



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. 250978 (Danilo M. Salcedo v. The Honorable Marilou D. Runes-Tamang, in her capacity as the Presiding Judge of Branch 98 of the Regional Trial Court, Quezon City, Libertad Marciano and Eugenio Gonzales). – The Court **NOTES:** 1) the Manifestation and Compliance dated February 26, 2020 by counsel for petitioner with the Resolution dated January 27, 2020, submitting the attached copies of the Integrated Bar of the Philippines (IBP) Official Receipt No. 100040 dated December 27, 2019 and the Office of the Treasurer of Makati City Official Receipt No. 8121514 dated January 3, 2020 evidencing the payments of counsel’s IBP membership dues and professional tax, respectively, both for the current year 2020; and 2) the returned and unserved copy of the Resolution dated January 27, 2020 (which required counsel for petitioner to submit a compact disc or transmit via e-mail a soft copy of the motion for extension to file petition with verified declaration and the proof of updated payment of counsel’s IBP membership dues, among others) sent to respondent Eugenio Gonzales at Room 300, Trinity Building, 636 T.M. Kalaw, Ermita, Manila 1045 with notation, “Return to Sender, Moved Out.”

After a judicious review of the records, the Court resolves to **DENY** the instant Petition for Review on *Certiorari*¹ filed under Rule 45 of the Rules of Court for failure of Danilo M. Salcedo (petitioner) to show that the Court of Appeals (CA) committed any reversible error in dismissing his Petition for *Certiorari*.

As correctly held by the CA, while not all of the postponements were initiated by petitioner,² public respondent Judge Marilou D. Runes-

¹ *Rollo*, pp. 36-106

² *Id.* at 584.

Tamang had cogent reason to deny further cancellation of the June 14, 2017 hearing and consequently order the petitioner's direct testimony to be stricken off the records. Specifically, following the CA's narration of facts, the March 7, 2016, May 18, 2016, November 11, 2016, May 29, 2017 settings for the cross-examination of petitioner were deferred due to his alleged medical condition. Further the March 13, 2017 setting was also deferred because petitioner's counsel failed to appear due to severe allergies. Petitioner again failed to appear on June 14, 2017 allegedly because of his medical condition.³

As to the medical certificate which purportedly justified petitioner's absence during the June 14, 2017 hearing, the Court does not find any compelling reason to reverse the CA in not giving it credence since aside from being a mere photocopy, it was also of doubtful veracity. Specifically, as admitted by petitioner, he chose to seek the medical advice of his brother, who was a physician on June 14, 2017 as the latter's residence was purportedly along the way from petitioner's place to the Hall of Justice of Quezon City. In *People v. Guro*,⁴ the Court explained that a witness is said to be biased when his relation to the cause or to the parties is such that he has an incentive to exaggerate or give false color to his statements, or to suppress or to pervert the truth, or to state what is false. Here, as pointed out by the CA, petitioner could have secured a medical certificate from an unrelated physician so that his justification for absence from the hearing would not be suspected.

Petitioner argues in his petition that the failure to complete his cross-examination on dates prior to March 7, 2016, *i.e.*, October 20, 2014 when he was able to testify on direct examination up to November 3, 2015, was due to causes outside of his control. However, this does not in any way give him the license to repeatedly ask for postponements. A motion for postponement is a privilege and not a right; thus, the movant should not assume that his motion would be granted.⁵ While petitioner is entitled to a full opportunity to present his and his co-plaintiff's case, public respondent already gave him several opportunities to do so. Further, private respondent and his co-defendant are entitled to a trial that is free from undue and unreasonable delays.⁶

³ *Id.* at 579-582.

⁴ G.R. No. 230619, April 10, 2019.

⁵ *Vergara v. Otadoy*, 783 Phil. 555, 560 (2016) citing *The Philippine American Life & General Insurance Company v. Enario*, 645 Phil. 166, 178 (2010).

⁶ *Philworth Asia, Inc. v. Philippine Commercial International Bank*, 710 Phil. 184, 195 (2013).

Thus, considering that the testimony of petitioner was unfinished due to his fault, the order to strike out his testimony is proper.⁷

WHEREFORE, the petition is **DENIED**. The Decision of the Court of Appeals dated February 11, 2019 and Resolution dated December 6, 2019 in CA-G.R. SP No. 152053 are **AFFIRMED**.

SO ORDERED." (GAERLAN, *J.*, designated as additional member, per Special Order No. 2780 dated May 11, 2020).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

16 SEP 2020

p 9/16

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EUGENIO C. GONZALES

Respondent

(present address unknown)

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 98

Quezon City

(Civil Case No. 06-58738)

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CA-G.R. SP No. 152053

Please notify the Court of any change in your address.
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⁷ *R. Transport Corporation v. Philhino Sales Corp.*, 527 Phil 216, 227 (2006).