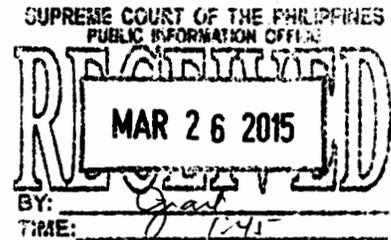




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 25, 2015 which reads as follows:

“G.R. No. 215846 (Julie Miguel v. People of the Philippines and Hon. Court of Appeals). - The Court resolves to **DISMISS** the instant petition for relief from judgment directed against the Resolution of the Court of Appeals (CA) dated June 20, 2013 issued in CA-G.R. CR No. 35037, dismissing petitioner’s appeal for failure to file an appellant’s brief.

A petition for relief from judgment is not an available remedy in the Supreme Court.

In the case of *Spouses Dela Cruz v. Spouses Andres*,¹ reiterating the ruling in *Mesina v. Meer*,² the Court explained that the use of the phrase “any court” in Section 1, Rule 38³ of the Rules of Court (Rules) refers only to Municipal/Metropolitan and Regional Trial Courts and that the procedure in the CA and this Court are governed by separate provisions of the Rules. In *Purcon, Jr. v. MRM Philippines, Inc.*,⁴ the Court dismissed a petition for relief from judgment filed by petitioner against the Court’s

- over - two (2) pages

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¹ 550 Phil. 679 (2007).

² G.R. No. 146845, July 2, 2002, 383 SCRA 625, 634.

³ Section 1, Rule 38 of the Rules provides:

SEC. 1. *Petition for relief from judgment, order, or other proceedings.* – When a judgment or final order is entered, or any other proceeding is thereafter taken against a party in any court through fraud, accident, mistake, or excusable negligence, he may file a petition in such court and in the same case praying that the judgment, order or proceeding be set aside.

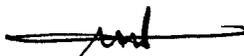
⁴ 588 Phil. 308 (2008).

Order denying his petition for review, explicating, among others, that the unavailability of the remedy is grounded on the fact that it is not among the list of original cases cognizable by the Supreme Court under Section 1, Rule 56⁵ and that, moreover, a petition for relief raises questions of facts on fraud, accident, mistake or excusable negligence, which are beyond the concerns of this Court.

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 relief from judgment and annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. CR No. 35037)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 14
Laoag City 2900 Ilocos Norte
(Crim. Case No. 13459-14)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

⁵ Section 1, Rule 56 of the Rules provides:

SEC. 1. *Original cases cognizable.* – Only petitions for *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus*, disciplinary proceedings against members of the judiciary and attorneys, and cases affecting ambassadors, other public ministers and consuls may be filed originally in the Supreme Court.