



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **06 July 2020** which reads as follows:*

“G.R. No. 251415 (Edharson Quido v. Sanyo Seiki Stainless Steel Corporation, represented by Mary Paulette Villarosa). – After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the October 11, 2019¹ and January 20, 2020² Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 112636 for failure of petitioner Edharson Quido (petitioner) to sufficiently show that the CA committed any reversible error in granting the motion to dismiss the appeal filed by respondent Sanyo Seiki Stainless Steel Corporation, represented by Mary Paulette Villarosa (respondent) for failure of petitioner to comply with the: (a) requirements of the Rules of Court (Rules) on the contents of the appellant’s brief; and (b) order of the CA to file a comment to the motion to dismiss the appeal without justifiable cause.

As correctly ruled by the CA, petitioner committed fatal procedural errors when he failed to: (a) provide for a page reference and a specific assignment of error in his appellant’s brief; and (b) comply with the order of the CA to file a comment to respondent’s motion to dismiss the appeal, both of which are grounds for the dismissal of an appeal under Section 1 (f) and (h), Rule 50 of the Rules. It is settled that ‘an appeal, not being a natural right but merely a remedy of statutory origin, may be exercised only in the manner prescribed by the provisions of law authorizing its exercise.’³ ‘[R]elief will not be granted to a party who seeks to be relieved from the effects of the judgment when the loss of the remedy at law was due to his own negligence, or a mistaken mode of procedure [by his counsel],’⁴ as in this case. As such, the CA did not err in granting respondent’s motion to dismiss the appeal.

¹ *Rollo*, pp. 35-42. Penned by Acting Presiding Justice Remedios A. Salazar-Fernando with Associate Justices Samuel H. Gaerlan (now a member of this Court) and Germano Francisco D. Legaspi, concurring.

² *Id.* at 43-46. Penned by Acting Presiding Justice Remedios A. Salazar-Fernando with Associate Justices Germano Francisco D. Legaspi and Geraldine C. Fiel-Macaraig, concurring.

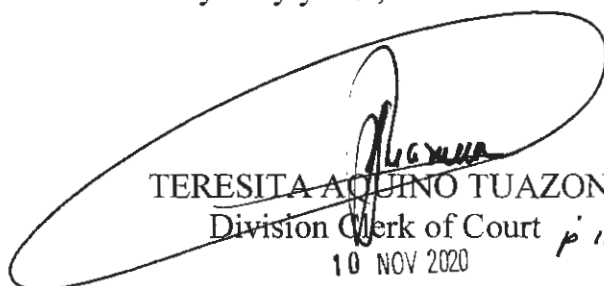
³ *Oro v. Diaz*, 413 Phil. 416, 426-427 (2001).

⁴ *Spouses Mesina v. Meer*, 433 Phil. 124 (2002).

In any event, the Regional Trial Court of the City of Manila, Branch 42 properly ruled in favor of respondent, considering that its claim was supported by a preponderance of evidence and its evidence, having been presented *ex parte*, remained uncontroverted.

SO ORDERED. (Gaerlan, *J.*, no part due to prior action in the CA; Gesmundo, *J.*, designated Additional Member per Special Order No. 2780-F dated June 5, 2020, on official leave.)

Very truly yours,



TERESITA AQUINO TUAZON
Division Clerk of Court
10 NOV 2020

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HON. PRESIDING JUDGE (reg)
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City of Manila
(Civil Case No. 17-138361)

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