

JOSEPHINE C. MABAQUIAO-PIMENTEL, PETITIONER, V. VICENTE Q. PIMENTEL, RESPONDENT.

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/42c0be797b19/>

ELBINIAS, J.:

On April 5, 2011, a Resolution[1] was issued directing petitioner to show cause why her Petition for Annulment of Judgment[2] ("Petition" for brevity) should not be dismissed on account of procedural deficiencies.[3] The Resolution read as follows:

"However, the Petition suffers from the following infirmities:

1. As required under Rule 47 Section 4 of the Revised Rules of Court, a certified true copy of the judgment or final order or resolution should have been attached to the Petition, instead of a mere photocopy;
2. Considering that the Petition was served through registered mail, the registry receipt should have been attached to the Petition together with the affidavit of service, in order to show proof of service;
3. As required under Section 12, Rule 2 of the 2004 Rules on Notarial [P]ractice, a competent evidence of identity should have been indicated in the Verification and Certification page, instead of merely petitioner's Community Tax Certificate.

For these reasons, and in order to aid the administration of justice in this case, petitioner is DIRECTED to, within ten (10) days from receipt of notice, SHOW CAUSE why the instant Petition should NOT BE DISMISSED on account of such deficiencies.

Failure by the petitioner to comply with this directive shall warrant the dismissal of the petition pursuant to Rule 17, Section 3 of the Revised Rules of Court xxx."[4] (Emphasis supplied)

Per Judicial Record Division Report dated January 22, 2014,[5] petitioner failed to file any compliance with Our Resolution[6] dated April 5, 2011 despite receipt of Our Resolution[7] by her counsel on April 20, 2011.[8]

Petitioner's failure to comply with Our Resolution of April 5, 2011 constitutes a ground for the dismissal of her Petition[9] under Section 3, Rule 17 of the Rules of Court, which provides:

"Section 3. Dismissal due to fault of plaintiff. - If, for no justifiable cause, the plaintiff fails xxx to prosecute his action for an unreasonable length of time, or to comply with these Rules or any order of the court, the complaint may be dismissed upon motion of the defendant or upon the court's own motion, xxx. This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the Court." (Emphasis supplied)

IN VIEW OF ALL THESE, the Petition[10] is DISMISSED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 59-60.

[2] Rollo, pp. 3-19.

[3] Rollo, p. 60.

[4] Rollo, pp. 59-60.

[5] Rollo, p. 66. (Dorsal Portion)

[6] Rollo, pp. 59-60.

[7] Rollo, pp. 59-60.

[8] Rollo, p. 66

[9] Rollo, pp. 3-19.

[10] Rollo, pp. 3-19.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.