



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. 256051 (Roberto Estorque v. Roberta Josefina T. Estorque, Divina F. Estorque, Vicente F. Estorque, Jr., et al.). - The Court resolves to **INFORM** petitioner Roberto Estorque (petitioner) that he or his authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱20.00 under O.R. No. 0291235 dated April 30, 2021.

After a judicious perusal of the case, the Court resolves to **DENY** the petition¹ and **AFFIRM** the Decision² dated March 28, 2019 and the Resolution³ dated January 20, 2021 of the Court of Appeals (CA) in CA-G.R. CV No. 06380 for failure of petitioner to sufficiently show that the CA committed any reversible error in affirming the dismissal of his petition for cancellation of notice of adverse claim annotated on Transfer Certificate of Title (TCT) Nos. T-34171, T-34172, T-34173, T-34176, T-34177, and T-34180 of the Register of Deeds of the Province of Capiz.

As correctly ruled by the CA, a notice of adverse claim remains valid even after the lapse of the thirty (30)-day period provided under Section 70 of Presidential Decree No. 1529⁴ and its cancellation is still necessary to render it ineffective; otherwise, the inscription will remain annotated and shall continue as a lien upon the property.⁵ For if the adverse claim has already ceased to be effective upon the lapse of said period, its cancellation is no longer necessary and the process of cancellation would be a useless ceremony.⁶ In any case, respondents Roberta Josefina T. Estorque, Divina F. Estorque, and Vicente F. Estorque, Jr. (respondents) were able to prove the validity of their claim against the subject properties by showing evidence of the pendency of the intestate proceedings over the estate of their deceased father, Vicente Estorque, Sr. As respondents’ claim over the subject

¹ *Rollo*, pp. 3-11.

² *Id.* at 199-210. Penned by Executive Justice Edgardo L. Delos Santos (now a member of the Court) with Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga, concurring.

³ *Id.* at 217-219. Penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Pamela Ann Abella Maxino and Dorothy P. Montejo-Gonzaga, concurring.

⁴ Entitled ‘AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES,’ as approved on June 11, 1978.

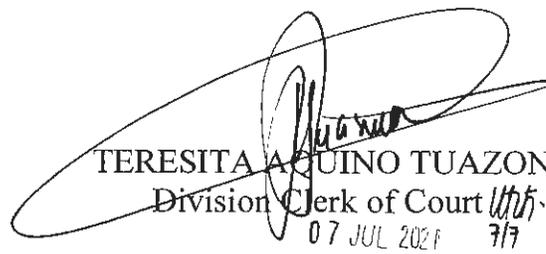
⁵ *Rollo*, pp. 205-207.

⁶ *Torbela v. Spouses Mariano*, 678 Phil. 1, 50 (2011).

properties was legitimate, the courts *a quo* did not err in dismissing the petition for cancellation of the notice of adverse claim even after the lapse of thirty (30) days from its registration.⁷

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 *Utth*
 07 JUL 2021 7/7

ATTY. ELY F. AZARRAGA, JR. (reg)
 Counsel for Petitioner
 2/F, Rendon Building
 Legaspi Street, Roxas City
 Capiz

ATTY. JOVENCIO JAMES G. BEREBER (reg)
 Counsel for Respondent
 Bilbao St., Inzo Arnaldo Village
 Roxas City, Capiz

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 18
 Roxas City, Capiz
 (SPL [LRC] 03-15)

*CASH DISBURSEMENT & COLLECTION
 DIVISION (x)
 THE AUDITOR (x)
 Supreme Court, Manila

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CV No. 06380

*for this resolution only
 Please notify the Court of any change in your address.
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⁷ Rollo, pp. 208-209.