

**AIMARDO V. INTERIOR AND THE HEIRS OF LEONOR LAVADIA,
NAMELY: DOMINGO LAVADIA, JR., JUANA LAVADIA, BASILIO
LAVADIA, PAZ A. HERNANDO, MANUEL L. AISON, DANIEL L. AISON,
JR., AND NO...**

Ponente: CASTILLO, M., J.

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CASTILLO, M., J.:

For this Court's consideration is an appeal from the Decision[2] dated June 14, 2012 and the Order[3] dated December 28, 2012 of the Regional Trial Court (RTC) of Cauayan City, Isabela, Branch 19, in Civil Case No. 19-1303 for Quieting of Title with Declaration of Nullity of Certificates of Title and Damages.

The antecedent facts are as follows:

On February 3, 1937, a homestead patent was granted to Domingo Cadiz covering a parcel of land situated in Angadanan (now Alicia), Isabela, with an area of 22.5758 hectares. On March 20, 1937, Original Certificate of Title (OCT) No. I-4243 was issued to Domingo Cadiz, in accordance with the provisions of the Public Land Law. On December 26, 1939, he obtained from Francisco Nicolas a loan in the amount of One Thousand Pesos (P1,000.00).[4] The conditions for the loan were the following: “(a) that the loan must be paid at the end of February, 1942; (b) that it shall not bear any interest, but Cadiz shall temporarily cede to Nicolas a portion of two hectares for the latter to cultivate from the date of the document to the end of February, 1942; (c) that the palay to be gathered from said portion shall be for the exclusive benefit of Nicolas, the purpose being to have the homestead open for cultivation; and (d) that should Cadiz fail to pay the loan on February 28, 1942, he shall convey to Nicolas by absolute sale the entire homestead and if he should fail to comply with his promise to effect the transfer, and Nicolas or his heirs should bring an action in court for the enforcement of the agreement, Cadiz shall pay the expenses incident to the litigation, including attorney's fees, which were fixed at P200.”[5] World War II broke out in 1941 and when they saw each other again in February 1943, Domingo Cadiz was unable to pay the loan. Thus, on February 28, 1943, the subject property was conveyed to Francisco Nicolas, the defendants-appellants' predecessor-in-interest, and TCT No. T-415[6] was issued in his name. On January 29, 1951, Domingo Cadiz filed a case before the Court of First Instance (CFI) of Isabela, alleging that the deed of sale in favor of Francisco Nicolas was either fictitious or null and void. Domingo Cadiz passed away during the pendency of the case and was substituted by his heirs. The CFI then ruled as follows:

(a) ordering the defendant to return to the plaintiffs the possession of the land described in Transfer Certificate of Title No. T-415 upon receipt of the sum of P546.69 from the plaintiffs who are ordered to pay said amount to the defendant;

(b) ordering the defendant to surrender to this Court Transfer Certificate of Title No. T-415; and

(c) ordering the Register of Deeds of Isabela to cancel Transfer Certificate of Title No. T-415 and issue in lieu thereof another Transfer Certificate of Title in the name of Domingo Cadiz.[7]

On February 13, 1958, the Supreme Court rendered a Decision in *Valentina Cadiz et al. v. Francisco Nicolas*[8], affirming the aforesaid Decision of the CFI of Isabela. Thereafter, the Register of Deeds of Isabela allegedly canceled TCT No. T-415 which was in the name of Francisco Nicolas and, in lieu thereof, a new title was issued to Domingo Cadiz. The estate of Domingo Cadiz was then extra-judicially settled. His heirs adjudicated the subject property to Valentina Cadiz and Leonida Silao who were issued TCT No. T-14163[9]. On January 17, 1967, a Deed of Barter of Motor Vehicle with Registered Land with Assumption of Mortgage[10] was executed and notarized, whereby Valentina Cadiz and Leonida Silao conveyed the parcel of land to spouses Ricardo Interior and Leonor Lavadia. On April 4, 1967, TCT No. T-33212[11] covering the subject property was issued to Ricardo Interior, married to Leonor Lavadia, pursuant to the foregoing deed of barter. Upon their demise, a compromise agreement was executed, partitioning the properties of Ricardo Interior and Leonora Lavadia. The partitioned properties included the subject property covered by TCT No. T-33212 and more particularly described as follows:

