



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
RECEIVED
 DEC 03 2019
 BY: SA
 TIME: 9:55

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **07 October 2019** which reads as follows:

"G.R. No. 242650 — IN RE: PETITION FOR CANCELLATION OF ENCUMBRANCE (ENTRY NO. 611020) ON TRANSFER CERTIFICATE OF TITLE NO. (T-51719) 060-2017008877 OF THE REGISTRY OF DEEDS FOR THE PROVINCE OF LAGUNA, CALAMBA BRANCH

A.L. SILVA MANAGEMENT CONSULTANT SERVICES, INC. (ALSCO), petitioner.

X -----X

This is a petition for review on *certiorari*¹ (Petition) under Rule 45 of the Rules of Court seeking the review and reversal of the Resolution² dated August 1, 2018 and Order³ dated October 16, 2018 (collectively, assailed Issuances) rendered by the Regional Trial Court, City of Santa Rosa, Laguna, Branch 102 (RTC of Sta. Rosa) in LRC Case No. S-49-2017 entitled "*In re: Petition for Cancellation of Encumbrance (Entry No. 611020) on Transfer Certificate of Title No. (T-51719) 060-2017008877 of the Registry of Deeds for [the Pr]ovince of Laguna, Calamba Branch, A.L. Silva Management Consultant Services, Inc. (ALSCO), petitioner*".

The assailed Issuances denied the Petition for Cancellation of Entry filed by petitioner A.L. Silva Management Consultant Services, Inc. (ALSCO). This denial prompted ALSCO to seek redress before this Court through the present Petition.

Here, ALSCO asserts, as it did before the RTC of Sta. Rosa, that it is the absolute and registered owner of a parcel of land located in Barangay Pulong Sta. Cruz, Sta. Rosa, Laguna covered by Transfer Certificate of Title (TCT) No. (T-51719) 060-2017008877 (Subject Property).⁴

Unknown to ALSCO, a Notice of Attachment⁵ dated September 13, 2002 (Subject Entry) was annotated on the back of said TCT in connection with a collection case filed by Accentriks Enterprises (Accentriks) against Gerardo L. Santiago and Amelia Santiago⁶ (Spouses Santiago) for the

¹ *Rollo*, pp. 21-57, excluding Annexes.
² *Id.* at 60-66. Penned by Presiding Judge Gil Jude F. Sta. Maria, Jr.
³ *Id.* at 68.
⁴ *Id.* at 25.
⁵ *Id.* at 97-98.
⁶ In their capacity as owners of Gerrimel Construction; see *id.* at 97, 103.

10/14

unpaid amount of One Million One Hundred Seventeen Thousand Seven Hundred Ninety-Five and 65/100 Pesos (Php1,117,795.65).⁷

The Subject Entry reads, in part:

ENTRY NO. 611020 – NOTICE OF ATTACHMENT. THE PROPERTY DESCRIBED IN THIS TITLE IS SUBJECT TO CASE NO. 3191-9-C⁸ ENTITLED ACCENTRIKS ENT., [V.] GERARDO L. SANTIAGO, ET. AL., PENDING BEFORE THE RTC CALAMBA BR. 35, ACCORDING TO THE NOTICE FILED BY E. TORRES/R/ DE LEON

x x x x

DATE OF INSTRUMENT: 9-13-02

DATE OF INSCRIPTION: 9-19-02 AT 9:45 A.M.

(SGD) VICENTE A. GARCIA
ACTG. REGISTER OF DEEDS⁹

It appears that the Subject Property had been levied upon because Spouses Santiago had built improvements thereon.¹⁰

In this connection, ALSCO asserts that it has no relationship with Spouses Santiago, and that it never authorized them to occupy or build any improvements on the Subject Property.¹¹ Thus, ALSCO maintained that the annotation of the Subject Entry was erroneously made.¹²

Subsequently, ALSCO filed with this Court a Motion to Withdraw¹³ (Motion) dated September 6, 2019. Therein, ALSCO averred that the RTC of Calamba City issued an Order¹⁴ dated July 12, 2019 (July 2019 Order) directing the Register of Deeds concerned to cancel the Subject Entry.

Attached to said Motion is a copy of the July 2019 Order, the pertinent portions of which read:

For resolution is a Motion To Lift Attachment filed by [Accentriks] through counsel.

[The RTC of Calamba City] finds the motion to be with merit. Firstly, the very reason for the issuance of the attachment was to secure the satisfaction of the judgment in this case in favor of [Accentriks]. But the judgment debt in this case has already been fully satisfied. Thus, the reason for the issuance of the attachment no longer exists. x x x Secondly,

⁷ *Rollo*, p. 26.

⁸ Civil Case No. 3191-01-C; see *rollo*, pp. 97 and 103.

⁹ *Rollo*, pp. 28, 94.

¹⁰ See *id.* at 26, 27.

¹¹ *Id.* at 26.

¹² *Id.* at 29.

¹³ *Id.* at 254-260, including Annex. Denominated as "Motion to Withdraw [Re: *Petition for Review* dated 04 December 2018]."

¹⁴ *Id.* at 258. Rendered by Judge Gregorio M. Velasquez.

[Accentriks,] x x x in whose favor the attachment was issued[,] is the one seeking the lifting of the attachment. x x x

WHEREFORE, the motion is GRANTED. The Register of Deeds of Calamba City is hereby ordered to cancel the attachment annotated in [TCT] No. (T-51719) 060-2017008877 as Entry No. 611020 upon payment of the appropriate fees for such cancellation.

SO ORDERED.¹⁵ (Emphasis supplied)

ALSCO thus prays that its Petition be deemed withdrawn.¹⁶

Considering that the review of the assailed Issuances would no longer serve any purpose and would afford ALSCO no other relief in addition to that resulting from the cancellation of the Subject Entry pursuant to the July 2019 Order, the Court finds the withdrawal of the Petition proper.

WHEREFORE, based on the foregoing premises, the Court **GRANTS** the Motion to Withdraw filed by petitioner A.L. Silva Management Consultant Services, Inc. The petition for review on *certiorari* dated December 4, 2018 is **DECLARED WITHDRAWN**. Let an entry of final judgment be issued immediately.

SO ORDERED.

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

25 NOV 2019

¹⁵ Id.

¹⁶ Id. at 256.

-PAGE 4-

CRUZ MARCELO & TENEFRANCIA (reg)
Counsel for Petitioner
9th, 10th, 11th and 12th Floors, One Orion
11th Avenue corner University Parkway
Bonifacio Global City 1634
Metro Manila

REGISTER OF DEEDS (reg)
Calamba City, Laguna

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 102
Sta Rosa, Laguna
(LRC Case No. S-49-2017)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR242650. 10/07/19(144)URES *11/18*