



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 June 2021** which reads as follows:*

“G.R. No. 255116 (Fe Cerna-Pascual, the Intestate Estate of the late Lou V. Cerna [represented by his surviving wife, Mercedes Bulanag Vda. de Cerna, and his four* surviving children, namely, Mary Grace B. Cerna, Mary Lou B. Cerna, et al.] v. Intestate Estate of the late Spouses Gil V. Cerna and Gloria V. Piastro, represented by their surviving children, namely, Gil P. Cerna II, and Spouses Regino Palermo, Jr. and Lydia Palermo).** - After a judicious study of this case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated August 29, 2019 and the Resolution³ dated September 25, 2020 of the Court of Appeals (CA) in CA-G.R. CV No. 05305 for failure of petitioners to sufficiently show that the CA committed any reversible error in affirming the Decision⁴ dated May 12, 2014 of the Regional Trial Court of Baybay City, Leyte, Branch 14 in Civil Case No. B-05-09-21 finding that: (1) there was no implied trust between petitioners and respondents’ predecessors-in-interest, Spouses Gil V. Cerna, Sr. (Gil, Sr.) and Gloria V. Piastro (collectively, Sps. Cerna); and (2) the surviving heirs of Sps. Cerna have the legal right to dispose of the 539-square meter parcel of land, known as Lot 219, located at No. 10 C. Arellano St., Baybay City (subject land) in favor of respondents Spouses Regino Palermo, Jr. and Lydia Palermo.

Whether or not an implied trust exists is a factual issue, hence, outside the purview of Rule 45.⁵ Thus, the petition should be denied in the absence of any *exceptional circumstance* as to merit the Court’s review of factual questions that have already been settled by the courts below,⁶ as in this case. In any event, the CA

* Only three (3) were named in the instant petition as one of the plaintiffs-appellants before the CA, Marilou Cerna-Magdangal, was omitted.

** Only one (1) was named in the instant petition as one of the defendants-appellees before the CA, Gil P. Cerna, Jr., was omitted.

¹ *Rollo*, pp. 13-53.

² *Id.* at 59-71. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Edgardo L. Delos Santos (now a member of this Court) and Marilyn B. Lagura-Yap, concurring.

³ *Id.* at 73-75. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap, concurring.

⁴ *Id.* at 84-127. Penned by Presiding Judge Carlos O. Arguelles.

⁵ See the Court’s Resolution in *Spouses Ong v. Tio*, G.R. No. 236766, April 23, 2018; *Tong v. Go Tiat Kun*, 733 Phil. 581 (2014); *Juan v. Yap, Sr.*, 662 Phil. 321 (2011).

⁶ See the Court’s Resolution in *Santos v. Spouses Perez*, G.R. No. 242314, January 30, 2019.

aptly observed that other than their bare allegations, petitioners failed to offer clear, satisfactory, and convincing evidence to: (a) establish the existence of an implied trust between petitioners and Gil, Sr. with respect to the subject land; and (b) overcome the probative value of Transfer Certificate of Title (TCT) No. T-14439 in the names of Sps. Cerna, covering the subject land. Consequently, petitioners have no legal right to demand for the reconveyance of the subject land and no personality to question the sale between respondents.

SO ORDERED.” (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court (117)
 13 JUL 2021 712

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 14
 Baybay City, Leyte
 (Civil Case No. B-05-09-21)

COURT OF APPEALS (reg)
 Visayas Station
 Cebu City
 CA-G.R. CV No. 05305

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 GR255116. 6/14/2021(117)URES