



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 June 2020** which reads as follows:*

“G.R. No. 248834 (Margarita Fortuna, Heirs of Ma. Teresa Jacinta Ann F. Reyes, Marie Phoebe Margarita F. Reyes, and Eduardo Simeon Joseph Manuel F. Reyes v. Spouses Restituto Jaramillo and Leonarda Jaramillo and Danilo M. Toledanes). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 18, 2019 Decision² and the July 29, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 107263 for failure of petitioners Margarita Fortuna (Fortuna), Heirs of Ma. Teresa Jacinta Ann F. Reyes, Marie Phoebe Margarita F. Reyes, and Eduardo Simeon Joseph Manuel F. Reyes (Reyes siblings; collectively, petitioners) to sufficiently show that the CA committed any reversible error in upholding the validity of the sale of the nine (9) parcels of land located in San Nicolas, Ilocos Norte between respondents Danilo Toledanes (Toledanes) and Restituto Jaramillo (Jaramillo), on behalf of petitioners.

As correctly ruled by the CA, the duly notarized special power of attorneys (SPAs) enjoy the presumption of regularity of a public document, which petitioners failed to overcome by proving that their signatures in the SPAs in favor of Jaramillo were forged.⁴ Records show that: (a) Fortuna’s signatures appearing in the SPAs and her two specimen signatures were written by one and the same person;⁵ and (b) the fact of forgery of the signatures of the Reyes siblings was not established by the slight dissimilarities in handwritings and patent irregularities, which were only natural and not indicative of forgery.⁶ Jurisprudence provides that

¹ *Rollo*, pp. 4-47.

² *Id.* at 52-68. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Apolinario D. Bruselas, Jr. and Rafael Antonio M. Santos, concurring.

³ *Id.* at 70-71.

⁴ “Basic is the rule that forgery cannot be presumed and must be proved by clear, positive, and convincing evidence, thus, the burden of proof lies on the party alleging forgery. One who alleges forgery has the burden to establish his case by preponderance of evidence.” (*Spouses Orsolino v. Frany*, 808 Phil. 212, 223 [2017].)

⁵ See *rollo*, pp. 64-65.

⁶ See *id.* at 66.

generally, a notarized document carries the evidentiary weight conferred upon it with respect to its due execution, and documents acknowledged before a notary public have in their favor the presumption of regularity, which may only be rebutted by clear and convincing evidence,⁷ which petitioners failed to establish in this case. Furthermore, it bears stressing that factual findings of the trial courts, especially when affirmed by the CA, deserve great weight and respect and are generally deemed final and conclusive,⁸ save for exceptional circumstances,⁹ none obtains in this case.

Finally, the petition is likewise dismissible for petitioners' failure to attach a copy of the May 31, 2016 Decision of the Regional Trial Court of Laoag City, Branch 13, material portion of the record, pursuant to Section 4 (d), in relation to Section 5, Rule 45 of the Rules of Court.

SO ORDERED. (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

09 SEP 2020

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⁷ *Rural Bank of Cabadbaran, Inc. v. Melecio-Yap*, 740 Phil. 35, 55 (2014).
⁸ *Lorenzana v. Lelina*, 736 Phil. 271, 280 (2016).
⁹ See *Pascual v. Burgos*, 776 Phil. 167, 182-183 (2016).