Lot 2847, Cad. 550, with an area of 225,758 square meters, more or less; assessed at P1,389,450.00 as per Tax Declaration Nos. 015-0752 to 015-1323; bounded on the NE. by the property of Dolores F. Paat; on the SE. by Public Land; on the SW. by Barrio Road; and the NW. by Provincial, now National Road; and covered by TCT No. T-33212[12].

On July 8, 1998, the compromise agreement was approved by the RTC.[13] One-half ($\frac{1}{2}$) of the subject property was conveyed to herein plaintiff-appellee Aimardo Interior, as his share in the estate of his father, Ricardo Interior. On June 9, 2002, Aimardo Interior obtained TCT No. T-334081[14] in his name. The other one-half ($\frac{1}{2}$) of the subject property was adjudicated to plaintiffs-appellees heirs of Leonor Lavadia. On August 8, 2003, TCT No. T-335535[15] was issued to the aforesaid heirs.[16]

On the other hand, on August 27, 1999, the defendants-appellants filed a petition for the reconstitution of TCT No. T-415 which was registered in the name of Francisco Nicolas. They alleged that Francisco Nicolas possessed the owner's copy of TCT No. T-415 but the same was misplaced or lost. They also claimed that the original TCT No. T-415 was burned in the Office of the Register of Deeds of Isabela during a fire that destroyed the office in 1976.[17] On February 11, 2002[18], an Order was issued for its reconstitution. On March 22, 2002, the reconstituted TCT No. T-415 was issued, containing the following entry: "Entry No. 8469 – ORDER OF THE COURT RTC BR. 19 for the reconstitution of this title in lieu of the one which was lost/burned or destroyed, subject to the deed on file." [19] The defendants-appellants then caused the partition of the subject property and corresponding titles were issued in their names, particularly, TCT Nos. 347778[20], 347779[21], 347780[22], 347781[23], 347782[24], 347783[25], 347784[26], and 347785[27].

On October 31, 2005, the defendants-appellants allegedly disturbed the plaintiffs-appellees' possession and enjoyment of the subject property. The former tried to enter the subject property allegedly to conduct a survey to determine the metes and bounds of the subject property.[28] However, their attempt was thwarted by the plaintiffs-appellees' caretaker through the help of the Philippine National Police (PNP).[29]

On November 23, 2005, the plaintiffs-appellees filed a Complaint[30] for Quieting of Title with Declaration of Nullity of Certificates of Title, Damages and Application for Preliminary Injunction against the defendants-appellants. On January 19, 2006, the latter filed their Answer[31]. After the parties filed their respective pre-trial brief[32], the pre-trial[33] was conducted on August 9, 2006. Thereafter, the parties proceeded to trial. The plaintiffs-appellees presented the following as their witnesses: Atty. Raymundo L. Ramirez, Clerk of Court of the RTC of Ilagan, Isabela; Ashley Y. Silao, whose parents conveyed the subject property to Ricardo Interior; Atty. Carlos C. Serrano, Register of Deeds of Isabela; and plaintiff-appellee Aimardo V. Interior. On November 28, 2007, the plaintiffs-appellees filed their Formal Offer of Evidence[34], to wit:

Exhibit “A” - Special Power of Attorney in favor of Atty. Florentino C. Abadilla;[35]

Exhibit “B” - Copy of Plan of Homestead (H-166048) as Surveyed for Domingo Cadiz covering the subject property;[36]

Exhibit “C” - Certified Photocopy of the Deed of Barter of Motor Vehicle with Registered Land with Assumption of Mortgage dated January 17, 1967;[37]

