

HEIRS OF LEONCIO VILLANUEVA, NAMELY, CONSORCIA VILLANUEVA, JOSE VILLANUEVA, JOINED BY HIS WIFE, REGINA VILLANUEVA; ANTONIO VILLANUEVA; DAVID VILLANUEVA, JOINED BY HIS WIFE PACEN...

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HERNANDO, J:

Before Us is an appeal interposed by appellants Heirs of Leoncio Villanueva from the Decision[4] dated January 30, 2012 of the Regional Trial Court (RTC), Branch 20 of Mambusao, Capiz in the consolidated cases of Civil Case No. M-03-0107-07 for Recovery of Possession and Damages entitled Heirs of Leoncio Villanueva, et al. versus Angel Olandio, et al., and Civil Case No. M-06-0207-03 for Annulment of Title, Reconveyance, Quieting of Title and Damages entitled Manuel Libeta, et al. versus Heirs of Leoncio Villanueva, et al. The RTC dismissed the Complaint in Civil Case No. M-03-0107-07 on the basis that Manuel Libeta,[5] Eleuterio Sorio and Gregorio Vidal, as well as the other appellees, duly proved that they were the owners of the property under litigation.

The Facts

The Heirs of Leoncio Villanueva, appellants in this case, alleged that they are the lawful owners of Lot No. 6175, Psc-27,C-1, situated in Sitio Minor, Brgy. Bula, Mambusao, Capiz, consisting of 97,350 square meters. The property is covered by Original Certificate of Title (OCT) No. P-6699 in the name of the Heirs of Leoncio Villanueva. Since 1942, the Heirs of Leoncio Villanueva had been in peaceful, continuous, public and adverse possession of Lot No. 6175 and planted on the land coconuts, bananas, corn, rice, bamboo and other useful plants. Their ownership of the property was confirmed by the government when OCT No. P-6699 was issued to them in 1979.[6]

Appellants further alleged that in 1993, appellees Angel Olandio, Delson dela Cruz, Ricardo Soriano, Jr., Elizabeth Soriano, Gregorio Vidal, Gervacio Lacs, Milagros Libeta and Eleuterio Sorio entered Lot No. 6175. Angel Olandio, Delson dela Cruz and Ricardo Soriano, Jr. occupied a 3.5-hectare portion of the land and planted it to corn and rice and gathered the coconuts growing on the land. On the other hand, appellees Gregorio Vidal and Gervacio Lagsa occupied a two-hectare portion of the land which they planted to rice, corn, squash, camote and mongo; they also gathered the coconuts on the land. Another set of appellees, Eleuterio and Milagros Libeta, occupied a 4.5-hectare portion of the property which they planted also to squash, mongo, rice and corn; they gathered the bamboo and coconuts growing on the property.[7]

Appellants demanded appellees Olandio, et al. to return the possession of the property to them. The case was brought under the proceedings of the Barangay Justice System but no settlement was reached since the said appellees did not want to vacate the subject land. The refusal to vacate left appellants with no choice but to institute before the RTC on July 3, 2003 a Complaint, docketed as Civil Case No. M-03-0107-07, to enforce their rights as owners and recover the possession of Lot 6175.[8]

Appellees Olandio, et al. filed their Answer.[9] They asserted that Angel Olandio was previously a tenant of Lot No. 6175 starting in 1960 when he tilled the land for its previous owner Opinas, from whom he bought the

property in 1993. Olandio was in possession of the property continuously, from the moment he was instituted as a tenant, purchased the property, and until the filing of this case against them. On the other hand, Gregorio Vidal likewise asserted that he bought a portion of the property from the previous owners. The other appellees are tenants of Angel and Gregorio.

Appellee Manuel Libeta,[10] filed separately an Answer in Intervention.[11] He also filed Civil Case No. M-06-0207-03 for Annulment of Title, Reconveyance, Quieting of Title and Damages against the Heirs of Leoncio Villanueva. In both cases, he set up the same defenses and claims that he is the owner of Lot No. 6175-part over an area of 32,595 as described under Tax Declaration No. 08011-0095. Further, he claimed that he acquired the property by purchase from Jose Ortencio. Jose Ortencio declared the property for taxation purposes in 1938 after buying the property from Rodrigo Luching who, in turn, inherited it from his father Emeterio Luching. Emeterio Luching purchased the property in 1934 from Apolinar Denate who was the declarant of the property for taxation purposes in 1928. It was Milagros Libeta who administers the property while Eleuterio Sorio is Manuel's tenant. Manuel asserts that the Villanuevas procured OCT No. 6699 through fraud and misrepresentation.

During the pre-trial, the parties admitted the following facts:

1. The lot subject matter of the two cases is Lot No. 6175, Psc-27-C-1 situated in Bula, Mambusao, Capiz;
2. The existence of OCT No. P-6699 in the name of the Heirs of Leoncio Villanueva over Lot No. 6175;
3. The existence of a Decision dated December 17, 2004 issued by the Regional Executive Director, DENR, Region VI for the cancellation and reversion of the Certificate of Title issued on the land. The Decision is pending appeal with the Department of Environment and Natural Resources Secretary; and,
4. The defendants in Civil Case No. M-03-0107-07 are presently in possession of Lot No. 6175.

