REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

JEANE CATHERINE NAPOLES, Petitioner,	CTA EB No. 1655 (CTA Case No. 9354)
	Present:
- versus -	DEL ROSARIO, *PJ* CASTAÑEDA, JR. UY, FABON-VICTORINO, MINDARO-GRULLA, RINGPIS-LIBAN, MANAHAN, *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: OCT 29 2018 2:47 p.m.

x- x

DECISION

***Fabon-Victorino, J.*:**

Before the Court is the Petition for Review dated March 3, 2017 filed by Jeane Catherine Napoles assailing the Order dated February 16, 2017, which dismissed her Petition for Review, and the Resolution dated April 10, 2017, which denied her subsequent Motion for Reconsideration for lack of merit, both rendered by the Court in Division.

Petitioner is a Filipino citizen and of legal age[1]. She is the petitioner in CTA Case. No. 9354, entitled Jeane Catherine Napoles v. Commissioner of Internal Revenue filed with the Court in Division.

Respondent, on the other hand, is the Commissioner of the Bureau of Internal Revenue (BIR), the government agency tasked to enforce tax laws, and may be served with

[1] Par. 3, The Parties, Petition for Review dated May 19, 2016, Division docket p. 10.

court processes at the BIR National Office Building, Agham Road, Diliman, Quezon City.[2]

In her Petition for Review filed with the Court in Division, petitioner alleged the following:

> On October 8, 2014, she received a Preliminary Assessment Notice (PAN) dated September 1, 2014, informing her about her deficiency income taxes for the years 2011 and 2012 in the amount of P35,511,562.13.[3]
>
> On October 23, 2014, she filed a Request for Reconsideration of the said PAN.[4]
>
> On May 5, 2015, she received a Formal Letter of Demand (FLD) dated April 20, 2015 relative to her alleged deficiency tax assessment for the years 2011 and 2012, this time in the increased amount of P40,028,253.78[5], to which she filed a protest on May 22, 2015[6].
>
> On April 21, 2016, she received a Final Decision on Disputed Assessment (FDDA), [7] prompting her to elevate the matter to the Court in Division on May 19, 2016, via a Petition for Review.

After respondent filed the required Answer[8], the Court in Division issued a Notice of Pre-Trial Conference[9] setting the case for Pre-trial Conference on September 29, 2016.

The September 29, 2016 setting was however reset by the Court to October 27, 2016,[10] and again to November 24, 2016.[11]

---

[2] Par. 2, Summary of Admitted Facts, Respondent's Pre-Trial Brief dated September 23, 2016, Division docket p. 154.
[3] Par. 4, Statement of the Facts, Petition for Review dated May 19, 2016, Division docket p.11.
[4] Par. 5, Statement of the Facts, Petition for Review dated May 19, 2016, Division docket p.11.
[5] Par. 7, Statement of the Facts, Petition for Review dated May 19, 2016, Division docket p.11.
[6] Par. 8, Statement of the Facts, Petition for Review dated May 19, 2016, Division docket p.11.
[7] Par. 10, Statement of the Facts, Petition for Review dated May 19, 2016, Division docket p.11.
[8] Division docket pp. 109-119.
[9] Division docket pp. 145-146.
[10] Notice of Resetting, Division docket p. 172.
[11] Notice of Resetting, Division docket p. 186.

On November 24, 2016, the Pre-Trial Conference was reset to January 19, 2017, this time, at the instance of petitioner.[12]

During the scheduled Pre-Trial Conference on January 19, 2017, petitioner and counsel failed to appear, despite notice. In any event, petitioner filed an Urgent Motion to Reset Pre-Trial, [13] on the ground that her counsel was indisposed and was being treated in a hospital. Over the vehement objection of respondent, the Court granted petitioner's motion and reset the Pre-trial Conference to February 16, 2017.[14]

When the case was called for the Pre-trial Conference on February 16, 2017, petitioner again failed to appear despite due notice. This prompted respondent to move for the dismissal of the case without prejudice anchored on Section 5, Rule 18 of the Rules of Court, as amended [15]. Finding merit in respondent's motion, the same was granted by the Court in Division as reflected in the assailed Order dated February 16, 201[16]. At around 10:24 a.m., petitioner filed an Urgent Motion to Suspend Proceedings.[17]

On February 23, 2017, petitioner received the assailed Order of February 16, 2017.

On March 6, 2017, petitioner moved to reconsider the order of dismissal but the same was denied in the equally assailed Resolution of April 10, 2017 [18], affirming the dismissal of the case.

