



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:*

**“UDK 17108 – Adm. DAVID R. DULFO, Declared Rightful Owner, Legitimate Surviving Heir, Court Appointed Judicial Administrator-Overseers and National/President/Chairman of JUSTICE FOR LABOR COOPERATIVES FEDERATION CONGRESS OF THE PHILIPPINES, INC. (JLCFCPI), Represented by its Officers and Members Led by EMERITA DAVID RODRIGUEZ, ELIZABETH G. BORDE, LINDA PLEGO-VALDEZ, TERESITA SILVA, ERNESTO CAES, FLORA CARPIO-BELTRAN, PERPETUA DIMLA, ERNESTO DE LEON, ERNESTO ALVIAR, JOSE M. MERCADO, LUZVIMINDA C. CASTRO, NENITA SAMSON-REAZON, DANILO URETA, JONATHAN E. ESTA, ROGELIO T. PERMACIO; Heirs of TERESA SAMSON; CELENIA DE GUZMAN; LADY G. BORDE; RENATO “BOBOY” AQUINO; BENJAMIN C. CELESTINO; JOSELITO S. MENDOZA; CAROLINA C. CELESTINO; JOEL C. CAES; GLORIA FLORES; and CESAR B. DE GUZMAN; ET AL., *petitioners, versus* MANOTOK REALTY, INC., (MANOTOK SERVICES, INC.) Represented by: Ms. MA. CHRISTINA B. SISON; ABILENE REALTY, INC., Operated by DIONISIO C. DELA ROSA; and THE REGISTRY OF DEEDS and ASSESSORS OFFICE OF CALOOCAN CITY; ET AL., *respondents.***

Considering that petitioners failed to perfect their appeal within the reglementary period, and that the present Petition<sup>1</sup> suffers from several glaring defects which render it impossible for the Court to

- over – four (4) pages ...

58-A

---

<sup>1</sup> Rollo, pp. 3-45.

ascertain the facts of the case and the legal issues requiring resolution, the Court resolves to **DENY** the Petition and **AFFIRM** the Court of Appeals' (CA) Resolutions dated July 26, 2019<sup>2</sup> and July 26, 2021,<sup>3</sup> respectively, in CA-G.R. SP No. 161059.

Petitioners' blatant disregard of the requirements under Sections 2, 3 and 4, Rule 45 of the Rules of Court is apparent on the face of the Petition.

*First*, the Petition was filed beyond the reglementary period set by the Rules of Court. *Second*, the Petition lacks payment of the prescribed docket and other lawful fees. *Third*, the Petition suffers from an incomplete statement of material dates, facts and matters involved, and is not accompanied by duplicate originals or certified true copies of the assailed Resolutions. *Fourth*, the Petition is not likewise accompanied by any proof of petitioner Adm. David R. Dulfo's authority to cause the preparation of the Petition and to sign the verification and certification of non-forum shopping (verification) on behalf of his co-petitioners. *Fifth*, the verification of the Petition is likewise defective for petitioners' failure to allege that the Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation, as required under Section 4, Rule 7 of the Rules of Court.<sup>4</sup> *Sixth*, attached to the Petition is a seemingly false affidavit of service,<sup>5</sup> as the affidavit of service was notably notarized on a date (September 7, 2021) prior to the actual date of the service of the copies of the Petition on the CA and respondents on September 10, 2021.<sup>6</sup>

In addition, the Petition raises questions of fact that are not generally cognizable in a petition for review on *certiorari* under Rule 45. Moreover, even if the Court were inclined to entertain the Petition, the Court nevertheless finds that the CA committed no reversible error in issuing the assailed Resolutions.

Petitioners' counsel is reminded that it is incumbent upon him, as a member of the Philippine bar, to know and respect the rules of procedure in order to facilitate the faithful and orderly administration

- over -

58-A

---

<sup>2</sup> Id. at 61-67. Penned by Associate Justice Perpetua T. Atal-Paño with Associate Justices Ramon. M. Bato, Jr. and Myra V. Garcia-Fernandez, concurring.

<sup>3</sup> Id. at 51-56.

<sup>4</sup> Per A.M. No. 19-10-20-SC entitled 2019 PROPOSED AMENDMENTS TO THE 1997 RULES OF CIVIL PROCEDURE, October 15, 2019.

