



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special Second Division, issued a Resolution dated **January 16, 2023** which reads as follows:*

“G.R. No. 220644 (Manuel W. Quijano, Petitioner, vs. Oh Jin Seok, Respondent). – This resolves the Motion for Reconsideration¹ filed by petitioner Manuel W. Quijano assailing the Court’s Resolution² dated October 6, 2021 which affirmed with *modification* the Resolutions dated May 21, 2015³ and August 7, 2015⁴ of the Court of Appeals (CA) in CA-G.R. CV No. 103634.

The Antecedents

Petitioner executed a deed of assignment in favor of Oh Jin Seok (respondent) over two stilt-type and duplex-configured concrete structures located at Nos. 23-A and B, Easy Street, Binictican Heights, Subic Bay Freeport Zone (subject property) for and in consideration of ₱8,001,250.00 which the latter paid in full.⁵ However, unknown to respondent, petitioner had previously sold the subject property to Spouses Zenaida Castillo and Dr. Ernesto Castillo (Dr. Castillo).⁶ As a result, respondent was dispossessed of the subject property when Dr. Castillo asserted his rights over it by filing Civil Case No. 67-0-200 before Branch 75, Regional Trial Court (RTC) of Olongapo City.⁷

¹ *Rollo*, pp. 164-183.

² *Id.* at 154-163.

³ Petitioner failed to attach a copy of the CA Resolution in his petition. Retrieved from: <<http://services.ca.judiciary.gov.ph/casestatusinquiry-war/faces/jsp/view/ViewResult.jsp>>(visited May 14, 2021). Penned by Associate Justice Edwin D. Sorongon, with Presiding Justice Andres B. Reyes, Jr. (now a retired member of the Court) and Associate Justice Ricardo R. Rosario (now a Member of the Court), concurring.

⁴ *Rollo*, pp. 14-15. Penned by Associate Justice Edwin D. Sorongon, with Presiding Justice Andres B. Reyes, Jr. (now a retired member of the Court) and Associate Justice Ricardo R. Rosario (now a Member of the Court), concurring.

⁵ *Id.* at 155.

⁶ *Id.* at 123-124, 155.

⁷ *Id.* at 123, 155.

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Aggrieved, respondent filed a cross-claim against petitioner.⁸

Eventually, Dr. Castillo moved for the dismissal of the case that he filed. Petitioner did not object to the withdrawal of the case, but he undertook to address the counter-claim or cross-claim against any parties in the case.⁹

On September 21, 2011, petitioner was declared in default due to his repeated failures to attend the preliminary conference despite receipt of notice thereof.¹⁰

On June 2, 2014, the RTC of Olongapo City ruled in favor of respondent and ordered petitioner to reimburse respondent the amount of ₱8,001,250.00 plus legal interest of twelve percent (12%) *per annum*.¹¹

In a Resolution¹² dated May 21, 2015, the CA dismissed petitioner's appeal for his failure to file the required appellant's brief within the reglementary period. The CA likewise denied petitioner's motion for reconsideration and motion to admit attached appellant's brief in the Resolution¹³ dated August 7, 2015.

The Court's Resolution dated October 6, 2021

In the assailed Resolution¹⁴ dated October 6, 2021, the Court affirmed the CA Resolutions *with modification* in that the rate of legal interest imposed is reduced from 12% to only 6% *per annum* in line with prevailing jurisprudence.¹⁵ The Court likewise directed petitioner to show cause why he should not be held in contempt of the Supreme Court, *viz.* :

WHEREFORE, the petition is DENIED. The assailed Resolutions dated May 21, 2015 and August 7, 2015 in CA-G.R. CV No. 103634 of the Court of Appeals are hereby AFFIRMED with MODIFICATION in that petitioner Manuel W. Quijano is ordered to reimburse respondent Oh Jin Seok the amount of ₱8,001,250.00 plus legal interest at 6% per annum from finality of this Resolution until its full payment.

⁸ Id. at 123.

⁹ Id.

¹⁰ Id.

¹¹ Petitioner failed to attach a copy of the RTC Order in his petition. See *id.*

¹² Petitioner failed to attach a copy of the CA Resolution in his petition. Retrieved from: <<http://services.ca.judiciary.gov.ph/casestatusinquiry-war/faces/jsp/view/ViewResult.jsp>>(visited May 14, 2021).

¹³ *Rollo*, pp. 14-15.

¹⁴ Id. at 154-163.

¹⁵ Id. at 162, citing *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

Furthermore, Atty. Manuel W. Quijano is hereby directed to SHOW CAUSE why he should not be held in contempt for his propensity to ignore at will the lawful orders of the Court as demonstrated by his blatant disregard of the Court Resolutions dated January 25, 2017, December 13, 2017, September 4, 2019, and September 2, 2020.

