



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

MARLON CURAMMENG y G.R. No. 219510
PABLO,
Petitioner, Present:

- versus -

PEOPLE OF THE
PHILIPPINES,
Respondent.

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PERLAS-BERNABE, and
CAGUIOA,* JJ.

Promulgated:

NOV 14 2016

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D E C I S I O N

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Resolutions dated October 20, 2014² and June 30, 2015³ of the Court of Appeals (CA) in CA-G.R. CR No. 36802, which dismissed petitioner Marlon Curammeng y Pablo's (Curammeng) petition for review for his failure to attach, *inter alia*, a certification of non-forum shopping.

The Facts

The instant case arose from an Information⁴ filed before the Municipal Trial Court of Bauang, La Union (MTC), charging Curammeng of Reckless

* On leave.

¹ *Rollo*, pp. 12-34.

² *Id.* at 35-37. Penned by Associate Justice Pedro B. Corales with Associate Justices Sesinando E. Villon and Florito S. Macalino concurring.

³ *Id.* at 38-40

⁴ *Id.* at 41.

Imprudence Resulting in Homicide, defined and penalized under Article 365 of the Revised Penal Code. The prosecution alleged that on the night of September 25, 2006, a Maria De Leon bus going to Laoag, Ilocos Norte being driven by Francisco Franco y Andres (Franco) was traversing the northbound lane of the national highway along Santiago, Bauang, La Union, when its rear left tire blew out and caught fire. This prompted Franco to immediately park the bus on the northbound side of the national highway, and thereafter, unloaded the cargoes from the said bus. At a little past midnight of the next day, an RCJ bus bound for Manila being driven by Curammeng traversed the southbound lane of the road where the stalled bus was parked and hit Franco, resulting in the latter's death.⁵

In his defense, Curammeng averred that he was driving the RCJ bus bound for Manila and traversing the southbound side of the national highway at less than 60 kilometers per hour (kph) when he saw from afar the stalled Maria De Leon bus at the road's northbound side which was not equipped with any early warning device, thus, prompting him to decelerate. When the RCJ bus was only a few meters away from the stalled Maria De Leon bus, a closed van suddenly appeared from the opposite direction, causing petitioner to steer his bus to the west shoulder, unfortunately hitting Franco and causing the latter's death. Out of fear of reprisal, petitioner surrendered to the Caba Police Station in the next town. Eventually, petitioner was arraigned and pleaded not guilty to the charge.⁶

The MTC Ruling

In a Decision⁷ dated November 26, 2013, the MTC found Curammeng guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of imprisonment for the indeterminate period of four (4) months and one (1) day of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum, and ordered him to pay Franco's heirs the amounts of ₱100,000.00 as civil indemnity and ₱200,000.00 as actual damages.⁸

The MTC found that Curammeng showed an inexcusable lack of precaution in driving his bus while passing through the stalled Maria De Leon bus, which resulted in Franco's death. Moreover, it found untenable Curammeng's assertion that he decreased the speed of his bus when he was nearing the stalled bus, considering that the evidence on record showed that he was still running at around 60 kph when he hit Franco. In this relation, the MTC pointed out that if Curammeng had indeed decelerated as he claimed,

⁵ Id. at 74-75.

⁶ See id. at 14-15.

⁷ Id. at 43-56. Penned by Judge Romeo V. Perez.

⁸ Id. at 55.

then he should have noticed the barangay tanods near the stalled bus who were manning the traffic and signalling the other motorists to slow down.⁹

Aggrieved, Curammeng appealed to the Regional Trial Court of Bauang, La Union, Branch 33 (RTC).

The RTC Ruling

In a Decision¹⁰ dated June 3, 2014, the RTC affirmed Curammeng's conviction *in toto*.¹¹ It found that as a professional public utility vehicle driver, his primary concern is the safety not only of himself and his passengers but also that of his fellow motorists. However, he failed to exhibit such concern when he did not slow down upon seeing the Maria De Leon bus stalled on the northbound side of the national highway, especially so that the area where the incident happened was hardly illuminated by street lights and that there is a possibility that he might not be able to see oncoming vehicles because his view of the road was partially blocked by the said stalled bus. In view of the foregoing circumstances, the RTC concluded that Curammeng was negligent in driving his bus, and such negligence was the proximate cause of Franco's death. As such, his liability for the crime charged must be upheld.¹²

Curammeng moved for reconsideration but was denied in an Order¹³ dated July 22, 2014. Dissatisfied, he filed a petition for review¹⁴ under Rule 42 of the Rules of Court before the CA.

The CA Ruling

In a Resolution¹⁵ dated October 20, 2014, the CA dismissed outright Curammeng's petition based on procedural grounds. Specifically, the CA found that Curammeng violated Section 2, Rule 42 of the Rules of Court as he failed to attach a certification of non-forum shopping as well as material portions of the record (*e.g.*, affidavits referred to in the MTC Decision, transcript of stenographic notes of the MTC, documentary evidence of the parties).¹⁶

Undaunted, Curammeng filed a Motion for Reconsideration with Compliance¹⁷ dated November 6, 2014, praying for the relaxation of

⁹ Id. at 55-56.

¹⁰ Id. at 74-78. Penned by Judge Rose Mary R. Molina-Alim.

¹¹ Id. at 78.

¹² Id. at 75-78.

¹³ Id. at 84.

¹⁴ Id. at 85-98.

¹⁵ Id. at 35-37.

¹⁶ Id. at 36.

¹⁷ Id. at 99-105.

