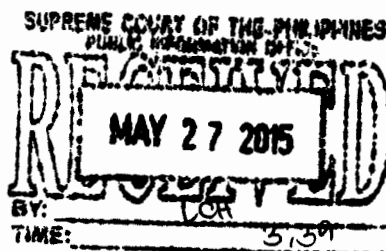




Republic of the Philippines
Supreme Court
Baguio City
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 216504 (Edward Dy v. Spouses Mariano De Joya and Juanita De Joya). – Th petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the August 22, 2014 Decision¹ and January 21, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 100688 for failure of Edward Dy (petitioner) to show that the CA committed any reversible error in finding that he is a mortgagee in bad faith who is bound by the judgment against his predecessor.

Records show that circumstances existed which should have prompted petitioner to discover that a defect in his predecessor’s title existed but which he failed to ascertain. Hence, the CA found petitioner to be a mortgagee/purchaser in bad faith who stands exactly in the shoes of his transferor and is bound by any judgment rendered for or against the latter.³ Consequently, petitioner’s title, derived from his predecessor’s defective title, is subject to the incidents and results arising from the

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¹ Rollo, pp. 33-47. Penned by Presiding Justice Andres B. Reyes, Jr. with Associate Justices Apolinario D. Bruselas, Jr. and Samuel H. Gaerlan, concurring.

² Id. at 49-50.

³ *Malayan Bank v. Lagrama*, G.R. No. 144844, April 27, 2001, 357 SCRA 429, 437; citations omitted.

April 20, 2015

pending litigation of the latter which cannot now be questioned.⁴ Moreover, it is settled that the question of whether a person acted in good faith or bad faith in dealing with real property is a question of fact which, as a rule, the Court is proscribed to review unless they fall within the recognized exceptions, none of which are obtaining in this case.⁵

SO ORDERED.”

Very truly yours,

~~Edgar O. Aricheta~~
EDGAR O. ARICHETA
Division Clerk of Court
4-A

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The Hon. Presiding Judge
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(Civil Case No. Q-98-33978)

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Supreme Court

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⁴ Id.

⁵ See *Philippine National Bank v. Heirs of Estanislao Militar*, G.R. No. 164801, June 30, 2006, 494 SCRA 308, 319-320; citations omitted.

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