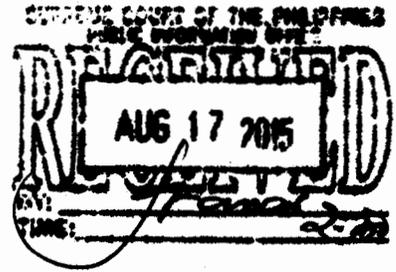




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 6, 2015 which reads as follows:*

**“G.R. No. 200909 (Municipality of Sto. Domingo, Province of Nueva Ecija, thru its Municipal Mayor, Hon. Ireneo S. De Leon, in his official capacity v. Omico Corporation). -**

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 27, 2011 Decision<sup>1</sup> and February 8, 2012 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 85868 for failure of petitioner Municipality of Sto. Domingo, Province of Nueva Ecija, thru its Municipal Mayor, Hon. Ireneo S. De Leon (petitioner) to show that the CA committed any reversible error in ruling that the parties were *in pari delicto*, and ordering it to pay respondent Omico Corporation (respondent) actual damages in the amount of ₱4,365,266.25.

As correctly ruled by the CA, the parties were *in pari delicto* since: (a) petitioner failed to actually pay respondent the advance payment of ₱7,000,000.00 as stipulated in the contract; and (b) respondent abruptly ceased working on the project without proper notice. Hence, following Article 1192<sup>3</sup> of the Civil Code, petitioner’s liability for breach of contract was mitigated by respondent’s own breach of contract. As such, petitioner was properly adjudged liable to pay respondent the amount of ₱4,365,266.25, representing the value of the accomplished work.

- over – two (2) pages .....

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<sup>1</sup> Rollo, pp. 20-33. Penned by Associate Justice Ramon A. Cruz with Associate Justices Jose C. Reyes, Jr. and Antonio L. Villamor concurring.

<sup>2</sup> Id. at 18-19.

<sup>3</sup> ART. 1192. In case both parties have committed a breach of the obligation, the liability of the first infractor shall be equitably tempered by the courts. If it cannot be determined which of the parties first violated the contract, the same shall be deemed extinguished, and each shall bear his own damages.

**SO ORDERED.”**

Very truly yours,

~~\_\_\_\_\_~~  
**EDGAR O. ARICHETA**  
Division Clerk of Court <sup>MA 7/24</sup>  
**305**

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Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 85868)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 164  
1600 Pasig City  
(Civil Case No. 66586)

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