



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated November 24, 2021, which reads as follows:

“G.R. No. 233908 (METROPOLITAN BANK & TRUST COMPANY, *petitioner* v. RICHMOND SAVINGS BANK, REPRESENTED BY THE PHILIPPINE DEPOSIT INSURANCE CORPORATION, THELMA U. LEE and SAMUEL U. LEE, *respondents*). — It is unwise for parties to always rely on the benevolence of trial courts; hence, the existence of procedural rules. Time and again, this Court has stressed the importance of procedural rules in alleviating delays in the resolution of cases.

For this Court’s resolution is a Petition for Review on Certiorari¹ assailing the Court of Appeals Decision² affirming the Regional Trial Court Orders,³ and Resolution⁴ denying Metropolitan Bank and Trust Company’s (Metrobank’s) Motion for Reconsideration.

In its Decision, the Court of Appeals found no grave abuse of discretion on the Regional Trial Court’s part when it denied Metrobank’s Motion with Formal Offer of Evidence. It ruled that Metrobank failed to exercise sufficient diligence in pursuing its case and protecting its interest.⁵

In 1997, Richmond Savings Bank (Richmond Bank) entered into an Investment Management Agreement (IMA) with then Solidbank Corporation (Solidbank). The IMA provided that Richmond Bank shall entrust its funds to Solidbank as its investment manager and, in turn, Solidbank shall invest

¹ *Rollo*, pp. 13–34.

² *Id.* at 43–51. The July 29, 2016 Decision in CA-G.R. SP No. 136554 was penned by Associate Justice Henri Jean Paul B. Inting (now a member of this Court) and concurred in by Associate Justices Marlene B. Gonzales-Sison and Ramon A. Cruz of the Seventeenth Division, Court of Appeals, Manila.

³ *Id.* at 51. December 27, 2013 and May 19, 2014 Orders in Civil Case No. Q-01-44137 of Branch 215, Regional Trial Court, Quezon City.

⁴ *Id.* at 53–54. The August 16, 2017 Resolution in CA-G.R. SP No. 136554 was penned by Associate Justice Henri Jean Paul B. Inting (now a member of this Court) and concurred in by Associate Justices Marlene B. Gonzales-Sison and Ramon A. Cruz of the Former Seventeenth Division, Court of Appeals, Manila.

⁵ *Id.* at 48–50.

Richmond Bank's investment portfolio pursuant to Richmond Bank's instructions.⁶

On various dates, Richmond Bank made deposits to its IMA account and instructed Solidbank to invest the funds to several borrowers by way of clean loans.⁷

Following an investigation conducted by the Bangko Sentral ng Pilipinas (Bangko Sentral), it was discovered that the loans made were fictitious. The alleged borrowers of the IMA account denied having applied for or having obtained a loan with Richmond Bank.⁸

The Monetary Board (MB) of Bangko Sentral issued MB Resolution No. 1447, placing Richmond Bank under the Philippine Deposit Insurance Corporation's (PDIC's) receivership, purportedly due to the irregularities and fraudulent transactions that led to the bank's collapse.⁹

Subsequently, Bangko Sentral issued MB Resolution No. 213, placing Richmond Bank under liquidation.¹⁰

In 2001, Bangko Sentral and PDIC filed a complaint for estafa through falsification against certain Richmond Bank officers, including its former president Samuel U. Lee (Samuel).¹¹

Later, Richmond Bank, its former Chairperson Thelma U. Lee (Thelma), and Samuel filed a Complaint for Injunction, Accounting and Damages against Bangko Sentral, PDIC, and Metrobank.¹²

The complaint raffled to Regional Trial Court Branch 215 of Quezon City alleged that Metrobank, as Solidbank's successor, should be made directly liable to Richmond Bank. It further averred that Solidbank should be held accountable to Richmond Bank for the funds it had allegedly loaned out. Finally, it prayed that Bangko Sentral and PDIC should revoke their decision absolving Solidbank of its accountability.¹³

⁶ Id. at 44 and 344.

⁷ Id. at 344.

⁸ Id.

⁹ Id. at 44.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id. at 44-45.

