



Republic of the Philippines  
**Supreme Court**  
 Manila  
**FIRST DIVISION**

SUPREME COURT OF THE PHILIPPINES  
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 MAR 10 2015  
 BY: Lot  
 TIME: 9:52

**NOTICE**

Sirs/Mesdames:

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

**“G.R. No. 215379 (ARB Construction Co., Inc. v. Nestor Guanzon).** - The petitioner’s 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.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the June 11, 2014 and October 21, 2014 Resolutions<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 134169 for failure of ARB Construction Co., Inc. (petitioner) to show that the CA committed any reversible error in dismissing its petition for *certiorari* for failure to comply with the requirements of the Rules of Court (Rules) relative to a petition for *certiorari* and for its lack of legal personality to appeal the criminal aspect of the case.

As correctly ruled by the CA, petitioner failed to state the actual address of respondent Nestor Guanzon in violation of Section 3, Rule 46 of the Rules.<sup>2</sup> Moreover, the petitioner lacked the legal personality to question

- over - two (2) pages .....

<sup>1</sup> *Rollo*, pp. 248-251 and 256-258, respectively. Penned by Associate Justice Ramon R. Garcia with Associate Justices Rebecca de Guia-Salvador and Danton Q. Bueser, concurring.

<sup>2</sup> The pertinent portion of Section 3, Rule 46 of the Rules provides:

SEC. 3. *Contents and filing of petition; effect of non-compliance with requirements.* – The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

x x x x

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.



the trial court's dismissal of the criminal case. It is a basic rule in criminal cases that the real party in interest is the People of the Philippines, and only the Office of the Solicitor General can represent the People in proceedings before the CA and the Court, save certain exceptions,<sup>3</sup> which do not obtain in this case.

Further, the extraordinary writ of *certiorari* will not lie against the lower court in this instance as petitioner could have appealed the civil aspect of the trial court's ruling, but failed to do so.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**

Division Clerk of Court *ph 4/3*

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<sup>3</sup> *Jimenez v. Sorongon*, G.R. No. 178607, December 5, 2012, 687 SCRA 151, 160; citation omitted.