



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 238308

Petitioner, Present:

- versus -

TERESITA I. SALINAS,
 Respondent.

LEONEN, S.A.J., Chairperson,
 LAZARO-JAVIER,
 LOPEZ, M.,
 LOPEZ, J., and
 KHO, JR., JJ.

Promulgated:

OCT 12 2022

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RESOLUTION

LOPEZ, M., J.:

The filing date of a pleading submitted to the court through registered mail is proved by the post office-stamped date appearing on the envelope of the pleading or that stated in the registry receipt.¹

¹ See Section 3, Rule 13 of the Rules which provides:

Section 3. *Manner of filing.* — The filing of pleadings and other court submissions shall be made by:

- (a) Submitting personally the original thereof, plainly indicated as such, to the court;
- (b) Sending them by registered mail;

x x x x

In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second x x x [case,] the date of the mailing of motions, pleadings, and other court submissions, and payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case. x x x (Emphasis supplied)

For our resolution is a Petition for Review on *Certiorari*² under Rule 45 of the Rules of Court (Rules) filed by petitioner Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), questioning the Decision³ dated October 24, 2017 and the Resolution⁴ dated March 21, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 144681.

Facts

This case stemmed from a Petition for Declaration of Nullity of Marriage⁵ filed by respondent Teresita I. Salinas (Salinas) on the ground of psychological incapacity, raffled to the Regional Trial Court of Manila, Branch 48 (RTC). The petition was granted in a Decision⁶ dated May 13, 2015. The Republic filed a motion for reconsideration (MR), but was denied in an Order⁷ dated July 27, 2015, which it received on August 4, 2015. It, thus, had until August 19, 2015 to file an appeal.⁸

However, the RTC received a Notice of Appeal⁹ via registered mail, contained in an envelope rubber stamped with the date “October 5, 2015,”¹⁰ which it found to be imprinted by the postmaster. Thus, in an Order¹¹ dated October 15, 2015, the RTC denied the Republic’s Notice of Appeal for being filed late. The Republic moved for reconsideration, positing that its Notice of Appeal was seasonably filed. To support its claim, the Republic attached a photocopy of the OSG Inner Registered Sack Bill¹² dated August 18, 2015, which includes entry numbers “18” and “19”¹³ or registry numbers “3495” and “3496,”¹⁴ pertaining to a Notice of Appeal purportedly sent to “RTC Br 48”¹⁵ and Salinas’ counsel, Atty. Pacianito B. Cabaron.¹⁶ The OSG bill bears a rubber stamp, stating “ERMITA POST OFFICE Registered Mail AUG 18 2015.”¹⁷ The Republic also filed a supplement to the MR, attaching a Certification¹⁸ dated January 6, 2016 issued by Evelyn B. Jacala, Postmaster of the Ermita Post Office, stating that the registered letters with numbers 3495

² *Rollo*, pp. 10–20.

³ *Id.* at 27–32. Penned by Associate Justice Nina G. Antonio-Valenzuela, with the concurrence of Associate Justices Rosmari D. Carandang (retired member of this Court) and Stephen C. Cruz.

⁴ *Id.* at 34–35.

⁵ Not attached to the *rollo*.

⁶ Not attached to the *rollo*.

⁷ Not attached to the *rollo*.

⁸ *Rollo*, p. 12.

⁹ Not attached to the *rollo*.

¹⁰ *Rollo*, p. 15.

¹¹ Not attached to the *rollo*.

