

THIRD DIVISION

[G.R. No. 196358, March 21, 2012]

**JANDY J. AGOY, PETITIONER, VS. ARANETA CENTER, INC.,
RESPONDENTS.**

R E S O L U T I O N

ABAD, J.:

This case reiterates the Court's ruling that the adjudication of a case by minute resolution is an exercise of judicial discretion and constitutes sound and valid judicial practice.

The Facts and the Case

On June 15, 2011 the Court denied petitioner Jandy J. Agoy's petition for review through a minute resolution that reads:

"G.R. No. 196358 (*Jandy J. Agoy vs. Araneta Center, Inc.*).- The Court resolves to **GRANT** petitioner's motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on certiorari.

The court further resolves to **DENY** the petition for review on certiorari assailing the Decision dated 19 October 2010 and Resolution dated 29 March 2011 of the Court of Appeals (CA), Manila, in CA-G.R. SP No. 108234 for failure to show that the CA committed reversible error when it affirmed the dismissal of petitioner Jandy J. Agoy. Petitioner's repeated delays in remitting the excess cash advances and admission that he spent them for other purposes constitute serious misconduct and dishonesty which rendered him unworthy of the trust and confidence reposed in him by respondent Araneta Center, Inc."

Apparently, however, Agoy doubted the authenticity of the copy of the above minute resolution that he received through counsel since he promptly filed a motion to rescind the same and to have his case resolved on its merits via a regular resolution or decision signed by the Justices who took part in the deliberation. In a related development, someone claiming to be Agoy's attorney-in-fact requested an investigation of the issuance of the resolution of June 15, 2011.

On September 21, 2011 the Court denied Agoy's motion to rescind the subject minute resolution and confirmed the authenticity of the copy of the June 15, 2011 resolution. It also treated his motion to rescind as a motion for reconsideration and denied the same with finality.

Upon receipt of the Court's September 21, 2011 resolution, Agoy filed a motion to rescind the same or have his case resolved by the Court *En Banc* pursuant to Section 13 in relation to Sec. 4(3), Article VIII of the 1987 Constitution. Agoy reiterated his view that the Court cannot decide his petition by a minute resolution. He thus prayed that it rescind its June 15 and September 21, 2011 resolutions, determine whether it was proper for the Court to resolve his petition through a minute resolution, and submit the case to the Court *en banc* for proper disposition through a signed resolution or decision.

Questions Presented

At the heart of petitioner's motions are the following questions:

1. Whether or not the copies of the minute resolutions dated June 15, 2011 and September 21, 2011 that Agoy received are authentic; and
2. Whether or not it was proper for the Court to deny his petition through a minute resolution.

The Court's Rulings

One. The notices of the minute resolutions of June 15 and September 21, 2011 sent to Agoy, bearing the signatures of Assistant Clerk of Court Teresita Aquino Tuazon and Deputy Division Clerk of Court Wilfredo V. Lapitan, both printed on pink paper and duly received by counsel for petitioner as evidenced by the registry return cards, are authentic and original copies of the resolutions. The Court has given Tuazon and Lapitan the authority to inform the parties under their respective signatures of the Court's actions on the incidents in the cases.

Minute resolutions are issued for the prompt dispatch of the actions of the Court. While they are the results of the deliberations by the Justices of the Court, they are promulgated by the Clerk of Court or his assistants whose duty is to inform the parties of the action taken on their cases by quoting verbatim the resolutions adopted by the Court.^[1] Neither the Clerk of Court nor his assistants take part in the deliberations of the case. They merely transmit the Court's action in the form prescribed by its Internal Rules:

Sec. 7. Form of notice of a minute resolution.—A notice of minute resolution shall be embodied in a letter of the Clerk of Court or the Division Clerk of Court notifying the parties of the action or actions taken in their case. In the absence of or whenever so deputized by the Clerk of Court or the Division Clerk of Court, the Assistant Clerk of Court or Assistant Division Clerk of Court may likewise sign the letter which shall be in the following form:

(SUPREME COURT Seal)

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila