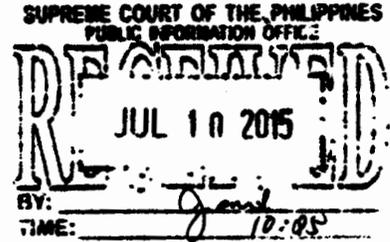




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** which reads as follows:*

**“G.R. No. 216646 (Zenaida Cachillar v. Heirs of Spouses Rosario De Luna & Agapito Magnaye, namely: Enrique L. Magnaye, Danilo L. Magnaye, Agapito L. Magnaye, Jr., et al.)**.- The petitioner’s 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.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 25, 2014 Decision<sup>1</sup> and January 27, 2015 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 97716 for failure of petitioner Zenaida Cachillar (petitioner) to show that the CA committed any reversible error in upholding the Regional Trial Court’s (RTC) jurisdiction over the case and in ruling that she was not a builder in good faith.

As correctly ruled by the CA, petitioner is already estopped from challenging the RTC’s jurisdiction over the case in view of her active participation in all stages of the court proceedings. It is well-settled that while jurisdiction may be assailed at any stage, a litigant who participated

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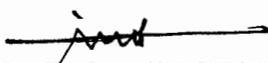
<sup>1</sup> Rollo, pp. 82-95. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Isaias P. Dicdican and Michael P. Elbinias concurring.  
<sup>2</sup> Id. at 103-104. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Isaias P. Dicdican and Agnes Reyes-Carpio concurring.

in the court proceedings by filing pleadings and presenting his evidence cannot later on question the trial court's jurisdiction when judgment unfavorable to him is rendered.<sup>3</sup>

Further, the CA is also correct in holding that petitioner is not a builder in good faith considering that at the time she built the improvements on the premises, she knew that her possession was by mere tolerance of the respondents, and thus may be terminated anytime.<sup>4</sup> It is settled that a builder in good faith is one who builds with the belief that the land he is building on is his, or that by some title one has the right to build thereon, and is ignorant of any defect or flaw in his title.<sup>5</sup>

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court \* 1b  
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Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 97716)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 9  
Balayan 4213 Batangas  
(Civil Case No. 3897)

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<sup>3</sup> *Heirs of Jose Fernando v. De Belen*, G.R. No. 186366, July 3, 2013, 700 SCRA 556, 568; citation omitted.

<sup>4</sup> See *Rosales v. Castellort*, 509 Phil. 137, 153 (2005); citations omitted.

<sup>5</sup> See *Mirallosa v. Carmel Development, Inc.*, G.R. No. 194538, November 27, 2013; citation omitted.

*rfi*

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