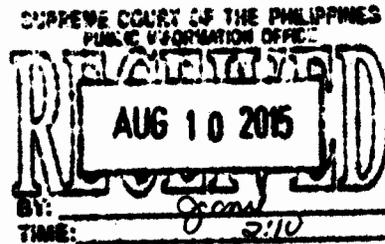




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 20, 2015 which reads as follows:

“G.R. No. 217598 (Elpedio Molde v. Spouses Joel and Esther Arroyo). – 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; and the Cash Collection and Disbursement Division is required to **RETURN** to the petitioner the excess amount of ₱470.00 paid for filing fees under O.R. No. 0112538-SC-EP dated April 27, 2015.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 12, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CV No. 02647-MIN for failure of petitioner Elpedio Molde (petitioner) to sufficiently show that the CA committed any reversible error in dismissing Civil Case No. 2002-283 for quieting of title and reconveyance.

As the CA correctly pointed out, petitioner failed to prove that he has any legal or equitable title over the subject lot. Quietening of title is a common law remedy for the removal of any cloud, doubt or uncertainty affecting title to real property. The plaintiff must show not only that there is a cloud or contrary interest over the subject real property, but that he has a valid title to it. It is worth stressing that in civil cases, the plaintiff must establish his cause of action by preponderance of evidence; otherwise, his suit will not prosper.² The evidence revealed that Felicidad Po is the

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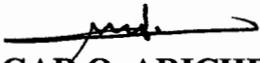
¹ *Rollo*, pp. 26-39. Penned by Associate Justice Maria Filomena D. Singh with Associate Justices Romulo V. Borja and Oscar V. Badelles concurring.

² *Santiago v. Villamor*, G.R. No. 168499, November 26, 2012, 686 SCRA 313, 319-320; citations omitted.

original owner of the subject lot, who subsequently donated the same to Benjamin Tan. There is no proof, however, that either Apolonio or Leonardo, both surnamed Abanite, from whom petitioner claimed to have purchased the lot, acquired any right nor title thereto from either Felicidad Po or Benjamin Tan. Thus, Civil Case No. 2002-283 was correctly dismissed.

SO ORDERED.” SERENO, C.J., on official leave; **PERALTA, J.**, designated acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *sk st*
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(CA-G.R. CV No. 02647-MIN)

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The Hon. Presiding Judge
Regional Trial Court, Br. 39
9000 Cagayan de Oro City
(Civil Case No. 2002-283)

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