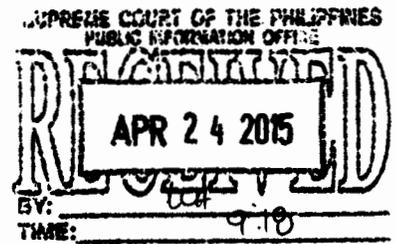




Republic of the Philippines
Supreme Court
Baguio City



THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 8, 2015, which reads as follows:

“G.R. No. 206137 (GMCC United Development Corporation vs. Gotesco Regency Twin Towers Condominium Corporation). – Before this Court is a petition for review on *certiorari*¹ under Rule 45 of the Rules of Court filed by GMCC United Development Corporation (GMCC). It assails the Resolution² of the Court of Appeals (CA) promulgated on December 14, 2012, as well as its Resolution³ dated March 4, 2013.

The Resolution dated December 14, 2012 dismissed GMCC’s petition for review for being a wrong remedy. On the other hand, the Resolution dated March 4, 2013 denied its motion for reconsideration.

The Facts

At the crux of this controversy is Gotesco Regency Twin Towers’ Parking Slot No. 153 owned by GMCC. For GMCC’s failure to pay “*parking slot dues*” in the total amount of ₱38,783.11 (covering the period from January 2004 to February 2011), the Gotesco Regency Twin Towers Condominium Corporation (condominium corporation) filed a small claims action against GMCC before the Metropolitan Trial Court (MeTC) of Manila, Branch 15 on January 6, 2012.⁴

On February 7, 2012, the MeTC conducted a hearing. However, GMCC failed to appear despite due notice. Finding merit in the condominium corporation’s claim, and pursuant to Sections 12 and 18 of the Rules of Procedure for Small Claims Cases, the MeTC rendered Judgment⁵ dated February 7, 2012, in Civil Case No. 01782-SC based on the Statement

¹ *Rollo*, pp. 9-22.

² *Id.* at 29.

³ Penned by Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Rebecca De Guia-Salvador and Samuel H. Gaerlan concurring; *id.* at 32-34.

⁴ *Id.* at 70.

⁵ Issued by Presiding Judge Sarah Alma M. Lim; *id.* at 70-71.

sp.

of Claim⁶ and found GMCC liable to pay the condominium corporation the amount of ₱38,783.11 with interest at 12% *per annum* from the date of the filing of the case.

On March 2, 2012, GMCC assailed the MeTC decision before the Regional Trial Court (RTC) of Manila, Branch 3, *via* special civil action for *certiorari* under Rule 65 of the Rules of Court.⁷ On May 28, 2012, the RTC rendered its Decision⁸ denying GMCC's petition for its failure to discharge the *onus* of proving that the MeTC acted with grave abuse of discretion. GMCC sought reconsideration,⁹ but the RTC, in an Order¹⁰ dated July 31, 2012, denied the same.

Undaunted, GMCC assailed the RTC decision before the CA *via* petition for review¹¹ under Rule 42 of the Rules of Court.

On December 14, 2012, the CA issued a Resolution dismissing GMCC's petition for being a wrong remedy. GMCC's motion for the reconsideration¹² of said resolution was evenly denied by the CA per Resolution dated March 4, 2013.

Hence this petition.

However, on October 23, 2014, GMCC moved for the withdrawal of its petition¹³ as there was already a satisfaction of the judgment award. It appears that pursuant to the Writ of Execution dated March 12, 2012 issued by the MeTC, levy was made on Parking Slot No. 153. On September 14, 2012, it was subjected to a Sheriff's Auction Sale, where, the amount of ₱50,573.00, the condominium corporation was adjudged as the highest bidder. Later, GMCC exercised its right of redemption.¹⁴ Accordingly, and as certified¹⁵ by the condominium corporation on February 25, 2014, GMCC has settled its liability and paid parking-dues for Parking Slot No. 153 until January 2014.

However, notwithstanding said payment, the condominium corporation opposed GMCC's motion to withdraw. While it admits that there is already a satisfaction of the judgment award, it however, posits that said payment only covers GMCC's obligations until February 2011. In addition, the condominium corporation also alleges that GMCC has also been delinquent in paying association dues for one of its units. Alleging that

⁶ Id. at 36-40.

⁷ Id. at 72-81.

