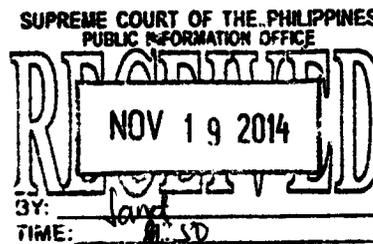




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 20 October 2014 which reads as follows:

G.R. 213638 (SAVVY 25 HOMEOWNERS ASSOCIATION, INC. and URSINO “NONIE” PANAL v. PAUL ALFILER, ALFREDO ALTABANO, GODIE BORJAL, VIVIAN CHUA, CZARINA GENERAL, MARINELLA MAGADIA, EILEEN GOCO, ROGER ALDOVER, OSCAR QUIAMBAO, ELISEO PUNSALAN and QUIRINO NAVIDAD). – This is a Rule 45 petition¹ assailing the February 18, 2014 decision² and July 25, 2014 resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 127410 penned by Associate Justice Mario V. Lopez, with Associate Justices Jose C. Reyes, Jr. and Socorro B. Inting, concurring.

On February 3, 2012, petitioner Ursino Panal (*Panal*) filed a complaint before the Housing and Land Use Regulatory Board (*HLURB*) assailing the **January 29, 2012 election** of Savvy 25 Homeowners Association, Inc., in which the respondents were elected as new members of the Board of Directors (*BOD*). Panal, who was elected as Director in January 2011, argued that the next election should be in January 2013 in view of the recent amendment to the association’s by-laws increasing the term of office of the *BOD* from one (1) to two (2) years.

The HLURB dismissed Panal’s complaint. It ruled that the increased term of office does not apply to the *BOD* elected in January 2011 because the amended by-laws, which was approved in June 23, 2011, is prospective in nature and cannot apply to the incumbent *BOD* at the time the amendment took effect. Thus, Panal’s term of office was only for one (1) year. Panal appealed his case to the CA.

In the meantime, the respondents manifested before the CA that Panal spearheaded an election in January 27, 2013 but the latter was not one of those elected to the *BOD*. The respondents moved to dismiss Panal’s appeal for being moot and academic but the CA denied their motion.

In its decision dated February 18, 2014, **the CA denied Panal’s appeal for lack of merit and affirmed the findings of the HLURB.** The CA, likewise, denied the motion for reconsideration subsequently filed by the petitioners, hence, the filing of the present petition for review on *certiorari* with this Court.

The petition must be denied for lack of reversible error committed by the CA in issuing its assailed decision and resolution. The CA correctly ruled that the amended by-laws should be applied prospectively and that the

¹ Under the Rules of Court; *rollo*, pp. 14-37.

² *Id.* at 65-73.

³ *Id.* at 75-78.

January 29, 2012 election of Savvy 25 Homeowners Association, Inc. was valid.

WHEREFORE, the Court Resolves to **DENY** the present petition, as no reversible error having been committed by the Court of Appeals in its assailed rulings.

SO ORDERED.

Very truly yours,


MA. LOURDES Q. PERFECTO
Division Clerk of Court *by 11/6*

YLIM & ASSOCIATES LAW OFFICES (reg)
(ATTY. YOLANDO F. LIM)
Counsel for Petitioners
Unit B, 1554 San Marcelino Street
Ermita, Manila

HOUSING AND LAND USE REGULATORY BOARD (reg)
HLURB Office, NHA Compound, Elliptical Road
Cor. Kalayaan Avenue, Diliman, Quezon City

TABAQUERO ALBANO LOPEZ & ASSOCIATES (reg)
(ATTY. BENEDICTO D. TABAQUERO)
Counsel for Respondents
4th Floor, Alcoser Building
San Antonio Avenue, SAV-1, Brgy. San Antonio
1700 Parañaque City

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 127410

OFFICE OF THE CHIEF ATTORNEY (x)
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GR213638. 10/20/14 (178)SR

* Del Castillo, J., on leave; Jardeleza, J., designated as Acting Member per Special Order No. 1838 dated October 13, 2014.
** Leonen, J., on leave; Perlas-Bernabe, J., designated as Acting Member per Special Order No. 1841 dated October 13, 2014.