



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 September 2020** which reads as follows:*

**“G.R. No. 250214 (Arsenia Ecaldre v. Spouses Romeo Ecaldre and Marilyn Ecaldre; Spouses Arvin Ecaldre and Emy Ecaldre; Spouses Vinson Ecaldre and Karen Ecaldre, et al.).** – After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the October 16, 2018 Decision<sup>2</sup> and the October 16, 2019 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 106275 for failure of petitioner Arsenia Ecaldre (petitioner) to sufficiently show that the CA committed any reversible error in finding that respondent Romeo Ecaldre (respondent) was the sole donee of the subject properties, and that respondent’s Affidavit<sup>4</sup> dated June 29, 1999 partook the nature of a donation, thus, void for petitioner’s lack of acceptance.

As correctly ruled by the CA, nothing in the Deed of Donation<sup>5</sup> executed by Anastacia Dominguez (Anastacia) on January 28, 1978 remotely supports the conclusion that a co-ownership had been intended or created between respondent and petitioner.<sup>6</sup> Indeed, nothing could have prevented Anastacia from naming both respondent and petitioner as joint donees or co-owners of the subject properties, considering that they are siblings, if such had been Anastacia’s true intent. Notably, even petitioner herself during cross-examination admitted that the Affidavit evidenced a willing transfer from his brother to her,<sup>7</sup> which, the Court notes, was executed twenty (20) years after Anastacia’s donation to respondent. Thus, the transfer contemplated in the Affidavit, in effect being a donation of an immovable property, requires petitioner’s acceptance in the same document or in a separate public document, as required by Article 749 of the Civil Code of the

<sup>1</sup> Rollo, pp. 10-30.

<sup>2</sup> Id. at 148-158. Penned by Associate Justice Maria Filomena D. Singh with Associate Justices Celia C. Libre-Leagogo and Samuel H. Gaerlan (now a member of the Court), concurring.

<sup>3</sup> Id. at 169-172.

<sup>4</sup> Id. at 43.

<sup>5</sup> Id. at 41-42.


<sup>6</sup> See id. at 154.

<sup>7</sup> See TSN, May 21, 2013, p. 9

Philippines for its validity,<sup>8</sup> which is clearly absent in this case. Accordingly, the petition must be denied.

**SO ORDERED.** (Inting, J., on official leave. Baltazar-Padilla, J., on leave.)”

By authority of the Court:



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
28 SEP 2020

*Wh*  
9/25

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 72  
Olongapo City  
(Civil Case No. 45-0-12)

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*Please notify the Court of any change in your address.*  
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<sup>8</sup> See *Republic v. Guzman*, 383 Phil. 479-486 (2000).