

TEODORICO CASTILLO, ALICE CASTILLO, AND ST. EZEKIEL SCHOOL, INC., PETITIONERS, VS. BANK OF THE PHILIPPINE ISLANDS, RESPONDENT.

G.R. No. 214053. June 06, 2018

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

This Petition for Review on Certiorari[1] assails the June 16, 2014 Decision[2] of the Court of Appeals (CA) dismissing the appeal in CA-G.R. CV No. 98643, as well as its September 1, 2014 Resolution[3] denying herein petitioners' Motion for Reconsideration.[4]

Sometime in 1997, Prudential Bank - now Bank of the Philippine Islands (BPI), herein respondent - extended various loans to petitioners Teodorico and Alice Castillo amounting to at least P20 million. As security, petitioners mortgaged property covered by Transfer Certificate of Title No. 102607 (the subject property) for which corresponding deeds of real estate mortgage were executed.

Petitioners defaulted in their loan payments. BPI thus filed a Petition for Extrajudicial Foreclosure of Real Estate Mortgage before the Regional Trial Court (RTC) of Malolos, Bulacan. At the auction sale held on November 26, 2008, BPI emerged as the highest bidder.

Petitioners were unable to redeem the subject property. A Certificate of Sale was thus issued in BPI's favor.

On June 23, 2009, BPI filed a Petition for Ex Parte Issuance of Writ of Possession[5] before the RTC, Third Judicial Region, Branch 79, which was docketed as LRC Case No. P 333-2009.

On September 23, 2011, the RTC issued a Decision[6] granting BPI's prayer for a writ of possession, thus:

WHEREFORE, considering that petitioner was able to substantiate the material allegations contained in the petition, through testimonial and documentary evidence, this Court is impelled to give DUE COURSE to its prayer to be placed in possession of the subject property.

Accordingly, let a Writ of Possession be issued directing the Deputy Sheriff of this Court, Enrique C. Calaguas, to place the petitioner bank in possession of the property covered by Transfer Certificate of Title No. T-102607, of the Registry of Deeds for the Province of Bulacan, pursuant to Section 7, Act No. 3135, as amended by Republic Act No. 4118.

SO ORDERED.[7]

Petitioners interposed an appeal[8] before the CA, docketed as CA-G.R. CV No. 98643. However, in a June 16, 2014 Decision, the CA dismissed the appeal and affirmed the September 23, 2011 Decision of the RTC.

Petitioners moved to reconsider, but in its September 1, 2014 Resolution, the CA held its ground. Hence, the present Petition.

On March 4, 2015, respondent filed its Comment[9] to the instant Petition. On August 20, 2015, petitioners filed their Reply.[10]

In a January 25, 2016 Resolution,[11] the Court resolved to give due course to the Petition. Thereafter, the parties submitted their respective memoranda.[12]

On October 13, 2016, petitioners filed a Withdrawal of Petition,[13] with a prayer for withdrawal or dismissal of the instant Petition on the ground of compromise.

In an April 3, 2017 Resolution,[14] the Court required BPI to comment on the petitioners' Withdrawal of Petition. However, to date, the bank has failed to file its written comment.

Considering the lapse of time since the filing of the petitioners' Withdrawal of Petition and the lack of action on respondent's part, it appears that the instant Petition has been rendered moot and academic, and is thus ripe for dismissal. Since the withdrawal of the Petition came upon the initiative of petitioners, respondent's inaction may be considered to be an implied concurrence or approval of the same.

WHEREFORE, the Petition is DISMISSED.

SO ORDERED.

Leonardo-De Castro,[*] (Acting Chairperson), Perlas-Bernabe,**] and Gesmundo,[****] JJ., concur.
Tijam, J., on official leave.

[*] Per Special Order No. 2559 dated May 11, 2018.

[**] Per raffle dated June 6, 2018.

[****] Per Special Order No. 2560 dated May 11, 2018.

[1] Rollo. pp. 9-40.

[2] Id. at 42-49; penned by Associate Justice Francisco P. Acosta and concurred in by Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez.

[3] Id. at 63-64.

[4] Id. at 51-61.

[5] Id. at 67-73.

[6] Id. at 125-132; penned by Judge Olivia V. Escubio-Samar.

[7] Id. at 132.

[8] Id. at 133-151; petitioners' Appellants' Brief.

[9] Id. at 159-167.

[10] Id. at 174-176.

[11] Id. at 178-179.

[12] Id. at 180-207, 211-225.

[13] Id. at 227-231.

[14] Id. at 238.

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