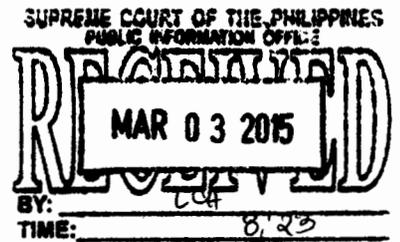




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 9, 2015 which reads as follows:*

“G.R. No. 213339 (Pedro M. Cordova and Rosalina Cordova, Simeon Arce, Jr. and Maribel Arce, and Aklan Multi-Purpose Cooperative v. United Coconut Planters Bank). - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the December 6, 2013 Decision<sup>1</sup> and June 30, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CEB-CV No. 04064 for failure of Pedro M. Cordova and Rosalina Cordova, Simeon Arce, Jr. and Maribel Arce, and Aklan Multi-Purpose Cooperative (petitioners) to show that the CA committed any reversible error in holding that respondent United Coconut Planters Bank (UCPB) is entitled to a writ of possession covering the properties subject of this case.

As correctly ruled by the CA, as the highest bidder in the foreclosure sale and upon petitioners’ failure to exercise their right of redemption within the one-year period prescribed by law, the ownership over the subject properties had been consolidated in UCPB’s favor. As such, UCPB is entitled to the issuance of an *ex-parte* writ of possession, notwithstanding the existence of a pending action filed by petitioners praying for the annulment of the foreclosure proceedings. It is settled that “a pending action for annulment of mortgage or foreclosure does not stay the issuance

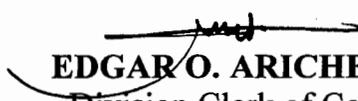
- over – two (2) pages .....

<sup>1</sup> Rollo, pp. 33-41. Penned by Associate Justice Ramon Paul L. Hernando with Associate Justices Carmelita Salandanan-Manahan and Ma. Luisa C. Quijano-Padilla, concurring.  
<sup>2</sup> Id. at 48-49. Penned by Associate Justice Ramon Paul L. Hernando with Associate Justices Ma. Luisa Quijano-Padilla and Renato C. Francisco, concurring.

of a writ of possession. Regardless of the pendency of such suit, the purchaser remains entitled to a writ of possession, without prejudice, of course, to the eventual outcome of the pending annulment case. Otherwise stated, the issuance of the writ of possession remains the ministerial duty of the [Regional Trial Court] until the issues raised in the annulment case are, once and for all, decided by a court of competent jurisdiction,"<sup>3</sup> as in this case.

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**

Division Clerk of Court *ph 2/26*

**38**

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The Hon. Presiding Judge  
Regional Trial Court, Br. 7  
Kalibo 5600 Aklan  
(CAD No. 2989)

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<sup>3</sup> *Tolosa v. United Coconut Planters Bank*, G.R. No. 183058, April 3, 2013, 695 SCRA 138, 148-149; citations omitted.

*9*  
*rfi*