Exhibit “D” - Certified Photocopy of TCT No. T-33212 registered in the name of Ricardo Interior, pursuant to the Deed of Barter;[38]

Exhibit “E” - Tax Declaration No. 02-4250 under the name of Ricardo Interior;[39]

Exhibit “E-1” - Tax Declaration No. 6559 under the name of Ricardo Interior;[40]

Exhibit “E-2” - Certificate of Real Property Tax Payment of Ricardo Interior for the years 1987 to 2003;[41]

Exhibit “F” - Certified True Copy of Decision dated July 8, 1998 rendered by the RTC, Branch 4, Tuguegarao, Cagayan, regarding the Intestate Estate of the Late Ricardo Interior;[42]

Exhibit “G” - Blueprint Copy of the Subdivision Plan of Lot 2847, Cad. 550 as Surveyed for Ricardo Interior, covering the subject property;[43]

Exhibit “H” - TCT No. T-335535 registered in the name of Domingo Lavadia, Jr., Juana Lavadia; Heirs of Paula Lavadia Aison, namely: Manuel Aison, Paz Aison Hernando, Daniel Aison, Jr.; Heir of Isabelo Lavadia, namely: Basilio Lavadia; Heirs of Jesusa Lavadia Diy, namely: Lourdes Diy Canto, Norma I. Diy, Renato L. Diy, Ana Victoria Diy Baviera and John Francis Diy; Heirs of Maria Lavadia Barber, namely: Jose I. Barber, Marietta Barber-Cordero, Nora L. Barber, Romarico I. Barber, Victory Barber Alsup and Rosalina Certeza, covering a parcel of land with an area of 112,879 square meters;[44]

Exhibit “I” - TCT No. T-334081 registered in the name of Aimardo V. Interior;[45]

Exhibit “J” - TCT No. T-415 registered in the name of Francisco Nicolas;[46]

Exhibit “J-1” - TCT No. T-347779 registered in the name of Isabelita Nicolas Aguado;[47]

Exhibit “J-2” - TCT No. T-347780 registered in the name of Zenaida N. Punzalan;[48]

Exhibit “J-3” - TCT No. T-347781 registered in the name of Claudio T. Nicolas;[49]

Exhibit “J-4” - TCT No. T-347782 registered in the name of Francisco T. Nicolas, Jr.;[50]

Exhibit “J-5” - TCT No. T-347783 registered in the name of Marina N. Castillo;[51]

Exhibit “J-6” - TCT No. T-347784 registered in the name of Francisca A. Nicolas;[52]

Exhibit “J-7” - TCT No. T-347785 registered in the name of Benjamin T. Nicolas;[53]

Exhibit “J-8” - TCT No. T-347778 registered in the name of Napoleon T. Nicolas;[54]

Exhibit “K” - Certification, dated May 18, 2007, issued by the Department of Environment and Natural Resources (DENR), certifying that Lot No. 2847, Cad-550 situated at M.H. Del Pilar, Alicia, Isabela is identical to plan H-166048;[55]

Exhibit “L” -Excerpt of the Philippine National Police (PNP) Police Blotter regarding the land survey conducted;[56]

Exhibit “M” - Entries in the Court Docket (Court of First Instance) pertaining to the case entitled, Domingo Cadiz v. Francisco Nicolas and Register of Deeds of Isabela;[57]

Exhibit “N” - Certified True Copy of the Notice of Decision which was rendered on January 28, 1955, in Civil Case No. 313 entitled, Valentina Cadiz, et. al. v. Francisco Nicolas, et. al.;[58]

Exhibit “O” - Certified True Copy of Tax Declaration No. 4801 in the name of Domingo Cadiz pertaining to TCT No. T-14140;[59] and

Exhibit “P” - Certified True Copy of Tax Declaration No. 4811 in the name of Leonida Y. Silao and Valentina Cadiz pertaining to TCT No. T-14163.[60]

On the other hand, the defendants-appellants presented the following as their witnesses: Ricardo G. Cabil[61], the alleged tiller of the subject property from 1958 to 1972; Francisco T. Nicolas, Jr., one of herein defendants-appellants; George B. Nicolas, one of the tillers of the subject property and son of defendant-appellant Benjamin Nicolas; and Elmer A. Nicolas, grandson of Francisco Nicolas. However, they failed to timely file their Formal Offer of Exhibits despite an Order[62] from the trial court.

