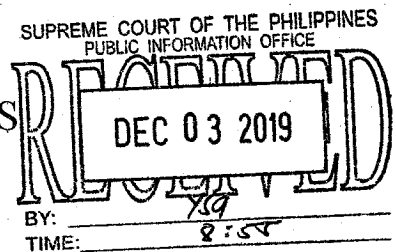




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 November 2019** which reads as follows:*

G.R. No. 242111 (Manolito E. Gamboa v. Elena A. Lopez, represented by Tomas A. Lopez)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the November 29, 2017 Decision² and the September 14, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 105255 for failure of petitioner Manolito E. Gamboa (petitioner) to sufficiently show that the CA committed any reversible error in affirming the court *a quo*'s nullification⁴ of the Assignment of Rights⁵ and Deed of Absolute Sale⁶ involving the subject property on the ground of forgery.

As correctly ruled by the CA, respondent Elena A. Lopez, represented by Tomas A. Lopez, was able to prove that Bienvenido P. Molina's signatures in the aforesaid documents were forged, notwithstanding her failure to present an expert witness.⁷ It is settled that the trial court may validly determine forgery from its own independent examination of the documentary evidence at hand. This the trial court judge can do without necessarily resorting to experts, especially when the question involved is mere handwriting similarity or dissimilarity, which can be determined by a visual comparison of specimen of the questioned signatures with those of the currently existing ones,⁸ as in this case. Moreover, absent any of the recognized exceptions, factual findings of the trial court, when affirmed by the CA, are binding upon the Court.⁹

¹ *Rollo*, pp. 3-13.

² *Id.* at 33-46. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Magdangal M. De Leon and Franchito N. Diamante, concurring.

³ *Id.* at 47-48. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Sesinando E. Villon and Franchito N. Diamante, concurring.

⁴ See RTC Decision dated October 3, 2014, penned by Presiding Judge Jean Marie A. Bacorro-Villena; RTC Records, pp. 963-977.

⁵ Not attached to the *rollo*.

⁶ Not attached to the *rollo*.

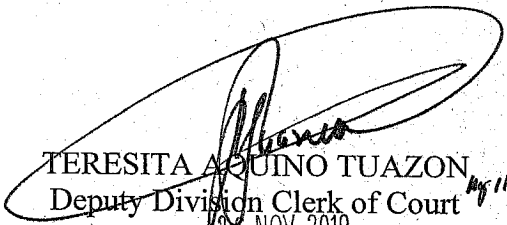
⁷ See *rollo*, pp. 42-43.

⁸ *Manzano, Jr. v. Garcia*, 677 Phil. 376, 384 (2011), citing *Estacio v. Jaranilla*, 462 Phil. 723, 733 (2003).

⁹ See *Gatan v. Vinarao*, G.R. No. 205912, October 18, 2017, 842 SCRA 602, 618, citing *Bank of the Philippine Islands v. Leobrera*, 461 Phil. 461, 469 (2003).

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
26 NOV 2019

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HON. PRESIDING JUDGE (reg)
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Manila
(Civil Case No. 05-112236)

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