On May 25, 2017, petitioner elevated the matter to the Court *En Banc* for review via the present Petition for Review, raising the following arguments:

---

[12] Minutes of the hearing dated November 24, 2016, Division docket p. 208; Order dated November 24, 2016, Division docket p. 209.
[13] Division docket pp. 214-215.
[14] Minutes of the hearing dated January 19, 2017, Division docket p. 217; Order dated January 19, 2017, Division docket p. 218.
[15] Minutes of the hearing dated February 16, 2017, Division docket p. 227.
[16] Division docket p. 228.
[17] Division docket pp. 222-225.
[18] Division docket pp. 273-278.

I

THE ASSAILED RESOLUTION OF THE COURT DATED APRIL 10, 2017 MISTOOK ACTUAL FACTS NOTABLY WHEN (A) IT RULED THAT A MOTION TO SUSPEND PROCEEDINGS WAS FILED AFTER THE MOTION FOR RECONSIDERATION; (B) ATTRIBUTION OF THE RESETTING OF THE PRE-TRIAL CONFERENCE OF OCTOBER 27, 2016 TO THE UNDERSIGNED COUNSEL; AND (C) NON-RECOGNITION OF THE FACT OF THE PARTIAL COMMENCEMENT OF THE PRE-TRIAL CONFERENCE ON NOVEMBER 24, 2016

II

THE RESOLUTION DISREGARDED THE ATTENDANCE OF THE PETITIONER, THROUGH THE PETITIONER'S DULY AUTHORIZED REPRESENTATIVE WHO HONESTLY MISTOOK THE VENUE OF THE HEARINGS

III

THE RESOLUTION FAILED TO APPRECIATE THE PERSUASIVE AND MERITORIOUS REASON ATTENDANT IN THE REQUEST FOR THE TEMPORARY RESETTING OF THE FEBRUARY 16, 2017 PRE-TRIAL CONFERENCE WHICH IS THE PENDENCY OF THE CRIMINAL CASE, INVOLVING SUBSTANTIALLY THE SAME ISSUES RAISED IN THIS CASE, THAT SHOULD HAVE BEEN DECIDED BEFORE THE CASE WAS DISMISSED WITHOUT PREJUDICE

Petitioner claims that the Court in Division erred when it dismissed her Petition for Review on the ground that she and her counsel failed to appear on the scheduled Pre-trial Conference despite due notice. Contrary to the Court's finding, she only moved to reset the Pre-trial Conference twice, to wit, on November 24, 2016[19] and on January 19, 2017.

Admittedly, she also moved to reset the following Pre-trial Conference on November 24, 2017,[20] but no objection thereto was interposed by respondent. Besides, her counsel was actually ready for the day's proceeding only that her documents for marking were yet to arrive from abroad and that she needed a subpoena or to avail of the modes of discovery to secure the presence of her witnesses and to have the copies of her documents. Although it was reset,

[19] Erroneously indicated as November 24, 2017 in the Petition for Review p. 9.
[20] *Id.*

the scheduled Pre-trial Conference nonetheless commenced. Significantly, *sans* any written notice from the Court, as only verbal notice of Pre-Trial Conference was received from a Court personnel, her counsel made himself available on that day.

Petitioner also admits that she moved to cancel and reset the January 19, 2017 Pre-trial Conference on reasonable ground, that her counsel had diarrhea secondary to food poisoning, hence, had to be hospitalized. Her request for resetting specified her available dates, to wit, February 2, 9, or 13, 2017. This notwithstanding, the Court set the Pre-trial conference on February 16, 2017, which was in conflict with her counsel's calendar.

Be that as it may, her counsel still tried to make it on time for the scheduled Pre-trial Conference on February 16, 2017, but he arrived in Court after the adjournment of the court session. Allegedly her counsel had to attend a hearing in Pasig City, at 8:30 a.m., and had to be in Makati City at 11 a.m. for a Board of Director's Meeting which ended at 12:45 p.m. Only then that her counsel was able to proceed to the Court arriving thereat at around 1:50 p.m. when the hearing was set at 1:30 p.m.

It was due to the foregoing commitments that her counsel sent a representative to request for a second call. Petitioner claims that her counsel's representative was already within the court's premises at around 11:00 a.m. of February 16, 2017. Unfortunately, the representative mistakenly proceeded to the Third Division and not to the Second Division of the Court to inform of her counsel's predicament.

