final outcome of his appeal in CA-G.R. CR No. 14852.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Kapunan, and *Pardo, JJ.,* concur.

---

[22] *Basco v. CA,* G.R. No. 125290, 29 February 2000, 326 SCRA 768.

[23] *Echegaray v. Secretary of Justice,* 301 SCRA 96 [1999], citing Pollack, *Proposals to Curtail Habeas Corpus for State Prisoners: Collateral Attack on the Great Writ,* 66 Yale LJ 50, 65 (1956).

[24] See: *Anguluan v. Taguba,* 93 SCRA 179 [1979]; *People v. Valenzuela,* 135 SCRA 712 [1985]; *Leynes v. Veloso,* 82 SCRA 325 [1978]; *Arbon v. Borja,* 143 SCRA 634 [1986]; *Ramirez v. Macandong,* 144 SCRA 462 [1986]; *Advincula v. Malicudio;* 100 SCRA 39 [1980]; *Valentin v. Gonzales,* 115 SCRA 824 [1982].