

**ELIGIO B. CHAN, PETITIONER, VS. THE COURT OF APPEALS AND
CENENCIA CABEGUIN OMAHOY, DOLORES CABEGUIN ESCALERA,
FELINA CABEGUIN BARRIENTOS, ROSARIO CABEGUIN BORROMELO,
CESAR CABEGU...***G.R. No. L-27488. June 30, 1970*

Ponente: FERNANDO, J.

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Petitioner in this appeal by certiorari would impart to it due process overtones by characterizing the decision of respondent Court of Appeals as harsh and unjust and thus violative of his legal rights. That he should so impute to respondent Court a legal failing of sufficient gravity is understandable, the controlling principle as to the finding of facts of respondent Court being beyond our power to review precluding the giving of due course to his petition in the absence of a substantial legal question that calls for resolution. It is one thing, though, to impart to it a semblance of plausibility. It is an entirely different matter to demonstrate that one's plea should be granted. Here, as will be subsequently shown, it cannot be said that respondent Court of Appeals was remiss in its duty to weigh carefully and thoroughly the evidence which unfortunately for petitioner came solely from private respondents,[1] who were the plaintiffs in the lower court, in an action for the quieting of title and damages, as petitioner, defendant in such suit, was declared in default. He must have been encouraged by the belief that the law was on his side as the lower court dismissed the complaint. The Court of Appeals, to which such decision was elevated, reached a different conclusion, the proof offered by private respondents, after being subjected to scrutiny and analysis, being deemed sufficient for a judgment in their favor. Petitioner undoubtedly, to strengthen his appeal to us, would characterize what respondent Court did as suffering from the grievous faults above referred to and thus devoid of support in law. We do not view it that way, the charge of arbitrariness of respondent Court not being made out, the errors assigned being, moreover, at bottom, factual. We cannot reverse the appealed decision then.

The evidence submitted and the conclusion reached by the lower court in the action for quieting of title with damages was set forth in the appealed decision of the Court of Appeals. Thus: "[It resulting]: That the evidence of the plaintiffs consisting in the testimonies of witnesses Matilde Salva, Teodocia Salva and Rosario Cabeguin and Exhibits A to K, sought to prove that the land described in the plan, Exhibit I, consisting of Lots 1 and 2, being a parcel of residential and agricultural land situated in the poblacion of Mambajao, Misamis Oriental with an area of about 3, 712 square meters had originally belonged to their deceased father, Estanislao Cabeguin, who had tax declarations therein, Exhibits A, B, C and G; that sometime in 1924, tsn. p. 26, a Chinese named Make Lim had been permitted by Estanislao to build his house there without paying any rental and after three (3) years, that Chinese sold his house to another Chinese named Leon Chan, tsn. 27, and Leon was given the same permission by Estanislao to stay in the land free of charge but after the death of Leon, his son, herein defendant, Eligio, built a new house therein because the old one had been destroyed, tsn. 7; and he went further by declaring the portion occupied by the house with an area of around three hundred (300) square meters, more or less, in his tax declaration, Exhibit J; and the area by him occupied is Lot 2 of the plan Exh. I, so that it was because of this that

plaintiffs whose father Estanislao by the way had died in 1960, tried to talk with defendant, Eligio Chan, tsn. 29, but since the latter did not accede to their demand to recognize the ownership of the plaintiffs, that was the reason why the latter presented this case as has been said on 24 June, 1965, to quiet their title; but in the face of this evidence, Trial Judge dismissed reasoning out that, 'The Court finds the testimonial evidence of plaintiffs too tangential to conclusively prove their ownership of the "land in litigation", and the "papers evidencing the land in question" are by no means conclusive evidence of ownership. For, no satisfactory evidence of possession or acquisition of the land in question having been presented, mere tax declarations cannot serve as a reliable basis for a finding of ownership in favor of plaintiffs (see *Evangelista vs. Tabayuyong*, 7 Phil. 697; *Garmo vs. Boyco*, 29 Phil. 437), and neither can the survey plan or technical descriptions prepared at the instance of plaintiffs, the same being self-serving. (Sec. 1, Rule 131.) (P. 14, R. A.)'[2]

