

**JAYVEE L. SEBASTIAN AND JOEL DUNGO y DAMAYO, PETITIONERS,
V. HON. RAUL BAUTISTA VILLANUEVA, AS PRESIDING JUDGE OF BR.
255, REGIONAL TRIAL COURT OF LAS PIÑAS CITY, MAXIM
OPERATIN...**

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On November 26, 2010, a Resolution[1] was issued requiring petitioners to amend the title of their Petition for Review ("Petition" for brevity) by impleading the People of the Philippines as an indispensable party respondent considering that the proceedings below were criminal in nature, and to furnish the Office of the Solicitor General ("OSG" for brevity) a copy of the Petition. The Resolution[2] read as follows:

"Petitioners having failed to interpose any comment or objection despite due notice, the Motion (To Admit Attached Comment on the Petition) filed by private respondent Maxim Philippine Operating Corp. is GRANTED.

Furthermore, a second look at the petition having disclosed that the proceedings below were criminal in nature, petitioners are required to amend the title of their petition by impleading the People of the Philippines as an indispensable party respondent and furnishing the Office of the Solicitor General a copy of the petition, in both cases within five (5) days from notice hereof. The OSG may file the People's comment to the petition within 10 days from its receipt of copy of said petition from the petitioners."[3] (Emphasis supplied)

However, petitioners failed to comply with Our Resolution[4] dated November 26, 2010, despite receipt by their counsel of a copy of such Resolution[5] on December 8, 2010.

As a result, on September 22, 2011, a Resolution[6] was issued directing petitioners' counsel to show cause why the Petition should not be dismissed for failure to comply with the Court's order. The Resolution read as follows:

"No compliance having been received from counsel for petitioners to the November 26, 2010 Resolution despite receipt of a copy thereof on December 8, 2010, petitioners' counsel is required to SHOW CAUSE within 10 days from notice why the Petition should not be dismissed for the failure to comply with a lawful order from this Court."[7] (Emphasis supplied)

Per Judicial Records Division Report dated February 7, 2014[8], no compliance was filed by petitioners' counsel despite the receipt of Our Resolution[9] dated September 22, 2011 on September 28, 2011[10].

Petitioners' failure to comply with Our Resolutions of November 26, 2010[11] and September 22, 2011[12] amounts to a refusal to obey not only one but two Orders of this Court. This refusal by petitioners to obey the Orders of this Court also constitutes a ground for the dismissal of their Petition[13] 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 is DISMISSED.

SO ORDERED.

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

[1] Rollo, p. 94.

[2] Rollo, p. 94.

[3] Rollo, p. 94.

[4] Rollo, p. 94.

[5] Rollo, p. 94.

[6] Rollo, p. 95.

[7] Rollo, p. 95.

[8] Rollo, p. 95. (Dorsal portion)

[9] Rollo, p. 95.

[10] Rollo, p. 95. (Dorsal portion)

[11] Rollo, p. 94.

[12] Rollo, p. 95.

[13] Rollo, pp. 3-15.

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