

FELIX MAÑA, HEIRS OF GREGORIO MAÑA, NAMELY: LORNA MAGDALE, HEIRS OF JOSE MAÑA, NAMELY: FELIMON, RICARDO, RUDY, ALL SURNAMED MAÑA, SALVACION M. MANTILLA, AND CERILA M. NAMULATA, ...

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is an appeal from the Judgment[1] dated July 20, 2011 of the Regional Trial Court, Branch 24, Cagayan de Oro City, in Civil Case No. 2003-313.

The facts are as follows:

The property subject of controversy is a 3.1271 hectare lot located in Purok 5, Quibonbon, El Salvador, Misamis Oriental designated as Lot No. 11689-C-12. The subject property formed part of the conjugal property belonging to the late Spouses Fausto Maña and Martina Balingit.

During their lifetime, the spouses begat four (4) children, namely: Vicenta Maña-Maglangit, Gregorio, Jose and Felix, all surnamed Maña. Vicenta Maña-Maglangit predeceased her parents and was survived by her seven (7) children, two of whom were Jose Maglangit and Milagros Maglangit-Mabalo, defendants-appellees herein.

Sometime in March 1958, Fausto Maña died. After his death, the subject property passed to Fausto's wife Martina, his three living children (Gregorio, Jose and Felix) and the children of the deceased Vicenta.

On February 21, 1969, Gregorio, Jose and Felix executed a Confirmation of Apportionment and Waiver of Rights[2] over the subject property in favor of their mother Martina, which was notarized on the same day.

Meanwhile, Gregorio and Jose died. Gregorio was survived by his only child Lorna Magdale, while Jose was survived by his five (5) children, namely: Felimon, Ricardo, Rudy, all surnamed Maña, Salvacion Maña-Mantilla and Cerila Maña-Namulata, plaintiffs-appellants herein. Only plaintiff-appellant Felix survived among the four children of Fausto and Martina.

It appears that on January 7, 1970, Martina executed a private document denominated as “Kasabutan”[3] conveying ownership of the subject property to defendant-appellee Jose Maglangit. On January 26, 1970, Martina and Jose Maglangit formalized the sale by executing a notarized Deed of Definite Sale.[4] Martina affixed her thumbmark on the space below and witnessed by Juanita Madjos and Florencia Padilla. Since then, Jose Maglangit took possession of the subject property, and exercised ownership thereof. Later, Martina died on April 13, 1972. In the meantime, Jose Maglangit sold the subject property to his sister, defendant-appellee Milagros Maglangit-Mabalo.

Plaintiffs-appellants discovered the sale only in 1999. Their discovery prodded them to file on October 3, 2003 the present complaint[5] for Annulment of Deed of Sale, Injunction with Writ of Preliminary Injunction, Recovery of Possession and Damages, before the Regional Trial Court, Branch 24, of Cagayan de Oro City,

docketed as Civil Case No. 2003-313, against defendants-appellees Jose Maglangit and Milagros Maglangit-Mabalo.

In their complaint, plaintiffs-appellants alleged that, at the time of execution of the deed of definite sale, Martina was in advanced state of senility, who was then 93 years old, which vitiated her consent to the disposal of the subject property. Because of Martina's condition, Jose Maglangit manipulated the execution of the deed and prevailed upon the senile Martina to affix her thumbmark on the deed the contents of which she never understood. To support their allegation, plaintiffs-appellants presented the testimony of Lorna Magdale, Felix Maña and Salvacion Mantilla. According to Lorna Magdale, she used to visit Martina everyday because she lived 40 meters away from the house of Martina. In her visits, she observed that Martina was not of sound mind because she saw Martina moving her bowels anywhere and exposing her private parts. For his part, Felix Maña testified that Martina could no longer recognize him as her son when he visited her on February 3, 1969, and in his visits in 1970 and 1971. Felix's testimony was corroborated by Salvacion Mantilla who was allegedly with him during his visit on February 3, 1969.[6]

Finally, plaintiffs-appellants contended that Felix and his brothers, Gregorio and Jose, during their lifetime, in fact waived all their rights to the subject property in favor of Martina. They claimed, however, that the waiver was purposely intended to serve the property as source of living to support their mother's daily needs. Hence, plaintiffs-appellants asked for the nullification of the deed of definite sale executed by Martina and Jose Maglangit, and the recovery of possession of the subject property. They likewise asked for damages.

In their respective Answers[7] with Affirmative Defenses and Counterclaim, defendants-appellees commonly alleged that plaintiffs-appellants have no cause of action against them. They argued that the deed of definite sale was personally and voluntarily executed by Martina and Jose Maglangit in the presence of the witnesses before the notary public and Martina's thumbmark appearing thereon is genuine and authentic, thus plaintiffs-appellants' claim that Martina was senile is not true. Their allegation was supported by the testimony of Nimfa Apdian who testified that Martina was of sound and disposing mind in attending to her daily activities, and never suffered from senility. Martina died in 1972.[8] Further, defendants-appellants asserted that the action filed by the plaintiffs-appellees was already barred by prescription and laches for having been filed after thirty (30) years from the time of the execution of the questioned deed of sale. Defendants-appellees thus prayed for the dismissal of the complaint and asked for damages

Pending resolution of this case, defendant-appellee Jose Maglangit died, and was later on substituted by his surviving children, namely: Arlene, Zenaida, Cherry, Joseph, Annaliza and Joel, all surnamed Maglangit.

After trial on the merits, on July 20, 2011, the court a quo rendered the assailed Judgment[9] upholding the validity of the deed of definite sale and ruling that plaintiffs-appellants' action was barred by prescription and laches, thus:

WHEREFORE, premises considered, the complaint is dismissed. There being no proof that plaintiffs in filing the complaint was motivated by malice, the counterclaim is likewise dismissed.

