



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 **02 October 2019** which reads as follows:

"G.R. No. 248291 – JENNYLYN R. CONSTANTINO and SUSANA R. CONSTANTINO, petitioners, versus HON. JASON J. ZAPANTA, Acting Presiding Judge, Regional Trial Court of Manila, Branch 6, HON. YOLANDA M. LEONARDO, Presiding Judge, Metropolitan Trial Court of Manila, Branch 9, and SPOUSES RUBEN J. DACUAN and MAMERTA R. DACUAN, respondents.

X-----X

Through the instant appeal, Petitioners Jennylyn Constantino and Susana Constantino (petitioners Constantino) directly invoke this Court's appellate jurisdiction to assail the Resolution dated March 27, 2019 and Order dated June 26, 2019 issued by the Regional Trial Court (RTC), Manila, Branch 6, in the exercise of its original jurisdiction. While direct recourse to this Court is allowed on pure questions of law, as in this case, the petition must still be denied for the following reasons.

Petitioners Constantino failed to show that they are the proper parties to appeal the RTC Resolution and Order. Petitioners Constantino represented Ponciano Vergara (Vergara), the original party in the case *a quo*, upon the authority of a Special Power of Attorney (SPA).¹ Generally, agency is extinguished upon the death of the principal;² unless, such agency was constituted in the common interest of the latter and of the agent, or in the interest of a third person who has accepted the stipulation in his favor.³ In the present case, the wording of the SPA does not show that the same was executed in the common interest of Vergara and petitioners Constantino, or another person. On this point, the agency between Vergara and petitioners Constantino is already deemed extinguished.

In addition, while petitioners Constantino allege that they are "substituting parties of the deceased Ponciano Vergara, the original party in the case below",⁴ they failed to substantiate the same. Section 16, Rule 3 of the Rules of Court (Rules) prescribes the rules on substitution of parties in case of death of a party. Accordingly, the deceased party may be substituted by his/her heirs, or the executor or administrator of the estate.

In the instant case, there is no showing that the rules on substitution were complied with, or that petitioners Constantino are one of those allowed by the Rules to substitute the deceased, or that the legal heirs of Vergara continued to engage them as attorney-in-fact for purposes of the case.

¹ Rollo, p. 226.

² CIVIL CODE, Art. 1919.

³ CIVIL CODE, Art. 1930.

⁴ Rollo, p. 168.

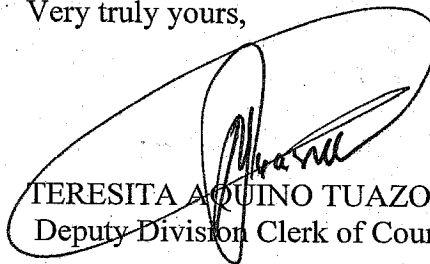
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At any rate, we have previously held that verification, like in most cases required by the rules of procedure, is a formal, not jurisdictional requirement, and mainly intended to secure an assurance that matters which are alleged are done in good faith or are true and correct and not of mere speculation.⁵ When circumstances warrant, the court may simply order the correction of unverified pleadings or act on it and waive strict compliance with the rules in order that the ends of justice may thereby be served.⁶ Thus, the RTC did not err when it held that the Metropolitan Trial Court committed no grave abuse of jurisdiction when it denied Vergara's motion to dismiss and instead directed respondents Spouses Dacuan to have their pre-trial brief verified.

WHEREFORE, the petition is **DISMISSED**. The Resolution dated March 27, 2019 and Order dated June 26, 2019 of the Regional Trial Court, Manila, Branch 6 in R-MNL-19-02861-SC are **AFFIRMED**.

SO ORDERED."

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *whh 11/27*

27 NOV 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 6
Manila
(R-MNL-19-02861-SC)

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⁵ *Vallacar Transit, Inc. v. Catubig*, 664 Phil. 529, 543 (2011).

⁶ *Id.* at 543.