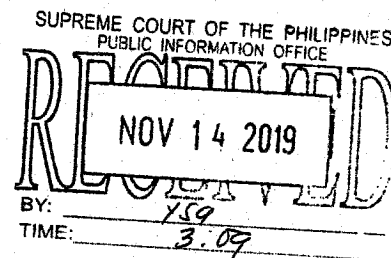




Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 9, 2019** which reads as follows:

“G.R. No. 192381 (*HEIRS OF CONCEPCION VDA. DE VIDAL, et al., Petitioners, v. A.C. AGUILA & SONS, et al., Respondents.*) – We dismiss this petition for failure of the petitioners to prove that the Court of Appeals (CA) committed grave abuse of discretion in rendering its August 28, 2009 Decision¹ and May 27, 2010 Resolution² in CA-G.R. CV No. 87876.

The petitioners should be reminded that a petition for *certiorari* is not a substitute for a lost appeal, especially when it is the party’s own negligence or error in the choice of remedy which occasioned such loss.³ Here, the petitioners evidently resorted to a petition for *certiorari* when it failed to timely file its petition for review under Rule 45 of the Rules of Court even after having filed two motions for extensions to file a petition for review. As such, the assailed August 28, 2009 decision and May 27, 2010 resolution of the CA in CA-G.R. CV No. 87876 have already attained finality.

WHEREFORE, the Court **DISMISSES** the petition for *certiorari*; and **AFFIRMS** the August 28, 2009 Decision and May 27, 2010 Resolution of the Court of Appeals in CA-G.R. CV No. 87876.

- over – two (2) pages ...

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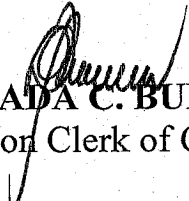
¹ *Rollo*, pp. 141-161; penned by Associate Justice Priscilla J. Baltazar-Padilla, with the concurrence of Associate Justice Celia C. Librea-Leagogo and Associate Justice Normandie B. Pizarro.

² *Id.* at 162-168; penned by Associate Justice Priscilla J. Baltazar-Padilla, with the concurrence of Associate Justice Vicente S.E. Veloso and Associate Justice Celia C. Librea-Leagogo.

³ *Home Development Mutual Fund (HDMF) v. See*, G.R. No. 170292, June 22, 2011, 652 SCRA 478, 488.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

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(CA-G.R. CV No. 87876)

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The Hon. Presiding Judge
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(Civil Case No. 04-109514)

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