



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 14 March 2022 which reads as follows:

“G.R. No. 247598 (Solita Hernandez Millar, doing business under the name and style, Albea’s Haircutters v. Cut & Fix International Salon Corporation). — The Court **NOTES** the letter dated February 15, 2022 of Ms. Jane G. Sabido, Chief, Archives Section, Judicial Records Division, Court of Appeals (CA), Manila transmitting the CA *rollo*, original records, Transcript of Notes, and others in CA-G.R. CV No. 109770.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated October 31, 2018 and Resolution³ dated May 17, 2019 of the CA in CA-G.R. CV No. 109770 for failure of petitioner Solita Hernandez Millar (petitioner) to show that the CA committed any reversible error in holding that she was bound by the terms and conditions of the franchise agreement with respondent CUT & FIX International Salon Corporation (respondent).

As correctly ruled by the CA, despite petitioner’s failure to sign the franchise agreement, her conduct – from receipt of the document, lack of protest, payment of the franchise fee, and operation of the hair salon franchise – were indicative of her intention to be bound by the terms and conditions of the same. The CA also correctly ruled that petitioner was already estopped from denying that she was bound by the written franchise agreement. Section 2 (a) of Rule 131 of the Rules of Court provides that ‘whenever a party has, by his own declaration, act, or omission, intentionally and deliberately led another to believe a particular thing true, and to act upon such belief, he cannot, in any litigation arising out of such declaration, act or omission, be permitted to falsify it.’ In this case, petitioner’s conduct subsequent to the receipt of the franchise agreement had led respondent to believe that she had

¹ *Rollo*, pp. 16-38.

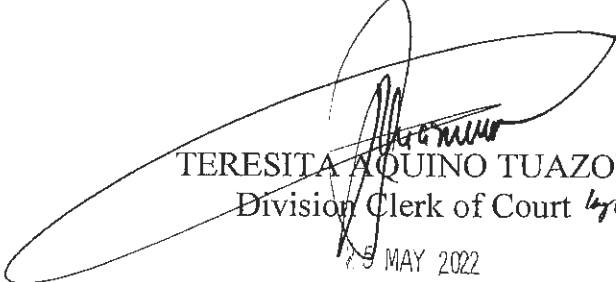
² *Id.* at 43-52, Penned by Associate Justice Rosmari D. Carandang (now retired member of this Court) with Associate Justice Amy C. Lazaro-Javier and Jhosep Y. Lopez (now members of this Court), concurring.

³ *Id.* at 54-55.

intended to abide by its terms. Thus, she cannot be allowed to go against her own actions and omissions to the prejudice of respondent.⁴

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *ly/07/25*
15 MAY 2022

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 100
Quezon City
(Civil Case No. R-QZN-14-09959)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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*For this resolution only
Please notify the Court of any change in your address.
GR247598. 03/14/2022(139)URES

⁴ See *Rockland Construction Company, Inc. v. Mid-Pasig Land Development Corporation*, 567 Phil. 565, 571 (2008).