

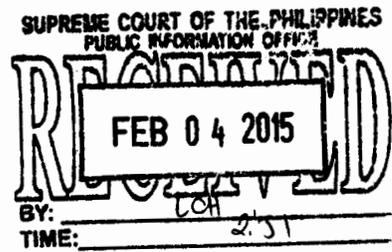


Republic of the Philippines

Supreme Court

Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 3, 2014** which reads as follows:*

**“G.R. No. 212973 (Jerry Pursa [a.k.a. “Jerry Porza”] v. Norma C. Talibon, Manira M. Sumbongan, Amie B. Monky, and Amador M. Contura).** - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the November 28, 2013 Decision<sup>1</sup> and May 23, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 02910 for failure of Jerry Pursa a.k.a Jerry Porza (petitioner) to show that the CA committed any reversible error in holding that Norma C. Talibon, Manira M. Sumbongan, Amie B. Monky, and Amador M. Contura, as the Heirs of Monky (respondents), are entitled to recover possession of a parcel of land covered by Transfer Certificate of Title (TCT) No. T-11745.

As correctly ruled by the CA, respondents are the registered owners of Lot No. 1664-C, covered by TCT No. T-11745, and thus, are entitled to its possession and also to its recovery should it be occupied by any other entity. “As registered owners of the lots in question, [respondents] have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of [petitioner’s] occupation of the property, and regardless of the length of that possession, the lawful owners (*i.e.*, respondents) have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches.”<sup>3</sup>

- over – two (2) pages .....

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<sup>1</sup> *Rollo*, pp. 99-104. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Oscar V. Badelles and Edward B. Contreras, concurring.

<sup>2</sup> *Id.* at 106-108.

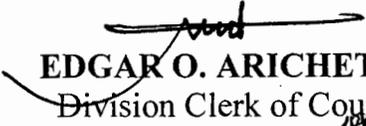
<sup>3</sup> *Tolentino v. Laurel*, G.R. No. 181368, February 22, 2012, 666 SCRA 561, 575; citation omitted.

The petitioner's compliance with the Resolution dated July 28, 2014, submitting the following documents: (1) certified true copy of the RTC decision; (2) verification of petition; (3) certified true copies of the assailed decision and resolution; and (4) proofs of updated payment of IBP membership dues and professional tax, is **NOTED** and **ACCEPTED**.

The petitioner is hereby **DIRECTED** to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF files of the signed petition for review on certiorari and its annexes as well as the signed compliance pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

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(CA-G.R. CV No. 02910)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 34  
Panabo City 8105 Davao del Norte  
(Civil Case No. 37-2004)

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