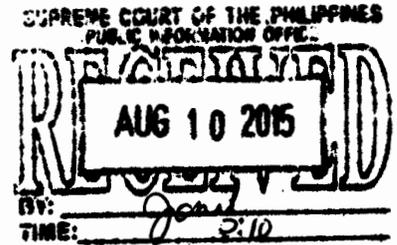




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

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

“G.R. No. 217622 (Intra Strata Assurance Corporation v. Rizal Commercial Banking Corporation, Carmen L. Delos Santos, Spouses Ma. Victoria and Elmer Abanto, and Richard Benedict So). – 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 of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 15, 2014 Decision¹ and March 6, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 99467 for failure of petitioner Intra Strata Assurance Corporation (petitioner) to show that the CA committed any reversible error in finding it and private respondent Carmen Delos Santos solidarily liable to respondent Rizal Commercial Banking Corporation for the undelivered remittances.

As aptly pointed out by the CA, a surety, such as petitioner, is considered in law as the same party as the debtor in relation to whatever is adjudged touching the obligation of the latter, as their liabilities are interwoven and inseparable. Thus, although the contract of a surety is only secondary to a valid principal obligation, its liability to the creditor of the principal is direct, primary, and absolute, and it is directly and equally bound with the principal.³ Besides, as observed by the CA, the robberies, which according to petitioner are risks excluded from the surety bond, were not proven as a fact.

- over - two (2) pages

¹ *Rollo*, pp. 31-54. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Isaias P. Dicdican and Michael P. Elbinias concurring.

² *Id.* at 22-24. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Isaias P. Dicdican and Myra V. Garcia-Fernandez concurring.

³ See *Stronghold Insurance Co., Inc. v. Republic-Asahi Glass Corp.*, 525 Phil. 270, 280 (2006); citation omitted.

In any event, the petition is dismissible for failure of petitioner to include material portions of the record as would support the petition, namely: (a) a certified true copy of the Decision of the Regional Trial Court; and (b) a copy of Surety Bond No. 33209.

SO ORDERED.” SERENO, C.J., on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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CALLANTA ONGLENGCO &
MORENO LAW PARTNERS
Counsel for Petitioner
40 West Ave. 1100 Quezon City

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Manila
(CA-G.R. CV No. 99467)

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SOBREVIÑAS DIAZ HAYUDINI
NAVARRO & SAN JUAN
Counsel for Resp. RCBC
2203 A West Tower, PSE Centre
Ortigas Center 1605 Pasig City

The Hon. Presiding Judge
Regional Trial Court, Br. 148
1200 Makati City
(Civil Case No. 01-1004)

TABAQUERO ALBANO LOPEZ
& ASSOCIATES
Counsel for Resp. C. Delos Santos
Rm. 202, Alcoser Bldg.
San Antonio Ave., SAV-1
1700 Parañaque City

Judgment Division (x)
Supreme Court

Atty. Ma. Cecilia Lopez
Counsel for Resp. Sps. Abanto
Blk. 9, L30, Mallorca St.
Camella Classic Townhouses
SAV-1 1700 Parañaque City

Atty. Kristine Gail C. Ochoa
Counsel for Resp. R. B. So
Suite 2401, The Orient Square
F. Ortigas, Jr. Rd., Ortigas Center
1605 Pasig City

SR

