



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 13, 2023**, which reads as follows:*

“G.R. No. 262710 (Spouses Emma Pamocol and Wilmie* Pamocol, Spouses Rodolfo Pillora and Vilma Paredes, et al. v. Daniel Rodriguez, for himself and in behalf of his co-plaintiffs Heirs of the Spouses Paulina Pillora Galfo and Pedro Galfo, namely: Flocerpida Galanza, Pedro Rodriguez, et al.). - It appearing that to date, petitioners failed to pay the balance of PHP 330.00 for the Sheriff’s Trust Fund (STF), and submit the affidavit of service of the motion for extension of time to file a petition for review on certiorari upon the adverse parties and the Court of Appeals (CA), as both required in the Resolution dated September 28, 2022 within the period fixed therein which definitely has expired, the Court resolves to **DISPENSE** with petitioners’ payment of PHP 330.00 for the STF and the submission of the affidavit of service of said motion upon the adverse parties and the CA.

After a judicious scrutiny of the instant Petition for Review on *Certiorari*¹ dated September 15, 2022 filed by petitioners, the Court finds the same bereft of merit. The Court of Appeals (CA) did not err in the Decision² dated August 20, 2021 and the Resolution³ dated June 7, 2022 in CA-G.R. SP No. 12757, affirming with modification the Decision dated January 30, 2019 of the Regional Trial Court of Jordan, Guimaras, Branch 65, in Civil Case No. 18-0593 (A), which affirmed the Decision dated February 20, 2018 of the 2nd Municipal Trial Court of Buenavista – San Lorenzo, Guimaras, in Civil Case No. 01-B, directing petitioners and their heirs to vacate Lot 1056, and pay respondents the amount of ₱15,000.00 as attorney’s fees, ₱3,500.00 as appearance fee and cost of suit.

The Court notes however, that the CA deleted the awards of attorney’s fees and appearance fee. In light of petitioners’ unjustifiable and unlawful retention of the subject property, the Court finds it proper to award the

* Sometimes spelled as Wilme and Wilmie.

¹ *Rollo*, pp. 13-29.

² *Id.* at 30-43. Penned by Associate Justice Nancy C. Rivas-Palmones with Associate Justices Pamela Ann Abella Maxino and Lorenza R. Bordios, concurring.

³ *Id.* at 49-51. Penned by Associate Justice Nancy C. Rivas-Palmones with Associate Justices Pamela Ann Abella Maxino and Marilyn B. Lagura-Yap, concurring.

respondents attorney's fees as the same finds basis in Article 2208 of the Civil Code.⁴

WHEREFORE, the Petition for Review on *Certiorari* dated September 15, 2022 is **DENIED**. The Decision dated August 20, 2021 and the Resolution dated June 7, 2022 of the Court of Appeals in CA-G.R. SP No. 12757 are **AFFIRMED** with **MODIFICATION**.

Petitioners are **ORDERED** to pay the amount of ₱15,000.00 as attorney's fees, ₱3,500.00 as appearance fee, and the cost of suit. The total monetary award shall be subject to legal interest at the rate of six percent (6%) *per annum* from finality of this Resolution until full payment.

SO ORDERED."

By authority of the Court:

Misa D C Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court JB 5/18/23

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The Presiding Judge
 2nd MUNICIPAL CIRCUIT TRIAL COURT OF
 BUENAVISTA – SAN LORENZO
 5044 Guimaras
 (Civil Case No. 01-B)

COURT OF APPEALS
 CA-G.R. SP No. 12757
 6000 Cebu City

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The Presiding Judge
 REGIONAL TRIAL COURT
 Branch 65
 Jordan, 5045 Guimaras
 (Civil Case No. 18-0593 (A))

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G.R. No. 262710

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⁴ Article 2208. In the absence of stipulation, attorney's fees and expenses of litigation, other than judicial costs, cannot be recovered, except:

x x x x

(2) When the defendant's act or omission has compelled the plaintiff to litigate with third persons or to incur expenses to protect his interest;