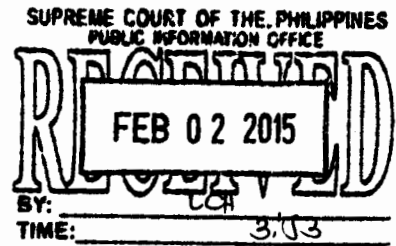




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 10, 2014 which reads as follows:

“G.R. No. 214684 (Boy Amigo, Dahlia Bahi, Gaudioso Banatanto, Boboy Bance, Emma Calcueva, et al., represented by Francisco T. Ramirez, as Attorney-in-Fact v. Honorable Ramon Paul L. Hernando, in his capacity as Chairperson of Twentieth Division, Court of Appeals, Cebu City, Norman Stephen L. Tale, Sheriff IV of Regional Trial Court, Branch 44, Dumaguete City, and Bruno Bouffard III and Jose Ramon Bouffard, represented by Caraciolo Dago-oc). - After a judicious review of the records, the Court resolves to **DISMISS** the petition and **AFFIRM** the December 13, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. SP No. 03593 for failure of Boy Amigo, Dahlia Bahi, Gaudioso Banatanto, Boboy Bance, Emma Calcueva, et al., represented by Francisco T. Ramirez, as Attorney-in-Fact (petitioners) to show that the CA gravely abused its discretion in upholding their ejection from Lot Nos. 6283-B-2 and 6283-B-3 both located at Maslog, Sibulan, Negros Oriental, respectively covered by Transfer Certificates of Title Nos. T-11548 and T-11321 (subject lots), and in ordering the issuance of an entry of judgment in the instant case for petitioners’ failure to timely file a motion for reconsideration or an appeal from its judgment.

- over – three (3) pages

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¹ Rollo, pp. 64-78. Penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Ramon Paul L. Hernando and Ma. Luisa C. Quijano-Padilla, concurring.

At the outset, the instant petition for *certiorari* must be dismissed outright as it was filed due to petitioners' failure to timely file a motion for reconsideration or an appeal from the CA Decision. It is well-settled that *certiorari* is not and cannot be made a substitute for an appeal where the latter remedy is available but was lost through fault or negligence.²

Even assuming *arguendo* that the case is resolved on the merits, the petition must still be dismissed as the CA did not gravely abuse its discretion in upholding petitioners' ejectment from the subject property. As correctly ruled by the CA, Bruno Bouffard III and Jose Ramon Bouffard (private respondents) have titles to the subject lots, and as such, they have a better possessory right over the same than petitioners. Petitioners cannot impugn the validity of private respondents' titles over the subject lots, since it is tantamount to a collateral attack on the same, which is not allowed.³

Further, the annulment of judgment of private respondents' titles pending before the CA as CA-G.R. CV No. 77994 (which was re-docketed as CA-G.R. SP No. 00563) is of no moment, since its pendency is not a bar to the adjudication of an ejectment case, as the two cases are separate and distinct and may proceed independently. In this regard, it must be stressed that the policy underlying the summary nature of ejectment proceedings is to provide an expeditious means of resolving the issue of possession, eschewing any question as to title and ownership which ought to proceed independently, in order to speedily address breaches of the peace characteristic of disturbances of property possession.⁴

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 certiorari and annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

- over -

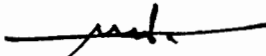
² Malayang Manggagawa ng Stayfast Phils., Inc. v. National Labor Relations Commission, G.R. No. 155306, August 28, 2013, 704 SCRA 24, 36; citation omitted.

³ See *Esmaguel v. Coprada*, G.R. No. 152423, December 15, 2010, 638 SCRA 428, 437.

⁴ See *Pagadora v. Ila*, G.R. No. 165769, December 12, 2011, 662 SCRA 14, 34; citations omitted.

SO ORDERED.” SERENO, C.J., on official travel; **DEL CASTILLO, J.**, acting member per S.O. No. 1862 dated November 4, 2014. **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,


EDGAR O. ARICHETA
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