¹² *Rollo*, p. 36.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 37.

and 3496 from the OSG were posted on August 18, 2015. Just the same, the MR was denied by the RTC in an Order¹⁹ dated December 22, 2015.²⁰

The Republic challenged the RTC Orders disallowing its Notice of Appeal through *certiorari* proceedings before the CA. In its Decision²¹ dated October 24, 2017, the CA found no grave abuse of discretion on the part of the RTC in denying the Notice of Appeal for being filed beyond the 15-day reglementary period. The CA considered the OSG Inner Registered Sack Bill akin to a registry receipt as it contains the following information: Entry Number “18” and “19,”²² pertaining to a Notice of Appeal with Registry Numbers “3495” and “3496,”²³ sent to “RTC Br 48”²⁴ and Salinas’ counsel, Atty. Pacianito B. Cabaron,²⁵ rubber stamped with “ERMITA POST OFFICE Registered Mail AUG 18 2015.”²⁶ However, the CA observed that the Republic failed to present an affidavit of the person who purportedly mailed the Notice of Appeal as required under Section 12,²⁷ Rule 13 of the Rules. Under the Rules, a pleading filed via registered mail is proved by presenting the: (1) registry receipt; and (2) the affidavit of the person who did the mailing, stating the date of mailing and the particular post office where the mail matter was posted. The CA concluded that absent one of the two proofs of filing, it cannot be concluded that the Republic filed a Notice of Appeal on or before August 19, 2015.²⁸ The CA disposed:

Accordingly, we **DISMISS** the Petition for *Certiorari*.

IT IS SO ORDERED.²⁹ (Italics supplied and emphases in the original)

The Republic filed an MR, which was likewise denied in the assailed CA Resolution³⁰ dated March 21, 2018. Hence, this Petition.³¹ The Republic casts doubt on the reliability of the date appearing on the envelope of the Notice of Appeal, pointing out that the RTC merely surmised that such date was placed by the postmaster. The Republic maintains that its Notice of Appeal was timely filed as evidenced by the OSG Inner Registered Sack Bill

¹⁹ Not attached to the *rollo*.

²⁰ *Rollo*, p. 13.

²¹ *Id.* at 27–32.

²² *Id.* at 36.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 12. *Proof of filing.* — The filing of a pleading or paper shall be proved by its existence in the record of the case. If it is not in the record, but is claimed to have been filed personally, the filing shall be proved by the written or stamped acknowledgment of its filing by the clerk of court on a copy of the same; if filed by registered mail, by the registry receipt and by the affidavit of the person who did the mailing, containing a full statement of the date and place of depositing the mail in the post office in a sealed envelope addressed to the court, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if not delivered.

²⁸ *Rollo*, pp. 30–32.

²⁹ *Id.* at 32.

³⁰ *Id.* at 34–35.

³¹ *Id.* at 10–20.

and the Certification issued by the postmaster.³² In her Comment,³³ Salinas argues that the Republic failed to prove that the Notice of Appeal was filed on or before August 19, 2015 as it admittedly did not present an affidavit of the person who mailed the pleading, as required under Section 12, Rule 13 of the Rules.³⁴ In its Reply,³⁵ the Republic contends that the Certification issued by the postmaster, who enjoys the presumption of regularity in the performance of official duties, should prevail and take the place of such affidavit.³⁶

Issue

Whether the CA erred in finding no grave abuse of discretion on the part of the RTC when it denied the Republic's Notice of Appeal for being filed late.

Ruling

The petition lacks merit.

We emphasize, at the outset, the need to rectify the erroneous reliance of the parties and the CA in Section 12, now Section 16, Rule 13 of the Rules, which states:

Section 16. *Proof of filing.* — The filing of a pleading or any other court submission shall be **proved by its existence in the record of the case.**

(a) **If the pleading or any other court submission is not in the record**, but is claimed to have been filed personally, the filing shall be proven by the written or stamped acknowledgment of its filing by the clerk of court on a copy of the pleading or court submission;

(b) If the pleading or any other court submission was filed by registered mail, the filing shall be proven by the registry receipt and by the affidavit of the person who mailed it, containing a full statement of the date and place of deposit of the mail in the post office in a sealed envelope addressed to the court, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) calendar days if not delivered.

x x x x (Emphasis supplied)

Gleaned from its unequivocal wordings, the provision applies only when a pleading or any other court submission is claimed to have been filed,


³² *Id.* at 16–18.

³³ *Id.* at 111–116.

³⁴ *Id.* at 111–113.

