



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 March 2021** which reads as follows:*

“G.R. No. 249385 (Rodolfo G. Valencia, RGV Development Corporation, Carlos M. Castro, et al. v. Group Developers, Inc.). –

First. Petitioners failed to comply with the requirements of Section 4, Rule 45 of the Rules of Court, *viz.*:

Section 4. Contents of petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; **(d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition;** and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. (2a) (Emphasis supplied)

The only documents attached to the petition are: 1) the Petition for *Certiorari* dated November 11, 2019; and 2) the assailed Decision¹ dated

¹ *Rollo*, pp. 22-36.

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February 28, 2019 and Resolution² dated September 19, 2019, both of the Court of Appeals.

Unfortunately, none of these attachments give a clear picture of what truly transpired before the Court of Appeals and the trial court, specifically with respect to the real nature of the subject transactions, an issue which petitioners have brought up here for the Court to ascertain *vis-a-vis* the resolution of the case on the merits. Although the following material portions of the records are available and should have been attached to the petition, the same were inexplicably left out, *viz.*: a) Memoranda of Agreement dated December 11, 1997, October 16, 1998, and July 23, 1999, respectively; b) Complaint for Reconveyance; c) Regional Trial Court Decision dated February 2, 2017 and Resolution dated May 11, 2017; d) Deeds of Assignment executed on September 7, 1999 between China Steel Towers, Inc. and Rodolfo G. Valencia Development Corporation (RGVDC), between RGVDC and Armed Forces of the Philippines-Retirement and Separation Benefits System (AFP-RSBS), and the series of Deeds of Assignment executed between Monterrosa Development Corporation incorporators and stockholders and AFP-RSBS; and e) pleadings filed with the Court of Appeals. True, not all pleadings and parts of case records are required to be attached to the petition, but those which are relevant to the resolution of the issues brought to fore by the petitioner itself definitely must accompany the petition. The test of relevancy is whether the document in question will support the material allegations in the petition and whether said document will make out a *prima facie* case of grave abuse of discretion as to convince the court to give due course to the petition.³

Second. The petition raises factual issues pertaining to the parties' supposed compliances with their respective prestations under the MOAs and subsequent contracts, as well as the real nature of their agreements *vis-a-vis* the attendant circumstances. These are all beyond the cognizance of the Court under Rule 45. Besides, it is not the function of the Court to once again analyze or weigh evidence that has already been considered twice by the trial court and the Court of Appeals.⁴ There is no valid reason nor any special reason shown to justify us from deviating from this rule.

Group Developers, Inc.'s Motion to Consolidate with Leave to Admit dated January 4, 2021, this case with (G.R. No. 249475) is denied in view of the dismissal hereof.

WHEREFORE, the petition is **DENIED**. The Motion to Consolidate the present case with G.R. No. 249475 entitled *Armed Forces of the Philippines Retirement and Separation Benefits System and Monterrosa*

² *Id.* at 37-40.

³ *Galvez v. Court of Appeals*, 708 Phil. 9, 20 (2013).

⁴ *Spouses Miano v. Manila Electric Company [MERALCO]*, 800 Phil. 118 (2016).

Development Corporation v. Group Developers, Inc. is consequently **DENIED**.

The Comment dated January 4, 2021 of respondent Group Developers, Inc. is **NOTED**.

SO ORDERED.” (Rosario, J., on leave)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *with GA*

04 JUN 2021

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HON. PRESIDING JUDGE (reg)
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(Civil Case No. 988)

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Supreme Court, Manila

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Please notify the Court of any change in your address.
GR249385. 05/03/2021B(126)URES