The complaint was later amended to include Solidbank as one of the defendants.¹⁴

After pre-trial was terminated, trial then ensued on May 12, 2004.¹⁵

Thelma and Samuel filed their Formal Offer of Evidence, which the Regional Trial Court admitted on January 23, 2007.¹⁶

The initial reception of evidence for Bangko Sentral was set on May 10, 2007, with its Formal Offer of Evidence filed on October 15, 2010.¹⁷

For PDIC, its initial reception of evidence was set on February 26, 2009. It filed its Formal Offer of Exhibits on November 4, 2010.¹⁸

Metrobank's initial presentation of evidence was scheduled on June 4, 2009. However, upon agreement of the parties' counsels, Metrobank's presentation of evidence was reset to August 6, 2009.¹⁹

Meanwhile, Metrobank's counsel, M.Z. Bañaga, Jr. & Associates Law, withdrew its appearance.²⁰

During the August 6, 2009 hearing, Metrobank's new counsel moved that the scheduled initial presentation of evidence be reset to September 30 and October 8, 2009, considering that the documents had not been turned over by the previous counsel. The Regional Trial Court granted the motion.²¹

On September 30, 2009, pursuant to a motion to reset filed by Metrobank, its presentation of evidence was moved to November 18 and 25, 2009. The scheduled hearing set on October 8, 2009 was likewise cancelled.²²

On PDIC's motion, the scheduled hearings on November 18 and 25, 2009 were both cancelled and reset to February 18, 2010.²³

On February 18, 2010, acting on Metrobank's motion to reset, the Regional Trial Court moved Metrobank's presentation of evidence to April 22,

¹⁴ Id. at 346.

¹⁵ Id. at 45.

¹⁶ Id. at 170 and 346.

¹⁷ Id. at 17.

¹⁸ Id.

¹⁹ Id. at 200.

²⁰ Id. at 346.

²¹ Id. at 201.

²² Id. at 202.

²³ Id. at 203.

2010.²⁴ However, due to the presiding judge's unavailability on April 22, 2010, the presentation of Metrobank's evidence was, again, moved to May 27, 2010.²⁵

On May 25, 2010, Metrobank filed an Urgent Motion for Issuance of Subpoena *Ad Testificandum*.²⁶

In its May 27, 2010 Order,²⁷ the Regional Trial Court, on account of the absence of Metrobank's witness, moved the presentation of Metrobank's evidence to August 26 and September 9, 2010.

PDIC then moved for the cancellation of the August 26, 2010 hearing. Its motion was granted by the Regional Trial Court in its August 9, 2010 Order.²⁸

On September 9, 2010, upon Metrobank's motion, the Regional Trial Court rescheduled Metrobank's presentation of evidence to September 30, 2010. The September 9, 2010 Order²⁹ stated:

Upon motion of Atty. Mendoza on special appearance for defendant Metrobank, considering that there was no service of subpoena to his scheduled witness for their failure to follow it up with the Court, over the vehement objection of counsel of the plaintiff, Atty. Eljon Perez, and counsel for BSP. Atty. Ma. Amanda dela Cruz, and without objection from counsel for PDIC, Atty. Narciso Tadeo, *let this case be reset for the last time to September 30, 2010 at 8:30 a.m. Failure on the part of Metrobank to present evidence on said date shall be considered a waiver of its right to adduce evidence and the case shall be deemed submitted for decision.*

SO ORDERED.³⁰ (Emphasis supplied)

On September 30, 2010, by reason of the failure of its subpoenaed witnesses to appear, Metrobank moved for the resetting of the hearing.³¹ In an Order³² issued on the same date, the Regional Trial Court denied the motion and declared Metrobank to have waived its right to adduce evidence. Pertinent portions of the Order provide:

²⁴ Id. at 204.

²⁵ Id. at 205.

²⁶ Id. at 46.

²⁷ Id. at 206. The Order was penned by Presiding Judge Ma. Luisa C. Quijano-Padilla of Branch 215, Regional Trial Court, Quezon City.

²⁸ Id. at 207.

²⁹ Id. at 208.

³⁰ Id.

³¹ Id. at 18.

³² Id. at 186.

Over the vehement objection of plaintiffs' counsel Atty. Raoul Creencia considering the stern warnings given by the Court not only during the last hearing but during the previous hearings added to the fact that this case has been dragging on for so many years already, the Motion to reset interposed by Metrobank's counsel Atty. Adrian Sison is hereby denied for lack of merit. Further, upon motion of plaintiffs' counsel, the right of defendant Metrobank to adduce evidence is thereby deemed waived.

Defendant PDIC is given fifteen (15) days to file its written formal offer of exhibits giving the other counsels another fifteen (15) days from receipt thereof to file their comments/objections thereto, thereafter the incident shall be deemed submitted for resolution.