<sup>5</sup> *Rollo*, pp. 43-45.

<sup>6</sup> Id.

of justice. While technical rules of procedure are not designed to frustrate the ends of justice and may thus be relaxed in exceptionally meritorious cases,<sup>7</sup> utter disregard of these rules cannot be excused without any showing of justifiable and compelling cause.<sup>8</sup>

Finally, considering that the ancillary remedy of preliminary injunction or temporary restraining order cannot exist except only as part or an incident of an independent action or proceeding,<sup>9</sup> the denial of the Petition necessarily results in the denial of petitioners' prayer for injunctive relief.

The petitioners' compliance with A.M. No. 02-8-13-SC, submitting a verification with the current identification documents issued by an official agency of the government bearing the photograph and signatures of the individual affiants is **NOTED**; and the Court of Appeals is hereby **DROPPED** as party respondent in this case pursuant to Section 4(a), Rule 45 of the 2019 Amendments to the 1997 Rules of Civil Procedure (A.M. No. 19-10-20-SC).

**SO ORDERED."**

**By authority of the Court:**

  
**LIBRADA C. BUENA**

Division Clerk of Court *pk 4/19*

by:

**MARIA TERESA B. SIBULO**

Deputy Division Clerk of Court

**58-A**

- over -

<sup>7</sup> *Lazaro v. Court of Appeals*, G.R. No. 137761, April 6, 2000, 330 SCRA 208, 214.

<sup>8</sup> *Tible & Tible Company, Inc. v. Royal Savings and Loan Association*, G.R. No. 155806, April 8, 2008, 550 SCRA 562, 583.

<sup>9</sup> *Sangguniang Panlungsod ng Baguio City v. Jadewell Parking Systems Corp.*, G.R. Nos. 160025, 163052, 164107, 165564, 172215, 172216, 173043, 174879 & 181488, April 23, 2014, 723 SCRA 350, 397.



JUSTICE FOR LABOR COOPERATIVE  
FEDERATION CONGRESS OF THE  
PHILIPPINES, INC., ICASIANO,  
DULFO, CAINDAY & MITELA LAW  
OFFICES & ASSOCIATES  
Counsel for Petitioners  
Unit 201-C, Mezzanine Floor  
Fil Garcia Tower, Kalayaan Avenue  
Diliman, 1101 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 161059)  
  
Atty. Leopoldo Dela Rosa  
Counsel for Resp. Abilene Realty, Inc.  
No. 43 L.A. Aguinaldo Street  
BF Homes, Circulo No. 12  
1700 Parañaque City  
- and/or -  
No. 24-A Mabini Street  
1550 Mandaluyong City

The City Assessor's Office  
City Hall Building, A. Mabini Street  
Libis, 1400 Caloocan City

Atty. Candice Marie T. Bandong  
Counsel for Resps. Heirs of Lourdes  
Nadurata Juliano, et al.  
No. 1309, The One Executive Office  
No. 5 West Avenue cor. Martinez Street  
1100 Quezon City

The Register of Deeds  
1400 Caloocan City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Atty. Samuel A. Laurente  
Counsel for Resps. Manotok Realty, Inc.  
& Manotok Services, Inc.  
No. 2830 Juan Luna Street, Tondo  
1013 Manila

Philippine Judicial Academy (x)  
Supreme Court

The Hon. Presiding Judge  
Regional Trial Court, Branch 125  
1400 Caloocan City  
(SCA Case No. C-1090)

Judgment Division (x)  
Supreme Court

The Hon. Presiding Judge  
Metropolitan Trial Court, Branch 49  
1400 Caloocan City  
(Civil Case Nos. 17-31391, etc.)

The Hon. Presiding Judge  
Metropolitan Trial Court, Branch 50  
1400 Caloocan City  
(Civil Case Nos. 16-31335, etc.)

The Hon. Presiding Judge  
Metropolitan Trial Court, Branch 52  
1400 Caloocan City  
(Civil Case Nos. 11-29992, etc.)

The Hon. Presiding Judge  
Metropolitan Trial Court, Branch 53  
1400 Caloocan City  
(Civil Case Nos. 08-29339, etc.)

58-A

