



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila
 SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
RECEIVED
 FEB 26 2020
 BY: YCA
 TIME: 9:49 AM

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2020** which reads as follows:

“**G.R. No. 250189 (Jay Mervin B. Yambao v. Bank of the Philippine Islands)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the March 18, 2019² and October 24, 2019³ Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 158317 for failure of petitioner Jay Mervin B. Yambao (petitioner) to sufficiently show that the CA committed any reversible error in upholding the denial of his petition for relief from judgment.⁴

As correctly ruled by the CA, petitioner failed to comply with the twin reglementary periods under Section 3,⁵ Rule 38 of the Rules of Court, which provides that a petition for relief from judgment should be filed within sixty (60) days from knowledge of the judgment, final order or other proceeding to be set aside, and within the prescribed period of six (6) months from entry of judgment, or other proceeding. Records reveal that the February 2, 2017 Decision⁶ of the Regional Trial Court of Makati City, Branch 132 was received by petitioner’s former counsel on February 9, 2017, rendering the assailed Decision final on February 24, 2017.⁷ As such, petitioner had six (6) months from February 24, 2017 or until August 22, 2017 within which to file a petition for relief from judgment.⁸ Nevertheless, he filed the said petition only on January 25, 2018, which is utterly out of time.⁹ Neither did petitioner prove that his failure to file

¹ Rollo, pp. 13-24.

² Id. at 30-33. Penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Apolinario D. Bruselas, Jr. and Geraldine C. Fiel-Macaraig, concurring.

³ Id. at 35.

⁴ See Entry of Judgment with Petition for Relief from Judgment; id. at 64-67.

⁵ Section 3. *Time for filing petition; contents and verification.* — A petition provided for in any of the preceding sections of this Rule must be verified, filed within sixty (60) days after petitioner learns of the judgment, final order, or other proceeding to be set aside; and not more than (6) six months after such judgment or final order was entered, or such proceeding was taken, and must be accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and such facts constituting the petitioner’s good and substantial cause of action or defense.

⁶ See rollo, pp. 71-74. Penned by Judge Rommel O. Baybay.

⁷ See id. at 31.

⁸ See id.

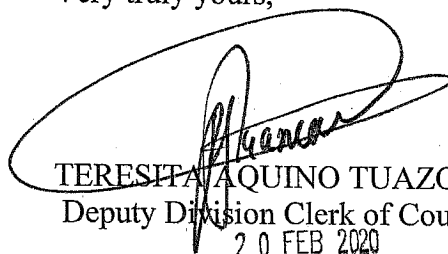
⁹ It is settled that petition for relief, as an equitable remedy, strict compliance with the applicable reglementary periods for its filing must be satisfactorily shown because a petition from relief from

Handwritten mark

an appeal or any other available remedy was due to excusable negligence of his former counsel.¹⁰

SO ORDERED. (Hernando, J., on official leave.)”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

20 FEB 2020 p2/20

APVLAW (reg)
Counsel for Petitioner
Unit 3101, 31st Floor, Atlanta Centre
No. 31 Annapolis St., San Juan
Manila

S.P. MADRID & ASSOCIATES (reg)
Counsel for Respondents
Unit 1911, 19th Floor, Herrera Tower
V.A. Rufino cor. Valero Sts.
1200 Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 132
1200 Makati City
(Civil Case No. 14-1298)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 158317

Please notify the Court of any change in your address.
GR250189. 02/03/2020(115)URES

judgment is a final act of liberality on the part of the State, which remedy cannot be allowed to erode any further the fundamental principle that a judgment, order, or proceeding must, at some definite time, attain finality in order to put an end to litigation. As such, it is incumbent upon the petitioner to show that the petition was filed within its reglementary periods, otherwise, the petition may be dismissed outright. (See *Lasam v. PNB*, G.R. No. 207433, December 5, 2018.)

¹⁰ To set aside a judgment through a petition for relief, the negligence must be so gross “that ordinary diligence and prudence could not have guarded against.” This is to prevent parties from “reviv[ing] the right to appeal [already] lost through inexcusable negligence.” (*Madarang v. Morales*, 735 phil. 632, 644 (2014).