



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, 2020** which reads as follows:*

“G.R. No. 246539 - Rosita C. Velez v. Sta. Lucia Realty & Development, Inc.

This resolves the Verified Petition for Review on *Certiorari* against the Court of Appeals (CA) September 7, 2018 Decision¹ and March 28, 2019 Resolution² in CA-G.R. CV No. 108064 which granted the appeal of Sta. Lucia Realty & Development, Inc. (SLRDI).

The case stemmed from a Petition for Entry of New Certificate of Title and Issuance of Writ of Possession filed by Rosita C. Velez (Velez), as the highest bidder at an auction sale of tax delinquent real properties on August 14, 2009, in Taguig City over the property covered by Transfer Certificate of Title (TCT) No. 9460³ registered under the name of SLRDI. The Certificate of Sale⁴ was registered on October 13, 2009.⁵ SLRDI failed to redeem the property within one year from the date of the auction sale, thus, the City Treasurer of Taguig executed a Final Bill of Sale⁶ in favor of Velez on June 29, 2011.

SLRDI opposed the petition with allegations that the public auction conducted by the City of Taguig was tainted with irregularities, *i.e.*, alleged failure to properly serve the notice of tax

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¹ Penned by Associate Justice Eduardo B. Peralta, Jr., with Associate Justices Ramon R. Garcia and Geraldine C. Fiel-Macaraig, concurring; *rollo*, pp. 191-202.

² Id. at 204-209.

³ Id. at 123.

⁴ Id. at 63.

⁵ Id. at 66.

⁶ Id. at 68-70.

delinquency and alleged non-compliance with posting and publication requirements conformably with the Local Government Code.⁷ According to Velez, on the other hand, SLRDI's claims were without basis and the validity of the auction sale should have been the subject of a separate action in the proper court, not in a proceeding where the trial court sat as a cadastral court.⁸

The Regional Trial Court (RTC) of Taguig City, Branch 70, eventually ruled that the issue on the validity of the auction sale is not within the ambit of its jurisdiction in a land registration case, and that Sta. Lucia should have filed an independent action.⁹ Thus, its May 31, 2016 Decision¹⁰ in LRC Case No. R-7703 disposed, as follows:

WHEREFORE, in view of the foregoing, the petition is hereby GRANTED.

1. The Registry of Deeds of Taguig City is hereby Ordered to CANCEL Transfer Certificate of Title No. [9460] and enter a new Certificate of Title in the name of ROSITA C. VELEZ, married to Ricardo Velez; and
2. The petitioner's prayer for the issuance of a Writ of Possession with break open proviso is hereby GRANTED after a final decree of registration on the subject property has been issued in her name.

SO ORDERED.¹¹

SLRDI's ensuing motion for reconsideration was denied by the RTC in a September 26, 2016 Order.¹² Consequently, SLRDI appealed the case.¹³

SLRDI's appeal prospered. The CA held that the Property Registration Decree eliminated the dichotomy between the RTC's general jurisdiction and its limited jurisdiction when acting merely as a cadastral court.¹⁴ It then found that there was nothing on record to demonstrate that the auction sale was properly conducted in accord

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⁷ Id. at 144.

⁸ Id. at 145.

⁹ Id. at 155-156.

¹⁰ Penned by then Presiding Judge (now CA Associate Justice) Louis P. Acosta; id., pp. 143-156.

¹¹ Id. at 156.

¹² Id. at 124-127.

¹³ Id. at 128-140.

¹⁴ Id. at 196.

with applicable rules in the Local Government Code.¹⁵ Thus, the dispositive portion of the decision under review reads:

WHEREFORE, in the light of the foregoing premises, the instant **APPEAL** is hereby **GRANTED**.

Hence, the Decision dated May 31, 2016 and Order dated September 26, [2016] are hereby **SET ASIDE** and the Petition for Entry of New Certificate of Title dated March 5, 2012 is hereby **DISMISSED** for lack of merit.

SO ORDERED.¹⁶

Aggrieved, Velez moved for reconsideration of the foregoing disposition, which was denied by the CA on March 28, 2019.¹⁷ As a result, Velez filed the present petition.

According to Velez, the CA erred:

A.

x x x IN TAKING COGNIZANCE OF STA. LUCIA'S APPEAL (VIA THE APPELLATE BRIEF) DESPITE INEXCUSABLY AND UNJUSTIFIABLY FAILING TO COMPLY WITH THE STRICT PROCEDURAL REQUIREMENTS UNDER SECTION 13, RULE 44 OF THE RULES[;]

B.

x x x IN ITS APPLICATION OF THE CASE OF SOLCO V. MEGAWORLD CORPORATION AS THE INSTANT CASE IS NOT ON ALL FOURS WITH THE CIRCUMSTANCES THEREIN[;]

B(1).

x x x IN NOT ORDERING STA. LUCIA TO DEPOSIT THE AMOUNT PAID BY THE HIGHEST BIDDER IN THE AUCTION SALE PURSUANT TO SECTION 267 OF THE LOCAL GOVERNMENT CODE[; AND]

C.

x x x IN FINDING THAT MRS. VELEZ DID NOT PRESENT EVIDENCE TO SUFFICIENTLY DEMONSTRATE THAT THE AUCTION SALE WAS VALIDLY CONDUCTED IN ACCORDANCE WITH THE RULES OF COURT.¹⁸

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¹⁵ Id. at 200.

¹⁶ Id. at 202.

¹⁷ Id. at 204-209.

¹⁸ Id. at 22.

SLRDI filed its Comment¹⁹ on the petition on September 27, 2019, which essentially echoes the key points of the subject decision, while the Reply²⁰ filed by Velez on October 22, 2019 circles back to the perceived infirmities of SLRDI's appeal brief before the CA.

We deny the petition.

As correctly pointed out by the CA, Section 1, Rule 50 does not confer a mandatory duty to reject an appeal, and requires a great deal of circumspection considering the attendant circumstances. “[I]f the citations found in the appellant’s brief could sufficiently enable the CA to locate expeditiously the portions of the records referred to, then there is substantial compliance with the requirements of Section 13, Rule 44 of the Rules of Court.”²¹ Given that the CA found that it could decide the case on the merits as it chose to do, which impliedly found the appellant's brief to be substantially sufficient, it is not for this Court to nitpick on whether or not the subject index was arranged alphabetically, among other perceived errors recited in the petition.

The CA also cannot be faulted in relying on our recent pronouncement in *Jerome K. Solco v. Megaworld Corporation*,²² “that Presidential Decree (PD) No. 1529, with the intention to avoid multiplicity of suits and to promote expeditious termination of cases, had eliminated the distinction between the general jurisdiction vested in the regional trial court and the latter’s limited jurisdiction when acting merely as a land registration court.” The contention that the said case is not on all fours with the present case deserves scant attention.

It bears reminding that “[w]e generally do not entertain a question of fact requiring a re-evaluation of the evidence on record, given the limited rule review provided us in Rule 45 that a petition shall only raise questions of law.”²³ In this light and considering that the CA had apparently and painstakingly gone over the records when it arrived at its decision, we refrain from revisiting the factual matters alleged in the petition.

ACCORDINGLY, finding no reversible error in the September 7, 2018 Decision and March 28, 2019 Resolution of the Court of Appeals in CA-G.R. CV No. 108064, the petition under present consideration is **DENIED**.

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¹⁹ Id. at 231-248.

²⁰ Id. at 355-363.

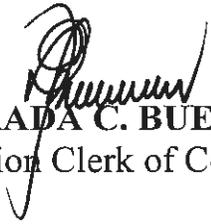
²¹ *Dr. Gil J. Rich v. Guillermo Paloma III, Atty. Evarista Tarce and Ester L. Servacio*, G.R. No. 210538, March 7, 2018.

²² G.R. No. 213669, March 5, 2018.

²³ *Marcelino dela Paz v. Republic of the Philippines*, G.R. No. 195726, November 20, 2017.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *mlb*

by:

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