SO ORDERED.

Hence, plaintiffs-appellants interposed the present appeal with the following assignment of errors, to wit:

ERROR NO.1:

The Court erred in finding that plaintiff is seeking possession of the subject property.

ERROR NO. 2

The Court erred in finding that this action has already prescribed or is barred by laches.

ERROR NO. 3:

The Court erred in failing to consider the fraud that the defendants did which made all the documents of sales, confirmation of sales and Martina's private writing as void.[10]

The appeal is bereft of merit.

Plaintiffs-appellants dispute the authenticity and validity of the deed of definite sale. They claim that the genuineness of the document is highly doubtful because Martina was already 93 years old and suffering from senility at the time of execution of the document. They further claim that it was improbable for Martina to have executed the document because she was an illiterate person thus she could not have possibly understood the contents of the document written in English. They also contend that Jose Maglangit was incapacitated to purchase the property of Martina who was his ward. Finally, they argue that the consideration of the sale was inadequate.

These contentions are devoid of merit.

In ruling against the plaintiffs-appellants, and necessarily affirming the integrity, content and due execution of the Deed of Definite Sale, the court a quo reasoned thus:

xxxx Going over the pieces of evidence adduced by the plaintiffs to the effect that Martina was already senile beginning 1969 until her death in 1972 through the testimony of Magdale, and as declared by Felix Maña and Mantilla when they visited her on February 3, 1969, in 1970 and in 1971, the court finds that these pieces of evidence do not suffice to warrant the annulment of the deed of definite sale. As a whole, plaintiffs' evidence is tenuous and can hardly be qualified as clear and convincing given the fact that on February 21, 1969, Felix Maña and his two brothers, Gregorio and Jose with their mother, Martina, made a Deed of Confirmation of Apportionment and Waiver of Rights wherein the siblings confirmed that the 3 hectare land in Kibonbon had been apportioned and delivered to their mother, Martina, as her share in the estate of her deceased husband and that they waived interest and participation over the property in her favor, with Martina affixing her thumb mark in the instrument, which appeared to have been notarized by the same notary public who notarized the deed of definite sale on January 26, 1970 or barely one year after. If Martina was already senile when he visited her on February 3, 1969, the execution of the deed of confirmation and waiver of rights by Felix and his two brothers on the 3 hectare land on a 93 year old senile mother defies logic. The instrument would serve no purpose to a 93 year old senile person anymore, if its true that she has senility. The court is, thus, inclined to believe defendants' version through their witness Apdian that Martina was not afflicted with senility albeit already in her 90's until her death in 1972 at the age of 95. Further, the plaintiffs failed to convince the court that Martina's sheer advance age and alleged debility, manifested by her failure to recognize her son Felix Maña, as alleged by the latter and Mantilla, and her propensity to defecate anywhere as alleged by Magdale, has rendered her completely incapacitated to make the deed of definite sale before a notary public on her own freewill and volition. The plaintiffs cannot presume that because she cannot recognize her son Felix and that she defecates anywhere, Martina could not have made the deed of sale freely. The alleged debility suffered by Martina is not that serious enough as to cast doubt in the mind of the court on the certification of the notary public found in the acknowledgment portion of the deed of definite sale which states that Martina appeared before him, and that she was known to him to be the same person who executed the deed, and that she acknowledged before him that it was her free and voluntary act and deed. xxxx[11]

It is a well-entrenched dictum that factual findings of courts are final and conclusive,[12] except under any of the following circumstances: (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the finding of absence of facts is contradicted by the

presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.[13]

As this Court has not found any exception to the general rule, it is inescapable that the findings of fact of the court a quo must be respected. Hence, the Deed of Definite Sale dated January 26, 1970 must be accorded full probative value and legal enforcement.

Moreover, as found by the court a quo, the Deed of Definite Sale was a notarized document. The Deed of Definite Sale was notarized by Justo S. Baculio and signed by Martina Balingit by affixing her thumbmark in the document selling the subject property for P1,200.00 to Jose Maglangit, and witnessed by Juanita Madjos and Florencia Padilla. The Deed of Definite Sale, being a notarized document, should be given weight and credence. It bears emphasis that a notarized document carries the evidentiary weight conferred upon it with respect to its due execution and has in its favor the presumption of regularity.[14]

Besides, plaintiffs-appellants have no more right to claim ownership over the subject property because they had long renounced their rights and interests thereto, as evidenced by a Confirmation of Apportionment and Waiver of Rights dated February 21, 1969.

We need not delve on and belabor to discuss the other issues raised herein. All told, We find no cogent reason to reverse and set aside the findings and conclusions of the court a quo.

WHEREFORE, premises considered, the appeal is DISMISSED. The Judgment dated July 20, 2011 of the Regional Trial Court, Branch 24, Cagayan de Oro City is hereby AFFIRMED.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, p. 35.

[2] Records, p. 27.

[3] Records, p. 29.

[4] Records, p. 30.

[5] Records, p. 4

[6] Rollo, p. 36, culled from court a quo's Judgment.

[7] Records, p. 54, p. 90.

[8] Rollo, p. 36, culled from court a quo's Judgment.

[9] Supra, note 1.

[10] Rollo, pp. 13-14.

[11] Rollo, p. 37.

[12] Republic v. Regional Trial Court, G.R. No. 172931, June 18, 2009.

[13] Zamora v. Spouses Miranda et. al., G.R. No. 162930, December 5, 2012.

[14] Pan Pacific Industrial Sales Co., Inc. v. Court of Appeals, 482 SCRA 164.

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