Finally, petitioner believes that the Court should have given priority and resolved her Urgent Motion to Suspend Proceedings first before dismissing her case. The Urgent Motion to Suspend was discussed during the February 16, 2017 hearing, during which respondent was granted five (5) days to comment thereon implying that said incident had already been given due course. Petitioner states that had her Motion to Suspend Proceedings been denied, she was ready to proceed with the Pre-trial Conference, and to submit the judicial affidavits of her witnesses.

For petitioner, the dismissal of the case premised on her and her counsel's non-appearance is unjustified. Dismissal of cases on purely technical grounds is frowned upon especially if its rigid application would override substantial justice.

By way of comment,[21] respondent argues that the Petition for Review was filed out of time pursuant to Section 4(b),[22] Rule 8 of the Revised Rules of the Court of Tax Appeals, which provides that a party aggrieved by a decision or resolution of the Court in Division may appeal to the Court *En Banc* within fifteen (15) days from receipt of a copy of the questioned decision or resolution.

According to respondent, petitioner received the assailed Resolution of April 10, 2017 which denied her bid for the reconsideration of the assailed Order of February 16, 2017 on April 17, 2017. Thus, applying the above-cited provision, petitioner had fifteen (15) days or until May 2, 2017 to appeal the same to the Court *En Banc*. Obviously, her Petition for Review with the Court *En Banc* was filed out of time on May 5, 2017.

On the dismissal of the case, respondent points out that Section 5, Rule 18 of the Rules of Court, as amended, explicitly provides that the failure of plaintiff or petitioner to appear for pre-trial shall be cause for the dismissal of the action.

Respondent points out that petitioner's absence during the pre-trial was not due to mistake or excusable negligence. Moreover, petitioner in all instances was duly notified of the scheduled Pre-trial Conference. Aware of such scheduled proceeding, petitioner should have at least taken appropriate action so as not to prejudice the proceedings but failed. Thus, her and her counsel's absence at the pre-trial merits the dismissal of her Petition for Review.

[21] Comment Re: Petition for Review dated July 13, 2017, docket pp. 55-62.
[22] Should be Section 3(b).

Respondent also opines that the number of re-settings of the pre-trial attributable to petitioner is irrelevant as the Rules of Court do not require that the re-settings must be at the instance of petitioner before the case may be dismissed. A party's failure to appear is sufficient for the Court to declare the case dismissed.

Further, petitioner has not also shown the need for the Court to relax the rules of procedure in her favor. Respondent states that relaxation of the rules of procedure may be properly invoked upon persuasive reasons and on meritorious cases, which are not attendant in this case. Jurisprudence provides that liberality in the application of the rules of procedure may not be invoked if it will result in the wanton disregard of the rules or cause needless delay in the administration of justice as in the present case. Petitioner, as the party asking for the suspension of proceeding had the heavy burden of proving that she was deserving of such special treatment, which petitioner failed to do. Her bare invocation of "in the interest of substantial justice" in support of her motion will not suffice.

On the contention that her Urgent Motion to Suspend Proceedings should have first been ruled upon before the Court summarily dismissed her Petition for in case of denial, she was willing and ready to present evidence on the day that the Urgent Motion was set for hearing, the same is certainly contradictory if not self-serving. For respondent, there was no need to suspend proceedings if indeed petitioner was willing and ready to present evidence on that day. Respondent suspects that petitioner's motion for suspension was filed merely to delay the proceedings.

Further, petitioner's apprehension that the evidence for her civil case before the Court in Division would be used by the prosecution in another case pending before another Division of the Court, is purely speculative and without legal basis.

Further, on the argument that the scheduled pre-trial set on February 16, 2017 could not have possibly been accommodated in her counsel's case calendar, suffice it to say that she and her counsel were duly notified of the said setting.

Finally, the contention that the representative of petitioner's counsel was already within the Court premises at around 11:00 a.m. for the scheduled Pre-trial Conference on February 16, 2017 to request the Court for a second call is simply incredible and self-serving without any evidence in support thereof. Self-serving statements favorable to the party giving the statement are of little probative value and should be disregarded, says respondent.

