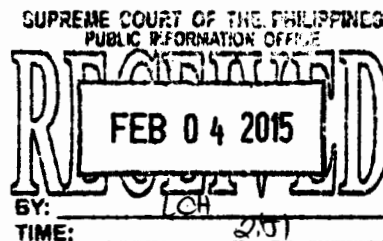




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2014** which reads as follows:*

**“G.R. No. 214583 (Gemma C. Pancho v. Christian Children’s Fund-San Pedro-A).-** The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 6, 2014 Decision<sup>1</sup> and September 4, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 100347 for failure of Gemma C. Pancho (petitioner) to show that the CA committed any reversible error in upholding the validity of the levy and sale of the property in favor of Christian Children’s Fund-San Pedro-A (respondent).

As correctly observed by the CA, petitioner’s challenge against the validity of the levy and sale of the property in controversy must fail considering that she was not able to prove through a mere tax declaration and an unregistered deed of conveyance her ownership over the same. To add, her failure to proffer any explanation why it was her father who still claimed ownership of the subject property despite its conveyance to her as

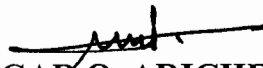
- over – two (2) pages .....

<sup>1</sup> Rollo, pp. 27-35. Penned by Associate Justice Normandie B. Pizarro with Presiding Justice Andres B. Reyes, Jr. and Associate Justice Manuel M. Barrios, concurring.  
<sup>2</sup> *Id.* at 44-45.

well as the lack of any attempt on her part to redeem the same, further cast doubt on her claim of ownership. Finally, the fact that the transfer was gratuitously made and that there were no sufficient properties reserved by petitioner's parents to pay their obligations support the finding that the conveyance to petitioner was for the purpose of evading the civil liability adjudged against her mother as provided under Article 1387<sup>3</sup> of the Civil Code. Being so, it cannot be allowed to prevail over the certificate of sale duly issued and registered in favor of respondent.

**SO ORDERED.” BERSAMIN, J.**, on official leave; **REYES, J.**, acting member per S.O. No. 1892 dated November 28, 2014. **PEREZ, J.**, on official leave; **CARPIO, J.**, acting member per S.O. No. 1899 dated December 3, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
8<sup>th</sup> 17

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Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 100347)

Judgment Division (x)  
Supreme Court

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The Hon. Presiding Judge  
Regional Trial Court, Br. 55  
Irosin 4707 Sorsogon  
(Civil Case No. 753)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

SR

<sup>3</sup> Article 1387 of the Civil Code reads:

ART. 1387. All contracts by virtue of which the debtor alienates property by gratuitous title are presumed to have been entered into fraud of creditors, when the donor did not reserve sufficient property to pay all debts contracted before the donation.

Alienations by onerous title are also presumed fraudulent when made by persons against whom some judgment has been rendered in any instance or some writ of attachment has been issued. The decision or attachment need not refer to the property alienated, and need not have been obtained by the party seeking the rescission.

In addition to these presumptions, the design to defraud creditors may be proved in any other manner recognized by the law of evidence.

