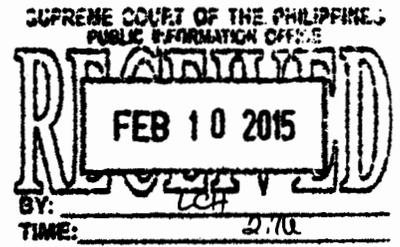




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 26, 2014 which reads as follows:

“G.R. No. 214090 (Oscar Salvacion, Nimfa Cortez, Purificacion Saez, Rizal Molbog, Manuel Watiwat, Eddie Malajacan, Eleuterio Sotto, Haribon Dela Cruz, Lorna Salvacion, Joel Pergis and Teodoro Guevarra, petitioners, versus Jose Luna, respondent). – The 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.**

This is a Petition for Review on *Certiorari*,¹ assailing the Resolution² dated 1 April 2014 of the Court of Appeals in CA-G.R. SP No 130601.

The facts are as follows:

In Buenavista, Marinduque lies the following lots:

1. *Cadastral Lot 23*, known as Lot 2 of Psu-236205, with an area of 3,668 square meters.
2. *Cadastral Lot 256*, known as Lot 1 of Psu-236205, with an area of 1,823 square meters.
3. *Cadastral Lot 261*, of Psu-236205, with an area of 8,959 square meters.³

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¹ Under Rule 45 of the Rules of Court.
² *Rollo*, pp. 52-54.
³ *Id.* at 345.

The premises of Cadastral Lot 23, 256 and 261 are occupied by a number of different individuals, among which are herein petitioners Nimfa Cortez,⁴ Haribon dela Cruz, Estrella Manlisis, Eddie Malajacan, Oscar Salvacion, Rizal Molbog, Manuel Watiwat, Eleuterio Sotto, Joel Pergis,⁵ and Teodoro Guevarra.

On 26 September 1996,⁶ respondent Jose Luna sued every occupant of Cadastral Lot 23, 256 and 261 for *accion publiciana* before the Municipal Trial Court (MTC) of Buenavista, Marinduque. All in all, respondent filed thirty-one (31) complaints.

In his complaints, respondent claimed that he is the bona fide owner of all three (3) lots.

On 17 August 2009, the MTC rendered a joint decision affecting seventeen (17) of the thirty-one (31) total complaints filed by respondent. Included among the complaints affected were those filed against the petitioners.⁷

In its joint decision, the MTC ruled in favor of respondent. The MTC thus, among others, ordered petitioners to vacate the portions of Cadastral Lot 23, 256 and 261 that they possess.

Petitioners filed their respective notices of appeal from the MTC decision on 3 September 2009.⁸ On 22 March 2010,⁹ petitioners received notices to file memorandum from the Regional Trial Court (RTC), Branch 38, Marinduque. On 19 April 2010,¹⁰ petitioners filed their respective *Motions for Extension of Time to File Memorandum* before the RTC.

After more than eight (8) months thereafter, or on 11 February 2011, petitioners finally filed their *Joint Memorandum*¹¹ thru registered mail.

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⁴ In substitution of Rosa Pergis.
⁵ In substitution of Alberto Pergis.
⁶ *Rollo*, p. 337.
⁷ *Id.* at 330-363.
⁸ *Id.* at 364-369.
⁹ *Id.* at 387.
¹⁰ *Id.* at 409-410.
¹¹ *Id.* at 413-426.



On 27 June 2012, the RTC issued an order dismissing the appeals of petitioners on the ground of their failure to file an appeal memorandum under Section 7(b), Rule 40 of the Rules of Court. The RTC treated petitioners *Joint Memorandum* as not having been filed in view of its belated filing.

Petitioners appealed the RTC order to the Court of Appeals. On 1 April 2014, however, the Court of Appeals dismissed that appeal.

Hence, this petition.

In this petition, petitioners pray that they be excused from their belated filing of an appeal memorandum with the RTC. Petitioners explain that their failure to file a timely memorandum was mainly due to the heavy workload of the previous Public Attorney's Office (PAO) lawyer that handled their cases, one Atty. De Luna. Petitioners claim that Atty. De Luna, who was then already a senior citizen, was handling around 711 different cases as of March 2010.

Petitioners postulate that had they been allowed to appeal the MTC joint decision, the same would have resulted in a verdict in their favor for the following reasons:

1. The MTC had no jurisdiction over the seventeen (17) remaining complaints. The assessed value of the properties involved therein exceed P20,000.00—Cadastral Lot 23 has an assessed value of ₱35,270.00; Cadastral Lot 256, ₱31,000.00; and Cadastral Lot 261, ₱4,700.00.
2. The MTC erred in its finding that respondent was the owner of the three (3) lots.

OUR RULING

We deny the petition.

Even if were to excuse petitioners' belated filing of memorandum and grant due course to their appeal, the same appears to be a sterile exercise and would serve no other good cause:

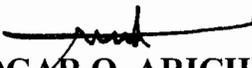
1. The issue regarding the jurisdiction of the MTC over the seventeen (17) complaints has already been settled in a 26 September 2003 order of the same court. In that order, the MTC categorically addressed the issue in question and held that it has jurisdiction over the said complaints. The MTC hinges such holding on the fact that each complaint only involves but a portion of either Cadastral Lot 23, Cadastral Lot 256 or Cadastral Lot 261 that is possessed by a particular occupant; hence the entire assessed value of each lot would not be the proper basis of determining the court's jurisdiction over each complaint. We sustain this holding.

2. The issue regarding the correctness of the MTC's determination that respondent was the owner of the three (3) subject lots invites this Court to re-examine a factual finding. We are not inclined to do so, given the absence of a sufficient reason in this case.¹²

In view whereof, the instant petition is hereby **DENIED**.

SO ORDERED.” **PERLAS-BERNABE, J.**, on leave;
VILLARAMA, JR., J., acting member per S.O. No. 1885 dated
November 24, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *of 12/18*
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PUBLIC ATTORNEY'S OFFICE
Counsel for Petitioners
DOJ Agencies Bldg.
Diliman 1128 Quezon City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 130601)

Atty. Perfecto A.S. Laguio, Jr.
Counsel for Respondent
Unit B1A, East Mansion
Townhomes
Elisco Rd., San Joaquin
1600 Pasig City

- over -

¹² See Section 1, Rule 45 of the Rules of Court.

The Hon. Presiding Judge
Regional Trial Court, Br. 38
Boac 4900 Marinduque
(Civil Case Nos. 09-10, 09-11,
09-13 to 09-23)

The Hon. Presiding Judge
Municipal Trial Court
Buenavista 4904 Marinduque
(Civil Case Nos. 96-02, 96-04, 96-07, 96-
08, 96-12, 96-20, 96-14 to 17, 96-19, 96-
21, 96-24 to 25, 96-28 to 29 and 96-31)

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