

**VICTOR HERRERA, PETITIONER, VS. PHILIPPINE SAVINGS BANK,
HONORABLE JUDGE AND BRANCH SHERIFF OF THE REGIONAL
TRIAL COURT, QUEZON CITY, BRANCH 219, RESPONDENTS.**

Ponente: DIAMANTE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/78c525d707d5/>

DIAMANTE, J.:

On September 1, 2014, herein petitioner filed before Us a petition for certiorari[1] under Rule 65 of the Revised Rules of Court assailing the February 11, 2014 Resolution[2] and the July 23, 2014[3] Order of the Regional Trial Court of Quezon City, Branch 219 in LRC Case No. Q-27918 (09).

On September 15, 2014, We issued a Resolution directing herein petitioner to submit to this Court, within ten (10) days from notice, the following:

- 1) an amended Verification and Certification of Non-Forum Shopping bearing affiant's competent evidence of identity and Affidavit of Service with Jurat;
- 2) registry receipts evidencing service by mail of copy of the petition to respondent;
- 3) manifestation of willingness and ability to post the necessary injunction bond in support of the prayer for issuance of Temporary Restraining Order/ Writ of Preliminary Injunction, and;
- 4) copies of the following lacking pertinent and relevant pleadings:
 - a. Notice to Vacate dated April 27, 2011;
 - b. Order dated June 25, 2010;
 - c. Annexes to respondent PSB's "Ex-Parte Petition for Writ of Possession;
 - d. Petition to Annul the Sale and the Cancellation of the Writ of Possession and Comment thereto, and;
 - e. Motion for Reconsideration dated November 25, 2011 and Comment thereto.

We have likewise ordered the counsel for petitioner to come to this Court for the purpose of marking the assailed Order dated July 23, 2014 and that failing to comply with the foregoing directives shall warrant the dismissal of the aforesaid petition.[4]

On October 21, 2014, petitioner filed a Motion for Additional Time praying for an extension of thirty (30) days or until November 16, 2014 within which to file compliance with the directives contained in the September 15, 2014.[5]

However, as verified through the Court of Appeals-Case Management Information System [CAMIS],[6] no compliance had been made by petitioners on Our September 15, 2014 Resolution. Considering that said petitioners obstinately refused to comply with Our specific directive notwithstanding the caveat declared therein, We are constrained to dismiss the present petition.

In *Athena Computers, Inc. vs. Reyes*,[7] the High Court stressed that "certiorari, being an extraordinary remedy, the party who seeks to avail of the same must strictly observe the rules laid down by the law." Non-observance

thereof may not be brushed aside as mere technicality. The decision on whether or not to accept a petition for certiorari, as well as to grant due course thereto, is generally addressed to the sound discretion of the court, as enunciated in *Chong, et al. vs. Hon. Dela Cruz, et al.*[8] While there may have been exceptional cases where the Court has set aside procedural defects to correct patent injustice concomitant to the liberal interpretation of the rules, We find such reason lacking in the case at bar.[9]

IN LIGHT OF THE FOREGOING, the instant petition is hereby DISMISSED.

SO ORDERED.

Dimaampao, J. B., Chairperson and Manahan, C. S., JJ., concur.

[1] Rollo, pp. 3-32.

[2] Id. at 39-41.

[3] Id. at 42-43.

[4] Id. at 66.

[5] Id. at 68-70.

[6] Id. at 71.

[7] G.R. No. 156905, September 5, 2007, 532 SCRA 343 as cited in *Tible & Tible Company, Inc., et al. vs. Royal Savings and Loan Association (now assigned to COMSAVINGS Bank), et al.*, G.R. No. 155806, April 8, 2008.

[8] G.R. No. 184948, July 21, 2009.

[9] Ibid.

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.