REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

# NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated* **28 February 2022** *which reads as follows*:

"**UDK-17149 (Wilfredo Villar, Sr., Wilfredo Villar, Jr., Roberto L. Villar, *et al.* v. George L. Uy)**. – After a judicious study of the case, the Court resolves to **DISMISS** the petition for review on *certiorari*[1] for being filed out of time. As pointed out in the petition, petitioners Wilfredo Villar, Sr., Wilfredo Villar, Jr., Roberto L. Villar, *et al.*'s (petitioners) counsel received the Resolution[2] dated June 23, 2021 of the Court of Appeals (CA) on July 15, 2021, thereby giving them an initial 15-day period, or until **July 30, 2021**, to file the instant petition.[3] Upon motion of petitioners, they were granted a 30-day extension, or until **August 29, 2021**.[4] However, records show that they merely filed the same on **September 13, 2021**.[5] Furthermore, the petition also has the following procedural infirmities: (*a*) it lacks payment of the required docket and other lawful fees; (*b*) it lacks the requisite affidavit of service and proof of service on the CA; (*c*) it lacks the statement of material dates, particularly the filing of the motion for reconsideration with the CA; (*d*) it lacks proper verification as it was signed by unidentified persons for petitioners without proof of authority to sign on their behalf; and (*e*) the Integrated Bar of the Philippines receipt and Professional Tax Receipt number of petitioners' counsel, both dated October 18, 2020,[6] are not current. It is settled that an appeal is not a matter of right and the party who seeks to avail of the remedy of appeal must comply with the requirements of the rules; otherwise, the appeal is lost,[7] as in this case.

In any event, the CA correctly dismissed outright the petition for annulment of judgment under Rule 47 of the Rules of Court before it. Case law instructs that

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[1] Dated September 10, 2021; *rollo*, pp. 11-24.

[2] Id. at 63-64. Penned by Associate Justice Gabriel T. Ingles with Associate Justices Dorothy P. Montejo-Gonzaga and Bautista G. Corpin, Jr., concurring.

[3] See id. at 13.

[4] See id.

[5] Id. at 10 and 11. Note that petitioners erred in relying on Administrative Circular No. 56-2021, as this circular only suspended the period of filing in first and second level courts, as well as in appellate collegiate courts. As may be gleaned from Memorandum Order Nos. 65-2021 and 73-2021, filings before the Supreme Court were not suspended, but rather, merely limited to filings via registered mail, private couriers, or electronic mail.

[6] Id. at 22.

[7] See *Kumar v. People*, G.R. No. 247661, June 15, 2020; see also *Ang v. CA*, G.R. No. 238203, September 3, 2020.



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to avail of this extraordinary remedy, the petitioner must show, *inter alia*, that petitioner can no longer resort to the ordinary remedies of new trial, appeal, petition for relief, or other appropriate remedies through no fault of the petitioner.[8] As the CA aptly pointed out, petitioners failed to comply with this requirement.

Finally, in light of the dismissal of the instant petition, the prayer for the issuance of writ of preliminary injunction or a temporary restraining order is necessarily denied as well.

**SO ORDERED.**"

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court
05 APR 2022

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 17
Cebu City
(Crim. Case No. M-CEB-16-01770-SC-R00-00)

COURT OF APPEALS (reg)
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***Please notify the Court of any change in your address.***
UDK17149. 03/28/2022(97)URES

[8] See *Baclaran Marketing Corporation v. Nieva*, 809 Phil. 92, 99 (2017).