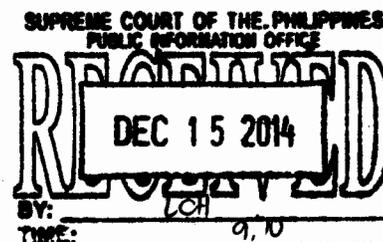




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 19, 2014 which reads as follows:

“G.R. No. 213868 (Spouses Rolando V. Pelinggon, Jr. and Antonietta M. Pelinggon v. PCCI Finance Corporation). – The petitioners’ motion for an extension of fifteen (15) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

The petitioners’ manifestation with second motion for extension of fifteen (15) days within which to file a petition for review on certiorari, counted from September 10, 2014, is **NOTED** and **GRANTED**.

The petitioners are likewise hereby **DIRECTED** 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 its annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the November 13, 2013¹ and July 31, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 03270 for failure of Spouses Rolando V. Pelinggon, Jr. and Antonietta M. Pelinggon (petitioners-spouses) to show that the CA committed any reversible error in dismissing their appeal pursuant to Section 7, Rule 44³ of the 1997 Rules of

¹ Rollo, p. 32. Per Minute Resolution issued by Division Clerk of Court Suzette T. Caingin-Dablo.

² Id. at 42-43. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo A. Camello and Edgardo T. Lloren, concurring.

³ Section 7, Rule 44 of the Rules reads:

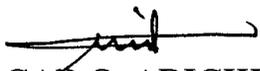
SEC. 7. *Appellant’s brief.* – It shall be the duty of the appellant to file with the court, within forty-five (45) days from receipt of the notice of the clerk that all the evidence, oral and documentary, are attached to the record, seven (7) copies of his legibly typewritten, mimeographed or printed brief, with proof of service of two (2) copies thereof upon the appellee.

Civil Procedure (Rules), in relation to Section 1 (e), Rule 50⁴ of the same Rules.

As correctly ruled by the CA, the belated filing of petitioners-spouses' appellants' brief sixteen (16) days after the expiration of the 45-day reglementary period was bereft of any persuasive or compelling reason. Neither did petitioners-spouses seek for an extension of time to file the required brief or admission thereof at the time of filing. Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.⁵

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

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
Nov 16

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The Hon. Presiding Judge
Regional Trial Court, Br. 39
9000 Cagayan de Oro City
(Civil Case No. 2012-213)

Judgment Division (x)
Supreme Court

SR

Court of Appeals
9000 Cagayan de Oro City
(CA-G.R. CV No. 03270-MIN)

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Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-1-7-SC)

⁴ Section 1(e), Rule 50 of the Rules provides:
SEC. 1. *Grounds for dismissal of appeal.* – An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

x x x x

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules.

⁵ *Bergonia v. CA*, G.R. No. 189151, January 25, 2012, 664 SCRA 322, 331.