SO ORDERED.¹⁶

Hence, the Motion for Reconsideration.¹⁷

Petitioner maintains that there is neither any factual nor legal basis to hold him liable to pay respondent the amount of ₱8,001,250.00 as there is no showing that the latter was evicted from the subject property due to his fault or negligence.¹⁸ Instead, he blames Dr. Castillo for the latter's failure to comply with their alleged "gentleman's agreement" to cause the transfer of the subject property in favor of respondent.¹⁹ He also imputes manifest partiality on the part of Judge Raymond Viray of Branch 75, RTC when the latter issued the writ of preliminary mandatory injunction that evicted respondent from the subject property.²⁰

The Issue

Whether the motion for reconsideration should be granted.

The Court's Ruling

The Court finds no cogent reason to reconsider its Resolution dated October 6, 2021 denying the Petition for Review on *Certiorari*.²¹

Petitioner's motion for reconsideration is a mere rehash of his previous arguments which have been sufficiently ruled upon by the CA and affirmed by the Court. No new matters were presented by petitioner for the Court to take a second look on the case. The CA correctly considered petitioner's appeal as abandoned for his failure to file the required appellant's brief.

In any case, the RTC correctly ordered petitioner to return to respondent the amount ₱8,001,250.00 pursuant to Article 1191 of the Civil Code which provides that:

¹⁶ Id.

¹⁷ Id. at 164-183.

¹⁸ Id. at 171.

¹⁹ Id. at 177.

²⁰ Id. at 167.

²¹ Id. at 18-111.

Art. 1191. The power to rescind obligations is implied in reciprocal ones, in case one of the obligors should not comply with what is incumbent upon him.

The injured party may choose between the fulfillment and the rescission of the obligation, with the payment of damages in either case. He may also seek rescission, even after he has chosen fulfillment, if the latter should become impossible.

The court shall decree the rescission claimed, unless there be just cause authorizing the fixing of a period.

This is understood to be without prejudice to the rights of third persons who have acquired the thing, in accordance with Articles 1385 and 1388 and the Mortgage Law.

Considering that petitioner sold the subject property to respondent without informing the latter that it was already sold to Dr. Castillo; and that respondent was summarily dispossessed of the subject property despite full payment thereof,²² it is only just that petitioner be ordered to return respondent's ₱8,001,250.00 plus legal interest and cost of suit.

As to petitioner's propensity to deliberately ignore the lawful Orders of the Court, the Court notes his failure to comply with the following Resolutions issued in the case:

1. The Court's Resolution²³ dated January 25, 2017, which required him to file a reply to respondent's comment within ten days from notice;
2. The Court's Resolution²⁴ dated December 13, 2017, which required him to *show cause* why no penalty should be imposed upon him for his failure to comply with the Resolution dated January 25, 2017;
3. The Court's Resolution²⁵ dated September 4, 2019, which imposed upon him a fine of ₱1,000.00 payable within 10 days from notice and directed him to comply with the Resolution dated December 13, 2017;

²² Id. at 123.

²³ Id. at 128.

²⁴ Id. at 132.

²⁵ Id. at 139.

4. The Court's Resolution²⁶ dated September 2, 2020, which resolved to increase the fine imposed upon him to ₱2,000.00 payable to the Court within 10 days from notice, *or a penalty of imprisonment of five (5) days if the fine is not paid within the said period*; and
5. The Court's Resolution²⁷ dated October 6, 2021 directing petitioner to show cause why he should not be held in contempt for his repeated and blatant disregard of the Court's Resolutions dated January 25, 2017, December 13, 2017, September 4, 2019, and September 2, 2020.

As an officer of the court, a lawyer is expected to know that a resolution of the Court is not a mere request, but an order, which should be complied with promptly and completely.²⁸ Thus, for his failure to comply with the foregoing directives, petitioner should be sanctioned for indirect contempt.²⁹

Under Section 7, Rule 71 of the Rules of Court, a person adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank may be punished by a fine not exceeding ₱30,000.00 or imprisonment not exceeding six months, or both. Considering that petitioner completely ignored the Court's show cause directive, a fine in the maximum amount of ₱30,000.00 is hereby imposed upon petitioner.

WHEREFORE, the motion for reconsideration is **DENIED** with **FINALITY**, and the assailed Resolution dated October 6, 2021 is **AFFIRMED** in all respects. No further pleadings are allowed. Let Entry of Judgment be issued immediately.

Petitioner Manuel W. Quijano is found **GUILTY** of Indirect Contempt for his repeated failure to comply with the Resolutions issued in the case, and he is ordered to pay a fine of Thirty Thousand Pesos (₱30,000.00) within 30 days from notice of this Resolution. Failure to comply with this directive would compel the Court to issue a more stringent penalty.

²⁶ Id. at 150.

²⁷ Id. at 154-163.

²⁸ *Felipe, et al. v. Macapagal*, 722 Phil. 439 (2013).

²⁹ Section 3(b), Rule 71 of the Rules of Court.

SO, ORDERED." (Singh, *J.*, as designated additional Member vice Perlas-Bernabe, *S.A.J.* (ret.) pursuant to Section 8, Rule 2 of the Internal Rules of the Supreme Court, as amended.)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court
03 APR 2023

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 75
Olongapo City, 2200 Zambales
(Case No. 67-0-08)

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Supreme Court, Manila

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Please notify the Court of any change in your address.
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