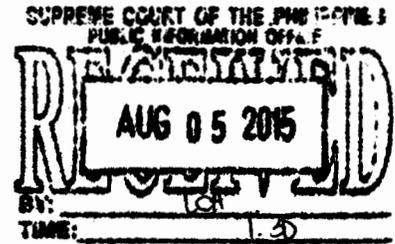




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 22, 2015** which reads as follows:*

“G.R. No. 216673 (Alberto J. Cabrera v. Loakan Operators and Drivers Association, represented by its President, Reynante Pitas,* Pitas Saro, and Thelma Mariano).- 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 November 5, 2013 Decision¹ and January 29, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 95161 for failure of petitioner Alberto J. Cabrera (petitioner) to sufficiently show that the CA committed any reversible error in finding that he was not entitled to an award of damages.

As correctly ruled by the CA, respondent Loakan Operators and Drivers Association did not prevent petitioner from exercising his rights under the franchise granted to him nor did it unreasonably deny him of his membership. It is settled that to warrant the recovery of damages, there must be both a right of action for a legal wrong inflicted by the defendant, and damage resulting therefrom to the plaintiff. Wrong without damage, or damage without wrong, does not constitute a cause of action, since damages are merely part of the remedy allowed for the injury caused by a breach or wrong.³

- over - two (2) pages

* “Ditas” in some parts of the *rollo*.

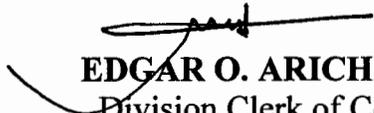
¹ *Rollo*, pp. 35-42. Penned by Associate Justice Noel G. Tijam with Associate Justices Romeo F. Barza and Ramon A. Cruz concurring.

² *Id.* at 44-46.

³ *Laynesa v. Spouses Uy*, 570 Phil. 516, 532 (2008); citation omitted.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court # 111

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(CA-G.R. CV No. 95161)

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The Hon. Presiding Judge
Regional Trial Court, Br. 5
2600 Baguio City
(Civil Case No. 4070)

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