³⁵ *Id.* at 117–121.

³⁶ *Id.* at 119.



but for some reason, such document cannot be found in the records;³⁷ hence, the need for proof of its filing. That is not the case here. The Republic's Notice of Appeal is existing on record, befogged only with doubts as to when it was filed. In that respect, Section 3, Rule 13 of the Rules³⁸ is *apropos, viz.*;

Section 3. *Manner of filing.* — The filing of pleadings and other court submissions shall be made by:

(a) Submitting personally the original thereof, plainly indicated as such, to the court;

(b) Sending them by registered mail;

x x x x

In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second x x x [case,] **the date of the mailing of motions, pleadings, and other court submissions, and payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case.** x x x (Emphasis supplied)

Plainly, the pleading's filing date can be proved either by: (1) the post stamp on the envelope, which is considered part of the records; or (2) the registry receipt. Thus, no grave abuse of discretion can be imputed to the RTC in considering the date stamped on the envelope of the Republic's Notice of Appeal, which was October 5, 2015, as the date of the pleading's filing.

Contrary to the CA's ruling, the photocopy of the OSG Inner Registered Sack Bill cannot be equated to a registry receipt nor given probative value. Unlike a registry receipt, the OSG's Inner Registered Sack Bill was not issued or signed by the postmaster or any authorized receiving personnel of the concerned post office; hence, unverified to be authentic. It was merely a list of mail matters supposedly sent out by the OSG with corresponding entry and registry numbers, addressees, and posting dates, stamped with "ERMITA POST OFFICE Registered Mail AUG 18 2015."³⁹ Several important entries were left blank in the invoked document, to wit: name of the dispatching clerk/witness, "SACK BILL NO.,"⁴⁰ "PAGE [NO.],"⁴¹ "LOCK NO.;"⁴² and more importantly, the total number of articles received by the post office and the signature of the "RECEIVING POSTMASTER"⁴³ or authorized personnel of the post office. Thus, even if we admit the authenticity of the OSG Inner

³⁷ *Heirs of the Late Atty. Edilberto C. Pama, Sr. v. Heirs of the Late Arnaldo and Irene Bautista*, G.R. No. 226534, January 31, 2018 [Notice, Second Division].

³⁸ See A.M. No. 19-10-20-SC, entitled, "2019 AMENDMENTS TO THE 1997 RULES OF CIVIL PROCEDURE" (May 1, 2020).

³⁹ *Rollo*, p. 36.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

Sack Bill, it cannot be a sufficient basis to conclude that the mail matter pertaining to the Notice of Appeal listed on it was actually dispatched and received by the Ermita Post Office on August 18, 2015. Needless to say, no reasonable mind would rely upon a document with several missing relevant entries.

The Republic attempted to bolster its claim of timely filing by presenting a Certification issued by the Ermita Post Office postmaster, which states:

This is to certify that according to the record of this office, *Registered Letter Nos. 3495 and 3496* sent by the Office of the Solicitor General was posted hereat on August 18, 2015 addressed to RTC Branch 48, Manila and Atty. Pacianito B. Cabaron, Manila, respectively.

This certification is being issued this 6th day of January 2016 upon request of Paolo V. Quetulio, State Solicitor II, for whatever purpose it may serve.⁴⁴

Contrary to the Republic's argument, this Certification does not suffice to prove that it filed its Notice of Appeal on August 18, 2015 given that a different date appears on the envelope containing such pleading. We iterate, under Section 3, Rule 13 of the Rules, the date of the filing is shown either in the post office stamp on the envelope or the registry receipt. Thus, while the postmaster's certification is usually sufficient proof of mailing, its evidentiary value is different in this case as it is not merely intended to prove the fact of mailing, but to prove that the date stamped on the pleading's envelope was either incorrect due to the post office's inadvertence or not stamped by the post office.⁴⁵ We stress, the envelope and the date appearing on it is made part of the records; hence, it carries the presumption that the date stamped on it was done in the course of the official duties that have been regularly performed, unless proven otherwise.⁴⁶ Starkly, the Certification is bereft of any explanation as to the discrepancy between the date appearing on the envelope and the date stated in the Certification.⁴⁷

