

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **17 February 2020** which reads as follows:

“G.R. No. 250489 (Frederick Cruz and Corazon Cruz v. Manila International Airport Authority). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the May 21, 2019 Decision² and the October 25, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 153875 for failure of petitioners Frederick Cruz and Corazon Cruz (petitioners) to sufficiently show that the CA committed any reversible error in holding that the court *a quo* committed grave abuse of discretion in: (a) denying respondent Manila International Airport Authority’s (respondent) Motion to Admit Attached Answer (Answer);⁴ and (b) granting petitioners’ Motion for Judgment on the Pleadings.⁵”

As correctly ruled by the CA, the court *a quo* should have admitted respondent’s Answer, as the latter filed the same before the declaration of default.⁶ It is settled that a defendant’s answer should be admitted where it is filed before a declaration of default and no prejudice is caused to the plaintiff. Indeed, where the answer is filed beyond the reglementary period but before the defendant is declared in default and there is no showing that defendant intends to delay the case, the answer should be admitted,⁷ as in this case. Further, the CA correctly noted that, since respondent’s Answer tendered issues that need to be threshed out at the trial,⁸ judgment on the pleadings was improper.⁹

¹ Rollo, pp. 10-28.

² Id. at 32-37. Penned by Associate Justice Japar B. Dimaampao with Associate Justices Manuel M. Barrios and Maria Filomena D. Singh, concurring.

³ Id. at 59-60.

⁴ Id. at 96-99.

⁵ Id. at 136-139.

⁶ See id. at 34-35.

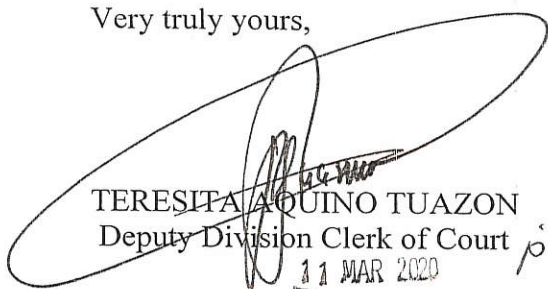
⁷ See Unsigned Resolution in *San Pedro Cineplex Properties, Inc. v. Heirs of Eñano*, 649 Phil. 710, 714 (2010).

⁸ See rollo, p. 36.

⁹ “Judgment on the pleadings is proper when an answer fails to tender an issue, or otherwise admits the material allegations of the adverse party’s pleading. An answer fails to tender an issue if it does not comply with the requirements of a specific denial as set out in Sections 8 and 10, Rule 8 of the 1997 Rules of Civil Procedure, resulting in the admission of the material allegations of the adverse party’s

SO ORDERED.”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
11 MAR 2020

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(SCA Case No. R-PSY-16-22301-CV)

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GR250489. 02/17/20(168)URES

pleadings.” (*Asian Construction and Development Corporation v. Sannaedle Co., Ltd.*, 736 Phil. 200, 205 [2014].)