SO ORDERED.³³

Metrobank moved for reconsideration of the September 30, 2010 Order. It pleaded that in the interest of substantial justice, it be allowed to present evidence on its defense.³⁴

On January 10, 2012, the Regional Trial Court denied Metrobank's motion for reconsideration. It further ordered the parties to file their respective memoranda within 15 days from the Order's receipt and after the lapse of this period, deemed the case submitted for decision.³⁵

On March 20, 2012, Metrobank then filed a Manifestation and Motion With Formal Offer of Evidence.³⁶ Metrobank prayed, among others, that it be allowed to make a formal offer of its marked documentary exhibits.³⁷

In its Motion, Metrobank stated that it had to move for the postponement of the scheduled hearings because the proposed witnesses were unavailable. It further maintained that it was not its intention to delay the case's resolution and that, "it will no longer elevate to the [Court of Appeals] by way of Petition of Certiorari the denial of its Motion for Reconsideration, the last day of filing of which fell [on] 19 March 2012."³⁸

In its December 27, 2013 Order,³⁹ the Regional Trial Court denied Metrobank's manifestation and motion. It decreed that Metrobank failed to diligently protect its interest warranting a consideration. It likewise noted that Metrobank did not take any positive action to have its documentary evidence marked despite the lapse of a considerable length of time.⁴⁰

³³ Id.

³⁴ Id. at 209-213.

³⁵ Id. at 215-216.

³⁶ Id. at 217-223.

³⁷ Id. at 221.

³⁸ Id. at 217-218.

³⁹ Id. at 55-57. The Order was penned by Acting Presiding Judge Wilfredo L. Maynigo of Branch 215, Regional Trial Court, Quezon City.

⁴⁰ Id. at 56.

Finally, the Regional Trial Court brushed aside Metrobank's assertion that it chose not to pursue the extraordinary remedy of Certiorari with the Court of Appeals. It ruled:

Further, Metrobank's veiled attempt to mislead the Court that the remedy of certiorari is still available but opted not to take it, has not remained unnoticed. From 19 January 2012, the time it received the 10 January 2012 *Order*, it had only up to 19 March 2012 within which to file such petition. Records bear that the instant *Motion* which Metrobank chose to file in lieu of a petition for certiorari was filed one day thereafter, or on 20 March 2012. This being so, to the mind of the Court, said defendant cannot now claim it opted *not* to file a petition with the Appellate Court.⁴¹ (Emphasis in the original)

Metrobank sought the reconsideration⁴² of the December 27, 2013 *Order*, which was denied on May 19, 2014.⁴³

Aggrieved, Metrobank filed a Petition for Certiorari⁴⁴ before the Court of Appeals.

In its assailed Decision, the Court of Appeals dismissed the Petition and ruled that the Regional Trial Court correctly denied the Motion with Formal Offer. It held that Metrobank had no right to expect that its Motion with Formal Offer would be granted, considering that while Metrobank's right to adduce evidence was waived in the trial court's September 30, 2010 *Order*, it only filed a Motion with Formal Offer in 2012, or more than a year later.⁴⁵

It likewise ruled that no grave abuse of discretion can be imputed on the trial court's part since Metrobank failed to diligently litigate its case and protect its interest. It noted that despite the several opportunities given to Metrobank, it failed to present its evidence offering as reasons, time constraints, lacking documents, and unavailability of witnesses.⁴⁶ It decreed that Metrobank's failure to avail of this opportunity rendered it forfeited without violating the Bill of Rights.⁴⁷

Metrobank filed a Motion for Reconsideration, but it was denied on August 16, 2017.⁴⁸

⁴¹ Id.

⁴² Id. at 225-234.

⁴³ Id. at 58-59.

⁴⁴ Id. at 239-271.

⁴⁵ Id. at 49.

⁴⁶ Id. at 49-50.

⁴⁷ Id. at 51.

⁴⁸ Id. at 53-54.

Dissatisfied with the outcome, Metrobank filed a Petition for Review before this Court.

