

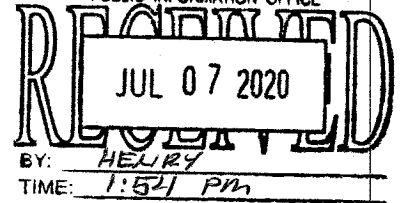


Republic of the Philippines  
**Supreme Court**  
 Manila

THIRD DIVISION

**NOTICE**

SUPREME COURT OF THE PHILIPPINES  
 PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:*

“**G.R. No. 249931 (Mercy Lamorena v. Philippine Savings Bank)**. – After a perusal of the records of the case, it appears that Associate Justice Louis P. Acosta (Associate Justice Acosta), a member of the Special 13<sup>th</sup> Division of the Court of Appeals (CA), is the former Presiding Judge of the Regional Trial Court (RTC) of Taguig City, Branch 70, who penned the Decision<sup>1</sup> dated January 9, 2017 in LRC Case No. R-010. Associate Justice Acosta concurred in the Resolutions dated April 12, 2019<sup>2</sup> and October 4, 2019<sup>3</sup> of the CA’s Special 13<sup>th</sup> Division in CA-G.R. CV No. 112036, which dismissed Petitioner Mercy Lamorena’s appeal of the Decision dated January 9, 2017 of the RTC.

Under Section 1, Rule 137 of the Rules of Court and Section 5(e), Canon 3 of the New Code of Judicial Conduct for the Philippine Judiciary, judges cannot participate in the proceedings where their ruling in the lower court is the subject of review. Failure of the judge to inhibit renders the ruling void for violation of the party’s right to an impartial review, and consequently, his or her right to due process.<sup>4</sup> Due to Associate Justice Acosta’s failure to inhibit from the case, the Resolutions rendered by the CA are void.

**WHEREFORE**, the petition is **GRANTED**. The Resolutions dated April 12, 2019 and October 4, 2019 of the Court of Appeals in CA-G.R. CV No. 112036 are hereby **REVERSED** and **SET ASIDE**. The appeal of petitioner Mercy Lamorena is reinstated and referred to the presiding justice of the Court of Appeals for raffle to another Division of the Court of Appeals.

<sup>1</sup> *Rollo*, pp. 14-18.

<sup>2</sup> Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Marie Christine Azcarraga-Jacob and Louis P. Acosta; *id.* at 21-22.

<sup>3</sup> *Id.* at 28-30.

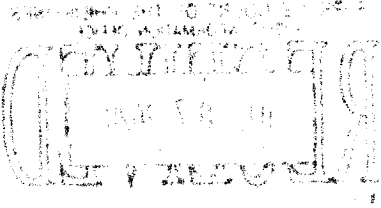
<sup>4</sup> See *Singson v. National Labor Relations Commission*, 340 Phil. 470, 477 (1997).

**SO ORDERED.”**

Very truly yours,

*Misa DC Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

*grm*  
*4/30/20*



Ms. Mercy Lamorena  
Petitioner  
Unit 1215 with Drying Area  
Rosewood Pointe Residences- Jade Bldg.  
Barangay Unsuan, 1630 Taguig City

COURT OF APPEALS  
CA G.R. CV No. 112036  
1000 Manila

Atty. Raymond Jonas C. Flores  
Counsel for Respondent  
4/F PSBank Tower  
No. 777 Paseo de Roxas cor. Sedenos St.  
1226 Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 70, 1630 Taguig City  
(LRC Case No. R-010)

Hon. Presiding Justice  
COURT OF APPEALS  
1000 Manila

Raffle Committee  
COURT OF APPEALS  
1000 Manila

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
Supreme Court, Manila

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila

249931

*len/*

(105)  
URES