The instant Petition for Review was submitted for decision on November 22, 2017.[23]

THE RULING OF THE COURT

The significance of pre-trial in both civil and criminal cases cannot be overemphasized. No less than the Supreme Court, in a myriad of cases, has recognized the importance of pre-trial procedure as a means of facilitating the disposal of cases.[24]

Precisely, a pre-trial conference was made mandatory which must be conducted before hearing any case. The parties themselves are required to attend or their representative with written authority from them in order to arrive at a possible amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts, issues and documents.[25] This is clearly provided in Sections 4 and 5 of Rule 18 of the Rules of Court, thus:

> Section 4. Appearance of parties. - It shall be the duty of the parties and their counsel to appear at the pre-trial. The non-appearance of a party may be excused only if a valid cause is

---

[23] Resolution dated November 22, 2017, docket pp. 100-101.

[24] Angelina Chua and Heirs of Jose Ma. Cheng Sing Phuan v. Spouses Santiago Cheng and Avelina Sihiyon, G.R. No. 219309, November 22, 2017.

[25] Roberto G. Alarcon v. The Court of Appeals and Bienvenido Juani, G.R. No. 126802, January 28, 2000.

> shown therefor or if a representative shall appear in his behalf fully authorized in writing to enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and of documents.
>
> Section 5. Effect of failure to appear. — The failure of the plaintiff to appear when so required pursuant to the next preceding section shall be cause for dismissal of the action. The dismissal shall be with prejudice, unless otherwise ordered by the court. A similar failure on the part of the defendant shall be cause to allow the plaintiff to present his evidence *ex-parte* and the court to render judgment on the basis thereof.

Significantly, under Section 3, Rule 1 of the Revised Rules of the Court of Tax Appeals, the Rules of Court shall apply suppletorily to the rules of this Court.

Consistent with the mandatory character of the pre-trial, the rules oblige not only the lawyers but the parties as well to appear for this purpose before the Court, and when a party fails to appear at a pre-trial conference, the said party may be declared non-suited or considered as in default. The obligation to appear denotes not simply the personal appearance, or the mere physical presentation by a party of one's self, but connotes as importantly, preparedness to go into the different subjects assigned by law to a pre-trial.[26]

Irrefutably, the failure of the plaintiff or defendant to appear during pre-trial authorizes the court to either dismiss the complaint, if the plaintiff were absent; or to allow the plaintiff to present evidence *ex parte*, if the defendant were absent.[27]

---

[26] Absolute Management Corporation v. Metropolitan Bank and Trust Company, G.R. No. 190277, July 23, 2014, citing Development Bank of the Philippines v. Court of Appeals, et al., G.R. No. L-49410 January 26, 1998, 251 Phil. 390 (1989).
[27] Rodolfo Paredes, Tito Alago and Agripino Baybay, Sr., vs. Ernesto Verano and Cosme Hinunangan, G.R. No. 164375, October 12, 2006.

Admittedly, petitioner and counsel, despite notice, failed to appear during the pre-trial conference of the case set on February 16, 2017. In view thereof and considering the several previous postponements of the said proceeding, most of which were at the instance of petitioner, respondent's counsel moved to dismiss the case. Finding merit and with legal basis, the Court in Division granted the motion.

Petitioner claims that on the February 16, 2017 setting, her counsel sent a representative with the instruction to inform the Court that he would be late and ask for a second call. However, the said representative allegedly proceeded to the Third Division, instead of the Second Division, and informed its Clerk of Court about her counsel's predicament. Realizing the mistake later, the said representative allegedly went to the Second Division and accomplished his mission.

The picture that petitioner tried to paint is simply incredible. If it were true that the counsel's representative was already in the Court's premises as early as 11:30 a.m. that day, he could have made some verifications and easily rectified the alleged mistake since the hearing was at 1:30 p.m. Much more, the offices of the clerks of court are all located close to each other at the first floor of the building. This is not to mention that the court calendar prepared by the respective clerks of court of each Division are posted on the bulletin board of each Division hours before the trial starts. In other words, it would not take longer than 20 minutes for the said representative to take remedial steps to rectify his alleged *faux pas*.

Apart from such self-serving and extremely unreal scenario, there is also nothing in the record that even suggests that a representative of petitioner's counsel ever appeared before the Clerks of Court of either the Second or Third Divisions. The Sinumpaang Salaysay dated February 28, 2017[28], allegedly executed by counsel's representative, stating that he erroneously asked a second call from the Third Division, without more, certainly failed to make a dent. It must be borne in mind that any declaration or assertion not so substantiated is, at best, a self-serving statement or

[28] Division docket pp. 236-237.

declaration which is inadmissible in evidence for being hearsay.[29] Self-serving statements are deemed inadequate; competent proof must be adduced.[30]

Despite admission of the lapses committed, petitioner now suggests that technicalities should take a backseat in favor of her substantive rights, and that it is always within the power of the Court to suspend the rules, or except a particular case from their operation.