On June 14, 2012, the trial court rendered the assailed Decision[63], the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered as follows:

- Quieting the titles of the plaintiffs and declaring them to be the lawful owners of the lot in question;
- Declaring the reconstituted TCT No. T-415 and TCT Nos. T-347778, T-347779, T-347780, T-347781, T-347782, T-347783, T-347784, and T-347785 null and void;
- Ordering the defendants, jointly and severally, to pay the plaintiffs the sum of P100,000.00 as moral damages;
- Ordering the defendants, jointly and severally, to pay the plaintiffs the sum of P100,000.00 as exemplary damages;
- Ordering the defendants, jointly and severally, to pay the plaintiffs the sum of P200,000.00 as attorney's fees and litigation expenses; and
- Ordering the defendants, jointly and severally, to pay the costs of the suit.

SO ORDERED.[64]

On July 5, 2012, the defendants-appellants' counsel, Atty. Randolph Joseph P. Arreola, filed a motion for reconsideration[65]. On July 16, 2012, David Cui-David Buenaventura & Ang Law Offices filed its Entry of Appearance with Motion for Reconsideration[66] likewise on behalf of the defendants-appellants. Plaintiff-appellee Aimardo Interior filed his Comment/Opposition[67], stating that the defendants-appellants' new counsel may not file a second motion for reconsideration and enter its appearance, in the absence of the withdrawal of appearance of their counsel of record. The trial court denied the motion for reconsideration in the

assailed Order[68] dated December 28, 2012, the dispositive portion of which reads:

WHEREFORE, the Motion for Reconsideration is hereby denied and the decision dated June 14, 2012 stays.

SO ORDERED.[69]

Hence, this appeal.

The defendants-appellants filed a motion for substitution of counsel[70] and a notice of appeal[71] on January 25, 2013. On March 5, 2013, the RTC issued an Order[72] granting the motion for substitution of counsel for purposes of appeal. On October 7, 2013, the defendants-appellants filed the Appellants' Brief[73], assigning the following errors:

ASSIGNMENT OF ERRORS

- The Trial Court committed reversible error when it held that the reconstituted TCT No. T-415 is void ab initio;
- The Trial Court committed reversible error when it found that the cancellation of the TCT No. T-415 was not dependent on the payment of the P546.69 to Francisco Nicolas.
- The Trial Court committed reversible error in finding that Defendants-Appellants are liable for moral and exemplary damages, attorney's fees and costs of suit in favor of Plaintiffs-Appellees.[74]

