



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 21, 2022 which reads as follows:

“G.R. No. 257613 (Ponciano Doctor, substituted by Adelina Doctor and heirs v. Magdalena Dumlao, represented by her Attorney-in-Fact, Norafel Angadol). – This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated 17 November 2020 and the Resolution³ dated 09 June 2021 of the Court of Appeals (CA) in CA-G.R. CV No. 112782. The CA affirmed the Decision⁴ of Branch 25, Regional Trial Court (RTC) of Tabuk City, Kalinga in Civil Case No. 542 finding that Magdalena Dumlao (respondent) was able to establish by preponderance of evidence her allegations of ownership and possession of the subject property. Accordingly, Adelina Doctor (petitioner) was ordered to immediately vacate the land and deliver the possession thereof to respondent and to pay actual and compensatory damages in the amount of ₱60,000.00 and the costs of the suit.

After a thorough reading of the case, the Court resolves to **DENY** the present petition for (1) failure of petitioner to indicate the material dates when the notice of judgment or resolution was received; (2) failure of petitioner to indicate when the motion for reconsideration was filed; (3) failure of petitioner to file the petition within the extended period; and (4) failure of petitioner to sufficiently show any reversible error committed by the RTC and the CA.

At the outset, the Court notes that petitioner failed to state the material dates showing when she received the assailed judgment and when she filed

¹ *Rollo*, pp 11-21.

² *Id.* at 60-71. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Myra V. Garcia-Fernandez and Carlito B. Calpatura.

³ *Id.* at 85-86. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Myra V. Garcia-Fernandez and Carlito B. Calpatura.

⁴ *Id.* at 23-37. Penned by Assisting Judge Anastacio D. Anghad.

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the motion for reconsideration. This procedural infirmity is a ground for the denial of the petition pursuant to Section 4(b) in relation to Section 5, Rule 45 of the Rules of Court, *viz.*:

Section 4: *Contents of Petition.* - The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall x x x; (b) **indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; x x x.**

Section 5. *Dismissal or Denial of Petition.* — **The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.** (Emphasis and underscoring supplied)

Not only did petitioner fail to comply with the foregoing rules, but she also failed to file her petition within the extended period granted by the Court. Based on the records, petitioner only filed her petition on 01 September 2021, or three days after the lapse of the extended period. Hence, on these grounds alone, the petition should be dismissed outright.

Even on the merits, the petition must fail.

The trial and appellate courts both found that the evidence preponderates in favor of respondent herein. Certainly, documents, however crucial and all-important they may be, but which were not formally offered in evidence cannot, in any manner, be treated as evidence.⁵ Without a formal offer of evidence, courts cannot take notice of this evidence even if this has been previously marked and identified.⁶

However, the Court deems it proper to modify the decision of the CA to include the imposition of legal interest on the total monetary awards. Thus, to conform with prevailing jurisprudence,⁷ legal interest at the rate of six percent (6%) per *annum* is imposed on the total monetary award from the finality of this Resolution until fully paid.

WHEREFORE, the Petition is hereby **DENIED**. Accordingly, the Decision dated 17 November 2020 and Resolution dated 09 June 2021 of the Court of Appeals in CA-G.R. CV No. 112782 are **AFFIRMED with MODIFICATION** in that the total monetary awards shall earn interest at the rate of six percent (6%) per *annum* computed from the finality of this

⁵ See *Heirs of Pasag v. Spouses Parocha*, 550 Phil. 571, 578-579 (2007).


⁶ See *Sabay v. People*, 744 Phil. 760, 771 (2014).

⁷ See *Nacar v. Gallery Frames*, 716 Phil. 267, 281-283 (2013).

Resolution until fully paid.

SO ORDERED.” *Gesmundo, C.J., on official business.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
10/11

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
87

OCT 13 2022

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