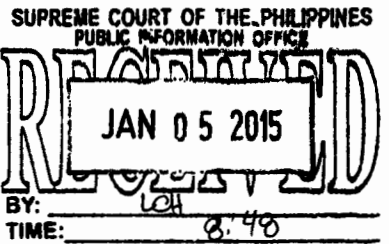




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 September 2014** which reads as follows:*

G.R. No. 211372 (GERALDINE BANATE-GULFAN, *Petitioner*, v. JOHN MELBERT O. GULFAN, *Respondent*). - In our June 2, 2014 resolution, we denied the Rule 45 petition filed by the petitioner Geraldine Banate-Gulfan for failure to sufficiently show any reversible error in the assailed judgment to warrant the exercise of the Court's discretionary appellate jurisdiction.

In this motion for reconsideration, the petitioner re-submits that: (1) the trial court committed a reversible error in admitting the respondent's answer after the lapse of 159 days; and (2) the "no default rule" does not mean that a belated answer can be admitted.

We find the motion for reconsideration **unmeritorious**. It raises no new grounds or fresh arguments but is **merely a reiteration** of those already found, considered and ruled upon in the resolution denying his Rule 45 petition.

The petitioner's argument (that the "no default rule" does not mean that a belated answer can be admitted) still failed to convince us of any reversible error in the assailed judgment that will warrant the exercise of this Court's discretionary appellate jurisdiction.

Considering that: (1) in cases of declaration of nullity of marriage or annulment of marriage, there can be no declaration of default pursuant to Section 6, Rule 18 of the Revised Rules of Court; (2) our Constitution is committed to the policy of strengthening the family as a basic social institution; and (3) there was no showing that the filing of the respondent's answer deprived the petitioner of any substantial right, or was intended to unduly delay the case, we find that the lower court did not gravely abuse its discretion in admitting the respondent's answer. Hence, the motion should be denied with finality.

WHEREFORE, premises considered, we **DENY** the motion for reconsideration for lack of merit.

SO ORDERED.

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court *by 1/14*

* Mendoza, J., on leave; Villarama, Jr., J., designated as acting member per S.O. No. 1767 dated August 27, 2014.

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Please notify the Court of any change in your address.
GR211372. 09/15/14 (26)SR ~~10/14~~ 10/14