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Mere technicalities

MOST, if not all, lawyers, in representing clients, whether before the regular courts, quasi-judicial bodies or administrative bodies, always strive to win cases. All sweat and blood are earnestly exerted for the sake of winning.

In the legal profession, it is well settled that one builds a formidable reputation by successfully litigating a client's cause or causes of action, more so when cases are won based on the merits of the particular cases being handled. Most significant of all, is when a remarkable lawyer becomes triumphant in representing a client and is instrumental in establishing a landmark case.

On the contrary, when cases are handled with mediocrity attributable to the dismal performance of the handling lawyer, one does not expect to build an impressive and promising legal practice. So much so that clients will not be persuaded and interested in hiring your legal services.

While not all lawyers are as hardworking and circumspect as the others, all members of the legal profession are mandated by the Code of Legal Ethics, as well as Code of Professional Responsibility to serve their clients with competence and diligence. Easier said than done, though, I must say.

Unfortunately, our jurisprudence is replete with instances where the rightful claims or lawful causes of actions of litigants are denied on account of mere technicalities, which the handling lawyers may and could have avoided. What usually begins as a simple case is eventually transformed into a mountain built on sediments of compounded errors.

One of the most frequent grounds for dismissal of cases is failure to comply with the prescriptive period. There is a plethora of dismissed or denied cases where a particular pleading is not timely filed in court. As a concrete example, in the case of Villanueva vs People (330 SCRA 695), petitioner's counsel failed to file a motion for reconsideration within the 15-day prescriptive period. As such, the Supreme Court ruled that the motion for reconsideration belatedly filed was correctly expunged from the records. In retrospect, had the handling counsel seasonably filed the motion, the court's decision prejudicial to his client would not have attained finality.

Another classic example of denial of cases on mere technicality is filing of defective pleadings in court. Illustrative of this is the Victory Liner case (G.R. 151170, May 29, 2007). In affirming the lower court's dismissal of the case, the Supreme Court held that the motion for reconsideration interposed by petitioner which contained a defective notice of hearing, failing as it did to set a date for hearing, is a mere scrap of paper. Not only did the defect render the motion for reconsideration itself unworthy of consideration, it more crucially failed to toll the period to appeal. Again, the disastrous consequences could have been avoided had the handling lawyer of the petitioner indicated a specific date of hearing, instead of merely stating that the hearing be set "at a schedule and time convenient to the Honorable Court and the parties."

It is even more disheartening when cases are denied due to a combination of errors on technicality committed by handling litigators. By far, one of the most startling denials of cases on sheer technicalities that I have encountered is the recent decision of the Second Division of the Court of Tax Appeals promulgated on January 2. CTA AC 88 involves a local business tax assessment amounting to P17,229,423.75. In the case, the Court dismissed the petition for review filed by petitioners for the following reasons: (1) Failure to file a motion for extension of time to file petition for review. (2) Failure to pay the appropriate filing fees within the 30-day period. (3) Failure to attach the duplicate originals or certified true copies of the assailed decision and assailed order.

Imagine losing that substantial amount of money by reason of technical lapses? Essentially, that's adding insult to injury. To avoid such predicament, colleagues in the legal profession must be lovingly reminded that a slight technical error can be fatal; so pay attention to details. Always bear in mind that the laws aid the vigilant, not those who slumber on their rights. *Vigilantibus sed non dormientibus jura subveniunt.*

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