

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

SECOND DIVISION

G.R. No. 274457

ALLAN DOUGLAS WILSON,
Petitioner,

- versus -

MUNICIPAL TRIAL COURT IN CITIES (MTCC)-CEBU,
AIR ASIA, and HSBC PHILIPPINES,
Respondents.

MOTION FOR RECONSIDERATION

COMES NOW the Petitioner, ALLAN DOUGLAS WILSON, by himself and unto this Honorable Court, most respectfully states:

PREFATORY STATEMENT

This Motion for Reconsideration is being filed in accordance with the Rules of Court to respectfully seek reconsideration of the Resolution dated October 30, 2024, which dismissed the Petition for Certiorari assailing the Orders dated June 7, 2024 and June 11, 2024 of the Municipal Trial Court in Cities (MTCC), Branches 3 and 8, Cebu City.

Reconsideration of the Petition is requested at the Court's discretion outside of the prescribed fifteen (15) day period from issuance of the Resolution dated October 30, 2024, which was received December 8, 2024. Motion for reconsideration is also being requested in view of the late receipt of the Court's Resolution which did not specify whether the dismissal was with or without prejudice, nor did it provide any option or instruction for appeal or review, leaving the Petitioner uncertain of available remedies.

Motion is filed upon verification of pending status by the Judgment Division on April 7, 2025, and on the advice of the Supervisor, 2nd Division, prior to entry of Final Decision.

GROUNDS FOR RECONSIDERATION

I. THE PETITION SUBSTANTIALLY COMPLIED WITH THE PROCEDURAL REQUIREMENTS, AND ANY PERCEIVED DEFICIENCIES ARE EITHER CURABLE OR BASED ON MISAPPREHENSION OF FACTS

II. THE RESOLUTION WAS ISSUED MORE THAN SIXTY (60) DAYS FROM THE FILING OF THE PETITION, RAISING SERIOUS CONCERNS ABOUT PROCEDURAL DUE PROCESS

III. THE PETITION RAISES SIGNIFICANT QUESTIONS OF LAW REGARDING THE APPLICATION OF RULES IN LOWER COURTS THAT MERIT THE HONORABLE COURT'S REVIEW

IV. SUBSTANTIAL JUSTICE SHOULD PREVAIL OVER PROCEDURAL TECHNICALITIES

DISCUSSION

I. THE PETITION SUBSTANTIALLY COMPLIED WITH THE PROCEDURAL REQUIREMENTS

A. On the Verification Requirement

The Petition was screened and accepted for filing by the Court Clerk on July 16, 2024, indicating initial compliance with the basic requirements for filing. The Petitioner asserts that the verification was substantially provided in the documents submitted. Following precedents in jurisprudence set by this Honorable Court, substantial compliance with verification requirements may be considered sufficient where the ends of justice would be better served.

B. On the Material Dates

The Petitioner respectfully submits that while the specific dates of receipt of the assailed orders may not have been explicitly stated in the format required, the orders themselves were certified and dated by the lower court at the request of the Petitioner, providing this Honorable Court with the necessary temporal context to assess the timeliness of the Petition. The Petitioner notes that the material dates may be garnered from the annexes attached to the Petition.

C. On the Certificate of Non-Forum Shopping

The Petitioner included certifications against forum shopping for the cases for which review was requested in the original filings with the lower courts. The exclusive jurisdiction of this Honorable Supreme Court in reviewing questions of law from lower courts precludes the possibility of forum shopping. The Petitioner submits that page 6 certifications in the original filings, which the lower court incorrectly characterized as certificates rather than affidavits, should be deemed sufficient compliance with the certification requirement.

Furthermore, attached to this Motion for Reconsideration is a new certification against forum shopping specifically for this proceeding, hereby curing any perceived deficiency.

D. On the Additional Copy and Electronic Submission

The Petitioner notes that in compliance with A.M. No. 11-9-4-SC (Efficient Use of Paper Rule), soft copies of all documents were sent to the designated email address: efile_jro.sc@judiciary.gov.ph. Additionally, a USB containing electronic copies of the filing was offered but not accepted by the Court Clerk. The Petitioner submits that these actions demonstrate substantial compliance with the spirit of the Efficient Use of Paper Rule.

E. On the Proof of Service

The Petitioner respectfully submits that only electronic confirmations of service exist for the LBC courier receipts, as is the standard practice for such courier services in the digital age. Pursuant to the Electronic Commerce Act of 2000 (Republic Act No. 8792), specifically Sections 7 and 8 thereof, electronic documents and electronic data messages are legally recognized and admissible as evidence. The Act explicitly states that information "shall not be denied legal effect, validity or enforceability solely on the grounds that it is in the form of an electronic data message or electronic document." The Petitioner asserts that paper copies of electronic confirmations and email confirmations constitute valid proof of service according to both modern commercial practice and Philippine law.

Additionally, the Petitioner submits a paper format confirmation of the refused mailing attempt to Air Asia, for which only electronic records exist in the ordinary course of business. Email sent in lieu of refusal of paper service should not prejudice the Petitioner's rights to due process and the pursuit of legal remedies.

II. THE RESOLUTION WAS ISSUED MORE THAN SIXTY (60) DAYS FROM FILING

The Petition was filed on July 16, 2024, but the Resolution was issued only on October 30, 2024, more than 60 days after filing. Furthermore, the Resolution did not specify whether the dismissal was with or without prejudice, nor did it provide any guidance,

option, or instruction for appeal or review of the decision—a procedural omission that leaves the Petitioner uncertain of available remedies.

