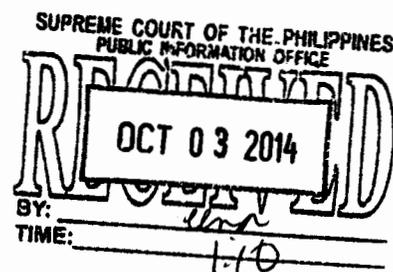




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

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

“G.R. No. 212896 (Florencia Y. Juco v. Mario Joselito M. Juco). After a careful perusal of the petition, the Court resolves to **DENY** the instant petition and **AFFIRM** the June 5, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. SP No. 121514 for failure of Florencia Y. Juco (petitioner) to show that the CA committed any reversible error in affirming the denial of her Demurrer to Evidence by the Regional Trial Court of Parañaque City (RTC), Branch 194.

The grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of such discretion.² The CA correctly affirmed the denial of the demurrer to evidence finding no grave abuse of discretion in the trial court’s ascertainment that there was competent and sufficient evidence to make out a case and sustain the issue of petitioner’s psychological incapacity.

In any case, since the RTC, Branch 260 already rendered on January 6, 2014 its Decision³ in Civil Case No. 09-0084 declaring the marriage between respondent Mario Joselito M. Juco and petitioner null and void *ab*

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¹ *Rollo*, pp. 65-73. Penned by Associate Justice Francisco P. Acosta with Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez, concurring.

² *Te v. CA*, 400 Phil. 127, 139 (2000); citation omitted.

³ *Rollo*, pp. 272-293. Penned by Presiding Judge Jaime M. Guray.

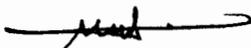
initio on the ground of psychological incapacity of petitioner,⁴ the appropriate recourse now is to appeal from the judgment rendered therein.

The Court further resolves:

- (1) to **NOTE** the petitioner's submission, stating that she was constrained to file the petition on July 17, 2014 on account of the suspension of all court offices on July 16, 2014 brought about by typhoon Glenda; and
- (2) to require the petitioner 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.

SO ORDERED.” **SERENO, C.J.**, on leave; **VELASCO, JR., J.**, acting member per S.O. No. 1772 dated August 28, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Court of Appeals (x)
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(CA-G.R. SP No. 121514)

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- over -

⁴ Id. at 293.

The Hon. Presiding Judge
Regional Trial Court, Br. 260
1700 Parañaque City
(Civil Case No. 09-0084)

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