



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 July 2021** which reads as follows:*

“**UDK-16787 (Norberto Homecillo v. Spouses Christopher and Juliana Amomonpon)**. - After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ for being filed out of time. Records show that petitioner Norberto G. Homecillo (petitioner) was granted² an inextendible period of thirty (30) days from October 30, 2020³ or until November 29, 2020 within which to file the instant petition. Instead, petitioner belatedly filed the petition only on March 29, 2021. Besides, petitioner failed to pay the correct docket and other lawful fees as the Postal Money Order (PMO) delivered were already stale,⁴ and were not shown to have been replaced by petitioner.

In any event, the Court resolves to **AFFIRM** the Resolutions of the Court of Appeals (CA) dated October 30, 2019⁵ and August 28, 2020⁶ in CA-G.R. CV No. 04891 for failure of petitioner to sufficiently show that the CA committed any reversible error in dismissing his appeal for failure to file the appellant’s brief within the extended period pursuant to Rule 50, Section 1 (e),⁷ of the 1997 Rules of Civil Procedure.

As correctly ruled by the CA, petitioner failed to provide an acceptable reason, other than bare allegations, to warrant a relaxation of the rules of procedure, and instead indiscriminately invokes substantial justice for his cause.

¹ Rollo, pp. 17-27.

² Id. at 13.

³ The date of receipt of denial of the motion for reconsideration of the CA Resolution was on October 15, 2020; id. at 19.

⁴ PMO Nos. 500106257 and 500106258 in the total amount of ₱4,000.00 was remarked as ‘RTS STALE PMO’; id. at 16.

⁵ Id. at 31-35. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Marilyn B. Lagura-Yap and Alfredo D. Ampuan, concurring.

⁶ Id. at 37-40. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Marilyn B. Lagura-Yap and Raymond Reynold Reyes Lauigan, concurring.

⁷ Rule 50, Section 1 (e) of the Rules of Court provides:

Section 1. Grounds for dismissal of appeal. — An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

x x x x

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

x x x x

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However, the ‘invocation of substantial justice is not a magical incantation that will automatically compel this Court to suspend procedural rules. Rules of procedure are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party’s substantive rights. Like all rules, they are required to be followed.’⁸ The relaxation of procedural rules remains the exception rather than the general rule,⁹ and requires the one who invokes the same to provide valid and compelling reasons for such a procedural lapse,¹⁰ which petitioner failed to do.

SO ORDERED.” (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *abla 8/9*

09 AUG 2021

⁸ *Cu-Unjieng v. Court of Appeals*, 515 Phil. 568, 578 (2006); see also *Sindophil, Inc. v. Republic*, G.R. No. 204594, November 7, 2018, citations omitted.

⁹ See *Ng Ching Ting v. Philippine Business Bank, Inc.*, 835 Phil. 965, 976 (2018).

¹⁰ *Daikoku Electronics Phils., Inc. v. Raza*, 606 Phil. 796, 806 (2009).

ATTY. FRANKLIN S. MANCHING (reg)
Counsel for Petitioner
4th Floor, B & F Paray Building
Osmeña Boulevard, Cebu City

TORREGOSA GALEON AND TOMANENG (reg)
Counsel for Respondents
Suite 210, 2/F, The Walk, Asiatown I.T.Park
Lahug, 6000 Cebu City

SPOUSES CHRISTOPHER & JULIANA AMOMONPON (reg)
Respondents
A. Borbajo St., Talamban
Cebu City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
6000 Cebu City
(Civil Case No. CEB-32764)

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Please notify the Court of any change in your address.
UDK-16787. 7/12/2021(130)URES

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