



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 8, 2023 which reads as follows:

“G.R. No. 220910 (*Marilyn A. Noel vs. Evangelina S. Magleo*). — In a Resolution¹ dated April 26, 2022, the Court required the parties to **MOVE IN THE PREMISES**. Marilyn A. Noel (*petitioner*) filed her Compliance and Manifestation² dated October 20, 2022, while Evangelina S. Magleo (*respondent*) filed a Motion to Dismiss³ dated September 23, 2022.

The manifestations of both parties as to the supervening events of this case are uniform and consistent.

On February 5, 2016, the Regional Trial Court of Quezon City, Branch 219 (*RTC*) rendered its Decision⁴ in SP. PROC. Case No. Q-07-60729, denying the petition for probate. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the instant Petition for probate of the holographic will of Ofelia S. Salas is hereby DENIED. The probate of the holographic will is DISALLOWED for lack of merit.

SO ORDERED.⁵

Respondent appealed the same to the Court of Appeals (*CA*), which appeal was docketed as CA-G.R. CV No. 108687. In its February 11, 2020

¹ *Rollo*, p. 133.

² *Id.* at 202-208.

³ *Id.* at 139-144.

⁴ *Id.* at 145-169; penned by Acting Presiding Judge Mitushealla R. Manzanero-Casiño.

⁵ *Id.* at 169.

Decision,⁶ the CA reversed and set aside the ruling of the RTC, the dispositive portion of which reads:

WHEREFORE, the Appeal is **GRANTED**. The Decision dated 5 February 2016 and the Order dated 27 September 2016 of the Regional Trial Court of Quezon City, Branch 219 in SP. PROC. Case No. Q-07-60729, are **REVERSED** and **SET ASIDE**. The Holographic Will of the Late Ofelia S. Salas is **ALLOWED PROBATE**. This case is remanded to the court *a quo* for appropriate proceedings in accordance with the Rules of Court.

SO ORDERED.⁷

Petitioner moved for reconsideration of the same but was denied. No appeal was taken from said February 11, 2020 Decision, and Entry of Judgment⁸ was issued certifying that the Decision had become final and executory on February 5, 2021.

A case becomes moot and academic when it “ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value.”⁹ The issue before the Court in the instant appeal pertains to the Order¹⁰ of the RTC dated September 17, 2014 denying petitioner’s motion to reset hearing and ordering petitioner’s testimony to be stricken off the record. These are interlocutory matters, which have been rendered moot with the resolution of the main action for probate.

In such instance, there is no actual substantial relief which petitioner is entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect since it cannot be enforced.¹¹

WHEREFORE, respondent Evangelina S. Magleo’s Motion to Dismiss dated September 23, 2022 is **GRANTED**. The instant Petition for Review on *Certiorari* is **DISMISSED** for being moot and academic.

The Notice of Change of Firm Name, by Atty. Sharmie Ann P. Abalayan of Jaromay Laurente and Associates Law Office, counsel for respondent, stating that their firm changed its name to Jaromay Laurente and Associates Law Offices while the firm’s address and telephone number

⁶ Id. at 177-195; penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Danton Q. Bueser and Walter S. Ong.

⁷ Id. at 194.

⁸ Id. at 199.

⁹ *David v. Macapagal-Arroyo*, 522 Phil. 705, 753 (2006).

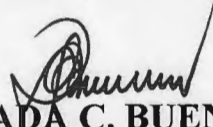
¹⁰ *CA rollo*, pp. 31-32.

¹¹ *Cervantes v. Aquino III*, G.R. No. 210805, May 11, 2021.

remains the same, is **NOTED** and **GRANTED**; and the respondent's Motion to Dismiss, in compliance with the Resolution dated April 26, 2022; and the petitioner's Compliance and Manifestation, with the Resolution dated April 26, 2022, narrating the supervening events or subsequent developments pertinent to the case, are both **NOTED**.

SO ORDERED." *Rosario, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *MBP*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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Court of Appeals (x)
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(CA-G.R. SP No. 140026)

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The Hon. Presiding Judge
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(SP Proc. Case No. Q-07-60729)

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