The trial court then received the parties' evidence.

The Ruling of the RTC

By Decision rendered on January 30, 2012, the RTC held that the Complaint filed by the Heirs of Leoncio Villanueva in Civil Case No. M-03-0107-07 lacked merit and thus, proceeded to dismiss it and declared Manuel Libeta as the lawful owner of Lot No. 6175-A. The court further opined that the Certificate of Title in the name of Leoncio Villanueva, OCT No. P-6699, issued on October 11, 1979, and the tax declarations over the property also under the name Leoncio Villanueva, cannot serve as bases of their claim of ownership since there was a ruling by DENR Executive Director Vicente Paragas that such patent title was secured through fraud and misrepresentation. It thereby gave credence to the claim of appellees that they own the property having bought the portions that they each occupied from the previous putative owners, thus:

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From the evidence presented, it was clearly established that the defendants in Civil Case No. M-03-0107 are in possession of Lot 6175, Psc-27, C-1, situated in Barangay Bula, Mambusao, Capiz. Defendant Angel Olandio claims to own a portion of the land in question by virtue of a Deed of Absolute Sale executed on August 17, 1993. Defendant Gregorio Vidal likewise asserts his right as owner of a portion of the litigated land after he acquired the same from Rosario Opina in a Deed of Absolute Sale dated February 15, 1985 (Exhibit "7", Civil Case No. M-03-0107-07). Manuel Libeta on the other hand likewise maintains his ownership of a portion of the land after he acquired it from its previous owner Jose Ortencio in 1963 by virtue of a Deed of Absolute Sale (Exhibit "D", Civil Case No. M-06-0207-03). Ortencio, from whom Libeta acquired the land in turn bought portion of the land from Rodrigo Luching after the latter acquired the land from Apolinar Denate on

August 17, 1934.

For their part, the Heirs of Leoncio Villanueva based their claim of ownership of the land in question on Original Certificate of Title No. P-6699 issued on October 11, 1979 and on the Tax Declarations issued to them. However, in a subsequent decision, the Department of Environment and Natural Resources through Regional Executive Director Vicente Paragas, categorically declared that there was fraud and misrepresentation committed in securing the Free-Patent.

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With the Decision of the Regional Executive Director of the Department of Environment and Natural Resources that the Patent Title of the plaintiff was secured through fraud and misrepresentation, it follows that plaintiffs' claim of ownership of the land in litigation, as the filing of the case, has no leg to stand on.

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The Assignment of Errors

Disheartened by the dismissal of their Complaint, appellants filed this appeal and assigned the following issues for Our adjudication, to wit:

1. Whether or not there is preponderance of evidence in favor of the Villanuevas;
2. Whether or not the RTC erred in dismissing the Complaint in Civil Case No. M-03-0107-07; and
3. Whether or not there exists sufficient and competent evidence to declare Manuel Libeta the lawful owner of Lot 6175-A.[12]

On the other hand, appellees, despite due notice, did not file any brief or pleading in this appeal.

The Ruling of this Court

We resolve to deny this appeal.

It is a basic rule of evidence that he who alleges a fact must prove the same with competent evidence and with the degree of proof required to establish its truthfulness. In civil cases, the proof required is preponderance of evidence as laid down under Sec. 1, Rule 133 of the Rules of Court which provides as follows:

SECTION 1. Preponderance of evidence, how determined. – In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

In this appeal, the Heirs of Leoncio Villanueva assert that prior to 1993 they were in possession Lot No. 6175. They also claim that they are the owners of said land and as proof thereof adduced OCT No. 6699 registered in the name of the Heirs of Leoncio Villanueva, as well as tax declarations and tax receipts over the property.

Appellants declared that they were dispossessed collectively of the disputed property by defendants in 1993. According to Antonio Villanueva, he was inside Lot No. 6175, alluding that he was doing some farm works, when he was dispossessed by appellees who claimed that the land was theirs. According also to said appellant, he went to the Barangay Captain to report the incident.[13] However, he did not present any certification anent this fact

although he was able to mention the name of the Barangay Captain to whom he allegedly lodged a complaint. Appellants also failed to explain why it took them about six (6) years, from the alleged dispossession in 1993 until 2007, before they filed the Complaint before the trial court. Stress is made that the property consists of 97,350 square meters which appellants allegedly collectively farmed and they earned from its produce about Php40,000.00 per year. As the persons who supposedly had been farming the land since 1964, and even prior to such year by his predecessors, the dispossession in 1993 ought to have had adversely already affected the appellants, and thus, it would not be unreasonable to conclude that they ought to have exercised the necessary action to protect their rights. Instead, they merely let six years pass by and allowed other people to cultivate it. In other words, their conduct is consistent with laches and estoppel, as to bar them from claiming rights over the disputed property.