Let it be stressed that the governing rules on pre-trial should be strictly complied with. This does not however mean that it should at all times, be applied in absolute terms. While faithful compliance with these rules is undoubtedly desirable, they may be relaxed in cases where their application would frustrate, rather than facilitate, the ends of justice. **The relaxation of these rules, however, is contingent upon a showing of compelling and persuasive reasons to justify the same,** [31] which is certainly not obtaining in the present case.

Indeed, what constitutes a valid ground to excuse litigants and their counsels from appearing at the pre-trial under Section 4, Rule 18 of the Rules of Court is subject to the sound discretion of a judge.[32] But the relaxation of procedural rules cannot be made without any valid reasons proffered for or underpinning it.[33]

In the instant case, nothing has been put forward by petitioner that convinces the Court to reverse the Division's order of dismissal.

Note that the Pre-Trial Conference in this case was scheduled on September 29, 2016. It was reset by the Court twice. All the subsequent postponements, one with

---

[29] Victory Liner Inc. vs. Court of Appeals and Viron Transportation Company, G.R. No. 125034, July 30, 1998.
[30] Rodolfo Cornes, et al vs. Leal Realty Centrum Co., Inc., et al., G.R. No. 172146, July 30, 2008.
[31] See Note 23.
[32] Spouses Socrates Sy and Cely Sy vs. Andok's Litson Corporation, G.R. No. 192108, November 21, 2012.
[33] Daikoku Electronics Phils., Inc. vs. Alberto J. Raza, G.R. No. 181688, June 05, 2009.

the vehement objection by respondent, were at the instance of petitioner.

On February 16, 2017, petitioner and counsel again failed to appear allegedly due to previous professional commitments of petitioner's counsel. But the said contention to date remains unsubstantiated.

It has been ruled that having other engagements during the date of hearing, without proof, do not excuse litigants from appearing for pre-trial, nor are they excused for the consequences of such non-appearance, thus:

> What constitutes a valid ground to excuse litigants and their counsels from appearing at the pre-trial under Section 4, Rule 18 of the Rules of Court is subject to the sound discretion of a judge. Such discretion was shown by the trial court, which was correct in putting into effect the consequence of petitioners' non-appearance at the pre-trial. While Sy filed an Urgent Motion to Reset Pre-trial, she cannot assume that her motion would be automatically granted. As found by the Court of Appeals, the denial of petitioners' motion for postponement is dictated by the motion itself:
>
> > A perusal of the Urgent Motion to Reset Pre-Trial Conference discloses that other than the allegation that counsel will attend a hearing in another branch of the same court in Manila, yet, it failed to substantiate its claim. It did not state the case number nor attach the Calendar of Hearing or such other pertinent proof to appraise the court that indeed counsel was predisposed.[34]

The foregoing tenet as well applies to petitioner's contention that her Urgent Motion to Suspend Proceedings should have been considered by the Court first, before dismissing the case for her failure to appear for pre-trial.

---

[34] Spouses Socrates Sy and Cely Sy vs. Andok's Litson Corporation, G.R. No. 192108, November 21, 2012.

Firstly, the said Motion was filed on the day it was set for hearing, in clear violation of the 3-day notice rule and respondent's right to due process. A motion that does not comply with the requirements of Sections 4 and 5 of Rule 15 of the Rules of Court is a worthless piece of paper which the clerk of court has no right to receive and which the court has no authority to act upon.[35] Secondly, as stated in the cited jurisprudence, petitioner should not assume that her motion would be resolved immediately in her favor especially considering that respondent was yet to receive a copy of the said motion which was sent to him via registered mail also on February 16, 2017.

Intriguingly, petitioner's Urgent Motion to Suspend Proceedings was correctly filed with the Second Division at 10:24 a.m. of February 16, 2017, on or about the time that respondent's representative was allegedly already in the Court's premises.

Besides, long before the scheduled Pre-trial Conference, counsel for petitioner was already aware of the setting but failed to take any action in accordance with the rules. The fact that he arrived late and came to Court after the session has been adjourned was not at all unexpected considering his alleged previously scheduled professional commitments. It has been held that a factor or circumstance, already known to a party, is not a ground to invoke excusable negligence or as a valid cause for tardiness, resulting in failure to appear, as in this case, to wit:

> Heavy traffic as a reason for tardiness cannot be accepted as a valid cause to warrant the relaxation of Section 4, Rule 18 of the Rules of Civil Procedure. In a previous case, x x we said:
>
> > In this case under scrutiny, petitioner did not come forward with the most persuasive of reasons for the relaxation of the aforestated rules in point. We agree with the trial court that a heavy traffic was an unacceptable basis for the lifting of the challenged

---

[35] Marylou Cabrera vs. Felix Ny, G.R. No. 201601, March 12, 2014.

