



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **21 June 2021** which reads as follows:*

“G.R. No. 255361 (Evelina R. Abad v. Bank of the Philippine Islands).
– After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated July 28, 2020 and the Resolution³ dated January 7, 2021 of the Court of Appeals (CA) in CA-G.R. CV No. 110849 for failure of petitioner Evelina R. Abad (Abad) to sufficiently show that the CA committed any reversible error in finding her liable to pay respondent Bank of the Philippine Islands (BPI) the following: (a) the principal obligation in the amount of ₱434,128.08; (b) finance charge and late payment charges in the total rate of twenty-four percent (24%) per annum (twelve percent [12%] per annum each) reckoned from the final date of demand, or on August 5, 2015, until full payment; and (c) interest on the aforementioned finance charge and late payment charges at the rate of six percent (6%) per annum reckoned from the filing of the complaint, or on April 4, 2016, until full payment.

As correctly ruled by the CA, Abad judicially admitted her indebtedness to BPI, and as such, must be held liable therefor. It is settled that factual findings of trial courts, especially when affirmed by the appellate court and supported by evidence on record, deserve respect and finality by this Court, as in this case.⁴ As to the interests, the CA is also correct in: (a) reducing the finance charge and late payment charges to one percent (1%) per annum each, or twenty-four (24%) per annum in total, as the original rates were unconscionable, and reckoning the same from the final demand, or on August 5, 2015, until full payment;⁵ and (b) imposing interest on the aforementioned finance charge and late payment charges at the rate of six percent (6%) per annum from judicial demand, or on April 4, 2016, until full payment, pursuant to Article 2212⁶ of the Civil Code.⁷

¹ See Petition for Review on *Certiorari* dated March 10, 2020; *rollo*, pp. 12-26.

² *Id.* at 30-39. Penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez, concurring.

³ *Id.* at 41-42.

⁴ See *Pacific Airways Corporation v. Tonda*, 441 Phil. 156 (2002).

⁵ See *Uysipuo v. RCBC Bankard Services Corporation*, G.R. No. 248898, September 7, 2020.

⁶ Article 2212. Interest due shall earn legal interest from the time it is judicially demanded, although the obligation may be silent upon this point.

⁷ See *Uysipuo v. RCBC Bankard Services Corporation*, *supra* note 5.

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 *by 7/6*

07 JUL 2021

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GR255361. 6/21/2021(208)URES