

LAMBERTO RAMOS AND CASIMIRA RAMOS, PETITIONERS, VS. ROSITA RAMOS AND ROMEO RAMOS, RESPONDENTS.

G.R. No. L-23007. March 30, 1967

Ponente: REYES, J. B.L., J.

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REYES, J. B.L., J.:

Petition to review the decision of the Court of Appeals, in its case No. CA-G.R. No. 32379-R, affirming the decision of the Court of First Instance of Pangasinan, in its Civil Case No. 14159-I.

The petitioners-spouses, Lamberto Ramos and Casimira Ramos, al-lege that the Court of Appeals, in negligence of duty, and contrary to and in violation of Section 33 of the Judiciary Act and Section 4 of Rule 51 of the Rules of Court, completely ignored an assignment of error raised be-fore it on appeal, contrary to Section 33 of the Judiciary Act that provides:

"SEC. 33. x x x x.

"Every decision of the Court of Appeals shall contain complete findings of fact on all issues properly raised before it.

"X x x x x x."

Section 4, Rule 51 of the Rules of Court is similarly worded, as above.

Rosita Ramos and Romeo Ramos had instituted an action in the Pangasinan Court against Lamberto and Casimira Ramos, for reconveyance of one-half (1/2) pro-indiviso of a parcel of land with an area of 25,330 square meters, located in Binmaley, Pangasinan.

After trial, the court found that the land formerly belonged to Placido Ramos and Maria Zarate, the deceased parents of defendant below, Lam-berto Ramos; that, against the denial of Lamberto, the father of both plain-tiffs, Rosita and Romeo Ramos, named Emilio Victorio Ramos, was Lam-berto' s deceased brother. While Lamberto claimed that the heirs of Placido and Maria agreed that the land in question should pertain exclusively to him, just as other parcels of land would belong exclusively to the other heirs, in accordance with a document, marked Exhibit "1", the court found that Lamberto had agreed with the plaintiffs' mother, Balbina de Guzman, that the land in question would be held in common -- one-half (1/2) to Lamberto and the other half to Rosita and Romeo; that it would be registered under the Land Registration Act and converted from a riceland to a fishpond; that, in breach of trust, Lamberto registered the land and secured Original Certificate of Title No. 15763 in the name of the conjugal partner-ship of the spouses Lamberto Ramos and Casimira B. Ramos, now petition-ers-appellants .

Upon the foregoing findings, the trial court ordered the cancellation of certificate of title No. 15763; the execution by defendants of a deed of reconveyance of one-half (1/2) of the land to the plaintiffs; the issuance of a transfer certificate of title in accordance with the trust agreement and the payment of damages and attorneys' fees.

The defendants appealed to the Court of Appeals, assigning the following errors:

“(1) In holding that the heirs of the deceased Placido Ramos had agreed in the partition they made of his properties to give one-half (1/2) of the land in question to the plaintiffs and the other 1/2 to the defendant Lamberto Ramos, when in fact the agreement was to give the whole parcel to the said defendant, as it clearly appears in the documentary evidence, Exhibit 1.

“(2) In declaring that defendant Lamberto Ramos agreed to register 1/2 of said land in question in a registration case in favor of the plaintiffs, and ordering the defendants, as a consequence thereof, to reconvey this 1/2 portion to the plaintiffs and to pay to them damages and attorney's fees.

“(3) In giving credit to the testimony of Balbina de Conchita de Guzman that the promissory note, Exh. K, for P1,342.00 was for payment of her children's alleged 1/2 share of the expenses for the survey and registration of said land and for its conversion into a fishpond.

" (4) In not dismissing the complaint and in not ordering the plaintiffs to pay to the defendants a reasonable amount of attorney's fees."

After the foregoing assignment of errors, the defendants-appellants stated in their brief that the only remaining issue is "whether or not the defendants committed a breach of trust in registering the land in question entirely in their names."

In its decision, the Court of Appeals defined the nature of the action, narrated the factual background of the case and, without mentioning Exhibit 1, which was referred to in the first assignment of error, resolved the particular issue, aforequoted, by stating that "the findings of the trial court are substantially in accordance with the evidence and we agree in the same" and, thereafter, quoted about two (2) pages of the trial court's decision that had a bearing on the said issue.

The petitioners' dissatisfaction over the appellate court's decision lies in their belief that, as nothing was said about Exhibit 1 in the decision, the court did not at all consider the document in weighing the evidence, and, for such failure, they claim that the Court of Appeals failed to perform its duty under Section 33 of the Judiciary Act (ante.)

The contention is untenable. The issue in the appeal was defined by the petitioners themselves, and, on their own definition, the Court of Appeals resolved the issue by confirming the findings of the trial court. The appellate court need not expressly state in its decision that exhibit 1 does not suffice to overcome the verbal testimony of the appellee's witnesses. And its giving credence to the latter necessarily implies a refusal to accord to said Exhibit the importance and probative value claimed for it by defendants appellants, petitioners herein.

Note that even Section 33 of the Judiciary Act does not impose on the Court of Appeals the duty of stating complete findings of fact on all assigned errors, but merely on all issues properly raised before the Court of Appeals. And, the said court did just what was called for. It would have been much better, of course, for that Court to have expressly stated its opinion on the probative value of the Exhibit, but failure to do so is not a violation of the Judiciary Act.

Even on the merits, Exhibit 1 does not help petitioners' case to constitute the failure to mention it a reversible error. The copy of Exhibit 1, which was attached to the instant petition for review, does not say or imply that it is a deed of partition. It is just a tabulation of properties with horizontal dividing lines, and sets the names of individual heirs after a summary and sketchy description of certain properties. Although it was signed, it was undated, and the signatures appear at the upper right-hand corner, at the end of a list of properties which are not involved in the present case. Nor is there anything in it to indicate whether the heirs' names set opposite each property represents the distributees or the actual possessors merely. Standing alone as a documentary evidence, Exhibit 1 is not a deed of partition; hence, the trial and appellate courts were justified in not relying upon it.

Finding no reversible error in the decision of the Court of Appeals, the same is hereby affirmed. Costs against the petitioners.

SO ORDERED.

Concepcion, C.J., Dizon, Regala, Makalintal, Bengzon, Zaldivar, Sanchez, and Castro, JJ., concur.

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