At this juncture, it is noteworthy that the Republic provided us with no means of ascertaining whether the RTC erred in appreciating the genuineness of the date appearing on the envelope since it did not attach the Notice of Appeal with the affidavit of service, if any, and the subject envelope. Not even the pertinent RTC Orders were attached in this petition for our reference and evaluation. Hence, we are constrained to uphold the factual findings of the RTC, which was able to actually see the questioned document/s. Besides, this

⁴⁴ *Id.* at 37.

⁴⁵ See *Eureka Personnel & Management Services, Inc. v. Valencia*, 610 Phil. 444, 454 (2009) [Per J. Brion, Second Division].

⁴⁶ *Id.*

⁴⁷ See *Heirs of the Late Atty. Edilberto C. Pama, Sr. v. Heirs of the Late Arnaldo and Irene Bautista*, G.R. No. 226534, January 31, 2018 [Notice, Second Division]; *Eureka Personnel & Management Services, Inc. v. Valencia, id.*; and *Mangahas v. CA*, 588 Phil. 61, 80 (2008) [Per J. Chico-Nazario, Third Division].


Court is not a trier of facts, and generally, factual issues cannot be entertained in a Rule 45 petition.⁴⁸

Furthermore, the Republic could have conveniently presented the registry receipt corresponding to its Notice of Appeal, which would have constituted the best evidence of its claim that it filed its Notice of Appeal on August 18, 2015, even if a different date appears on the envelope.⁴⁹ Unfortunately, the Republic failed to present such original receipt nor has it offered any explanation for its failure to do so, which only leads to a conclusion that such evidence would operate to its prejudice and support the case of the adversary.⁵⁰

Verily, we find no reason to deviate from the CA's conclusion that the RTC is not guilty of grave abuse of discretion in denying the Republic's Notice of Appeal for being filed late. The Republic likewise failed to convince us that it is entitled to the Court's liberality in applying the Rules. Every plea for a liberal construction of the rules must at least be accompanied by an explanation of why the party failed to comply with the rules and by a justification for the requested liberality.⁵¹ The Republic did not offer any explanation as to its failure to present any competent proof of the Notice of Appeal's date of filing in accordance with Section 3, Rule 13 of the Rules.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated October 24, 2017 and the Resolution dated March 21, 2018 of the Court of Appeals in CA-G.R. SP No. 144681 are **AFFIRMED** insofar as it upheld the denial of the Notice of Appeal.

SO ORDERED.


MARIO N. LOPEZ
Associate Justice


⁴⁸ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].


⁴⁹ See *Mangahas v. CA*, 588 Phil. 61, 81 (2008) [Per J. Chico-Nazario, Third Division].

⁵⁰ See *id.*

⁵¹ *Binga Hydroelectric Plant, Inc. v. Commission on Audit*, 836 Phil. 46, 54 (2018) [Per J. Jardeleza, *En Banc*].

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice

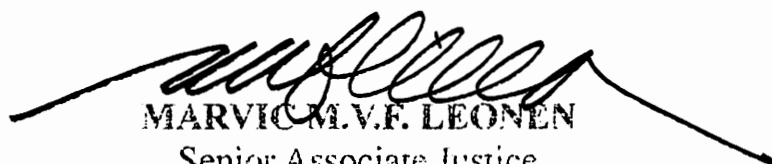

AMY C. LAZARO-JAVIER
Associate Justice


JHOSEPH V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

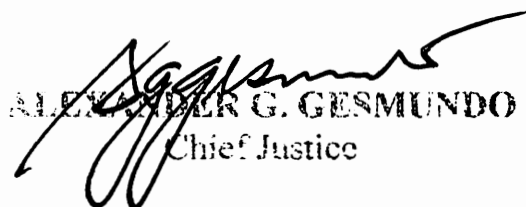
ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice