

FELIX V. ALICER, PETITIONER, VS. HONORABLE GEORGE E. OMELIO, THE PRESIDING JUDGE OF REGIONAL TRIAL COURT, 11TH JUDICIAL REGION, BRANCH 14, DAVAO CITY, EDGAR RICO, RESPONDENTS.

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is a Petition for Certiorari which assails the undated Order declaring the Felix Alicer as in default for his failure to file Pre-trial Brief. This also assails the Order dated January 10, 2011 which denied the Verified Motion to Lift Order of Default and Urgent Motion to Defer Reception of Evidence issued by the Regional Trial Court, Branch 14, Davao City.

A perusal of the instant petition reveals that a Judgment by default had been rendered by the trial court on May 30, 2011. Accordingly, said judgment had been appealed before Us.

Indeed, upon referral to the Judicial Record Division (JRD), an appeal had been elevated to Us. The appeal from said Judgment is docketed as CA-G.R. CV No. 03311-MIN entitled Edgar Rico v. Felix Alicer.

As the issues raised in this instant petition is interwoven with that of CA-G.R. CV No. 03311-MIN, consolidation of these two (2) cases is only proper.

In view thereof, the instant petition is ORDERED consolidated with CA-G.R CV No. 03311-MIN pursuant to Section 3 b(4), Rule III of the 2009 Internal Rules of the Court of Appeals (IRCA).

SO ORDERED.

Badelles and [*]Contreras, JJ., concur.

[*] New Member per Raffle dated January 21, 2014

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