



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2020** which reads as follows:*

“G.R. No. 251914 (Municipality of Agoo, La Union, represented by its former Municipal Mayor, Sandra Y. Eriguel *v.* James Yu Dy, Dennis Sy, Sixto Co, Jeanette Ng, Silvestre Toralba Ng, and Margarita Chua). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the August 9, 2019 Decision² and the February 6, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 108660 for failure of petitioner Municipality of Agoo, La Union, represented by its former Municipal Mayor, Sandra Y. Eriguel (petitioner), to sufficiently show that the CA committed any reversible error in: (a) taking cognizance of the appeal of respondents James Yu Dy, Dennis Sy, Sixto Co, Jeanette Ng, Silvestre Torralba Ng, and Margarita Chua (respondents) despite their non-payment of appellate docket fees within the reglementary period; and (b) upholding the valuation of just compensation recommended by the first panel of commissioners (Panel 1), as reflected in the June 28, 2010 Decision⁴ of the Regional Trial Court of Agoo, La Union, Branch 31 (RTC Decision).

As correctly ruled by the CA, aside from the fact that the issue on non-payment of appeal fees had already been settled in CA-G.R. SP No. 121667, which was decided with finality on September 30, 2014, a dismissal of an appeal due to non-payment of appellate docket fees is merely discretionary on the part of the appellate court.⁵ On this note, case law instructs that ‘[n]otwithstanding the mandatory nature of the requirement of payment of appellate docket fees, the

¹ *Rollo*, pp. 3-24.

² *Id.* at 28-45. Penned by Associate Justice Ronaldo Roberto B. Martin with Associate Justices Japar B. Dimaampao and Danton Q. Bueser, concurring.

³ *Id.* at 47-49.

⁴ Not attached to the *rollo*.

⁵ Section 1 (c), Rule 50 of the Rules of Court reads:

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

(c) Failure of the appellant to pay the docket and other lawful fees as provided in Section 5 of Rule 40 and Section 4 of Rule 41[.]


Court also recognize[s] that its strict application is qualified by the following: *first*, failure to pay those fees within the reglementary period allows only discretionary, not automatic, dismissal; *second*, such power should be used by the [Court] in conjunction with its exercise of sound discretion in accordance with the tenets of justice and fair play, as well as with a great deal of circumspection in consideration of all attendant circumstances,⁶ as in this case, where respondents were able to pay said fees, albeit belatedly.

Further, the CA was also correct in upholding the valuation of just compensation recommended by Panel 1, as reflected in the RTC Decision, which was supported by substantial evidence and met the standards for assessment of land valuation subject of expropriation as provided by law. On the other hand, the recommendation of the second panel of commissioners, which was the basis of the April 27, 2011 Decision of the RTC, was based merely on conjectures, irrelevant assumptions, and dictates of petitioner; and hence, was correctly set aside by the CA.

Finally, the petition is likewise dismissible for petitioner's failure to attach copies of the June 28, 2010 and April 27, 2011 Decisions of the RTC, material portions of the record, pursuant to Section 4 (d), in relation to Section 5, Rule 45 of the Rules of Court.

SO ORDERED. (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020, on leave.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
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⁶ *National Transmission Corporation v. Heirs of Teodulo Ebesa*, 781 Phil. 594, 605 (2016), citing *La Salette College v. Pilotin*, 463 Phil. 785, 794 (2003).

ATTY. DANILO C. BUMACOD (reg)
Counsel for Petitioner
Office of the Provincial Prosecutor
Justice Hall, San Fernando City
2500 La Union

ATTY. PABLO M. OLARTE (reg)
Counsel for Respondents
No. 271 Doña T. Aspiras Rd.
2504 Agoo, La Union

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 31
Agoo, 2504 La Union
(Civil Case No. A-2596)

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COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CV No. 108660

Please notify the Court of any change in your address.
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