Petitioner argues that the Court of Appeals erred in ruling that it had waived its right to formally offer its documentary evidence. It claims that even though the trial court considered that petitioner waived its right to present its witnesses, it still had the right to formally offer its documentary evidence. It cites Rule 132, Section 35 of the Rules of Court, which states that documentary or object evidence shall be offered after the presentation of a party's testimonial evidence.⁴⁹

It likewise asserts that the Court of Appeals erred when it held that the trial court did not gravely abuse its discretion. It maintains that the Regional Trial Court erred in: (1) considering the period between the September 30, 2010 and January 12, 2012 Orders; (2) denying petitioner's Motion with Formal Offer; and (3) concluding that it failed to diligently protect its interest.⁵⁰

Finally, petitioner contends that the trial court gravely abused its discretion when it denied petitioner's Motion with Formal Offer, despite allowing Bangko Sentral and respondent PDIC's alleged belated filing of their formal offers of evidence. Petitioner avers that it should have been extended the same consideration. In any case, petitioner insists that except for a public document, all the other documents that it sought to formally offer have been previously identified and marked as common exhibits with the other parties.⁵¹

Respondents Samuel and Thelma, in their Comment,⁵² argue that petitioner's right to present all its evidence was deemed waived. According to them, the September 9 and 30, 2010, and January 10, 2012 Orders did not distinguish between testimonial and documentary evidence. In the absence of any distinction, the conclusion is that petitioner lost its right to present all evidence.⁵³

Finally, respondents Samuel and Thelma contend that petitioner cannot assume that it will be extended the same leniency given to Bangko Sentral and respondent PDIC. They assert that petitioner had done nothing but delay the proceeding, stressing that it failed to produce a single witness from June 9, 2009 until September 30, 2010.⁵⁴

⁴⁹ Id. at 20-21.

⁵⁰ Id. at 20-23.

⁵¹ Id. at 24-31.

⁵² Id. at 332-337.

⁵³ Id. at 334.

⁵⁴ Id. at 335.

For its part, respondent PDIC argues that Metrobank's Petition is fatally defective. It claims that a perusal of the Petition reveals that it is directed against the trial court's factual findings, and not against the Court of Appeals Decision.⁵⁵ It further contends that the Petition raises questions of fact, which is contrary with the Rules of Court.⁵⁶

Respondent PDIC then claims that the Court of Appeals correctly affirmed the trial court's decision. It asserts that petitioner failed to present its evidence despite the several opportunities accorded to it by the lower court. Further, petitioner only filed its Motion with Formal Offer of Evidence two months after its receipt of the January 19, 2012 Order, which shows its failure to diligently protect its interest.⁵⁷ Respondent PDIC insists that it would be a violation of the parties' right to speedy disposition of cases if petitioner would be permitted to formally offer its evidence.⁵⁸

Respondent PDIC contends that contrary to petitioner's assertion, the waiver of petitioner's right to formally offer its evidence pertain to both testimonial and documentary evidence.⁵⁹

Lastly, respondent PDIC argues that petitioner cannot be extended the same consideration given to it and Bangko Sentral because unlike petitioner who acted negligently in litigating its case, they remained vigilant in protecting their rights and interests.⁶⁰

For this Court's resolution is the issue of whether or not the Court of Appeals erred in affirming the denial of Metrobank's Motion with Formal Offer of Evidence.

The petition has no merit.

Formal offer of evidence has been defined as how an offering party informs the court of the purpose of introducing its exhibits into evidence[.]”⁶¹ It aims to assist the court in ruling intelligently on the admissibility of the evidence presented, should the adverse party objects.⁶² *Heirs of Pasag v. Spouses Parocha*⁶³ explains:

⁵⁵ Id. at 352.

⁵⁶ Id. at 353–357.

⁵⁷ Id. at 359–360.

⁵⁸ Id. at 361–365.

⁵⁹ Id. at 365–367.

⁶⁰ Id. at 368–370.

⁶¹ *Sabay v. People*, 744 Phil. 760, 770 (2014) [Per J. Brion, Second Division].

⁶² Id.

⁶³ 550 Phil. 571 (2007) [Per J. Velasco, Jr., Second Division].

The Rules of Court provides that “the court shall consider no evidence which has not been formally offered.” A formal offer is necessary because judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial. Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. On the other hand, this allows opposing parties to examine the evidence and object to its admissibility. Moreover, it facilitates review as the appellate court will not be required to review documents not previously scrutinized by the trial court.⁶⁴ (Citations omitted)

The importance of formal offer was further explained in *Republic v. Spouses Gimenez*.⁶⁵

The rule on formal offer of evidence is intertwined with the constitutional guarantee of due process. Parties must be given the opportunity to review the evidence submitted against them and take the necessary actions to secure their case. Hence, any document or object that was marked for identification is not evidence unless it was “formally offered and the opposing counsel was given an opportunity to object to it or cross-examine the witness called upon to prove or identify it.”⁶⁶ (Citations omitted)

In relation, Rule 132, Section 34 of the Rules of Court states:

Section 34. *Offer of evidence.* — The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

Prior to the amendment of the Rules on Evidence in 2019, the rule governing formal offer of evidence reads:

Section 35. *When to make offer.* — As regards the testimony of a witness, the offer must be made at the time the witness is called to testify.

