



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 January 2021** which reads as follows:*

“**G.R. No. 253621 (Richard M. Casasola\* v. Spouses Arnel M. Sisayan and Elenita G. Sisayan)**. – After a judicious review of the case, the Court resolves to **DENY** the present petition<sup>1</sup> and **AFFIRM** the Decision<sup>2</sup> dated February 17, 2020 and the Resolution<sup>3</sup> dated September 16, 2020 of the Court of Appeals (CA) in CA-G.R. CV No. 110283 for failure of Richard M. Casasola (petitioner) to show that the CA committed any reversible error in affirming the finding of the Regional Trial Court of Naic, Cavite, Branch 15 (RTC) that it acquired jurisdiction over the persons of petitioner’s two (2) co-defendants, Evangelyn Casasola-Noveno (**Evangelyn**) and Eleanor Casasola-Perdido (**Eleanor**), as well as the RTC’s denial of the counterclaim filed by the defendants<sup>4</sup> in the proceedings before it.

As correctly ruled by the CA, Evangelyn and Eleanor voluntarily appeared before the RTC when, through their counsel who formally entered his appearance, they filed pleadings and *twice* sought affirmative relief by asking for an extension of time within which to file their Answer.<sup>5</sup> Such affirmative relief is inconsistent with the position that no voluntary appearance had been made, especially so that no objection has been made with respect to the jurisdiction over their persons.<sup>6</sup> Hence, jurisdiction over the persons of *all* the defendants in the proceedings before the RTC had been acquired. Likewise, the CA correctly sustained the grant of the Motion for Judgment on the Pleadings filed by respondents Spouses Arnel and Elenita G. Sisayan (respondents), considering that petitioner and his co-defendants had *admitted* the allegations in the complaint. Judgment on the pleadings is proper ‘where an answer fails to tender an issue, or otherwise admits

\* Per petition filed before the Court, Richard M. Casasola is the sole petitioner despite the caption being ‘Richard M. Casasola, et al. v. Sps. Arnel M. Sisayan and Elenita G. Sisayan.’ See *rollo*, pp. 9-10.

<sup>1</sup> Id. at 9-32.

<sup>2</sup> Id. at 35-44. Penned by Associate Justice Ronaldo Roberto B. Martin with Associate Justices Manuel M. Barrios and Walter S. Ong, concurring.

<sup>3</sup> Id. at 45-46.

<sup>4</sup> Namely, Marciano O. Casasola and the Heirs of Rustica Mendoza-Casasola, namely: Evangelyn Casasola-Noveno, Eleanor Casasola-Perdido, and Richard M. Casasola.

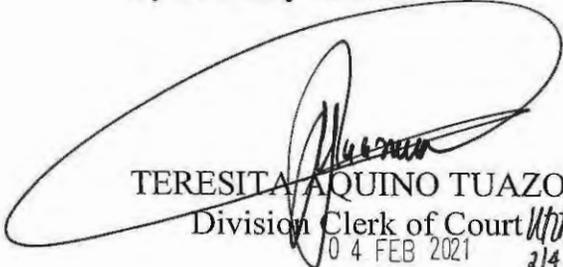
<sup>5</sup> *Rollo*, p. 41.

<sup>6</sup> See *Tujan-Militante v. Nustad*, 811 Phil. 192 (2017).

the material allegations of the adverse party's pleading.<sup>7</sup> Since the defendants' Answer admitted the allegations in the complaint, as in fact they acknowledged that they were already performing the obligations under the *first option* as stipulated with the respondents, the RTC, as affirmed by the CA, properly granted the latter's Motion for Judgment on the Pleadings.<sup>8</sup>

**SO ORDERED.** (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020)."

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
04 FEB 2021 2/4

CASTILLO & ASSOCIATES (reg)  
Counsel for Petitioner Richard M. Casasola  
Unit D, Auvir Bldg., Blumentritt St.  
Kapasigan, 1600 Pasig City

ATTY. MANUELITO C. DIOSOMITO (reg)  
Counsel for Respondents  
No. 24 Diosomito Subd., Brgy. Ibayo Silangan  
Naic, 4100 Cavite

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 15  
Naic, Cavite  
(Civil Case No. NC-2012-2171)

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<sup>7</sup> See *Adolfo v. Adolfo*, 756 Phil. 325 (2015).

<sup>8</sup> See *id.* at 41-42.