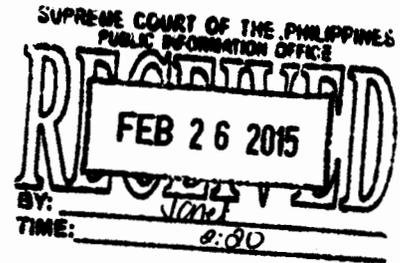




Republic of the Philippines  
**Supreme Court**  
 Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2015** which reads as follows:*

**“G.R. No. 215381 (Beatriz Mahinay, William Fungo, Mauro Payos, Wenceslao Selma, Feliciano Vidal, Marino Aquino, Shirly Labayen, Babelonia Dacuyan, and Asrena Cabilangan v. Spouses Jose Macario Lazaro and Flordeliza D. Lazaro, represented by Carmilita D. Peralta).** - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the May 30, 2014 Decision<sup>1</sup> and October 9, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 99224 for failure of Beatriz Mahinay, William Fungo, Mauro Payos, Wenceslao Selma, Feliciano Vidal, Marino Aquino, Shirly Labayen, Babelonia Dacuyan, and Asrena Cabilangan (petitioners) to show that the CA committed any reversible error in dismissing their appeal for being filed out of time.

As correctly ruled by the CA, petitioners only filed their Notice of Appeal on April 27, 2012, or more than 10 (ten) months from the time they were notified (*i.e.*, on June 14, 2011) of the RTC’s Order dated April 25, 2011 denying their motion to set aside judgment (assuming that the same is treated as a motion for reconsideration). As such, their appeal to the CA was filed way beyond the 15-day reglementary period for appeals, and hence, must be dismissed outright. It is well-settled that the right to appeal

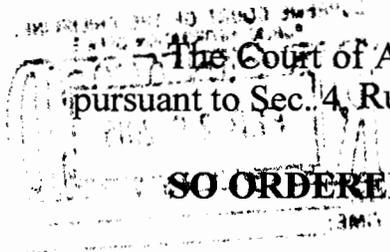
- over – two (2) pages .....

18

<sup>1</sup> *Rollo*, pp. 22-39. Penned by Associate Justice Romeo F. Barza with Associate Justice and Chairperson Hakim S. Abdulwahid and Associate Justice Ramon A. Cruz, concurring.

<sup>2</sup> *Id.* at 52-53.

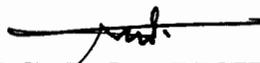
is neither a natural right nor is it a component of due process. It is a mere statutory privilege and may be exercised only in the manner and in accordance with the provisions of law.<sup>3</sup>



The Court of Appeals is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

**18**

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Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 99224)

Sps. Macario and Flordeliza  
Lazaro  
Represented by Carmelita D. Peralta  
No. 59, Philand Drive, Pasong Tamo  
1107 Quezon City

The Hon. Presiding Judge  
Regional Trial Court, Br. 76  
1100 Quezon City  
(Civil Case No. Q-07-59644)

Public Information Office (x)  
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Supreme Court  
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No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

SR

<sup>3</sup> *Boardwalk Business Ventures, Inc. v. Villareal, Jr.*, G.R. No. 181182, April 10, 2013, 695 SCRA 468, 477, citing *Fenequito v. Vergara, Jr.*, G.R. No. 172829, July 18, 2012, 677 SCRA 113, 117.