

## Extra-Judicial Foreclosure of Real Estate Mortgage Before a Notary Public: A Case or Re-examination and Reversal of *China Banking Corporation v. Court of Appeals*

*Arturo M. De Castro*

44 *ATENEOLJ*. 485 (2000)

*SUBJECT(S): CHINA BANKING CORPORATION V. COURT OF APPEALS RULING*

*KEYWORD(S): CHINA BANKING CORPORATION V. COURT OF APPEALS, FORECLOSURE OF REAL ESTATE MORTGAGES*

The Comment briefly examines the need to reverse the ruling of the Supreme Court in *China Banking Corporation v. Court of Appeals* (265 SCRA 327 (1996)), which provides that Supreme Court Administrative Order No. 3 does not apply to a petition for foreclosure of real estate mortgage filed before a notary public. This need for re-examination is anchored on the explicit terms of the said Order, taking into consideration the role of a notary public as an officer of the Court.