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procedural rules so that his petition will be reinstated and given due course. He explained that the failure to comply with the rules was only due to a plain oversight on the part of his counsel's secretary. To show that such failure was unintentional, he attached his certification of non-forum shopping as well as copies of the pertinent records of the case.¹⁸

In a Resolution¹⁹ dated June 30, 2015, the CA denied Curammeng's motion for lack of merit. It held that Curammeng failed to give any convincing explanation which would constitute a compelling reason for a liberal application of the procedural rules on appeal.²⁰

Hence, this petition.

The Issue Before the Court

The primordial issue for the Court's resolution is whether or not the CA correctly dismissed Curammeng's petition for review based on procedural grounds.

The Court's Ruling

The petition is meritorious.

Appeals of cases decided by the RTCs in the exercise of its appellate jurisdiction are taken by filing a petition for review under Rule 42 of the Rules of Court.²¹ Section 2, thereof, provides that such petitions shall be accompanied by, *inter alia*, material portions of the record which would support the allegations of said petitions as well as a certification of non-forum shopping, *viz.*:

SEC. 2. Form and contents. – The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) **be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and**

¹⁸ Id. at 100-103.

¹⁹ Id. at 38-40

²⁰ Id. at 39.

²¹ See Section 2(b), Rule 41 of the Rules of Court.

other material portions of the record as would support the allegations of the petition.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom. (Emphases and underscoring supplied)

It must be stressed that since a petition for review is a form of appeal, non-compliance with the foregoing rule may render the same dismissible. This is in furtherance of the well-settled rule that “the right to appeal is not a natural right or a part of due process; it is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law. A party who seeks to avail of the right must, therefore, comply with the requirements of the rules, failing which the right to appeal is invariably lost.”²² Verily, compliance with procedural rules is a must, “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.”²³

Nevertheless, if a rigid application of the rules of procedure will tend to obstruct rather than serve the broader interests of justice in light of the prevailing circumstances of the case, such as where strong considerations of substantive justice are manifest in the petition, the Court may relax the strict application of the rules of procedure in the exercise of its equity jurisdiction.²⁴ The Court’s pronouncement in *Heirs of Zaulda v. Zaulda*²⁵ is instructive on this matter, to wit:

The reduction in the number of pending cases is laudable, but if it would be attained by precipitate, if not preposterous, application of technicalities, justice would not be served. The law abhors technicalities that impede the cause of justice. The court’s primary duty is to render or dispense justice. **“It is a more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal rather than dispose 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.”**

²² *Manila Mining Corporation v. Amor*, G.R. No. 182800, April 20, 2015, 756 SCRA 15, 23-24, citations omitted.

²³ *CMTC International Marketing Corporation v. Bhagis International Trading Corporation*, 700 Phil. 575, 581 (2012).

²⁴ See *id.* at 582, citation omitted.

²⁵ 729 Phil. 639 (2014).

What should guide judicial action is the principle that a party-litigant should be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor, or property on technicalities. The rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed. At this juncture, the Court reminds all members of the bench and bar of the admonition in the often-cited case of *Alonso v. Villamor* [16 Phil. 315, 322 (1910)]:

Lawsuits, 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. There should be no vested rights in technicalities.²⁶ (Emphases and underscoring supplied)

Otherwise stated, procedural rules may be relaxed for the most persuasive of reasons in order to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. Corollarily, the rule, which states that the mistakes of counsel bind the client, may not be strictly followed where observance of it would result in the outright deprivation of the client's liberty or property, or where the interest of justice so requires.²⁷

In the instant case, the Court notes that the 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 presented by Curammeng's counsel were not compelling enough to relax the technical rules on appeal.

While the Court understands and applauds the CA's zealousness 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 where he stands to be sentenced with imprisonment for the indeterminate period of four (4) months and one (1) day of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum, among others. 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

²⁶ Id. at 651-652. Citations omitted.

²⁷ See *City of Dagupan v. Maramba*, 738 Phil. 71, 87 (2014), citing *Sy v. Local Government of Quezon City*, 710 Phil. 549, 557 (2013).

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 entire case for review.²⁸

In sum, the Court deems it appropriate to relax the technical rules of procedure in order to afford Curammeng the fullest opportunity to establish the merits of his appeal, rather than to deprive him of such and make him lose his liberty on procedural blunders which he had no direct hand in. Accordingly, the case should be remanded to the CA for resolution of the appeal on its merits.

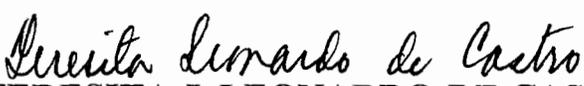
WHEREFORE, the petition is **GRANTED**. Accordingly, the Resolutions dated October 20, 2014 and June 30, 2015 of the Court of Appeals in CA-G.R. CR No. 36802 are hereby **REVERSED** and **SET ASIDE**. The instant case is **REMANDED** to the Court of Appeals for resolution of the appeal on its merits.

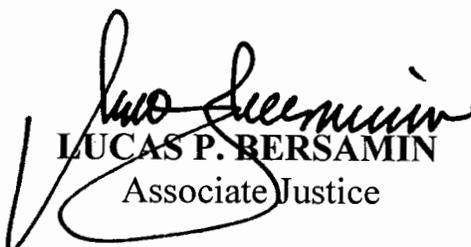
SO ORDERED.


ESTELA M. PERLAS-BERNABE
 Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
 Chief Justice
 Chairperson


TERESITA J. LEONARDO-DE CASTRO
 Associate Justice


LUCAS P. BERSAMIN
 Associate Justice

On leave
ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

²⁸ "At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." (See *People v. Comboy*, G.R. No. 218399, March 2, 2016, citing *Manansala v. People*, G.R. No. 215424, December 9, 2015)

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice