



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 29 June 2020 which reads as follows:

“G.R. No. 248746 (Heirs of Maria Mella, namely: Enigo Berdin, Cesario Berdin, Rosita B. Espares, Myrna B. Binamira, Filemon Berdin, Jr., and Edgar Berdin v. Spouses Pedro Romulo and Emma Zamesa Garcia-Sabido). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the December 20, 2018 Decision² and the August 6, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 109313 for failure of petitioners Heirs of Maria Mella, namely: Enigo Berdin, Cesario Berdin, Rosita B. Espares, Myrna B. Binamira, Filemon Berdin, Jr., and Edgar Berdin (petitioners) to sufficiently show that the CA committed reversible error in holding that respondents Spouses Pedro Romulo and Emma Zamesa Garcia-Sabido (respondents) are the true owners of Lot No. 6569.

As correctly ruled by the CA, respondents had established their cause of action for quieting of title by preponderance of evidence,⁴ considering that: (a) they have shown, through the documentary evidence presented during trial, that their predecessor-in-interest, Priscilla Garcia Widoff,⁵ was indeed the true owner of Lot No. 6569, and that such ownership was transferred to them through succession;⁶ and (b) petitioners’ tax declaration and title over the same lot are of doubtful validity, considering that they were only issued to them after Priscilla’s

¹ *Rollo*, pp. 7-22.

² *Id.* at 28-43. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Apolinario D. Bruselas, Jr. and Myra V. Garcia-Fernandez, concurring.

³ *Id.* at 45-47.

⁴ “In an action for quieting of title, the complainant is seeking for ‘an adjudication that a claim of title or interest in property adverse to the claimant is invalid, to free him from the danger of hostile claim, and to remove a cloud upon or quiet title to land where stale or unenforceable claims or demands exist.’ Under Articles 476 and 477 of the Civil Code, the two indispensable requisites in an action to quiet title are: (1) that the plaintiff has a legal or equitable title to or interest in the real property subject of the action; and (2) that there is a cloud on his title by reason of any instrument, record, deed, claim, encumbrance or proceeding, which must be shown to be in fact invalid or inoperative despite *its prima facie* appearance of validity.” (*Bilag v. Ay-ay*, 809 Phil. 236-248 [2017].)

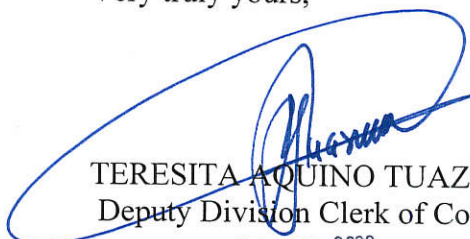
⁵ Also referred to as “Priscilla Bernas Garcia” and “Priscilla Garcia Pizzo” in some parts of the *rollo*.

⁶ See *rollo*, p. 41.

death, and could not be traced to any muniments of title issued before such death.⁷ In this regard, it is settled that actions to quiet title to property in possession of the plaintiff are imprescriptible,⁸ as in this case.

SO ORDERED. (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020.)”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *with 7/29*
30 JUL 2020

ATTY. FIDEL THADDEUS BORJA (reg)
Counsel for Petitioners
20th Floor, Security Bank Center
6776 Ayala Ave., Makati City

ATTY. IAN LL. MACASINAG (reg)
Counsel for Respondents
59 First Park Subdivision
4501 Daraga, Albay

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 15
Tabaco City, Albay
(Civil Case No. T-2266)

JUDGMENT DIVISION (x)
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Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CV No. 109313

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⁷ See id.

⁸ *Spouses Ragasa v. Spouses Roa*, 526 Phil. 587, 592-593 (2006).