



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **08 June 2020** which reads as follows:*

**“G.R. No. 244408 (Ma. Edqueenie Checa Altar v. University of San Agustin, represented by its President, Rev. Fr. Frederick C. Comendador). –** The Court **NOTES** the pleading dated January 8, 2020 of counsel for petitioner Ma. Edqueenie Checa Altar (petitioner), in compliance with the Resolution dated September 16, 2019, submitting the: (a) certified true copies of the assailed Resolutions of the Court of Appeals (CA); (b) affidavit of service of the petition with *jurat*; (c) proof of service of the petition on the CA and the counsel for respondents University of San Agustin, represented by its President, Rev. Fr. Frederick C. Comendador, (respondents); (d) counsel’s MCLE compliance VI, number and contact details; and (e) Postmaster’s Certification dated June 14, 2019.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the June 28, 2018<sup>2</sup> and January 8, 2019<sup>3</sup> Resolutions of the CA in CA-G.R. SP No. 11747 for failure of petitioner to sufficiently show that the CA committed any reversible error in dismissing her petition for non-submission of the pertinent pleadings, *i.e.*, the parties’ position papers and memoranda filed before the labor tribunals.

As correctly ruled by the CA, petitioner’s failure to submit the relevant pleadings pertinent to the petition is a sufficient ground for dismissal, pursuant to Section 3,<sup>4</sup> Rule 46, in relation to Section 1,<sup>5</sup> Rule 65 of the Rules of Court.<sup>6</sup> Records reveal that petitioner could have submitted the required pleadings at the

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<sup>1</sup> *Rollo*, pp. 4-19.

<sup>2</sup> *Id.* at 23-27. Penned by Associate Justice Louis P. Acosta with Associate Justices Edgardo L. Delos Santos (now a member of this Court) and Edward B. Contreras, concurring.

<sup>3</sup> *Id.* at 45-47.

<sup>4</sup> See Section 3, Rule 46 of the Rules of Court.

<sup>5</sup> See Section 1, Rule 65 of the Rules of Court.

<sup>6</sup> See *rollo*, pp. 24-27.

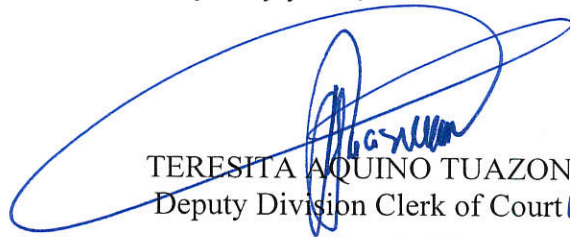
*John*

June 8, 2020

time she filed her motion for reconsideration from the first assailed CA Resolution, but still, failed to do so.<sup>7</sup>

**SO ORDERED.** (Gaerlan, *J.*, designated Additional Member per Special Order No. 2780 dated May 11, 2020. Zalameda, *J.*, designated Additional Member *vice* Delos Santos, *J.*)”

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *WTS 7/29*  
30 JUL 2020

<sup>7</sup> It is settled that petitioner’s discretion in choosing the documents to be attached to the petition is however not unbridled. The CA has the duty to check the exercise of this discretion, to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable the CA to determine at the earliest possible time the existence of *prima facie* merit in the petition. (See *Aguilar and Calimbas v. Lightbringers Credit Cooperative*, 750 Phil. 195-212 [2015], citing *Canton v. City of Cebu* (544 Phil. 369-378 (2007); See also *Galvez v. CA*, 708 Phil. 9-23 [2013], cited in *Nueva Ecija Electric Cooperative Incorporated v. Energy Regulatriy Commission*, 780 Phil. 196-228 [2015], where this Court held that there are three guideposts in determining the necessity of attaching pleadings and portions of the record to petitions under Rules 42 and 65 of the 1997 Rules, to wit: x x x *Third*, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits. (underscoring supplied.) See also *rollo*, p. 47.

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(RAB Case No. VI-07-50232-2016)

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CA-G.R. CEB SP No. 11747

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GR244408. 06/08/2020(147)URES 