



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 January 2021** which reads as follows:*

“G.R. No. 253831 (The Estate of Alicia Zaldarriaga and Jacinto A. Lim, Sr., through their Heirs, namely, Milene Z. Lim, Joffree Z. Lim, Geraldine Z. Lim, Jacinto Z. Lim, Jr., and Lyndon Z. Lim, duly represented by their Attorney-in-Fact, Lyndon Z. Lim *v.* Pedro Zaldarriaga and Nelly Zaldarriaga, and The Register of Deeds of the Province of Iloilo). – The Court resolves to **GRANT** petitioners’ motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*, and to **NOTE** and **GRANT** the entry of appearance dated August 19, 2020 of Atty. Anfred P. Panes of A. Panes Law as counsel for petitioners, praying that all Court processes be sent to him at Second Floor, Seventy N Building Jalandoni Street, Jaro, Iloilo City 5000.

After a judicious study of this case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated August 30, 2019 and the Resolution³ dated March 12, 2020 of the Court of Appeals (CA) in CA-G.R. CV No. 05348 for failure of the estate of Alicia Zaldarriaga (Alicia) and Jacinto A. Lim, Sr. (Jacinto) to sufficiently show that the CA committed any reversible error in affirming the Order⁴ dated June 3, 2014 of the Regional Trial Court of Barotac Viejo, Iloilo, Branch 66 which decreed the cancellation of the Notice of *Lis Pendens* under Entry No. 933123 and the Notice of Adverse Claim under Entry No. 952564 annotated on Original Certificate of Title (OCT) No. O-7189, Transfer Certificate of Title (TCT) No. T-86635, OCT No. O-7191,⁵ OCT No. O-7118, and TCT No. T-86636 (subject titles) after payment of the required fees.

As correctly ruled by the CA, petitioners’ allegations and reliefs in Civil Case No. 99-10832 indicate that the action is one that does not affect title or right of possession of real properties, but was a simple collection suit arising from the

¹ *Rollo*, pp. 60-79.

² *Id.* at 91-107. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Edgardo L. Delos Santos (now a Member of the Court) and Marilyn B. Lagura-Yap, concurring.

³ *Id.* at 120-123. Penned by Dorothy P. Montejo-Gonzaga with Associate Justices Marilyn B. Lagura-Yap and Alfredo D. Ampuan, concurring.

⁴ *Id.* at 124-128. Penned by Judge Rogelio J. Amador.

⁵ See *id.* at 151.

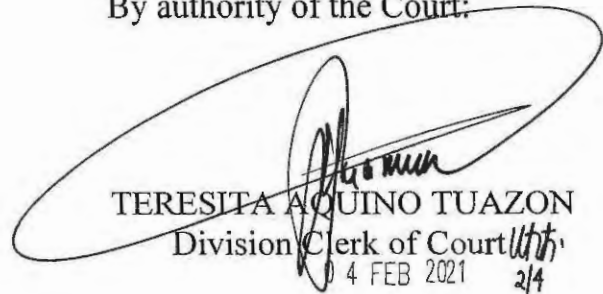
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claim for reimbursement of the expenses incurred by Spouses Alicia and Jacinto in recovering the lands covered by the subject titles that does not justify the annotation of a notice of *lis pendens* on the titles. The doctrine of *lis pendens* has no application to a proceeding in which the only object sought is the recovery of a money judgment, though the title or right of possession to the property be incidentally affected.⁶

The cancellation of the notice of adverse claim was likewise proper, considering that a previous adverse claim based on the same ground had been inscribed by Jacinto, and later cancelled. Hence, the Notice of Adverse Claim under Entry No. 952564 partakes of a second adverse claim proscribed under Section 70 of Presidential Decree No. 1529, signed on June 11, 1978.⁷

SO ORDERED. (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020).”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
4 FEB 2021 2/4

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REGISTER OF DEEDS OF THE PROVINCE
OF ILOILO (reg)
Muelle Loney 5000 Iloilo City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 66
Barotac Viejo, Iloilo
REF. Cad. Case No. 2012-428)

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Supreme Court, Manila

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Please notify the Court of any change in your address.
GR253831. 01/11/2021(294)URES

⁶ See *Atlantic Erectors Inc. v. Herbal Cove Realty Corporation*, 447 Phil. 531, 532 (2003).

⁷ Presidential Decree No. 1529, entitled “AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES” (June 11, 1978).