



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **18 November 2020** which reads as follows:*

“G.R. No. 235279 (*Sunfire Trading, Inc. v. Geraldine G. Guy*). – The Court **NOTES** the Manifestation with profuse apologies dated October 23, 2020 of counsel for petitioner Sunfire Trading, Inc. (petitioner), submitting the attached compact disc containing the soft copy of the Motion for Reconsideration earlier filed, and apologizing for the failure to submit the same on time due to unforeseen technical issues that are beyond the counsel’s control.

This resolves the Motion for Reconsideration filed by petitioner assailing the Decision promulgated on March 2, 2020 by this Court, which affirmed the Decision and the Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 135146 dated March 20, 2017 and October 24, 2017, respectively.

After a judicious review of the Motion for Reconsideration, the Court finds that petitioner raised no new issues and the arguments presented are mere rehash of what have been discussed in its previous pleadings, all of which have been considered and found unmeritorious by the Regional Trial Court (RTC), the CA and this Court. Thus, the Court denies the reconsideration prayed by petitioner.

In seeking to reverse the Decision of this Court, petitioner basically reiterates that there was no transfer *pendente lite*.

Significantly, it remains undisputed that 3D Industries, Inc. (3D) actually executed an Assignment of Trademark in favor of petitioner on February 13, 2013, which was clearly after the aforementioned Decision in Civil Case No. 70359 has become final and executory and after 3D had received a copy of the Motion for Execution. Again, the case was still in the execution stage and regarded as still pending when petitioner became a

transferee *pendente lite* of the subject trademark and therefore bound by the judgment upon the said trademark, per Section 19, Rule 3 of the 1997 Rules of Court.

In insisting that it was a purchaser in good faith, petitioner restates that – the fact that two (2) corporations have the same representative neither indicates that the corporations are one and that it has knowledge of what transpired in Civil Case No. 70359.

It bears stressing that the Court does not agree with petitioner that Mr. Gilbert Guy (Mr. Guy) is merely a “representative” of 3D and of the petitioner. As exhaustively discussed by the RTC and the CA, 3D and petitioner are owned and controlled by Mr. Guy. The Court cannot close its eyes to the incontrovertible fact that 3D and petitioner, being juridical persons, act through natural persons, in this case, Mr. Guy, who controls the two (2) entities. More importantly, it cannot be denied that Mr. Guy knew of the adverse judgment against 3D. The actual knowledge of Mr. Guy as to the affairs of 3D, particularly the Decision and the executions in Civil Case No. 70359, must likewise be imputed to petitioner to whom the trademark was assigned.

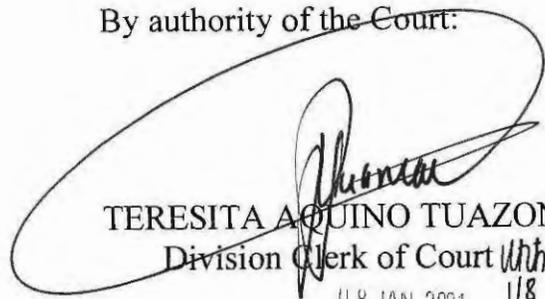
In view of the foregoing, the Court maintains that there was no reason to disturb the findings that there was a transfer *pendente lite* in this case.

WHEREFORE, the Motion for Reconsideration is **DENIED with FINALITY**, the basic issues having been passed upon and there being no substantial arguments raised to warrant the reconsideration sought. The Decision promulgated on March 2, 2020 of the Court affirming the Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 135146 dated March 20, 2017 and October 24, 2017, respectively, are hereby **AFFIRMED**.

No further pleadings or motions shall be entertained in this case. Let entry of final judgment be issued immediately.

SO ORDERED.” (Carandang, J., on official leave.)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
U 8 JAN 2021 1/8

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 159
1605 Pasig City
(Civil Case No. 70359)

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Please notify the Court of any change in your address.
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