



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated March 20, 2023 which reads as follows:*

**“G.R. No. 241112 (*Government Service Insurance System [GSIS] v. APC Group Inc.*\*)**. — After a judicious study of the case, the Court resolves to **DENY** the Petition for Review<sup>1</sup> for failure to show that the Court of Appeals (CA) committed reversible error in its Decision<sup>2</sup> dated August 4, 2017 and its Resolution<sup>3</sup> dated July 24, 2018 in CA-G.R. CV No. 107080.

It is well-settled that, as a general rule, only questions of law may be entertained by the Court in a petition for review on *certiorari* under Rule 45 of the Rules of Court.<sup>4</sup> In the instant case, the Government Service Insurance System (petitioner) raised factual matters, *i.e.*, the determination of the liability of Petrochem and Agro-Industrial Trading Corporation (Petrochem) and the extinguishment of the liability of petitioner. Generally, these factual matters are beyond the ambit of a petition for review of *certiorari*. Petitioner failed to present sufficient justification for the Court to allow a relaxation of its procedural rules.

In any case, the Court agrees with the findings of the CA that the claim of respondent APC Group Inc. against petitioner on the contract of suretyship was proved by the Statement of Account<sup>5</sup> dated May 31, 1999 that was acknowledged as true and correct by Aida P. Ong, Petrochem’s President and General Manager.<sup>6</sup> Furthermore, the CA correctly found that petitioner’s liability was not extinguished by payment, delay, or prescription.

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\* Also referred to as “APC Group, Inc.” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 17-57.

<sup>2</sup> *Id.* at 58-75. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Magdangal M. De Leon and Franchito N. Diamante.

<sup>3</sup> *Id.* at 76-78. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Magdangal M. De Leon and Franchito N. Diamante.

<sup>4</sup> See *Lopez v. Saludo*, G.R. No. 233775, September 15, 2021.


<sup>5</sup> Not attached to the petition.

<sup>6</sup> *Rollo*, pp. 59, 70.

**ACCORDINGLY**, the Petition for Review is **DENIED**. The Decision dated August 4, 2017 and the Resolution dated July 24, 2018 of the Court of Appeals in CA-G.R. CV No. 107080 are **AFFIRMED**.

**SO ORDERED.”** *Marquez, J., on official business.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *gk-14*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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**APR 05 2023**

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Manila  
(CA-G.R. CV No. 107080)

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The Hon. Presiding Judge  
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(Civ. Case No. 13-647)

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