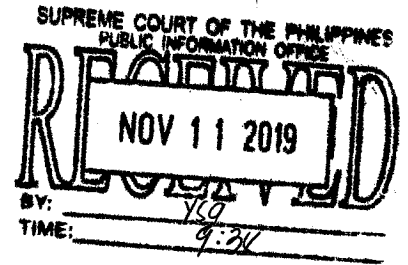




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **09 October 2019** which reads as follows:

"G.R. No. 245433 – HANSTON COMMERCIAL & INDUSTRIAL CORPORATION v. STRATEGIC GLOBAL SOLUTIONS CONTACT CENTER CORPORATION

X-----X
The Court resolves to **DENY** petitioner's motion for reconsideration of the Resolution dated June 10, 2019 for failure to adduce new or substantial arguments as to warrant a modification, nay, reversal of the Resolution dated June 10, 2019.

Records show that the Regional Trial Court (RTC) had been very lenient with petitioner in the filing of its appeal memorandum. By Order dated April 21, 2016, the RTC directed petitioner's counsel to file petitioner's appeal memorandum within fifteen (15) days from notice. On May 11, 2016, petitioner's counsel received the aforesaid order, hence, he had until May 26, 2016 within which to comply therewith. Petitioner, however, failed to comply. Consequently, respondent filed a motion to dismiss petitioner's appeal, which was set for hearing on September 7, 2016. During the hearing, neither of the parties appeared. The RTC, nonetheless, gave petitioner time to comment on respondent's motion to dismiss appeal within fifteen (15) days from notice. Petitioner's counsel received this directive on September 30, 2016.¹ But again, petitioner ignored it. Thus, on November 14, 2016, the RTC dismissed petitioner's appeal. Despite the finality of this order of dismissal, petitioner still filed its appeal memorandum, this time, with the explanation that the delay in filing it was due to counsel's health issues. The appeal memorandum was submitted eight (8) months after petitioner received the court's directive to file the same.

Petitioner cannot invoke *Tiangco, et al. v. Land Bank*² because in that case Landbank's delay was for five (5) days only. Too, it was able to file its appeal brief *within* the second extension granted by the Court of Appeals. Here, petitioner filed its appeal memorandum *eight (8) months* after it received the corresponding court directive. Worse, unlike in *Tiangco*, petitioner never bothered to file any motion for extension, nay, explained the cause of eight (8) months delay in filing its appeal memorandum.

¹ Rollo, p. 70.

² 646 phil. 554 (2010).


Indaga 10/13

The so-called health issues of petitioner's counsel do not justify non-compliance with the Rules. Atty. Eugeryl T. Rondario belongs to a law firm, Abesamis Rondario Lawyers. Atty. Rondario could have easily assigned another lawyer in the firm to handle the case in the meantime. But he did not. Also, even assuming that counsel could not work for long hours, still, he could have filed a motion for extension of time, which certainly does not take too long to prepare.

True, the rigid application of the rules of court may be suspended, but this is only done when there is a meritorious ground for its suspension. The Rules cannot be suspended in order to accommodate a party's flagrant disregard of the same, as in this case.

SO ORDERED. "

Very truly yours,


 MARIA LOURDES C. PERFECTO
 Division Clerk of Court *by 10/31*
 04 NOV 2019

By:

TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court

ABESAMIS RONDARIO LAWYERS (reg)
 Counsel for Petitioner
 Suite 2514 Medical Plaza Ortigas
 25 San Miguel Avenue
 Ortigas Center, Pasig City

AMC SANTIAGO LAW OFFICES (reg)
 Counsel for Respondent
 Unit 936 City & Land
 Mega Plaza, ADB Avenue
 cor. Garnet Road, Ortigas Center
 Pasig City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 167
 1605 Pasig City
 (Civil Case No. 16127)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CV No. 154785

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