The defendants-appellants allege that they have been in open, continuous and notorious possession of the subject property. They have also been paying for the real property taxes thereon, as evidenced by the real property tax receipts[75]. The reconstituted TCT No. 415 under the name of Francisco Nicolas is not null and void.[76] Its issuance served as an indefeasible title to the property in his favor. There is a strong presumption that the title was valid and issued in a regular manner. The title's judicial reconstitution underwent the rigid process required by the law, such as the posting and publication of the petition. The plaintiffs-appellees did not oppose the petition despite being notified of the proceedings.[77] The court's duty to issue the order of reconstitution is mandatory if the basic requirements therefor have been complied with. The courts are required to ensure strict compliance with Republic Act No. 26, scrutinize and verify all the supporting documents, and ascertain the identity of the person who files a petition for the reconstitution of title. Thus, the Order issued by RTC, Branch 19 of Cauayan City, Isabela, after two (2) years and seven (7) months from the date of the petitioner's application, must be respected.[78] The plaintiffs-appellees failed to prove that they are entitled to the ownership of the subject property. No proof or marked exhibit was adduced on the existence of TCT No. 14140 registered under the name of Domingo Cadiz. The trial court rendered a Decision which was affirmed by the Supreme Court in the case of Valentina Cadiz et. al. v. Francisco Nicolas. It was held therein that TCT No. T-415 should be canceled and that a new title be issued in the name of Domingo Cadiz.[79] However, it must be emphasized that the trial court found that "[o]n December 26, 1939, Cadiz obtained a loan of P1,000.00 from Francisco Nicolas with the following as some of the conditions: (1) the loan must be paid at the end of February 1942; and (2) should Cadiz fail to pay the loan on February 28, 1942, he shall convey to Nicolas by absolute sale the entire homestead"[80]. The ruling in the foregoing case was then deemed to have a condition, considering that Domingo Cadiz obtained a loan. Thus, the Court made the following ruling: "(a) ordering the defendant to return to the plaintiffs the possession of the land described in Transfer Certificate of Title No. T-415 upon receipt of the sum of P546.69 from the plaintiffs who are ordered to pay said amount to the defendant"[81]. If Domingo Cadiz and his predecessors-in-interest, Leonida Silao and Valentina Cadiz, failed to pay the amount of Five Hundred Forty Six and 69/100 Pesos

(P546.69), then TCT No. T-415 may not be canceled. TCT No. T-415 was still in the name of Francisco Nicolas even after Leonida Silao and Valentina Cadiz used their fictitious TCT No. T-14163. No proof of such payment exists, based on the records of the instant case. Therefore, the aforementioned Decision remains ineffectual. Awarding the title to herein plaintiffs-appellees despite their non-compliance with the obligation to pay P546.69 is tantamount to unjust enrichment.[82] TCT No. T-415 is not null and void. It was canceled only by virtue of an order by the Court of First Instance and the Supreme Court and the cancellation order was not automatic. The back title of TCT No. T-14163 of Leonida Silao and Valentina Cadiz should be TCT No. T-14140 of Domingo Cadiz, not OCT No. I-4243. This is due to the fact that TCT No. T-415 of Francisco Nicolas was not declared void ab initio. It was merely canceled.[83] The defendants-appellants were denied the right to present their evidence before the RTC Branch 19. Their lawyer neglected his duty to file the formal of evidence despite a court order. Thus, in arriving at its Decision, the trial court did not consider the defendants-appellants' documentary evidence. Moreover, the same lawyer filed a motion for reconsideration[84] of the assailed Decision without the defendants-appellants' knowledge and conformity. In the aforesaid motion, the latter's counsel prayed for the mitigation of the damages, attorney's fees and costs of the suit but admitted the Decision in all other respects. In applying for the reconstitution of TCT No. T-415, the defendants-appellants acted in good faith. There was no proper cancellation of TCT No. T-415 and the condition in Valentina Cadiz et. al. v. Francisco Nicolas was not fulfilled.[85] Thus, the defendants-appellants had reason to believe that the subject property was owned by Francisco Nicolas, their predecessor-in-interest. In light of the foregoing, they had the right to apply for the reconstitution of the title. They underwent the rigorous process of reconstitution and complied with the legal requirements. It is therefore unjust to hold them liable for moral and exemplary damages, attorney's fees and costs of the suit merely due to their act of applying for the title's reconstitution as Francisco Nicolas' successors-in-interest.[86]

On the other hand, plaintiff-appellee Aimardo V. Interior[87] alleges that the plaintiffs-appellees and their predecessors, the late spouses Ricardo Interior and Leonor Lavadia, have been in peaceful, continuous, open and adverse possession of the subject property through their tenants and caretakers since 1967. They have paid all the taxes due thereon up to the present. The defendants-appellants filed two (2) motions for reconsideration. As regards the first motion, the defendants-appellants declared that Atty. Arreola filed the same without their knowledge and conformity. With respect to the second motion which was filed by a different counsel, the trial court, in its Order dated December 28, 2012, struck it down for being invalid due to an improper substitution of attorney. Thus, both motions for reconsideration should be considered not filed at all.[88] No valid motion for reconsideration or appeal had been filed prior to the expiration of the reglementary period to file an appeal on July 5, 2012. Hence, the assailed Decision dated June 14, 2012 must be considered final and executory. The instant appeal, therefore, should not be given due course but should be dismissed outright. Assuming *arguendo* that a valid motion for reconsideration has been filed, the instant appeal should still not be given due course. The notice of appeal was defective since the defendants-appellants themselves filed the same despite the fact that Atty. Arreola was still their counsel of record and when the trial court had not yet approved their motion for substitution of counsel. Without the conformity of their counsel of record, the notice of appeal is deemed invalid. Moreover, Atty. Rodolfo Lopez, counsel of plaintiffs-appellees heirs of Leonor Lavadia, has not been furnished a copy of the notice of appeal. There is also no defendant-appellant with the name Aimardo Carpio Nicolas or Paz Fernando. In view of the foregoing, the instant appeal should not be given due course.[89] In *Valentina Cadiz et al. v. Francisco Nicolas*[90], the Supreme Court has declared null and void the sale between Domingo Cadiz and Francisco Nicolas. The conveyance of the subject property to the latter in satisfaction of a debt was not allowed since this was in contravention of Section 118 of Commonwealth Act 141. Therefore, the Register of Deeds was ordered to cancel TCT No. T-415 in the name of Francisco Nicolas. TCT No. T-415 had been declared null and void for being contrary to law and did not have any legal effect when the aforementioned Supreme Court Decision

became final in 1958.[91] The defendants-appellants argue that payment of Five Hundred Forty Six and 69/100 Pesos (P546.69) was a condition that had to be fulfilled before TCT No. T-415 could be canceled but such argument is misplaced. The Supreme Court merely directed Francisco Nicolas to return to Valentina Cadiz and her co-plaintiffs the possession of the land upon his receipt of P546.69 from the plaintiffs. Thus, the payment of the aforesaid sum does not have any effect on the validity of TCT No. T-415. Such title is clearly void and non-existent regardless of the non-payment of the foregoing amount. Considering that Francisco Nicolas had voluntarily transferred the possession of the subject property to the heirs of Domingo Cadiz, then it is presumed that the amount had been paid or that Francisco Nicolas was deemed to have waived the payment thereof. In the event that there was no such waiver, his heirs can file an action to collect the same if prescription has not yet set in. TCT No. T-415 has been declared null and void since 1958. Thus, it should not have been reconstituted in 2002. The transfer certificates of title which were derived from TCT No. T-415 and issued to herein defendants-appellants are therefore null and void as well.[92] The reconstituted TCT No. T-415 has an annotation indicating that it is "subject to the deed on file"[93]. TCT[94] No. T-33212 in the name of Ricardo Interior, covering the subject property, was already on file in the office of the Register of Deeds long before the reconstitution of TCT No. T-415 on March 22, 2002. Therefore, TCT No. T-33212 should prevail over the reconstituted title which is void ab initio. The defendants-appellants are guilty of deceit and misrepresentation. They took undue advantage of the burnt records of the Register of Deeds of Isabela. They filed a petition for reconstitution, alleging that the original and owner's copy of TCT No. T-415 were burned and neither canceled nor encumbered. They claim that they have been in possession of the subject property and paid the real property taxes thereon. However, the truth is that TCT No. T-415 has been declared null and void way back in 1958. Moreover, the plaintiffs-appellees and/or their predecessors-in-interest have been in possession of the subject property since 1967. Thus, the defendants-appellants should be liable for moral and exemplary damages, attorney's fees and cost of suit.[95] They also went to the extent of blaming their former counsel in a desperate effort to remedy their precarious situation. They allege that due to the failure of their former lawyer to timely file their formal offer of evidence, they were denied the right to present evidence before the trial court. They were given ample time to submit the same. The defendants-appellants are bound by the act of their lawyer.[96]

We deny the appeal.

The plaintiffs-appellees were able to prove their claim by preponderance of evidence. They presented testimonial and documentary evidence to support their allegations. According to *Ogawa v. Menigishi*, preponderance of evidence refers to "the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term 'greater weight of evidence' or 'greater weight of credible evidence.'"[97] The case of *Duarte v. Duran* also states that "[p]reponderance of evidence only requires that evidence be greater or more convincing than the opposing evidence." [98] The plaintiffs-appellees satisfied the required quantum of proof through the testimonial and documentary evidence they presented. Thus, the trial court committed no reversible error in declaring the plaintiffs-appellants to be the lawful owners of the subject property, as discussed below.

Firstly, it has been duly proven that the reconstituted TCT No. T-415 is void ab initio. It cannot derive its existence from the original TCT No. T-415, considering that the Supreme Court has already affirmed the CFI's ruling that the deed of sale which Domingo Cadiz executed in favor of Francisco Nicolas on February 28, 1943 was null and void for violating Section 118 of Commonwealth Act 141. Consequently, it was only proper for the Court to order the Register of Deeds of Isabela to cancel TCT No. T-415 in the name of Francisco Nicolas and issue in lieu thereof another title in the name of Domingo Cadiz.[99] In *Valentina Cadiz et al. v. Francisco Nicolas*, the Supreme Court ruled in the following manner:

xxx Section 118 of Commonwealth Act 141 provides:

SEC. 118. Except in favor of the Government or any of its branches, units, or institution, lands acquired under free patent or homestead provision shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before twenty-five years after issuance of title shall be valid without the approval of the Secretary of Agriculture and Commerce, which approval shall not be denied except on constitutional and legal grounds. (As amended by Commonwealth Act No. 456.).

It clearly appears from the above that a parcel of land acquired under free patent or homestead provisions can not become liable to the satisfaction of any debt contracted prior to the expiration of 5 years from and after the date of the issuance of the patent, except in favor of the Government or any of its branches. This provision is mandatory. Its purpose is to give to the homesteader a place where to live with his family so that he may become a happy citizen and a useful member of our society (*Jocson vs. Soriano*, 45 Phil., 375, 379). That the deed of sale in question comes under this prohibition is evident. In the first contract evidencing the loan taken by Domingo it was expressly agreed that if said loan is not paid, Cadiz would be bound to sell the property to Nicolas for the same amount of the loan and true to this agreement, the deed of sale Exhibit 2 was executed. It also appears that the loan was obtained before the expiration of the 5-year period from the issuance of the patent. It cannot therefore be disputed that the land was sold to Nicolas practically to satisfy a debt contracted prior to said period which is the very event which the law seeks to prevent. This has been adopted in order that the purpose of the Homestead Law may not be defeated. And is immaterial whether the satisfaction of the debt be made either by a voluntary sale or through judicial process as when the property is levied upon and sold at public auction, because the spirit of the law may be defeated either way. We therefore hold that the trial court did not err in declaring the sale null and void as contravening Section 118 of Commonwealth Act 141. (*Beach vs. Pacific Com. Co.*, 49 Phil., 765; *Francisco vs. Parsons Hard. Co.*, 67 Phil. 234; *Gonzalo Puyat & Sons vs. De las Alas*, 74 Phil., 3).^[100] (Emphasis supplied.)