Documentary and object evidence shall be offered after the presentation of a party’s testimonial evidence. Such offer shall be done orally unless allowed by the court to be done in writing

Meanwhile, with the amendment introduced in 2019, the rule now states:

Section 35. *When to make offer.* — All evidence must be offered orally.

The offer of the testimony of a witness in evidence must be made at the time the witness is called to testify. The offer of documentary and object

⁶⁴ Id. at 578–579.

⁶⁵ 776 Phil. 233 (2016) [Per J. Leonen, Second Division].

⁶⁶ Id. at 256.

evidence shall be made after the presentation of a party's testimonial evidence.

Notably, whether prior or after the amendment of the Rules on Evidence, formal offer of documentary evidence is done after the presentation of party's testimonial evidence. Further, it is done orally.

Heirs of Pasag thoroughly discussed the procedure on how evidence is formally offered:

Under the Rule on guidelines to be observed by trial court judges and clerks of court in the conduct of pre-trial and case of deposition and discovery measures, it is provided that:

On the last hearing day allotted for each party, he is required to make his formal offer of evidence after the presentation of his last witness and the opposing party is required to immediately interpose his objection thereto. Thereafter the judge shall make the ruling on the offer of evidence in open court. However, the judge has the discretion to allow the offer of evidence in writing in conformity with Section 35, Rule 132.

On the other hand, Section 35 of Rule 132 of the Rules of Court provides that "documentary and object evidence shall be offered after the presentation of a party's testimonial evidence." It requires that "such offer shall be done orally unless allowed by the Court to be done in writing."

The pre-trial guidelines and Sec. 35 of Rule 132 jointly considered, it is made clear that the party who terminated the presentation of evidence must make an oral offer of evidence on the very day the party presented the last witness. Otherwise, the court may consider the party's documentary or object evidence waived. While Sec. 35 of Rule 132 says that the trial court may allow the offer to be done in writing, this can only be tolerated in extreme cases where the object evidence or documents are large in number — say from 100 and above, and only where there is unusual difficulty in preparing the offer.⁶⁷ (Citation omitted)

Here, petitioner was ordered to make its initial presentation of evidence on June 4, 2009 but failed to do so, prompting the resetting of the hearing. The trial court repeatedly rescheduled the hearing for petitioner's initial presentation of evidence, but petitioner was unable to make its initial presentation of evidence.

On September 9, 2010, the Regional Trial Court ordered for the last time that the hearing be moved to September 30, 2010 and warned petitioner that if it fails to present its evidence on the rescheduled date, it would be deemed to have waived its right to present evidence and the case would be

⁶⁷ *Heirs of Pasag v. Spouses Parocha*, 550 Phil. 571, 579–580 (2007) [Per J. Velasco, Jr., Second Division].

considered submitted for decision. Despite the trial court's warning, petitioner failed to present its evidence on September 30, 2010 and, thus, its right to adduce evidence was deemed waived.

Notably, from the time the trial court considered that petitioner waived its right to adduce evidence, petitioner then took more than a year before it filed its Motion with Formal Offer on March 20, 2012. As the Court of Appeals correctly observed, the lapse of a considerable length of time before petitioner filed its Motion with Formal Offer, as well as the various occasions when petitioner moved to reschedule its presentation of evidence, show that petitioner failed to diligently litigate its case and protect its interest.⁶⁸

However, petitioner insists that the Court of Appeals erred in considering the period during which its Motion for Reconsideration of the September 30, 2010 Order was pending. Petitioner contends that the evidence which it was deemed to have waived its right to present, pertain only to testimonial evidence. It claims that it retained its right to formally offer its documentary exhibits.⁶⁹

A perusal of the September 30, 2010 Order reveals that the Regional Trial Court made no distinction as between testimonial and documentary evidence. That the trial court ordered only respondent PDIC to file its written Formal Offer of Exhibits suggests that the waiver of petitioner's right to adduce evidence includes its documentary evidence.⁷⁰

Further, even if this Court does not consider the period when petitioner's motion for reconsideration of the September 30, 2010 Order was pending, it still took petitioner two months after the denial of its Motion for Reconsideration before it filed its Motion with Formal Offer, which likewise shows its neglect in protecting its case.

