



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE  
**RECEIVED**  
JAN 10 2020  
BY: JCA  
TIME: 9:33 AM

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. No. 249643 (Jose Abalon Guarnes, Antoinette Ma. Guarnes-Cardasto, Gimelda Puche Romero, and Antonio P. Puche, for himself and as Attorney-in-Fact of Jose Abalon Guarnes and Antoinette Ma. Guarnes-Cardasto v. Honorable Ignacio N. Almodovar, Jr., Mercedes Imperial, and Gloria G. Baldo)**

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> for being filed out time. Records reveal that petitioners Jose Abalon Guarnes, Antoinette Ma. Guarnes-Cardasto, Gimelda Puche Romero, and Antonio P. Puche, for himself and as Attorney-in-Fact of Jose Abalon Guarnes and Antoinette Ma. Guarnes-Cardasto (petitioners), were granted an inextendible period of thirty (30) days from September 28, 2019, or until October 28, 2019 within which to file their petition for review. However, petitioners filed the instant petition belatedly on October 30, 2019.

In any event, petitioners failed to sufficiently show that the CA committed any reversible error in denying their petition for being: (a) the wrong mode of appeal; and (b) filed out of time. As correctly ruled by the CA, petitioners incorrectly availed of the remedy of *certiorari* as the proper remedy from an order of dismissal, which is a final order, is simply to appeal such order.<sup>2</sup> Further, the CA is also correct in holding that assuming *arguendo* that *certiorari* is the proper remedy, petitioners failed to file the same within the reglementary period of 60 days from notice of the adverse order, considering that they received a copy of the RTC Order denying their motion for reconsideration on March 1, 2018, and as such, they only had until April 30, 2018 to file a petition for *certiorari*; however, they filed such petition only on May 2, 2018, or two (2) days beyond the afore-mentioned reglementary period.<sup>3</sup> It is settled that rules of procedure, especially those prescribing the time within which certain acts must be done, are absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of business. While procedural rules may be relaxed in the interest of justice, it is well-settled that these are tools designed to facilitate the adjudication of cases. The relaxation of procedural rules in the interest of justice was never intended to be a license for erring litigants to violate the rules with impunity. Liberality in the interpretation and application of the rules can be invoked only in proper cases and under justifiable causes and circumstances.<sup>4</sup>

Further, the Court resolves to: (a) **NOTE** the formal notice of death with motion for substitution of parties dated October 30, 2019 of counsel for petitioners, stating that one of the petitioners in the instant case, Antonio

<sup>1</sup> Rollo, pp. 15-31.

<sup>2</sup> See id. at 38. See also *Jose v. Javellana*, 680 Phil. 10, 19-20 (2012).

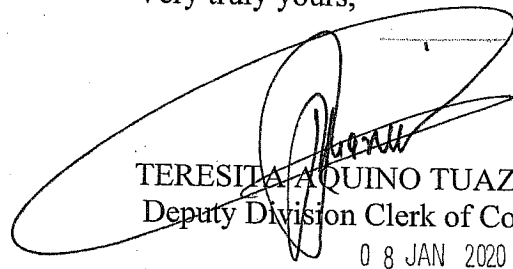
<sup>3</sup> See id. at 39-40.

<sup>4</sup> *Philippine Savings Bank v. Papa*, G.R. No. 200469, January 15, 2018, 851 SCRA 164, 177.

Puche (Antonio), died on February 10, 2019, as shown in the latter's death certificate; that he is survived by his compulsory heirs, namely, Zenaida Puche, Marianne Romano, Anthony Puche, and Raymond Puche, and praying that the aforesaid heirs be declared as substitute for Antonio; and (b) **AWAIT** the compliance of petitioners with the Resolution dated November 11, 2019 by paying the lacking amount of ₱1,530.00, and by submitting a compact disk or transmitting *via* e-mail a soft copy of the motion for extension to file petition.

**SO ORDERED.**

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *Whit, 1/7*  
08 JAN 2020

ATTY. IRENE J. REJUSO-BIEN (reg)  
Counsel for Petitioners  
Rm 205, Los Baños Building  
Peñaranda Street, Legazpi City

EVAN & VOLANTE LAW OFFICE (reg)  
Counsel for Respondents  
Landco Business Park  
Legazpi City

DOLORES IMPERIAL (reg)  
Respondent  
Legazpi City

GLORIA BALDO (reg)  
Respondent  
Tagas, Daraga City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 1  
4500 Legaspi City  
(Civil Case No. 11279)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. SP No. 155811

*Please notify the Court of any change in your address.*  
GR249643. 12/11/2019B(171)URES