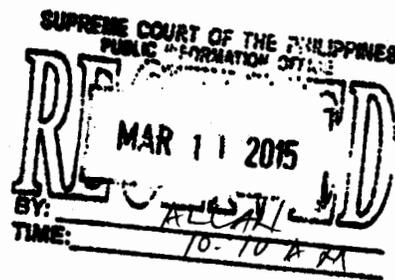




Republic of the Philippines
Supreme Court
Manila



SPECIAL THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 18, 2015**, which reads as follows:*

“G.R. No. 182371 (Heirs of Melencio Yu and Talinanap Matualaga [namely: Leonora, Eduardo, Virgilio, Vilma, Imelda, Cynthia and Nancy, All surnamed Yu], represented by Leonora, Virgilio and Vilma Yu v. Honorable Court of Appeals, Special Twenty-First Division [Twenty-Second Division], Rosemarie D. Anacan-Dizon [in her capacity as Division Clerk of Court], Marion C. Mirabueno [in her capacity as OIC-Clerk of Court of Regional Trial Court, General Santos City], and Heirs of Concepcion Non Andres [namely: Sergio, Jr., Sofronio and Gracelda, all surnamed Andres], represented by Gracelda N. Andres). – This resolves private respondents’ Motion for Reconsideration of Our September 4, 2013 Decision, which granted the Petition and reversed and set aside the Order and Writ of Preliminary Mandatory Injunction, both dated April 3, 2008, issued by the Court of Appeals (CA) in CA-G.R. SP No. 02084-MIN.

Considering the Motion and the Comment thereon, the Court finds no substantial reason to warrant the reconsideration sought. The arguments pointed out by private respondents are mere rehash of those already adduced in their Comment to the Petition, and which were duly and fully passed upon by the Court when it effectively lifted the Order and Writ of Preliminary Mandatory Injunction dated April 3, 2008.

More importantly, as manifested by petitioners, private respondents’ Motion for Reconsideration was practically rendered moot when the CA promulgated its May 20, 2011 Decision, which denied their petition in CA-G.R. SP No. 02084-MIN and affirmed the October 9, 2007 Order of the General Santos City Regional Trial Court, Branch 36, that issued a Special Order directing the Provincial Sheriff of General Santos City or any of his deputies to resume and complete the demolition of the property subject matter of Civil Case Nos. 1291 and 4647. Private respondents filed a Motion for Reconsideration and a Second Motion for Reconsideration, but both were denied on July 19, 2012 and April 17, 2013, respectively.

[Handwritten initials]

WHEREFORE, in view of the foregoing, the Motion for Reconsideration of the Court's September 4, 2013 Decision is **DENIED WITH FINALITY**. (*Brion, J., on official leave, Bersamin, J., designated Acting Member, per Special Order No. 1912 dated January 12, 2015.*)

SO ORDERED."

Very truly yours,

(on leave)

WILFREDO V. LAPITAN
Division Clerk of Court


ENRIQUETA ESGUERRA-VIDAL
Clerk of Court

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 36, 9500 Gen. Santos City
(Civil Case Nos. 1291 & 4647)

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