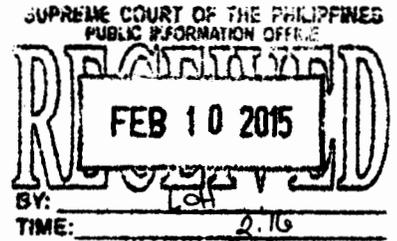




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 14, 2015** which reads as follows:*

“G.R. No. 215582 (Titan Ikeda Construction and Development Corporation v. Primetown Property Group, Inc.). After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the July 31, 2014 Decision¹ and November 25, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 130367 for failure of Titan Ikeda Construction and Development Corporation (petitioner) to sufficiently show that the CA committed any reversible error in denying its petition for *certiorari* for failure to timely pay the appellate court docket fees.

As correctly ruled by the CA, the payment of the docket and other legal fees within the prescribed period³ is not merely directory but mandatory for the perfection of an appeal. While there are recognized qualifications⁴ to the rule, the Court finds that none obtains in the present

- over – two (2) pages

307

¹ *Rollo*, pp. 30-38. Penned by Associate Justice Amy C. Lazaro-Javier with Associate Justices Mariflor P. Punzalan Castillo and Zenaida T. Galapate-Laguilles, concurring.

² *Id.* at 40.

³ Section 3, Rule 41 of the Rules of Court provides:

SEC. 3. Period of ordinary appeal. – The appeal shall be taken **within fifteen (15) days from notice of the judgment or final order appealed from**. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from notice of the judgment or final order.

The period of appeal shall be interrupted by a timely motion for new trial or reconsideration. No motion for extension of time to file a motion for new trial or reconsideration shall be allowed. (Emphasis supplied)

⁴ The Court has declared that in appealed cases, failure to pay the appellate court docket fee[s] within the prescribed period warrants only discretionary as opposed to automatic dismissal of the appeal and that the court shall exercise its power to dismiss in accordance with the tenets of justice and fair play and with great deal of circumspection considering all attendant circumstances. (See *Julian v. Development Bank of the Philippines*, G.R. No. 174193, December 7, 2011, 661 SCRA 745, 754; citations omitted.)

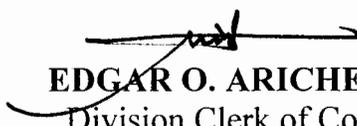
case. Petitioner simply failed to establish by competent evidence its claim that serious liquidity problem prevented it from making a timely payment. Neither has it shown that it has a meritorious case to justify a relaxation of the rules. Consequently, the CA cannot be faulted for dismissing the petition for *certiorari* on the ground that petitioner's belated payment of the docket and other lawful fees within the reglementary period had rendered the decision sought to be appealed final and executory.

The petitioner is hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and its annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC; and the petitioner's counsel is likewise hereby **DIRECTED** to **COMPLY** within five (5) days from notice hereof with A.M. No. 07-6-5-SC dated July 10, 2007 re: statement of contact details (e.g., telephone number, fax number, cellular phone number or e-mail address) of parties or their counsels in all papers and pleadings filed with the Supreme Court.

The Court of Appeals and Judge Eugene C. Paras, Regional Trial Court, Branch 58, Makati City are **DELETED** as party respondents in this case pursuant to Sec. 4, Rule 45, 1997 RCP, as amended.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court ^{12/16}
307

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(Civil Case No. 97-1501)



