



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. 255721 (Maria Romana M. Whitt and Edward C. Whitt v. Felicitas L. Manankil, substituted by the Heirs of Felicitas L. Manankil). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated September 22, 2020 and the Resolution³ dated February 4, 2021 of the Court of Appeals (CA) in CA-G.R. CV No. 110484 for failure of petitioners Maria Romana M. Whitt and Edward C. Whitt (petitioners) to show that the Court of Appeals committed reversible error in ruling that the Deed of Absolute Sale⁴ of the two (2) parcels of land with areas of 119 square meters and 80 square meters covered by Transfer Certificate of Title (TCT) Nos. 164554 and 164555 (subject properties) respectively, both located at Avignon Street, Goodwill 3 Subdivision, Sucat, Parañaque City, between petitioners and respondent Felicitas L. Manankil⁵ (respondent) is null and void.

As correctly ruled by the CA, the deed of absolute sale cannot enjoy the presumption of regularity of a notarized document, since as admitted by the notary public, respondent and the witnesses were not present on the date of its notarization on May 18, 2011.⁶ It is settled that when there is a defect in the notarization of a document, the clear and convincing evidentiary standard normally attached to a duly-notarized document is dispensed with, and the measure to test the validity of such document is preponderance of evidence,⁷ which respondent has successfully discharged in this case. Records reveal that there was: (a) a lack of consent, since respondent could not have read and comprehended the contents of the deed of sale because she was clinically blind at the time the deed was supposedly executed; and (b) a lack of consideration, since it was not proven that the purchase price stated in

¹ *Rollo*, pp. 10-66.

² *Id.* at 68-80. Penned by Associate Justice Gabriel T. Robeniol with Associate Justices Edwin D. Sorongon and Carlito B. Calpatura, concurring.

³ *Id.* at 82-84.

⁴ *Id.* at 96-97.

⁵ On October 8, 2020, respondent Felicitas L. Manankil died. Thus, she was substituted by her heirs, namely: Rita Manankil Barinuevo, Corazon Manankil Endo, Thelma Manankil Lee, Martin Jose Manankil, and Anthony Manankil (*id.* at 12). See also Certificate of Death (*id.* at 85).

⁶ *Rollo*, p. 75.

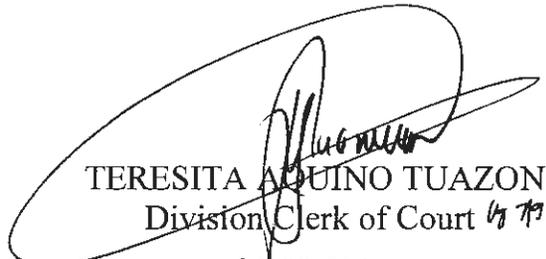
⁷ *Diampoc v. Buenaventura*, 828 Phil. 479, 489 (2018).

the deed of sale was in fact paid and that the financial assistance extended to respondent was given as remuneration for the sale of the subject properties.⁸

Finally, it bears stressing that the issues raised in the instant petition are factual in nature, and thus, outside the province of a Rule 45 petition. It is settled that factual findings of the trial court, especially when affirmed by the CA, deserve great weight and respect, unless there are facts of weight and substance that were overlooked or misinterpreted and that would materially affect the disposition of the case,⁹ which do not obtain in this case.

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
09 JUL 2021

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 258
1700 Parañaque City
(Civil Case No. 14-0189)

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⁸ Rollo, pp. 75-78.

⁹ *Almojuela v. People*, 734 Phil. 636, 651 (2014).