



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 2, 2019**, which reads as follows:

**“G.R. No. 247912 (Joseph Edward Butler as heir of Rosita Kaimo Butler v. Laverne Realty and Development Corporation, et al.).** – The Court NOTES petitioner’s Manifestation dated July 11, 2019 stating that the filing fees for the petition will be personally paid in cash to the Supreme Court.

A cursory look at the instant petition would reveal that the assailed Court of Appeals (CA) Decision has long become final and executory for failure of the petitioner to file the instant petition within the required period.

At the outset, it must be emphasized that the instant petition is riddled with technical infirmities.

The petition was filed out of time. The expiration of the reglementary period to file the petition was on June 14, 2019. However, the petition was posted on July 16, 2019. Although, the petitioner filed a motion for extension of time to file the petition, it was denied by this Court in a Resolution<sup>1</sup> dated August 5, 2019. As such, the assailed CA Decision had attained finality rendering it unassailable and immutable. A decision or final order that has acquired finality may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it is made by the court that rendered it or by the Highest Court of the land.<sup>2</sup>

The doctrine of immutability of a final judgment or order serves a two-fold purpose, namely: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why the courts exist.<sup>3</sup>

<sup>1</sup> *Rollo*, p. 6.

<sup>2</sup> *Lanto v. Commission on Audit*, 808 Phil. 1025, 1038 (2017).

<sup>3</sup> *Id.*

Controversies cannot drag on indefinitely because the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. The doctrine is not a mere technicality to be easily brushed aside, but a matter of public policy as well as a time-honored principle of procedural law.<sup>4</sup> Although the law admits exceptions like:<sup>5</sup> (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries that cause no prejudice to any party; and (3) void judgments, none of the exceptions is present in the instant controversy.

In *Peña v. GSIS*,<sup>6</sup> the Court stressed:

The rule on finality of decisions, orders or resolutions of a judicial, quasi-judicial or administrative body is “*not a question of technicality but of substance and merit,*” the underlying consideration therefore, being the protection of the substantive rights of the winning party. Nothing is more settled in law than that a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land.

The reason for this is that litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Court must guard against any scheme calculated to bring about that result and must frown upon any attempt to prolong the controversies. The only exceptions to the general rule are the correction of clerical errors, the so-called *nunc pro tunc* entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.<sup>7</sup> (Citations omitted.)

Moreover, a careful scrutiny of the instant petition discloses that the petitioner failed to state in the instant petition the following material dates: (1) the date of receipt of the assailed CA Decision; (2) the date when the alleged Motion for Reconsideration was filed; and (3) the date of receipt of the denial of the Motion for Reconsideration.

The petitioner likewise failed to forward the following: (1) soft copy of the instant petition; (2) three hard copies of the petition; (3) affidavit of service

---

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 533 Phil. 670-691 (2006).

<sup>7</sup> *Id.* at 689-690.

of the petition upon the parties and the CA; and (4) clearly legible duplicate originals or certified true copies of the assailed CA Decision.

Finally, the *jurat* of the verification of the petition and certification against forum shopping lacks current identification document issued by an official agency bearing the photograph and signature of the individual in violation of Sections 2, 6, and 12, Rule II of the 2004 Rules on Notarial Practice, as amended by A.M. No. 02-8-13-SC dated February 19, 2008. Not to mention that the verification of the petition with certification against forum shopping was signed without proof of authority to sign for and in behalf of the petition.

The Court finds no reason to relax the rules and excuse the petitioner's non-compliance of these procedural requirements. Non-observance of procedural matters cannot just be brushed aside as a mere technicality. Procedural rules are not to be belittled or simply disregarded, for these prescribed procedures ensure an orderly and speedy administration of justice<sup>8</sup>.

**WHEREFORE**, the petition is **DENIED** for being filed out of time and for non-compliance of the procedural requisites.

**SO ORDERED.**"

Very truly yours,

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Deputy Division Clerk of Court* <sup>11-25-19</sup>  
M.C.L.E.

Atty. Maria Cristina Joy Balajadia  
Counsel for Petitioner  
BALAJADIA & ASSOCIATES LAW OFFICE  
3/F Pine Lake View  
Otek St. cor. Rizal Park  
2600 Baguio City, Benguet

COURT OF APPEALS  
CA G.R. SP No. 143318  
1000 Manila

Atty. Karl Adrian Diaz  
BABARAN & ASSOCIATES LAW OFFICE  
Counsel for Respondents Consuelo Kaimo, et al.  
Respondents-intervenors  
10/F, The One Executive Building  
No. 5 West Avenue cor. Quezon Avenue  
1100 Quezon City

Atty. Arnold Guerrero  
Counsel for Respondents  
ARGUE LAW CENTER  
33A Marilag St., UP Village  
1101 Diliman, Quezon City

Presiding Judge  
REGIONAL TRIAL COURT  
Branch 220  
1110 Quezon City  
(LRC Case No. 26036 (08) and 26035 (08))

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
Supreme Court, Manila

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila

247912  
*len/*

(149) - I  
URES

<sup>8</sup> *De Lima v. Guerrero, et al.*, G.R. No. 229781, October 10, 2017.

