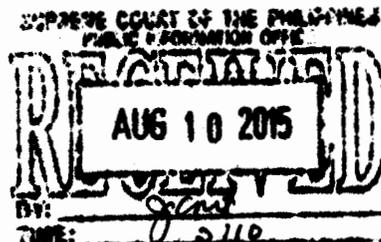




Republic of the Philippines
Supreme Court
Manila

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. 217763 (Spouses Elena Barcelona and Alfredo Valois v. Juan Claveria and Melinda del Prado). – 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.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the November 29, 2013 Decision¹ and March 2, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 01234 for failure of petitioners Spouses Elena Barcelona and Alfredo Valois (petitioners-spouses) to show any reversible error committed by the CA in ruling that the *prima facie* presumption of authenticity and due execution of the notarized Deed of Waiver of Rights purportedly executed by respondent Juan Claveria with respect to the subject property was properly put in dispute.

As correctly ruled by the CA, the presence of questionable circumstances in the instant case properly put in dispute the *prima facie* presumption of authenticity and due execution of the aforementioned notarized deed of waiver. Consequently, the burden of persuasion continued with petitioners-spouses and their successor-in-interest, Melinda del Prado, which, however, they failed to discharge.

Moreover, the petition suffers from the following procedural defects:
(a) lack of proof of service of the motion for extension of time to file petition on the CA pursuant to Section 2 (c), Rule 56 and Section 3, Rule

- over - two (2) pages 21

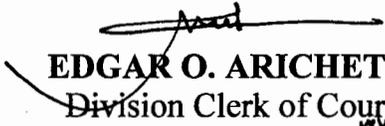
¹ Rollo, pp. 25-36. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Maria Elisa Sempio Diy concurring.

² Id. at 37-41. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Marie Christine Azcarraga Jacob concurring.

46 in relation to Section 5 (d), Rule 56 and Section 13, Rule 13 of the Rules of Court; (b) unaccompanied by a clearly legible duplicate original or a certified true copy of the November 29, 2013 Decision and March 2, 2015 Resolution of the CA, certified true copies of such material portions of the record as are referred to therein and other documents relevant and pertinent thereto, as required by Sections 4 (d) and 5, Rule 45, in relation to Section 5 (d), Rule 56; and (c) unaccompanied by a compact disc and a verified declaration required under A.M. Nos. 10-3-7-SC (Re: Proposed Rules on E-filing) and 11-9-4-SC (Re: Proposed Rule for the Efficient Use of Paper) in relation to Section 5 (e), Rule 56 of the Rules of Court.

SO ORDERED. SERENO, C.J., on official leave; **PERALTA, J.**, 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

21

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(Civil Case No. 613)

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