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Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 9, 2019** which reads as follows:*

“G.R. No. 204332 (SIETE PARES INVESTORS AND LENDING CORPORATION, Petitioner, vs. MELANIO LOPEZ, Respondent.) – The Court resolves to dismiss this appeal from the Court of Appeal’s (CA) Decision¹ and resolution² respectively promulgated on July 10, 2012 and November 5, 2012, for failure of the petitioner to prove that the CA committed serious error when it denied its petition for review on the ground of mootness.

The denial with finality of the petitioner’s appeal in the main action had already rendered moot the question on the provisional issue of appointment of a receiver. It is settled that whenever the issues have become moot and academic, there ceases to be any justiciable controversy, such that the resolution of the issues no longer has any practical value.³ In such instance, the Court can no longer grant any substantial relief to which the petitioner may be entitled. Hence, the Court should abstain from expressing its opinion in a case where no legal relief is needed or called for.⁴

Moreover, even if there had been issues related to the receiver’s actions, such cannot be entertained in this present petition. It is noted that the petitioner only appealed the propriety of appointing a receiver. To entertain any other issue would unduly widen the coverage of the appeal. Issues or grounds not raised below cannot be

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¹ *Rollo*, pp. 59-68; penned by Associate Justice Socorro B. Inting, with the concurrence of Associate Justice Jose C. Reyes, Jr. (now a Member of this Court) and Associate Justice Mario V. Lopez.

² *Id.* at 69-70.

³ *Estrada v. Sandiganbayan (Fifth Division)*, G.R. No. 217682 (Resolution), July 17, 2018.

⁴ *Id.*

resolved on review by the Court, for to allow the parties to raise new issues is antithetical to the sporting idea of fair play, justice and due process.⁵

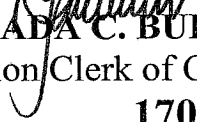
Finally, there being rentals in *custodia legis* with the appointed receiver, the same must now be distributed in accordance with the decision in the main action. Thus, it is necessary to remand this case to the RTC for its determination of the proper distribution of the rental amounts in *custodia legis* and for the proper termination of the receivership, in accordance with Rule 59, Section 8 of the *Rules of Court*.

WHEREFORE, the Court **DENIES** the petition for review; **AFFIRMS** with **MODIFICATION** the Decision dated July 10, 2012 and Resolution dated November 5, 2012 of the Court of Appeals (CA) in CA G.R. CV No. 95518; and **REMANDS** the case to the court of origin for its determination on the proper distribution of the rental amounts held in *custodia legis* by the appointed receiver and for the proper termination of the receivership.

The respondent's undated letter addressed to the members of the First Division, this Court, in the vernacular, requesting for the speedy disposition of this case for reasons stated therein, is **NOTED**.


SO ORDERED.” *Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court mcl/14
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⁵ *De Andres v. Diamond H Marine Services & Shipping Agency, Inc.*, G.R. No. 217345, July 12, 2017, 831 SCRA 129, 155.



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The Hon. Presiding Judge
Regional Trial Court, Branch 39
Calapan City, 5200 Oriental Mindoro
(Civil Case No. R-4548)

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