

SPOUSES QUINCIANO V. DU AND LETICIA N. DU, PETITIONERS, VS. THE REGIONAL TRIAL COURT (RTC) OF GENERAL SANTOS CITY, BRANCH 36, NOW PRESIDED BY HON. ISAAC ALVERO P. MORAN, THE REG...

Ponente: SINGH, J.

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SINGH, J.:

In a Resolution^[1] dated August 15, 2014, the above-captioned petition was dismissed due to a procedural infirmity. Petitioners' present motion seeks reconsideration of the said Resolution and prays that their petition be given due course.^[2]

Since petitioners have already rectified the procedural defect that caused the dismissal of their petition and to afford the parties the amplest opportunity to present their case in the interest of substantial justice, the present motion is GRANTED. Accordingly, the August 15, 2014 Resolution is hereby RECONSIDERED and the petition is REINSTATED.

GIVING DUE COURSE to the petition, the Division Clerk of Court is DIRECTED, within five (5) days from notice, to issue summons to the private respondent and for the latter to file an Answer to the petition within ten (10) days from notice, in accordance with Section 5,^[3] Rule 47 of the Rules of Court.

SO ORDERED.

Borja, J. Ch., and Badelles, JJ., concur.

[1] Rollo, pp. 24-25.

[2] Id. at pp. 26-29.

[3] SEC. 5. Action by the court.—Should the court find no substantial merit in the petition, the same may be dismissed outright with specific reasons for such dismissal.

Should prima facie merit be found in the petition, the same shall be given due course and summons shall be served on the respondent.

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