Why the lower court could not be sustained in view of the weight and credence to be given such evidence of record was made clear by respondent Court of Appeals in the decision now under review. Thus: "[Considering]: That the testimony of Rosario Cabeguín, one of the plaintiffs, is to the effect that she knows the land in litigation, tsn. 18, and described it and that this was 'our ancestral home', tsn. 19; and this is corroborated by her witnesses, Matilde Salva and Teodosia Salva and tax declarations, Exhibits A, B, C and G, and that both Make Lim and his successor, Leon Chan deceased father of herein defendant, had come to live in the property occupying a portion thereof by previous permission and free of charge from Estanislao Cabeguín; the foregoing proofs not having been rebutted, must go to show that Estanislao Cabeguín and after his death, his heirs, herein plaintiffs, had been the possessors under claim of ownership of the totality of the property and this must carry with it the presumption that Estanislao Cabeguín was the owner, Arts. 433, 541, New Civil Code; it cannot be correct to say, as trial judge said that there was 'no satisfactory evidence of possession' because the testimony of the plaintiff Rosario by itself, has established the fact that defendant's predecessor-in-interest had entered the property by permission from Estanislao Cabeguín and that must carry with it the corollary that defendant has recognized the possession and its validity of Estanislao and while trial judge was correct in saying that 'mere tax declarations cannot serve as a reliable basis for a finding of ownership' (P. 14, R.A.) neither must it be overlooked that tax declarations prepared ante-litem motam may well be corroborative proof of the bona fide claim of ownership by the declarant; nor was it correct for trial judge to dismiss the case because 'the testimonial evidence of plaintiffs too tangential to conclusively prove their ownership of the 'land in question' (P. 14, id.) because neither is necessary to conclusively prove ownership in a civil action for quieting of title since under the rules of burden of proof, as appellants correctly contend, mere preponderance is enough, Rule 133, Sec. 1, New Rules; * * *'[3]

The lower court judgment was thus reversed, the dispositive portion of the appealed decision of the respondent Court likewise containing the following: "the property known as Lot No. 2 in the plan, Exhibit J, is declared to belong in ownership to the plaintiffs and their title therein ordered to be recognized by the defendant, who is condemned to pay unto plaintiffs the sum of P30.00 a month from the date of the filing of the complaint, plus another sum of P600.00 attorney's fees and the costs."[4] Hence, this appeal by certiorari. As noted at the outset, we sustain respondent Court of Appeals.

1. It bears repeating that this petition was sought to be bolstered by allegations which, if substantiated would lead to the conclusion that respondent Court ought to have displayed greater care in the appraisal of the evidence which, as was previously pointed out, came solely from private respondents as plaintiffs, as defendant, now petitioner, was declared in default. Petitioner would characterize the appealed decision as being harsh and unjust, thus giving rise to a due process question, this constitutional mandate being a safeguard against any oppressive or arbitrary actuation on the part of any official or agency of the government, the courts certainly not excluded. It would appear, though, that such a claim is not borne out. It cannot be said that respondent Court of Appeals failed to give objective and dispassionate consideration to the evidence submitted before the lower court. No imputation

has been made, and such a thought cannot be entertained, that respondent Court was in any wise partial to private respondents. Nor is there any showing as to its being animated by hostility against petitioner. It did what under the law it was required to do in the consideration of the appeal before it and, after its careful appraisal of the proof submitted, it reached a conclusion adverse to petitioner. There is nothing, then, that could justify the fear apparently entertained by petitioner that its decision now under review could be characterized as harsh and unjust and therefore in that sense violative of his rights to due process.

