



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **September 5, 2022**, which reads as follows:*

“**G.R. No. 257823 (PACE DEVELOPMENT CORPORATION, petitioner, v. MANUEL T. VILLADELGADO, JR., respondent.)** – The Court resolves to **NOTE** the *Ex-Parte* Compliance dated July 5, 2022, filed by Atty. Liza D. Pradas of Moya Law Firm, counsel for petitioner, with the Resolution dated April 18, 2022, stating that the soft copy of the motion for extension of time to file a petition was submitted to this Court via email and was duly acknowledged by the Judicial Records Office, this Court on July 2, 2022, as shown by the attached email correspondence.

The Court resolves to **AFFIRM** the Decision,¹ dated 26 February 2018, and Resolution,² dated 31 May 2021, of the Court of Appeals, in CA-G.R. CEB SP No. 10006, which dismissed the Petition for Certiorari,³ dated 4 April 2016, of petitioner PACE Development Corporation.

The issue in this Petition for Review on Certiorari⁴ under Rule 45 of the Rules of Court is the propriety of the issuance by Judge Manuel O. Cardinal, Jr. (**Judge Cardinal**) of the Regional Trial Court of Negros Oriental, Bacolod City, Branch 49, of the Order,⁵ dated 10 July 2015, and Order,⁶ dated 18 January 2016, which denied petitioner PACE Development Corporation’s (**PACE**) motion to dismiss. PACE clearly failed to discharge its burden of proving that the issuance of the assailed orders was tainted with grave abuse of discretion, or that Judge Cardinal displayed a “capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction.”⁷ Absent clear

¹ *Rollo*, pp. 47-61. Penned by Associate Justice Edgardo L. Delos Santos (now a retired Member of this Court), Associate Justice Edward B. Contreras, and Associate Justice Louis P. Acosta.

² *Id.* at 62-65.

³ *Id.* at 295-328.

⁴ *Id.* at 13-44.

⁵ *Id.* at 254-261.

⁶ *Id.* at 23, 52, 60, 296, 300.

⁷ *Yokohama Tire Philippines, Inc. v. Sandra Reyes and Jocelyn Reyes*, G.R. No. 236686, 5 February 2020, citing *Yu v. Judge Reyes-Carpio, et al.*, 667 Phil. 474, 481-482 (2011).

proof showing that Judge Cardinal exercised his power in an arbitrary and despotic manner, the Petition must fail.

Therefore, the Court affirms the Decision and Resolution issued by the Court of Appeals, finding that Judge Cardinal did not commit grave abuse of discretion amounting to lack or excess of jurisdiction when he issued the Order, dated 10 July 2015, and Order, dated 18 January 2016.

SO ORDERED.”

By authority of the Court:

MisDCCB-H
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *09/10/22*

Atty. Liza D. Pradas
Counsel for Petitioner
MOYA LAW OFFICE
Door B-10, PACE Building
1st-Lacson Sts., 6100 Bacolod City

COURT OF APPEALS
CA G.R. CEB SP No. 10006
6000 Cebu City

Atty. Lorenzo S. Alminaza
Counsel for Respondent
Rm. 203 LZP Building, Mabini cor.
Libertad Sts., 6100 Bacolod City

Hon. Manuel O. Cardinal, Jr.
Presiding Judge
REGIONAL TRIAL COURT
Branch 49, 6100 Bacolod City
(Civil Case No. 11-13876)

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