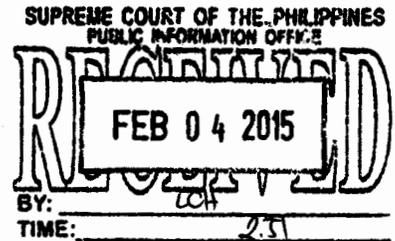




Republic of the Philippines  
Supreme Court  
Manila

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. 214200 (Heirs of Spouses Alejandro Catadman and Trinidad Piape namely: Marilou, Jovencio, Arnulfo, Wilfredo, Gina, Lilibeth and Warlito, all surnamed Catadman; and Heirs of Spouses Doroteo Piape and Guillerma Perino, namely: Leopoldo, Vicenta, Leonila, Editha, Manuel, Violeta, Maridel and Maria Lota, all surnamed Piape, *petitioners* versus Spouses Restituto Balunan and Emerita Andrino; and Spouses Reneboy Catadman and Evelyn Balunan, *respondents*).**- The petitioners’ 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.

This is a Petition for Review on *Certiorari*,<sup>1</sup> assailing the Decision<sup>2</sup> dated 30 March 2012 and Resolution<sup>3</sup> dated 14 July 2014 of the Court of Appeals in CA-G.R. CEB CV No. 02108.

The facts are as follows:

Respondents spouses Restituto Balunan and Emerita Andrino, and spouses Reneboy Catadman and Evelyn Balunan are the actual occupants of a 4,319 square meter strip of land (subject land) located in Cebu. They had been in possession of the subject land since 1969.

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<sup>1</sup> Under Rule 45 of the Rules of Court.  
<sup>2</sup> *Rollo*, pp. 46-59.  
<sup>3</sup> *Id.* at 66-67.

On 18 December 2000, petitioners heirs of spouses Alejandro Catadman and Trinidad Piape<sup>4</sup> and heirs of Spouses Doroteo Piape and Guillermo Perino<sup>5</sup> filed before the Regional Trial Court (RTC), Branch 61 in Bogu, Cebu, a complaint for quieting of title and recovery of possession of the subject land against the respondents. In it, petitioners claim that they are lawful owners of the subject land; it being a portion of Lot 2670-A registered under Transfer Certificate of Title (TCT) No. RT 1263 in the name of their predecessor-in-interest Sixto Catarata.

In response, the respondents filed an answer denying petitioners' claim. The respondents insist that subject land is neither a part of Lot 2670-A nor is covered by TCT No. RT 1263, but rather a portion of an adjacent yet separate lot that they own. The respondents rely upon a sketch plan of one Engr. Felix Rodriguez, which identifies their lot as Lot 2670-E with the subject land being a component thereof.

On 8 October 2001, the RTC designated a certain Engineer Wilfredo Verdida (Engr. Verdida) as commissioner to conduct a survey on petitioners' Lot 2670-A and respondents' Lot 2670-E.

On 3 December 2001, Engr. Verdida submitted a commissioner's report accompanied by a sketch plan (Verdida plan). In the report, Engr. Verdida made the following findings:

- a. There is a portion of Lot 2670-A, Psd 3918 SWO 29520, under TCT No. RT 1263, cultivate or develop [sic] by the [respondents] with an area of 4,319 sq. m. more or less.

Trial then proceeded.

On 13 February 2007, the RTC rendered a decision dismissing the complaint of the petitioners. The petitioners appealed to the Court of Appeals.

On appeal, the Court of Appeals affirmed the RTC. The appellate court remained steadfast despite the motion for reconsideration by petitioners.

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<sup>4</sup> Marilou, Jovencio, Arnulfo, Wilfredo, Gina, Lilibeth and Warlito, all surnamed Catadman.  
<sup>5</sup> Leopoldo, Vicenta, Leonila, Editha, Manuel, Violeta, Maridel and Maria Lota, all surnamed Piape.

Hence this appeal.

### OUR RULING

We deny the appeal.

The Court of Appeals based its affirmance of the RTC decision dismissing petitioners' complaint, on petitioners' failure to adduce preponderant proof that the subject land is part of Lot 2670-A registered under Transfer Certificate of Title (TCT) No. RT 1263. The Court of Appeals specifically makes the following findings:

1. The commissioner's report and the Verdida plan cannot be relied upon. The Verdida plan, upon which the commissioner's report was based, was not submitted, verified and approved by the Bureau of Lands in stark violation of the practice prescribed under Section 594 of the Manual for Land Surveys in the Philippines and Section 1862 of the Revised Administrative Code.
2. The foregoing notwithstanding, a scrutiny of the Verdida plan will reveal that it actually contradicts the claim of petitioners. Under the Verdida plan, Lot 2670-A of the petitioners, independently of the subject land, already constitutes 43,453 square meters—which is the entire area of land registered under TCT No. RT 1263. This means that the subject land could not have been part of Lot 2670-A registered under TCT No. RT 1263.

We concur with the foregoing findings and we see no cogent reason to disturb them.

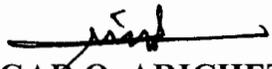
In view whereof, the instant petition is hereby **DENIED**.

The petitioners are hereby directed to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and its annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-

SC and 11-9-4-SC; and the counsel for petitioners is hereby required to **COMPLY** within five (5) days from notice hereof with A.M. No. 07-6-5-SC dated July 10, 2007 re: statement of contact details (e.g., telephone number, fax number, cellular phone number or e-mail address) of parties or their counsels in all papers and pleadings filed with the Supreme Court.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
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Atty. Yulando L. Ursal  
Counsel for Petitioners  
Jugan, Consolacion  
Cebu 6001

Court of Appeals  
6000 Cebu City  
(CA-G.R. CEB-CV No. 02108)

Atty. Vicente P. Rodriguez  
Counsel for Respondents  
Bogo, Cebu 6010

The Hon. Presiding Judge  
Regional Trial Court, Br. 61  
Bogo, Cebu 6010  
(Civil Case No. Bogo-00722)

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