In addition, We fully affirm the findings of the DENR, after it conducted an investigation and ocular inspection, that the Heirs of Leoncio Villanueva were never in possession of the property and consequently recommended for the cancellation of the patent. In fine, they have not proven their claim that they (or Leoncio Villanueva, for that matter) indeed possessed the property. We give due weight to the findings of the DENR since it has expertise on the grant of administrative patents like the free patent issued to appellants.

It is also settled that tax declarations and tax receipts are not conclusive proof of ownership but are mere indicia of ownership. In the absence of actual, public, and adverse possession, the declaration of the land for tax purposes does not prove ownership.[14] Here, there was a categorical finding by the DENR that the Heirs of Leoncio Villanueva were never in possession of the property, but instead, it is the appellees who are in possession thereof. Viewed in this light, their tax declarations and tax receipts cannot be considered as proof of ownership.

Based on the evidence presented by the appellants, they failed to prove by preponderance of evidence that they are the lawful owners of the property and that their rights over it, and the consequent right to possess the litigated property, is superior to that of the appellees. We thus find that the trial court did not err in dismissing the Complaint in Civil Case No. M-03-0107-07.

In Civil Case No. M-06-0207-03, the RTC ruled that Manuel Libeta is the lawful owner of Lot No. 6175-A consisting of 32,595 square meters. (The portion claimed by Manuel Libeta was designated by the RTC as "Lot No. 6175-A", which assignment was apparently taken from Exh. "C",[15] a sketch plan prepared by Geodetic Engineer Alfredo M. Medado.) Manuel Libeta claims that he acquired this property in 1963 by way of purchase from its previous owner, Jose Ortencio.[16] Appellants question such ruling based on the ground that the documents presented allegedly refer to a different property since the location indicated on the documents pertain to a property in Sapián, Capiz and not Mambusao, Capiz. However, We have carefully scrutinized the documents presented by all the parties and it is clear that the property designated in the documentary evidence presented by Manuel Libeta is the same as that claimed by the Heirs of Leoncio Villanueva.

In fact, based on Tax Declaration No. 08011-0030,[17] there appears a notation by the assessor that said tax declaration in the name of Heirs of Leoncio Villanueva is also declared in the names of Martin Opina under Tax Declaration No. 08011-0096 and Manuel Libeta under Tax Declaration No. 08011-0095. Moreover, a comparison of Exh. "K"[18] for the Heirs of Leoncio Villanueva and Exh. "2" for defendants Libeta and Sorio, sketch plan of the property, will show that both pertain to the same property since its shape and boundaries are the same. It is also equally evident that the municipalities of Sapián and Mambusao are adjacent to each other.

Verily, We find no reversible error in the judgment rendered by the RTC.

WHEREFORE, this appeal filed by the Heirs of Leoncio Villanueva is DENIED. The Decision dated January 30, 2012 of the Regional Trial Court, Branch 20 of Mambusao, Capiz in the consolidated cases of Civil Case No.

M-03-0107-07 and M-06-0207-03 dismissing the Complaint in Civil Case No. M-03-0107-07 and declaring Manuel Libeta the lawful owner of Lot No. 6175-A is AFFIRMED. Costs against appellants.

SO ORDERED.

Maxino,[3] and Quijano-Padilla, JJ., concur.

[1] Jose Villanueva died during the pendency of the case per Notice of Death and Motion to Substitute Plaintiff Jose Villanueva; RTC records, pp. 221-223.

[2] Wilfredo Golez died during the pendency of the case per Notice of Death and Motion to Substitute Plaintiff Wilfredo Golez; RTC records, pp. 28-29.

[3] Vice Justice Carmelita S. Manahan who is on On-Leave per Office Order No. 08-14-ELDS dated March 17, 2014.

[4] Penned by Judge Ignacio I. Alajar.

[5] He is also referred as Manuel Lebita elsewhere in the records.

[6] Statement of the Case, Brief for Appellants; Rollo, pp. 35-58.

[7] Ibid.

[8] Ibid.

[9] RTC records, pp. 18-21.

[10] Manuel Libeta's Answer in Intervention was admitted by the RTC on January 31, 2007 (RTC records, p. 200).

[11] RTC records, pp. 179-184.

[12] Statement of Issues, Plaintiffs-Appellants' Brief; Rollo, pp. 38-65.

[13] Cross-examination of Antonio Villanueva; TSN, April 24, 2008, pp. 13-14; 20-22.

[14] Palali v. Awisan, G.R. 158385, February 12, 2010 citing the case of Daclag v. Macahilig, G.R. No. 159578, July 28, 2008, 560 SCRA 137.

[15] Also marked as Exh. "2" for Libeta and Sonio. RTC records in Civil Case No. M-06-0207-03, p. 11.

[16] Exhibit "D", Deed of Absolute Sale dated December 16, 1963 executed by Jose Ortencio in favor of Manuel Libeta; RTC records, in Civil Case No. M-06-0207-03, p. 12.

[17] RTC records in Civil Case No. M-03-0107-07, p. 12.

[18] RTC records in Civil Case No. M-03-0107-07, p. 135.

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