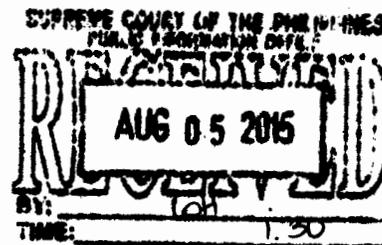




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 29, 2015** which reads as follows:*

“G.R. No. 205974 (Spouses Ernesto G. Antonio and Psyche C. Antonio v. Bank of the Philippine Islands, as successor-in-interest of the Far East Bank and Trust Company, and Francisca Carmelita Sua-Sanchez). – The petitioners’ compliance with the Resolution dated January 26, 2015, requiring petitioners to fully comply with the Resolution dated July 18, 2014 by submitting a verification of petition and certification on non-forum shopping that states that the contents and the facts in the petition are true and correct of their own knowledge and based on authenticated records and by presenting any government issued ID to establish their identities before the notary, is **NOTED** and **ACCEPTED**.

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the October 30, 2012 and February 21, 2013 Resolutions¹ of the Court of Appeals (CA) in CA-G.R. SP No. 126156 for failure of petitioners-spouses Ernesto G. Antonio and Psyche C. Antonio (petitioners-spouses) to sufficiently show that the CA committed any reversible error in outrightly dismissing their petition for *certiorari* for being the wrong mode of appeal in assailing the findings and decision of the court *a quo*.

Fundamental is the rule that a petition for *certiorari* under Rule 65 of the Rules of Court (Rules) is a special civil action that may be resorted to only in the absence of appeal, or any plain, speedy, and adequate remedy in the ordinary course of law.² In this instance, petitioners-spouses clearly had

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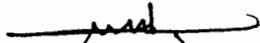
¹ *Rollo*, pp. 27-31 and 33-34, respectively. Penned by Associate Justice Romeo F. Barza with Associate Justices Noel G. Tijam and Ramon A. Cruz concurring.

² *Malayang Manggagawa ng Stayfast Phils., Inc. v. National Labor Relations Commission*, G.R. No. 155306, August 28, 2013, 704 SCRA 24, 34; citation omitted.

an available remedy consisting of an appeal under Rule 41 of the Rules which they failed to avail of; hence, their recourse to the CA via *certiorari* was improper, thus, warranting its outright dismissal.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Manila
(CA-G.R. SP No. 126156)

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The Hon. Presiding Judge
Regional Trial Court, Br. 41
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(Civil Case No. 2003-0250-D)

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