

REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2020** which reads as follows:*

“**G.R. No. 250113 (Johnny So v. Carolina Arriola, represented by her Attorney-in-Fact, Maria Teresa Duran)**. – The Court **NOTES** counsel for petitioner Johnny So’s (petitioner): (a) manifestation dated November 19, 2019, submitting the affidavit of service of the motion for extension to file petition; and (b) manifestation dated January 24, 2020, submitting the annexes, which counsel inadvertently failed to attach to the petition, and praying that the same be admitted by the Court.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the January 15, 2019<sup>2</sup> and October 16, 2019<sup>3</sup> Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 158719 for failure of petitioner to sufficiently show that the CA committed any reversible error in dismissing his petition<sup>4</sup> for failure to comply with the procedural rules.

As correctly ruled by the CA, the petition filed before it should be dismissed on account of petitioner’s failure to: (a) include a written explanation as to why the petition was served to respondent Carolina Arriola, represented by her Attorney-in-Fact, Maria Teresa Duran, by registered mail;<sup>5</sup> and (b) submit copies of material portions of the record.<sup>6</sup> Notably, the right to appeal is a statutory right, which must be invoked in such a way that is in accord with laws and rules;<sup>7</sup> as such, the party who seeks to appeal must comply with the requirements under the Rules of Court, and failure to do so, gives the Court sufficient basis to dismiss the

<sup>1</sup> *Rollo*, pp. 12-19.

<sup>2</sup> *Id.* at 22-23. Signed by Division Clerk of Court Atty. Dionisio C. Jimenez.

<sup>3</sup> *Id.* at 25-28. Penned by Acting Presiding Justice and Chairperson Remedios A. Salazar-Fernando, with Associate Justices Victoria Isabel A. Paredes and Marie Christine Azcarraga-Jacob, concurring.

<sup>4</sup> Not attached to the *rollo*.

<sup>5</sup> See Section 11, Rule 13 of the Rules of Court. See also *rollo*, p. 22.

<sup>6</sup> See Section 2 (d), Rule 42 of the Rules of Court. See also *rollo*, p. 22.

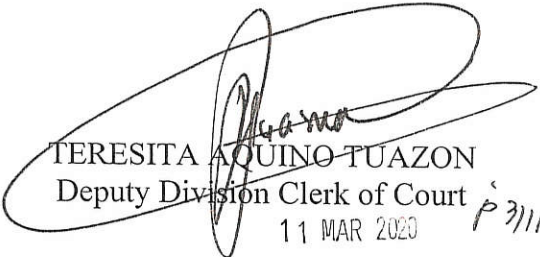
<sup>7</sup> See *Albor v. CA*, G.R. No. 196598, January 17, 2018.

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appeal.<sup>8</sup> While the Court has recognized that procedural rules may be relaxed on account of justifiable and compelling reasons, it must be stressed that such exceptions cannot apply if the party fails to offer an acceptable explanation for non-compliance,<sup>9</sup> as in this case.

**SO ORDERED.”**

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
11 MAR 2020 P 3/11

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 84  
Quezon City  
(Civil Case No. R-QZN-17-12706-CV)

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*Please notify the Court of any change in your address.*  
GR250113. 02/10/20(169 & 193)URES

<sup>8</sup> See *Philippine Independent Catholic Church of Kibatang 63rd and Mothers (Alfahanon), Inc. v. Iglesia Filipina Independiente*, G.R. No. 244656, June 3, 2019, citing *Sibayan v. Costales*, 789 Phil. 1, 9 (2016).

<sup>9</sup> *Tible & Tible Company, Inc. v. Royal Savings and Loan Association*, 574 Phil. 20, 38 (2008).