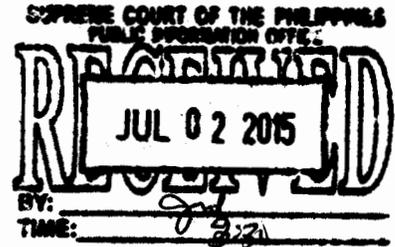




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 17 June 2015 which reads as follows:*

**G.R. No. 213722 (OLIVAREZ REALTY CORPORATION duly represented by ERLINDA BERNARDO, petitioner v. ALFREDO B. GUIAO, MARITES MACABENTA, ET AL., respondents.)** - In the March 9, 2015 resolution, we denied the petition, for failure to sufficiently show any reversible error in the assailed judgment to warrant this Court's exercise of its discretionary appellate jurisdiction.

In its motion for reconsideration, Olivarez argues that the exceptional character of the case calls for more than a mere minute resolution. It points out that the Court's March 9, 2015 resolution did not explain why the CA has not committed any reversible error in issuing the assailed decision. To Olivarez, this is a sweeping statement that leaves it groping in the dark on the bases the Court used in arriving at its conclusion.

It argues that its petition raised pure questions of law; assailed the constitutionality of administrative matters; and involved the following special and important reasons that warrant giving due course to the petition: (1) the CA decided a question of law and substance not theretofore determined by the Court and has decided it in a way not probably in accord with law, or with applicable decisions of the Court; (2) the CA has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of power of supervision; and (3) the CA miscomprehended and overlooked vital facts that, if only considered, would result in the reversal of its disputed decision and resolution.

It insists that AM No. 04-2-04-SC, as amended by the April 17, 2007 and August 28, 2007 Resolutions of the Court, are unconstitutional for depriving it of access to the courts; and diminishes its right to the 30-year prescriptive period granted by Article 1141 of the Civil Code.

Lastly, it maintains that the *Sun Insurance* ruling is still applicable as the assailed issuances did not categorically say that they are abandoning this ruling and it is in fact consistent with Section 11, Article III of the Constitution.

**The Court's Ruling**

We **DENY** the motion for reconsideration for lack of merit.

Olivarez's arguments in this motion merely reiterate those that we already considered and ruled upon in the Resolution denying the petition for review on *certiorari*; these rehashed arguments do not deserve further consideration.

Also, Olivarez merely quoted Section 6 (a) and (b), Rule 45 of the Rules of Court without specifying how the CA decided a question of law and substance not theretofore determined by the Court; how it departed from the accepted and usual course of judicial proceedings, or miscomprehended and overlooked vital facts, and how all these may justify the Court in considering the petition.

Lastly, the Court is authorized, under the Constitution, its own rules per Section 6 (d), Rule 13 of A.M No. 10-4-20-SC, and jurisprudence to adjudicate cases by minute resolutions, citing merely as legal basis the absence of reversible error committed in the challenged decision, resolution, or order of the court below.

The adjudication of a case by minute resolution is an exercise of judicial discretion and constitutes sound and valid judicial practice. Minute resolutions do not violate Section 14, Article VIII of the Constitution which requires a clear and distinct expression of the facts and the law on which every decision is based; that the petition "lacks merit" constitutes sufficient basis for the decision or resolution.<sup>1</sup> A petition for review before the Court, after all, is not a matter of right but of sound judicial discretion.<sup>2</sup>

To reiterate, the constitutionality of laws, orders or rules have the force and effect of law and cannot be attacked collaterally. Questions of constitutionality must be raised at the earliest opportunity and duly pleaded before the lower court. Thus, AM No. 04-2-04-SC and the Court's April 17, 2007 and August 28, 2007 Resolutions are presumed valid unless declared null and void by this Court in a direct proceeding.

Besides, as the CA pointed out, AM No. 04-2-04-SC and the Court's April 17, 2007 and August 28, 2007 Resolutions were already in effect at the time Olivarez filed its petition in 2010.

All told, the motion for reconsideration still failed to sufficiently convince us of any reversible error in the assailed judgment that will warrant the Court's exercise of its discretionary appellate jurisdiction.

**WHEREFORE,** we **DENY** the motion for reconsideration **with finality**; no compelling reason and no substantial argument exist to warrant modification of the Court's March 9, 2015 Resolution. No further pleadings shall be entertained in this case.

Let entry of judgment be made in due course.

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court *mg 6/23*

<sup>1</sup> See *Agoy v. Araneta Center, Inc.*, G.R. No. 196358, March 21, 2012, 668 SCRA 893, 888-889. See also *Komatsu Industries (Phils.) Inc.*, 352 Phil. 440, 446-447.

<sup>2</sup> See *Komatsu Industries (Phils.) Inc. v. Court of Appeals*, G.R. No. 127682, April 24, 1998, 352 Phil. 440, 446-448.

\* Leonen, J., on leave; Jardeleza, J., designated as Acting Member per Special Order No. 2056 dated June 10, 2015.

MENDOZA ARZAGA-MENDOZA LAW FIRM (reg)  
(ATTY. JONATHAN A. DE GUZMAN)  
Counsel for Petitioner  
Suite 1205, South Center Tower  
Madrigal Business Park  
Ayala Alabang, 1780 Muntinlupa City

ATTY. HERMINIO F. VALERIO (reg)  
Counsel for Respondents  
Unit 223, Cityland Condominium 1  
98 Sen. Gil Puyat Avenue, Makati City

OFFICE FOR LEGAL AFFAIRS (reg)  
Provincial Government of Batangas  
Batangas Provincial Capitol Building  
Capitol Site, 4200 Batangas City

THE REGISTER OF DEEDS OF TANAUAN CITY (reg)  
Tanauan City, Batangas

ALFREDO B. GUIAO (reg)  
No. 7 Twin Peaks Drive  
Blue Ridge B., Quezon City

JUDGMENT DIVISION (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. SP No. 128469

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
Supreme Court, Manila  
[for uploading pursuant to A.M. No. 12-7-1-SC]

*Please notify the Court of any change in your address.*  
GR213722. 06/17/15 (42)URES

July 16/23