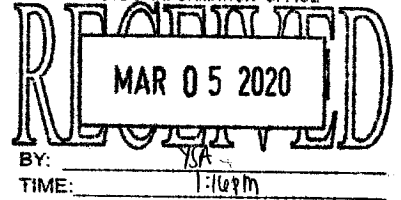




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 January 2020 which reads as follows:

“**G.R. No. 249559 (Filinvest Land, Inc. v. Luisito Thomas M. Carlos).** – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the June 28, 2019 Decision² and the September 20, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 158710 for failure of petitioner Filinvest Land, Inc. (petitioner) to sufficiently show that the CA committed any reversible error in upholding the denial⁴ of its Opposition⁵ to respondent Luisito Thomas M. Carlos’s (respondent) petition for, *inter alia*, reconstitution of Transfer Certificate of Title (TCT) No. 303840, involving a 529 square-meter property, *i.e.*, Lot 107-B, Block No. PSD-13-000035, located at Bagong Silangan, Quezon City.

As correctly ruled by the CA, petitioner’s Opposition failed to advance adequate and proper grounds to deflect respondent’s petition for reconstitution of title, as the arguments raised therein basically attacked the validity of the auction sale of the property in favor of respondent due to infirmities, which are irrelevant and not germane to the main action for reconstitution of a certificate of title.⁶ In sum, the CA did not commit grave abuse of discretion in affirming the court *a quo*’s denial of petitioner’s Opposition to respondent’s petition for reconstitution. Settled is the rule that an essential requisite for filing a petition for *certiorari* is the allegation that the judicial tribunal acted with grave abuse of discretion amounting to lack or excess of jurisdiction. Grave abuse of discretion has been defined as a capricious or whimsical exercise of judgment that is patent and gross as to amount to an evasion of positive duty or a virtual refusal to

¹ Rollo, pp. 11-21.

² Id. at 28-35. Penned by Associate Justice Manuel M. Barrios with Associate Justices Maria Filomena Singh and Ruben Reynaldo G. Roxas, concurring.

³ Id. at 37-39.

⁴ See RTC Order dated March 5, 2018, signed by Presiding Judge Edgardo B. Bellosillo; id. at 40-41.

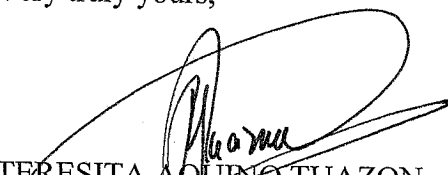
⁵ Not attached to the *rollo*.

⁶ See *rollo*, p. 32.

perform a duty enjoined by law.⁷ Besides, the issue has been mooted by the grant⁸ of respondent's petition for reconstitution by the court *a quo*.⁹

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
26 FEB 2020 p 2/26

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 95
Quezon City
(LRC Case No. R-QZN-15-05969-LR)

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GR249559. 01/27/20(82)URES

⁷ *Cruz v. People*, 812 Phil. 166, 173 (2017).

⁸ See RTC Decision dated December 7, 2018, penned by Judge Edgardo B. Bellosillo; *rollo*, pp. 79-83.

⁹ See *id.* at 34.