⁸ Issued by Presiding Judge Jaime B. Santiago; id. at 82-87.

⁹ Id. at 88-96.

¹⁰ Id. at 104.

¹¹ Id. at 105-124.

¹² Id. at 125-136.

¹³ Id. at 238-239.

¹⁴ Id. at 241.

¹⁵ Id. at 242.

the instant petition raises questions on its authority to assess dues and other matters relating to manners of collection and demand, the condominium corporation contends that it is to the best interest of all stakeholders that said issues be squarely addressed by this Court.¹⁶

The Court resolves to grant the withdrawal of the instant petition, as the Court cannot subscribe to the objection interposed by the condominium corporation.

The present case was instituted by the condominium corporation due to GMCC's failure to pay its parking slot dues from January 2004 to February 2011. For failure of GMCC to appear on the scheduled date of hearing, the controversy was properly passed upon and decided by the court *a quo* based on the facts as alleged in the Statement of Claim on the same day. This is pursuant to Section 18 of the Rules of Procedure for Small Claims Cases, in relation to Section 12¹⁷ thereof. Section 18 reads:

SEC. 18. *Non-appearance of Parties.*—Failure of the plaintiff to appear shall be cause for the dismissal of the claim without prejudice. The defendant who appears shall be entitled to judgment on a permissive counterclaim.

Failure of the defendant to appear shall have the same effect as failure to file a Response under Section 12 of this Rule. This shall not apply where one of two or more defendants who are sued under a common cause of action and have pleaded a common defense appears at the hearing.

Failure of both parties to appear shall cause the dismissal with prejudice of both the claim and counterclaim. (Emphases ours)

There being no injunctive relief issued for the benefit of GMCC, execution followed as a matter of course. And, it is a basic procedural precept that execution puts an end to litigation; it is where justice is served to the prevailing party.¹⁸

This is not to undermine the condominium corporation's claim that GMCC has also been delinquent in paying association dues for one of its units. But then, it appears that upon the institution of the present action, such issue was yet a future event. While Section 6 of the Rules of Procedure for Small Claims Cases allows joinder of claims (provided that the total amount claimed, exclusive of interest and costs, does not exceed

¹⁶ Id. at 247-248.

¹⁷ SEC. 12. *Effect of Failure to File Response.* — Should the defendant fail to file his Response within the required period, and likewise fail to appear at the date set for hearing, the court shall render judgment on the same day, as may be warranted by the facts.

Should the defendant fail to file his Response within the required period but appears at the date set for hearing, the court shall ascertain what defense he has to offer and proceed to hear, mediate or adjudicate the case on the same day as if a Response has been filed. (Emphasis ours)

¹⁸ *Mendoza v. Daroni*, 516 Phil. 398, 411 (2006); *Atty. Lacambra, Jr. v. Perez*, 580 Phil. 33, 40 (2008).

₱100,000.00), the condominium corporation only alleged the failure of GMCC to pay its parking slot dues over Parking Slot No. 153 in its Statement of Claim. Be it due to plain inadvertence, the fact that GMCC's delinquency in paying association dues for one of its units was not asserted in the Statement of Claim effectively renders said matter as inconsequential in this case.

WHEREFORE, the move of the GMCC United Development Corporation for the withdrawal of the instant petition is **GRANTED**. This case is hereby considered **CLOSED** and **TERMINATED**." (Villarama, Jr., J., on sabbatical leave; **Mendoza, J.**, designated additional Member per Special Order No. 1966 dated March 31, 2015.)

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court

Atty. Jesus Christopher P.B. Belandres
Counsel for Petitioner
DE SAGUN LAW OFFICE
11/F Ever Gotesco Corporate Center
1958 C.M. Recto Avenue
1000 Manila

COURT OF APPEALS
CA G.R. SP No. 126437
1000 Manila

Atty. Francis C. Aguilar
Counsel for Respondent
FC AGUILAR LAW OFFICE
Unit 302 Margarita Bldg.
J.P. Rizal cor. Cardona St.
Poblacion, 1200 Makati City

The Presiding Judge
METROPOLITAN TRIAL COURT
Branch 15, 1000 Manila
(Civil Case No. 01782-SC)

The Presiding Judge
REGIONAL TRIAL COURT
Branch 3, 1000 Manila
(SP Civil Action No. 12-127446)

PUBLIC INFORMATION OFFICE
LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila