



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 November 2019** which reads as follows:

"G.R. Nos. 229699 and 229704 (Spouses Henry L. Say and Mary Rose P. Say, and Danny L. Say v. Gabriel Dizon, the heirs of the late Federico Dizon, Jr., et al.)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the September 22, 2016 Decision² and the January 25, 2017³ and March 6, 2017⁴ Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 03732-MIN and CA-G.R. SP No. 06271-MIN for failure of petitioners Spouses Henry L. Say and Mary Rose P. Say, and Danny Say (collectively, petitioners) to sufficiently show that the CA committed reversible error in reinstating the July 17, 2012 Regional Trial Court Order⁵ in Civil Case No. 1263-25 and in denying their Motion for Reconsideration in Intervention.⁶

At the outset, the Court notes that petitioners are not parties to Civil Case No. 1263-25 nor to CA-G.R. CV No. 03732-MIN and CA-G.R. SP No. 06271-MIN, and as such, they have no legal standing to file the instant petition. Nonetheless, the CA was correct in: (a) reinstating Civil Case No. 1263-25 and remanding it to the court *a quo* as it was not shown that Gabriel Dizon willfully and in bad faith committed forum shopping;⁷ and (b) denying petitioners' motion for reconsideration in intervention, considering that the CA already promulgated its judgment when they moved to intervene.⁸

In view of the denial of the main petition, the Motion for Leave of Court to Intervene in the Petition for Review on *Certiorari*⁹ filed by Gilda L. Say and Helen L. Say is likewise **DENIED**.

¹ *Rollo*, pp. 3-35.

² *Id.* at 40-48. Penned by Associate Justice Maria Filomena D. Singh with Associate Justices Edgardo A. Camello and Perpetua T. Atal-Paño, concurring.

³ *Id.* at 136-138.

⁴ *Id.* at 237-238.

⁵ Not attached to the *rollo*.

⁶ *Rollo*, pp. 53-74.

⁷ See *id.* at 46-47.

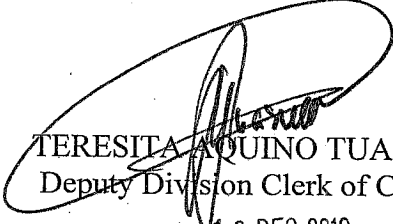
⁸ See Section 2, Rule 19 of the Rules of Court. See also *rollo*, pp. 238-239.

⁹ *Rollo*, pp. 141-169.

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SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
10 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 25
Koronadal City, South Cotabato
(Civil Case No. 1263-25)

COURT OF APPEALS (reg)
Cagayan de Oro City
CA-G.R. CV No. 03732 and
CA-G.R. SP No. 06271-MIN

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Supreme Court, Manila

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