In *Constantino v. Court of Appeals*,⁷¹ this Court upheld the denial of the petitioner's belatedly filed motion to admit formal offer of evidence. We held that to grant the petitioner's motion, despite the three-month delay, would equate to condoning "inexcusable laxity if not [noncompliance] with a court order which, in effect, would encourage needless delays and derail the speedy administration of justice."⁷²

Likewise, in *Heirs of Pasag*, this Court sustained the denial of the petitioners' motion for the admission of their offer of evidence. This Court

⁶⁸ *Rollo*, p. 50.

⁶⁹ *Id.* at 20-22.

⁷⁰ *Id.* at 185.

⁷¹ 332 Phil. 68 (1996) [Per J. Bellosillo, First Division].

⁷² *Id.* at 75.

ruled that despite the time extensions given to the petitioners, they still failed to make their formal offer, and allowed the lapse of almost 5 months before they submitted their formal offer of evidence.⁷³

This Court has ruled that in determining whether a party is guilty of delay, it is insufficient to use as basis a mere mathematical computation of the length of time involved. The facts and circumstances surrounding each case should also be considered.⁷⁴

Here, the totality of the circumstances justifies the denial of petitioner's Motion with Formal Offer. To reiterate, petitioner was ordered to make its initial presentation of evidence on June 4, 2009 but failed to do so. The trial court then granted petitioner's motions for the resetting of hearing until the September 9, 2010 Order.

Further, this Court rejects petitioner's explanation that it decided not to challenge the January 10, 2012 Order via a Petition for Certiorari because it did not want to delay the proceedings.⁷⁵ It was a veiled attempt to mislead the court, as correctly observed by the trial court, because petitioner filed the Motion with Formal Offer a day after the deadline for filing of a Petition for Certiorari before the Court of Appeals had already expired.⁷⁶

Neither can the Regional Trial Court be faulted for denying petitioner's Motion with Formal Offer after it allowed Bangko Sentral and respondent PDIC's belated filing of its formal offer of evidence. It is unwise for parties to always rely on the benevolence of trial courts, especially, when as in this case, petitioner was given ample opportunity to litigate its case and formally offer its evidence.

Time and again, this Court has stressed that "[p]rocedural rules are essential in the administration of justice."⁷⁷ These rules are designed to aid in alleviating delays in the resolution of cases.⁷⁸ *Fortich v. Corona*⁷⁹ explains:

Procedural rules, we must stress, should be treated with utmost respect and due regard since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice. The requirement is in pursuance to the bill of rights inscribed in the Constitution which guarantees that "all persons shall have a right to the speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies." The adjudicatory bodies

⁷³ *Heirs of Pasag v. Spouses Parocha*, 550 Phil. 571 (2007) [Per J. Velasco, Jr., Second Division].

⁷⁴ *Benares v. Lim*, 540 Phil. 120 (2006) [Per J. Ynares-Santiago, First Division].

⁷⁵ *Rollo*, p. 229.

⁷⁶ *Id.* at 56.

⁷⁷ *Malixi v. Baltazar*, 821 Phil. 423, 435 (2017) [Per J. Leonen, Third Division].

⁷⁸ *Fortich v. Corona*, 359 Phil. 210 (1998) [Per J. Martinez, Second Division].

⁷⁹ 359 Phil. 210 (1998) [Per J. Martinez, Second Division].

and the parties to a case are thus enjoined to abide strictly by the rules. While it is true that a litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice. There have been some instances wherein this Court allowed a relaxation in the application of the rules, but this flexibility was “never intended to forge a bastion for erring litigants to violate the rules with impunity.” A liberal interpretation and application of the rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances.⁸⁰ (Citations omitted)

Finally in *Spouses Galang v. Court of Appeals*:⁸¹

Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.⁸² (Citation omitted)

WHEREFORE, the Petition is **DENIED**. The July 29, 2016 Decision and August 16, 2017 Resolution of the Court of Appeals in CA-G.R. SP No. 136554 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

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⁸⁰ Id. at 220.

⁸¹ 276 Phil. 748 (1991) [Per C.J. Fernan, Third Division].

⁸² Id. at 755.

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