

SECOND DIVISION

RESOLUTION

Petitioner alleges that it furnished *via* registered mail the Regional Trial Court (RTC) of Davao City and the respondent City of Davao with copies of the Petition for Review, but inadvertently failed to attach the proof of service to the petition when filed. The registry receipts dated February 5, 2015 as well as the Affidavit of Service executed by Ronnie M. Balladares were attached to the instant motion as proof of service of the copies of the petition to the RTC and respondent City of Davao. Petitioner also argues that the substantial merits of the case justify the relaxation of technical rules in the interest of justice.

Respondents, on the other hand, deny receipt of the Petition for Review. They contend that such omission by petitioner to comply with the basic requisite of service on the adverse party is fatal and gross, thus, the outright dismissal of the case was proper and in order.

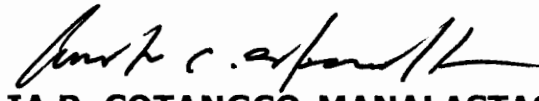
In the interest of substantial justice, and considering the attachment of proof of service to the RTC of Davao City and respondent City of Davao, the Court grants the motion. Nevertheless, the Court notes that respondents have yet to receive a copy of the instant petition. In view thereof, petitioner must furnish respondents with a copy of the Petition for Review dated February 2, 2015.

WHEREFORE, in view of the foregoing, petitioner's Motion for Reconsideration is hereby **GRANTED**. Accordingly, the Resolution dated February 24, 2015 is hereby **SET ASIDE**. Petitioner is **ORDERED** to furnish respondents a copy of the Petition for Review dated February 2, 2015. Without necessarily giving due course to the Petition for Review, respondents are hereby ordered to file their Comment within ten (10) days from receipt thereof.

SO ORDERED.


JUANITO C. CASTAÑEDA, JR.
Associate Justice


CAESAR A. CASANOVA
Associate Justice


AMELIA R. COTANGCO-MANALASTAS
Associate Justice