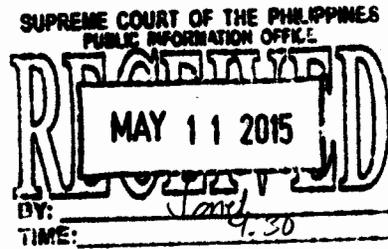




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 23, 2015** which reads as follows:*

**“G.R. No. 216468 (Del Monte Fresh Produce International, Inc. v. F.S. Dizon & Sons, Inc. and Comval Tropical Fruit, Inc.).** - 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 petition and **AFFIRM** the July 25, 2014 Decision<sup>1</sup> and January 13, 2015 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 05949-MIN for failure of Del Monte Fresh Produce International, Inc. (petitioner) to sufficiently show that the CA committed any reversible error in holding that the Regional Trial Court of Davao City, Branch 16 (RTC) validly exercised jurisdiction over the case notwithstanding the failure of F.S. Dizon & Sons, Inc. and Comval Tropical Fruit, Inc. (respondents) to pay the full amount of docket fees.

Notably, the rule that full payment of docket fees is mandatory and jurisdictional is subject to the following judicial scrutiny: (a) failure to pay those fees within the reglementary period allows only discretionary, not automatic, dismissal; and (b) such power should be used by the court in conjunction with its exercise of sound discretion in accordance with the tenets of justice and fair play, as well as with a great deal of circumspection in consideration of all attendant circumstances.<sup>3</sup> Herein, respondents’

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

<sup>1</sup> *Rollo*, pp. 182-189. Penned by Associate Justice Henri Jean Paul B. Inting with Associate Justices Edgardo A. Camello and Pablito A. Perez, concurring.

<sup>2</sup> *Id.* at 191-193.

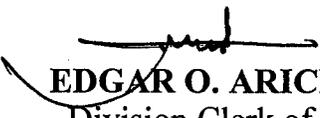
<sup>3</sup> *La Salette College v. Pilotin*, 463 Phil. 785, 794 (2003); citation omitted.

reliance on the initial, albeit erroneous, assessment of the clerk of court, in addition to their prompt payment of the balance of the docket fees despite the absence of any order from the RTC demonstrates their good faith and willingness to pay. As such, their failure to pay the full amount of the prescribed docket fees pursuant to Rule 20.1<sup>4</sup> of the Special Rules of Court on Alternative Dispute Resolution is not fatal to their Petition (to Set Aside ICC Award) before the RTC.

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 <sup>malw</sup>  
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Court of Appeals  
9000 Cagayan de Oro City  
(CA-G.R. SP No. 05949-MIN)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 16  
8000 Davao City  
(Spl. Proc. No. 12,357-12)

SR

<sup>4</sup> Rule 20.1 of the Special Rules of Court on Alternative Dispute Resolution reads:

Rule 20.1. *Filing fee in petitions or counter-petitions to confirm or enforce, vacate or set aside arbitral award or for enforcement of a mediated settlement agreement.*

– The filing fee for filing a petition to confirm or enforce, vacate or set aside an arbitral award in a domestic arbitration or in an international commercial arbitration, or enforce a mediated settlement agreement shall be as follows:

₱10,000.00 – if the award does not exceed ₱1,000,000.00

₱20,000.00 – if the award does not exceed ₱20,000,000.00

₱30,000.00 – if the award does not exceed ₱50,000,000.00

₱40,000.00 – if the award does not exceed ₱100,000,000.00

**₱50,000.00 – if the award exceeds ₱100,000,000.00**

The minimal filing fee payable in “all other actions not involving property” shall be paid by the petitioners seeking to enforce foreign arbitral awards under the New York Convention in the Philippines. (Emphasis supplied)