> order of default. A contrary rule would result in a heavy traffic or clogging of cases which this Court, as the ultimate dispenser of justice, abhors.
>
> Moreover, the heavy traffic referred to was not sudden or unexpected. It was caused by the construction of the skyway along the South Superhighway. The respondent is a resident of Parañaque and conducts his business in Calamba, Laguna. It may be easily assumed that he had prior knowledge of recurrent traffic buildup at the South Superhighway, as he most surely would have been frequently traversing the same. As such, respondent's omission is one that falls short of being either due to excusable negligence or a valid cause.[36]

To the mind of the Court, such obvious lack of foresight constitutes unacceptable complacency, negligence and utter disregard of the significance, purpose and function of the pre-trial. It has been ruled that if there is any indication of failure to give due importance to the proceedings of a case, including pre-trial, such does not merit the party concerned any leniency from the Court:

> Despite the leeway and opportunity given by the trial court, it seemed that the OSG and BOC did not accord proper importance to the pre-trial conference. Pre-trial, to stress, is way more than simple marking of evidence. Hence, it should not be ignored or neglected, as the counsels for respondent had.[37]

As borne by the record of the case, petitioner and counsel were granted all the opportunity and liberality to be present and appear for pre-trial conference but failed. From the first schedule of the pre-trial on September 29, 2016,[38] a total of one hundred forty (140) days have passed, with five

[36] United Coconut Planters Bank, vs. Miguel "Mike" Magpayo, G.R. No. 149908, May 27, 2004.
[37] Faustino T. Chingkoe and Gloria Chingkoe vs. Republic of the Philippines, Represented by the Bureau of Customs, G.R. No. 183608, July 13, 2013.
[38] Notice of Pre-Trial Conference dated August 30, 2016, Division docket pp. 145-146.

(5) resettings, the last three (3) of which were at the instance of petitioner.

It cannot therefore be denied that petitioner was accorded all the leeway to prosecute her case, but for reason only known to her, failed to appreciate it in her favor.

All the incidents including those grounds cited in petitioner's Urgent Motion to Suspend point to only one valid conclusion - that the postponements were sought to delay the trial of the case, which cannot be countenanced.

And as if not enough, petitioner even blames the Court for the dismissal of her case. It must be emphasized that the re-settings were never attributed by the Court in Division to petitioner alone, contrary to her insinuation. The said contention is not only misleading and incorrect, but also totally untruthful.

On a final note, procedural rules exist to be followed, not to be trifled with, and thus, may be relaxed only for the most persuasive reasons. [39] Obedience to the requirements of procedural rules is needed if we are to expect fair results therefrom, and utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction.[40] Pre-trial is an essential device for the speedy disposition of disputes. Hence, parties cannot brush it aside as a mere technicality.[41]

WHEREFORE, the Petition for Review dated March 3, 2017 filed by Jeane Catherine Napoles is hereby **DENIED**, for utter lack of merit.

---

[39] Asiatrust Development Bank, Inc. vs. Commissioner of Internal Revenue, G.R. No. 201530 and Commissioner of Internal Revenue vs. Asiatrust Development Bank, Inc., G.R. Nos. 201680-81, April 19, 2017.

[40] Rolando Clavecilla vs. Teresito Quitain and Rico Quitain, et al., G.R. No. 147989, February 20, 2006.

[41] Silvestre Tiu vs. Daniel Middleton and Remedios P. Middleton, G.R. No. 134998, July 19, 1999.

Consequently, the assailed Order dated February 16, 2017 and Resolution dated April 10, 2017, both rendered by the Court in Division, are hereby **AFFIRMED**.

SO ORDERED.

ESPERANZA R. FABON-VICTORINO
Associate Justice

We Concur:

ROMAN G. DEL ROSARIO
Presiding Justice

JUANITO C. CASTAÑEDA, JR.
Associate Justice

ON LEAVE
ERLINDA P. UY
Associate Justice

ON LEAVE
CIELITO N. MINDARO-GRULLA
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice