



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 15, 2020** which reads as follows:*

“G.R. No. 240355 (Minerva E. Bayanin and Eden A. Cruz v. Philippine National Bank); and G.R. No. 240375 (Philippine National Bank v. Minerva E. Bayanin and Eden A. Cruz)

This concerns the consolidated petitions for review on *certiorari* against the Court of Appeals’ (CA’s) Decision¹ dated January 30, 2018 and Amended Decision² dated June 28, 2018 in CA-G.R. CV No. 106835. The CA dismissed the appeal of Philippine National Bank (PNB) from a case for specific performance and damages filed by Minerva E. Bayanin (Bayanin) and Eden A. Cruz (Cruz) against PNB and Avida Land Corporation (Avida).

While resolution of this case necessarily involves an interpretation of the Memorandum of Agreement³ dated April 13, 2010 and Deed of Conveyance⁴ dated January 31, 2011 between PNB and Avida, on whether these agreements resulted in a contract of sale over two parcels of land along EDSA cor. Reliance and Mayflower Streets, the claimed right of Bayanin and Cruz to be paid broker’s commission is based on their Broker Accreditation Terms and Conditions⁵ with PNB. Under the broker’s agreement, Bayanin and Cruz are entitled to 3% of the selling price for sales of PNB properties that they facilitated if the selling price is above ₱10 million.⁶

- over – three (3) pages ...

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¹ Penned by Associate Justice Rafael Antonio M. Santos, with Associate Justices Apolinario D. Bruselas, Jr. and Socorro B. Inting, concurring; *rollo*, pp. 42-65 (G.R. No. 240355),

² Penned by Associate Justice Rafael Antonio M. Santos, with Associate Justices Apolinario D. Bruselas, Jr. and Ricardo R. Rosario, concurring; *id.* at 34-40.

³ *Rollo*, pp. 124-142 (G.R. No. 240375).

⁴ *Id.* at 143-181.

⁵ *Id.* at 104-107.

⁶ *Id.* at 104-105.

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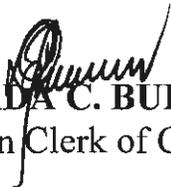
Furthermore, commission fees that have not yet been paid become due in lump sum upon payment of at least 25% of the selling price, execution of sales documents, and booking of the sale for cash and installment sales.⁷ For this reason, the trial court deemed it necessary to be apprised if the 25% threshold has been reached.

As established in the course of trial, the selling price may be pegged at **₱1,399,379,000.00**.⁸ Of the said amount, **₱252,998,136.60** in monthly remittances were actually received by PNB from Avida as of **January 2015**.⁹ Given that 25% of the selling price in this case would be **₱349,844,750.00** and that it was after several months or on December 21, 2015 when the Regional Trial Court (RTC) of Makati City, Branch 66 issued its Decision,¹⁰ the RTC included an order for Avida to furnish it, as well as Bayanin and Cruz, a summary of all of Avida's monthly remittances to PNB. The present consolidated petitions, however, do not disclose an updated summary of the said remittances.

ACCORDINGLY, for a full and just resolution of the present controversy, Philippine National Bank, Minerva E. Bayanin, and Eden A. Cruz are **DIRECTED** to **MOVE IN THE PREMISES** and **FURNISH** this Court within twenty (20) days from notice, the total monthly remittances received by PNB from Avida as of the current date.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court ^{M 8/14}

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⁷ Id. at 106.

⁸ *Rollo*, p. 125 (G.R. No. 240355).

⁹ *Rollo*, p. 117 (G.R. No. 240375).

¹⁰ Id. at 108-123.

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Court of Appeals (x)
Manila
(CA-G.R. CV No. 106835)

The Hon. Presiding Judge
Regional Trial Court, Branch 66
1200 Makati City
(Civil Case No. 13-244)

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