

LOURDES PENOLIO AGA AND THE HEIRS OF CATALINA PENOLIO DEYNACO, NAMELY: ELVIRA D. GOLEZ, ET AL., PLAINTIFFS-APPELLEES, VS. RITA P. SALVADORA, ET AL., DEFENDANTS-APPELLANTS.

Ponente: REYES, JR., J.C., J.

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REYES, JR., J.C., J.:

On August 30, 2013, this Court issued a Resolution (Rollo, pp. 99-100) dismissing the instant appeal for failure to abide by this Court's Resolution dated January 14, 2013 which ordered defendants-appellants to comply with the requirements of Section 13, Rule 44 of the 1997 Rules of Civil Procedure.

Aggrieved over the dismissal of their appeal, defendants-appellants filed a Motion for Reconsideration (Rollo, pp. 104-106) via registered mail on September 24, 2013, to which plaintiffs-appellees filed an Opposition (Rollo, pp. 138-140) via registered mail on October 2, 2013.

In their motion, defendants-appellants explain that they have no intention to defy this Court's Resolution dated January 14, 2013 and that their failure to abide thereto was purely by reason of oversight. They also assert that it was only after receipt of the Resolution dated August 30, 2013 when their counsel discovered that he failed to file an Amended Brief. Hence, they pray that in the higher interest of justice, their Amended Brief be admitted and that their appeal be reinstated.

In their Opposition, plaintiffs-appellees contend that defendants-appellants failed to offer a compelling reason to justify the setting aside of the dismissal resolution dated August 30, 2013. They point out that the Supreme Court has repeatedly ruled that oversight has become an all-too familiar and ready excuse on the part of lawyers remiss in their duty to comply with the rules.

We DENY the motion.

This Court must stress that the bare invocation of "the interest of substantial justice" or "the supreme interest of justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. (*Artistica Ceramica, Inc. vs. Ciudad del Carmen Homeowner's Association, Inc.*, 621 SCRA 22, 35 [2010]) This is especially true in this case because defendants-appellants' excuse of oversight in failing to comply with this Court's directive dated January 14, 2013 (Rollo, pp. 91-92) is far from compelling to warrant the setting aside of the dismissal Resolution dated August 30, 2013. Let it be pointed out that this Court already afforded leniency to defendants-appellants when it directed them to file an Amended Brief so as to comply with the requirements of Section 13, Rule 44 of the 1997 Rules of Civil Procedure, instead of dismissing the instant appeal outright. Perforce, the relief prayed for must be denied.

SO ORDERED.

Lopez, M.V., and Inting, S.B., JJ., concur.

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