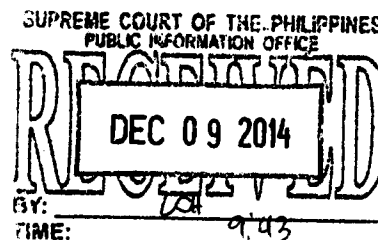




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 17, 2014** which reads as follows:*

**“G.R. No. 213289 (Teresita Martinez and all claiming rights under her name v. Spouses Danilo N. Sosa and Concholita P. Sosa). -** After a judicious perusal of the records, the Court resolves to **DENY** the petition and **AFFIRM** the September 30, 2013 Decision<sup>1</sup> and July 7, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 127302 for failure of Teresita Martinez (petitioner) to show that the CA committed any reversible error in upholding the denial of due course to her appeal in the ejectment case docketed as Civil Case No. T-2010-01 (subject case) before the Municipal Circuit Trial Court of Maragondon, Cavite (MCTC).

As correctly held by the CA, a motion for reconsideration is a prohibited pleading in ejectment proceedings pursuant to Section 19(c) of the Rules of Summary Procedure and Section 13(c), Rule 70 of the Rules of Court, and as such, the filing thereof did not stop the reglementary period for filing an appeal in the subject case. Hence, petitioner’s appeal was correctly denied due course as the MCTC’s ruling in the subject case had long become final and executory.<sup>3</sup>

Moreover, the petition is likewise dismissible for failure to attach, among others, the MCTC Order dated September 14, 2010 and the Regional Trial Court Order dated February 15, 2012, material portions of the record required under Section 4(d), in relation to Section 5, Rule 45 of the Rules of Court.

<sup>1</sup> Rollo, pp. 24-31. Penned by Associate Justice Magdangal M. de Leon with Associate Justices Stephen C. Cruz and Myra V. Garcia-Fernandez, concurring.

<sup>2</sup> Id. at 33-34.

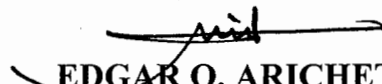
<sup>3</sup> See *Spouses Edillo v. Spouses Dulpina*, 624 Phil. 587, 599-600 (2010).

The petitioners are hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

The Presiding Judge of the 1<sup>st</sup> Municipal Circuit Trial Court, Maragondon, Cavite, is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

**SO ORDERED.** BERSAMIN, J., on official travel; VELASCO, JR., J., designated acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *m 11/17*  
**5**

TURQUEZA LAW OFFICE  
Counsel for Petitioners  
No. 2 Mapagbigay St. cor.  
V. Luna Ave.  
Pinyahan 1100 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 127302)

Atty. Crisauro Reginald M. Arandia  
Counsel for Respondents  
A. Soriano Highway, Ibayo Silangan  
Naic 4110 Cavite

The Hon. Presiding Judge  
Regional Trial Court, Br. 15  
Naic 4110 Cavite  
(Sp. Civil No. NC-2010-2013)

The Hon. Presiding Judge  
Municipal Circuit Trial Court  
Maragondon 4112 Cavite  
(Civil Case No. T-2010-01)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-1-7-SC)

Judgment Division (x)  
Supreme Court

SR

