

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **20 November 2019** which reads as follows:*

"G.R. No. 249328 (Tyrone De Lara, represented by his Attorney-in-Fact, Arturo U. Sestina v. D.M. Consunji, Inc., David M. Consunji, South Luzon Thermal Energy Corporation, and Orlando Palisco)

After a judicious study of the case, the Court resolves to **DISMISS** outright the instant petition¹ for having been filed out of time, rendering the December 20, 2018² and June 10, 2019³ Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 158691 final and unappealable, and beyond the Court's power to review.

Records reveal that petitioner Tyrone De Lara, represented by his attorney-in-fact, Arturo J. Sestina (petitioner), received a copy of the CA's June 10, 2019 Resolution denying his motion for reconsideration from the December 20, 2018 CA Resolution on June 25, 2019.⁴ Accordingly, he had fifteen (15) days from its receipt, or until July 10, 2019 within which to file the instant petition. While petitioner sought an extension⁵ of fifteen (15) days from July 10, 2019 or until July 25, 2019 to file the petition for review on *certiorari*, even if granted, the petition was still belatedly filed on October 4, 2019,⁶ or seventy one (71) days after it was due.

Moreover, the docket and other legal fees were remitted out of time on October 4, 2019, the due date being on July 25, 2019, in violation of Section 3, Rule 45 of the Rules of Court (Rules). Aside from this, the petition lacks the required proof of service of the petition on the CA in violation of Section 5 (d), Rule 56 and Section 13, Rule 13 of the Rules. Furthermore, petitioner's motion dated July 10, 2019 also lacks a verified declaration as required under A.M. Nos. 10-3-7-SC and 11-9-4-SC, in relation to Section 5 (e), Rule 56 of the Rules.

¹ *Rollo*, pp. 15-25.

² *Id.* at 27-28. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Victoria Isabel A. Paredes and Rafael Antonio M. Santos, concurring.

³ *Id.* at 30-33.

⁴ See *id.* at 16.

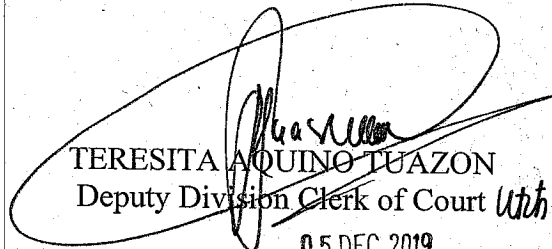
⁵ *Id.* at 3-5.

⁶ See *id.* at 25.

11/25

SO ORDERED. (HERNANDO, J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utch, 12/5*
05 DEC 2019

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Please notify the Court of any change in your address.
GR249328. 11/20/2019(44)URES