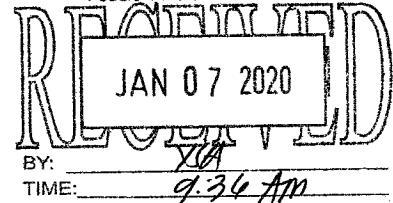




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:

"G.R. Nos. 249088 and 249091 (Hankyu Hanshin Express Philippines, Inc., Hankyu Hanshin Express Co., Ltd., represented by Hankyu Hanshin Express Philippines, Inc. v. PGA Sompo Japan Insurance, Inc. and United Parcel Service Co.)

Petitioners Hankyu Hanshin Express Philippines, Inc., Hankyu Hanshin Express Co., Ltd., represented by Hankyu Hanshin Express Philippines, Inc.'s (petitioners) motion for an extension of thirty (30) days within which to file a petition for review on *certiorari* is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 31, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 108411 and CA-G.R. SP No. 153527 for failure of petitioners to sufficiently show that the CA committed any reversible error in affirming the December 16, 2016 Consolidated Decision³ of the Regional Trial Court of Makati City, Branch 133 (RTC) which declared petitioners solidarily liable with respondent United Parcel Service Co. (UPS) to respondent PGA Sompo Japan Insurance, Inc. (PGA Sompo) for actual damages, interests, and attorney's fees, as well as the June 30, 2017 and September 8, 2017 RTC Orders⁴ which dismissed the Petition for Relief from Judgment⁵ filed by petitioners. All monetary awards shall earn the following interests: (a) for monetary awards in Civil Case No. 12-1193, the rate of twelve percent (12%) per annum from the date of the filing of the complaint, or on December 7, 2012, until June 30, 2013, and six percent (6%) per annum from July 1, 2013 until the finality of this Resolution; and (b) for monetary awards in Civil Case No. 13-967, the rate of six percent (6%) per annum from the filing of the complaint, or on August 7, 2013, until the finality of this Resolution.⁶ Moreover, the foregoing amounts shall further earn an interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.⁷

As correctly ruled by the CA, petitioners are solidarily liable with UPS for their failure to ensure that the cargoes were delivered to the consignee in the same quality, quantity, and description which were

¹ Rollo, pp. 9-33.

² Id. at 39-60. Penned by Associate Justice Elihu A. Ybañez with Associate Justices Germano Francisco D. Legaspi and Ronaldo Roberto B. Martin, concurring.

³ Id. at 68-85. Rendered by Presiding Judge Elpidio R. Calis.

⁴ Petitioners failed to attach copies of the RTC Orders dated June 30, 2017 and September 8, 2017. See id. at 17.

⁵ Not attached to the rollo.

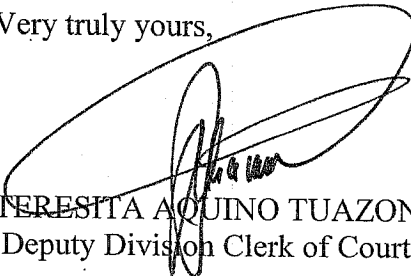
⁶ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

⁷ See *Park v. Choi*, G.R. No. 220826, March 27, 2019.

indicated in the Airway Bills they issued.⁸ Petitioners' contractual obligation was not only limited to providing inland transportation, but they were specifically bound to provide all other export related services as indicated in their Freight Forwarding Agreement with the consignor, Murata Manufacturing Co. Ltd.⁹ Considering that the goods did not arrive in Manila under the same conditions stated in the Airway Bills, petitioners were likewise negligent in fulfilling their obligations thereby making them solidarily liable with UPS.¹⁰

SO ORDERED.¹¹

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *utrh 12/26*

27 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 133
Makati City
(Civil Case Nos. 13-967 & 12-1193)

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CA-G.R. CV No. 108411
CA-G.R. SP No. 153527

Please notify the Court of any change in your address.
GR249088 & 249091. 12/11/2019B(164)URES

⁸ See *rollo*, pp. 55-56.

⁹ See *id.* at 52-54.

¹⁰ See *id.* at 55.