

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 8, 2020 which reads as follows:

“G.R. No. 248232 – (ROSITA PASCUA, petitioner, versus CATALINO TENEDOR, respondent.)

After a judicious perusal of the records, the Court resolves to **DENY** the Petition and **AFFIRM** the Court of Appeals (CA) Decision¹ dated October 8, 2018 and Resolution² dated June 10, 2019 in CA-G.R. CV No. 106273 for failure of petitioner Rosita Pascua (Rosita) to sufficiently show that the CA committed any reversible error in upholding the trial court’s Decision dated November 24, 2015, finding the signatures of Rosita real, genuine, and free from any semblance of forgery.

The issues raised in this Petition are factual in nature which calls for the reassessment of the evidence presented by the parties. An appeal under Rule 45, however, must raise only questions of law, save to certain exceptional circumstances that warrant the relaxation of rules. Absent these exceptions, the factual findings of the lower courts are accorded respect and are beyond the ambit of the Court’s review. None of which is obtaining in this case. Forgery cannot be presumed and must be proved by clear, positive, and convincing evidence, and the burden of proof lies on the party alleging forgery, which Rosita failed to show in this case.

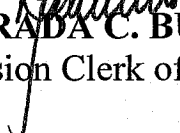
¹ *Rollo*, pp. 42-52. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Fernanda Lampas Peralta and Rodil V. Zalameda (now a Member of this Court).

² *Id.* at 53-59.

Therefore, the Court denies the instant Petition for lack of merit.

SO ORDERED.” *Peralta, C.J., no part; Gesmundo, J., additional Member per Raffle dated December 11, 2019. Lopez, J., on official leave.*

Very truly yours,


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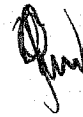
Court of Appeals(x)
Manila
(CA-G.R. CV No. 106273)

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The Presiding Judge
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Ballesteros, 3516 Cagayan
(Civil Case No. 33-260-2007)

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