2. Nor is the case for petitioner fortified at all by his brief submitted to us. He did assign five errors, but they are primarily factual in character. He would indict respondent Court for giving credence to the testimony of certain witnesses for private respondents; for considering that private respondents had been possessors under claim of ownership of the land in litigation; for not giving weight to the fact that he having been declared in default, consequently the proof presented by private respondents did stand un rebutted; for holding that the tax declarations of the private respondents sufficed to corroborate their claim of ownership; and for reaching the conclusion that there was preponderance of proof in favor of private respondents. What petitioner ignores is that from *Guico v. Mayuga*,^[5] a 1936 decision, the opinion being penned by the then Justice Recto, it has been well-settled that the jurisdiction of this Court in cases brought to us from the Court of Appeals is limited to reviewing and revising the errors of law imputed to it, its findings of fact being conclusive.^[6] More specifically, in a decision exactly a month later, this Court, speaking through the then Justice Laurel, it was held that the same principle is applicable even if the Court of Appeals was in disagreement with the lower court as to the weight of the evidence with a consequent reversal of its findings of fact. To the same effect is this excerpt from an opinion of the present Chief Justice: "The court of first instance sustained plaintiffs pretense, but the Court of Appeals considered her evidence unworthy of credence, and, hence, absolved Maximino Qunit. Plaintiff maintains that the Court of Appeals had erred in the appreciation of the evidence, but the findings of said Court on the credibility of said evidence are beyond our power of review on appeal by certiorari and, consequently, conclusive upon us."^[7]

Only recently, this Court, again through its Chief Justice, stated: "Thus the main issue was one of fact, on which both parties introduced testimonial and documentary evidence. His Honor, the trial Judge did not find the testimony of the witnesses for the defense worthy of belief. Neither did he give full faith and credence to the documentary evidence presented by the defendants. Indeed, 'the lower court had in effect annulled six (6) notarial documents, ' in the language of the Court of Appeals. In a detailed and carefully prepared decision, the latter, after analyzing that of the Court of First Instance, as well as the evidence on record, and the arguments pro and con, reached, however, the opposite conclusion. Inasmuch as the same depended upon the credibility of the testimony of said witnesses and upon an appraisal of the surrounding circumstances, as factors affecting the faith and credence to be accorded to defendants' documentary evidence, it is clear that, insofar as the merits of the case, the decision thereon hinges on the determination of the pertinent facts, the findings on which of the Court of Appeals are conclusive upon us and beyond our power of review."^[8]

3. The correctness of the appealed decision is reinforced by its reliance on the applicable Civil Code provisions. As specifically pointed out therein, private respondents "had been the possessors under claim of ownership of the totality of the property and this must carry with it the presumption that Estanislao Cabeguín [their deceased father] was the owner, Arts. 433, 531, New Civil Code; * * *."^[9] According to Art. 433: "Actual possession under claim of ownership raises a disputable presumption of ownership. The true owner must resort to judicial process for the recovery of the property." Art. 531, on the other hand, provides: "Possession is acquired by the material occupation of a thing or the exercise of a right, or by the fact that it is subject to the action of our will, or by the proper acts and legal formalities established for acquiring such right." The above provisions of law are definite and categorical. They need no interpretation. All they need is application whenever the facts as found call for it. That is true of the instant case as is so apparent from the above-cited portion of the appealed decision.^[10]

WHEREFORE, the decision of the Court of Appeals of March 1, 1967 recognizing the better right of private respondents as against petitioner and ordering the latter to pay the former the sums therein specifically mentioned is affirmed. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, and Barredo, JJ., concur.
Villamor, J., did not take part.

[1] The following are the private respondents: Mrs. Cenencia Cabeguín Omahoy, Mrs. Dolores Cabeguín Escalera, Mrs. Felina Cabeguín Barrientos, Mrs. Rosario Cabeguín Borromeo, Cesar Cabeguín, Faustino Cabeguín, Vicente Cabeguín, Soledad Cabeguín Henson, Manuel Cabeguín & Sofia Henson.

