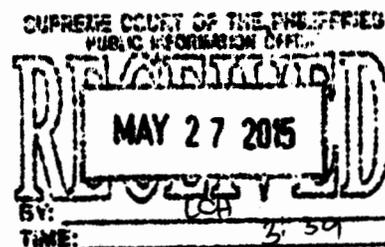




Republic of the Philippines
Supreme Court
Baguio City
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 216865 (Rizal Commercial Banking Corporation, Roland R. Paita, Helena N. Montemayor, and Lou Annabelle C. Sibug v. New Electronics System Company Incorporated). – The petitioners’ 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 perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the May 19, 2014 Decision¹ and February 10, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 128357 for failure of Rizal Commercial Banking Corporation (RCBC), Roland R. Paita, Helena N. Montemayor, and Lou Annabelle C. Sibug (petitioners) to sufficiently show that the CA committed any reversible error in upholding the denial of their motion to dismiss the complaint *a quo*.

As the CA correctly pointed out, the general manager of a corporation is among the officials or employees that can sign the verification and certification against forum shopping without the need of a

- over - three (3) pages

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¹ *Rollo*, pp. 70-81. Penned by Associate Justice Danton Q. Bueser with Associate Justices Rodil V. Zalameda and Maria Elisa Sempio Diy, concurring.

² *Id.* at 83-84.

board resolution,³ although New Electronics System Company Incorporated (respondent) did, in fact, attach the corresponding Corporate Resolution⁴ only that it was signed by its President, Jong Gap Kim. A liberal construction of the rules may be invoked in situations like this in which there may be some excusable formal deficiency or error in a pleading, provided that the invocation thereof does not subvert the essence of the proceeding, but at least connotes a reasonable attempt to comply with the rules.⁵

The Court likewise quotes with approval the elements of respondent's cause of action as enumerated by the CA: (a) that respondent opened dollar and peso accounts with petitioner RCBC; (b) that petitioner RCBC has the obligation to require signature verification and telephone callback as precautionary measures outlined in the Manual Guidelines for Fund Transfers; (c) that petitioner RCBC, through its personnel, was negligent when it failed to detect a forged signature, and was derelict in its telephone callback duty, thereby allowing unauthorized transfers of respondent's accounts in the amount of ₱932,143.00; and (d) that petitioner RCBC failed to pay despite demand.⁶ These allegations furnish sufficient basis on which respondent's action can be maintained, and it should not, thus, be dismissed regardless of the defenses presented by petitioners.⁷ The other issues raised by petitioners may be threshed out in the trial proper.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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RAMOS CRUZ ALMIRANEZ
& ROGERO LAW OFFICES
Counsel for Petitioners
21st Flr., Tower 2
RCBC Plaza
6819 Ayala Ave.
1226 Makati City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 128357)

TAYAG LEE SAN JUAN AND
VERGA LAW OFFICE
Counsel for Respondent
3203A, Tektite East Tower
PSE Bldg., Exchange Drive
1605 Pasig City

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³ See *Swedish Match Philippines, Inc. v. Treasurer of the City of Manila*, G.R. No. 181277, July 3, 2013, 700 SCRA 428.

⁴ *Rollo*, p. 97.

⁵ *Supra* note 3.

⁶ *Rollo*, p. 80.

⁷ See *Unicapital, Inc. v. Consing, Jr.*, G.R. Nos. 175277 & 175285, September 11, 2013, 705 SCRA 511, 525.

The Hon. Presiding Judge
Regional Trial Court, Br. 20
Imus 4103 Cavite
(Civil Case No. 4887-11)

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