This delay in issuance raises concerns about procedural due process, especially considering that the dismissal was based on procedural grounds rather than a substantive evaluation of the merits of the case. Such delays, coupled with the lack of clarity on available remedies, severely prejudice the Petitioner's right to timely justice and effective legal recourse.

III. THE PETITION RAISES SIGNIFICANT QUESTIONS OF LAW

The Petition presents significant questions of law regarding the application of procedural rules in lower courts that affect access to justice in the Philippines. Specifically, it addresses:

1. Whether lower courts may arbitrarily apply procedural requirements in a manner that effectively denies access to justice;
2. Whether the distinction between "affidavits" and "certificates" as described by the lower court has legal basis when the substantive requirements of both have been met;
3. Whether interest costs may apply to damage awards from the date of case filing rather than from the date of judgment.

These questions of law are of paramount importance not only to the Petitioner's case but also to the broader jurisprudential landscape of the Philippines.

IV. SUBSTANTIAL JUSTICE SHOULD PREVAIL OVER PROCEDURAL TECHNICALITIES

This Honorable Court has consistently held that rules of procedure are mere tools designed to facilitate the attainment of justice, and that strict and rigid application of rules that would result in technicalities that tend to frustrate rather than promote substantial justice must be avoided. The Petition's dismissal based on procedural

deficiencies—which the Petitioner contends were either substantially complied with or are now being cured—would constitute a miscarriage of justice, especially considering the significant legal questions raised.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that this Honorable Court:

1. RECONSIDER and SET ASIDE the Resolution dated October 30, 2024;
2. ADMIT and GIVE DUE COURSE to the Petition for Certiorari; and
3. GRANT such other reliefs as may be just and equitable under the circumstances.

Respectfully submitted this APR 08 2025 day of April, 2025, BALAMBAN, CEBU, Philippines.

ALLAN DOUGLAS WILSON 

Petitioner

74 General Maxilom Avenue

Tower 2, Cebu City, Cebu

VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

I, ALLAN DOUGLAS WILSON, of legal age, Filipino resident, with address at 74 General Maxilom Avenue, Tower 2, Cebu City, Cebu, after being duly sworn in accordance with law, hereby depose and state:

1. I am the Petitioner in the above-captioned case;
2. I have caused the preparation of the foregoing Motion for Reconsideration;
3. I have read the contents thereof and the facts stated therein are true and correct based on my personal knowledge and authentic records;
4. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, Court of Appeals, or any other tribunal or agency;

5. To the best of my knowledge, no such action or proceeding is pending in the Supreme Court, Court of Appeals, or any other tribunal or agency;

6. If I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or any other tribunal or agency, I undertake to report that fact within five (5) days therefrom to this Honorable Court.

IN WITNESS WHEREOF, I have hereunto set my hand this APR 08 2025 day of April, 2024 in BALAMBAN, CEBU, Philippines.

ALLAN DOUGLAS WILSON
Petitioner *Allan Wilson*

SUBSCRIBED AND SWORN to before me this APR 08 2025 day of April, 2025, in BALAMBAN, CEBU, Philippines, affiant exhibiting to me his competent evidence of identity in the form of U.S. passport with No. A34864088 issued on 31 August, 2023 at Dep't of State.

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Book No. XXX
Series of 2025.



[Signature]
ATTY. DANREY D. CABATAÑA
Commission No. 151-2025-T
Notary Public for the City of Toledo
and the Province of Cebu for the Municipalities
of Calamba, Asturias, Tuburan, Tabueian,
Pinamungajan, and Aloguinsan / Until December 31, 2026
Roll No. 72392 / Baliwagan, Balamban, Cebu
PTR No. 135-960101-06-2025 / Balamban, Cebu
IBP OR No. 479592/11-28-2024 / Cebu Province
MCLE Exemption No. VII-BEP004464



EXPLANATION FOR SERVICE BY ELECTRONIC MAIL

SERVICE OF COPY OF THIS MOTION by personal service is not practicable because of distance, time constraints, and limited personnel. Hence, copy furnished is being served via email.

PROOF OF SERVICE

I hereby certify that on 8th April, 2025, I served a copy of the foregoing Motion for Reconsideration upon the following:

1. OFFICE OF THE CLERK OF COURT

Municipal Trial Court in Cities

Branch 3, Cebu City

Via Email: mtcc1ceb003@judiciary.gov.ph

Proof of Electronic Transmission Attached in Paper Format

2. OFFICE OF THE CLERK OF COURT

Municipal Trial Court in Cities

Branch 8, Cebu City

Via Email: mtcc1ceb008@judiciary.gov.ph

Proof of Electronic Transmission Attached in Paper Format

3. AIR ASIA

Via Email: capitala_ir@airasia.com, communications@airasia.com

Proof of Electronic Transmission Attached in Paper Format

4. HSBC PHILIPPINES

Via Email: mara.sombilon@hsbc.com.ph

Proof of Electronic Transmission Attached in Paper Format

ALLAN DOUGLAS WILSON



Petitioner

SUBSCRIBED AND SWORN to before me this APR 08 2025 day of April, 2025, in BALAMBAN, CEBU, Philippines, affiant exhibiting to me his competent evidence of identity in the form of Us Passport with No. A34864084 issued on 31 August, 2023 at Dep't of State.

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ATTY. DANREY D. CABATAÑA
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PTR No. 135650/01-06-2025 / Balamban, Cebu
IBP OR No. 479592/11-28-2024 / Cebu Province
MCLE Exemption No. VII-BEP004464