[2] Decision of the Court of Appeals, Appendix A, Petitioner's Brief, pp. 35-37.

[3] Ibid, pp. 38-39.

[4] Ibid, p. 40.

[5] 63 Phil. 328.

[6] The later cases to the same effect follow: *Mamuyac v. Abena*, 67 Phil. 289 (1939); *Hodges v. People*, 68 Phil. 178 (1939); *Mora Electric Co. v. Quiogue Vda. de Del Rosario*, 68 Phil. 356 (1939); *Diaz v. People*, 68 Phil. 717 (1939); *Meneses v. Commonwealth*, 69 Phil. 647 (1940); *Onglengco v. Ozaeta*, 70 Phil. 43 (1940); *Hernandez v. Manila Electric Co.*, 71 Phil. 88 (1940); *Gerio v. Gerio*, 71 Phil. 106 (1940); *Garcia de Ramos v. Yatco*, 71 Phil. 178 (1940); *People v. Benitez*, 73 Phil. 671 (1942); *Zubiri v. Quijano*, 74 Phil. 47 (1942); *Tan Si Kiok v. Tiacho*, 79 Phil. 696 (1947); *Coingco v. Flores*, 82 Phil. 284 (1948); *Celino v. Bautista*, 82 Phil. 756 (1949); *Cristobal v. People*, 84 Phil. 473 (1949); *Filipinas Compania de Seguros v. Tan Chauco*, 85 Phil. 379 (1950); *Velasco v. Court of Appeals*, 90 Phil. 688 (1952); *Fonacier v. Court of Appeals*, 96 Phil. 417 (1955); *Gonzales v. De Leon*, L-17250, Jan. 31, 1962, 4 SCRA 332; *Romero v. Palawan Manganese Mines*, L-16998, April 24, 1963, 7 SCRA 747; *Hollero v. Court of Appeals*, L-16579, June 29, 1964, 11 SCRA 310; *Goduco v. Court of Appeals*, L-17647, June 16, 1965, 14 SCRA 282; *Phil. Refining Co. v. Garcia*, L-21962, Sept. 27, 1966, 18 SCRA 107; *Santa Ana, Jr. v. Hernandez*, L-16394, Dec. 17, 1966, 18 SCRA 973; *Tan v. Court of Appeals*, L-22793, May 16, 1967, 20 SCRA 54; *Hawpia v. Court of Appeals*, L-20047, June 30, 1967, 20 SCRA 536; *Monroy v. Court of Appeals*, L-23258, July 1, 1967, 20 SCRA 620; *Alquiza v. Alquiza*, L-23342, Feb. 10, 1968, 22 SCRA 494; *Vda. de Arroyo v. El Beaterio del Santissimo Rosario*, L-22005, May 3, 1968, 23 SCRA 525; *Jamandre v. Court of Appeals*, L-24606, Aug. 31, 1968, 24 SCRA 1036; *Garcia v. Cruz*, L-25790, Sept. 27, 1968, 25 SCRA 224; *Bautista v. Court of Appeals*, L-18690, May 21, 1969, 28 SCRA. 211; *Mackay Radio and Tel. Co. v. Rich*, L-22608, June 30, 1969, 78 SCRA 699; *Ramirez Tel. Corp. v. Bank of America*, L-22614, Aug. 29, 1969, 29 SCRA 191.

[7] *Galang v. Court of Appeals*, L-17248, Jan. 29, 1962, 4 SCRA 55.

[8] *Alquiza v. Alquiza*, L-23342, Feb. 10, 1968, 22 SCRA 494

[9] Decision of the Court of Appeals, Appendix A, Petitioner's Brief, p. 38.

[10] Cf. *Wright, Jr. v. Lepanto Consolidated Mining Co.*, L-18904, July 11, 1964, 11 SCRA 508.

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