The defendants-appellants maintain that the judicial reconstitution of TCT No. T-415 underwent the rigid process required by the law, such as posting and publication of the petition, and that the plaintiffs-appellees did not oppose it despite being notified of the proceedings.^[101] However, such alleged failure of the plaintiffs-appellees to interpose any objection is not fatal to their case. In *Spouses Sabitsana v. Muertegui*, the Supreme Court held that the petitioners' defense of laches and estoppel cannot be countenanced since their claim was based on a null and void deed of sale. It ruled that "the fact that the [respondent] failed to interpose any objection to the sale in petitioners' favor does not change anything, nor could it give rise to a right in their favor; their purchase remains void and ineffective as far"^[102]. Akin to the aforecited case, the alleged failure of herein plaintiffs-appellees to oppose the reconstitution of TCT No. T-415 does not change anything. The defendants-appellants' claim of ownership is derived from their predecessor-in-interest whose own claim of ownership was based on a null and void deed of sale, as ruled by the Supreme Court. Hence, the plaintiffs-appellees' failure to interpose an objection to the reconstitution of TCT No. T-415 could not vest ownership of the subject property on defendants-appellants. The deed of sale which was executed in favor of the defendants-appellants' predecessor-in-interest remains void, and consequently, TCT No. T-415 which was issued pursuant thereto, is null and void as well.

Secondly, the cancellation of TCT No. T-415 was not dependent on the payment of Five Hundred Forty Six and 69/100 Pesos (P546.69) to Francisco Nicolas. The Supreme Court affirmed the following ruling of the CFI of

Isabela:

- (a) ordering the defendant to return to the plaintiffs the possession of the land described in Transfer Certificate of Title No. T-415 upon receipt of the sum of P546.69 from the plaintiffs who are ordered to pay said amount to the defendant;
- (b) ordering the defendant to surrender to this Court Transfer Certificate of Title No. T-415; and
- (c) ordering the Register of Deeds of Isabela to cancel Transfer Certificate of Title No. T-415 and issue in lieu thereof another Transfer Certificate of Title in the name of Domingo Cadiz." [103] (Emphasis supplied.)

Clearly, based on the foregoing, the Register of Deeds of Isabela was ordered to cancel TCT No. T-415 without providing any condition therefor. The payment of P546.69 only pertained to the possession of the subject property but not the ownership thereof. TCT No. T-415, thus, remains null and void with or without the payment of the aforementioned amount. Anent the defendants-appellants' allegation that Leonida Silao and Valentina Cadiz used their fictitious TCT No. T-14163, the same does not deserve much credence. Leonida Silao and Valentina Cadiz mortgaged the subject property covered by TCT No. T-14163 to the Development Bank of the Philippines. [104] It is common knowledge that banks are required to observe due diligence in ascertaining the authenticity of the title and lawful ownership of mortgagors before accepting any property as security for the loan.

Thirdly, defendants-appellants are bound by their lawyer's negligence. Their lawyer neglected his duty to file the formal offer of evidence despite a court order. Although the burden of proof is on the plaintiffs-appellees to prove their claim, the defendants-appellants failed to formally offer their evidence. In *Jardin v. Atty. Villar, Jr.*, the Supreme Court ruled that the "failure to file formal offer of evidence xxx constitutes inexcusable negligence". [105] In *Maunlad Savings & Loan Association, Inc. v. CA and Nubla*, the Supreme Court held that "if the said documents are truly pivotal to the defense, the petitioner must suffer the consequences of his counsel's failure to make a formal offer of said documents as evidence for the defense". [106] Moreover, in ; the Supreme Court emphasized the significance of a formal offer of evidence, to wit:

The Rules of Court provides that "the court shall consider no evidence which has not been formally offered." A formal offer is necessary because judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial. Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. On the other hand, this allows opposing parties to examine the evidence and object to its admissibility. Moreover, it facilitates review as the appellate court will not be required to review documents not previously scrutinized by the trial court.

Strict adherence to the said rule is not a trivial matter. xxx

xxx

Thus, the trial court is bound to consider only the testimonial evidence presented and exclude the documents not offered. Documents which may have been identified and marked as exhibits during pre-trial or trial but which were not formally offered in evidence cannot in any manner be treated as evidence. Neither can such unrecognized proof be assigned any evidentiary weight and value. It must be stressed that there is a significant distinction between identification of documentary evidence and its formal offer. xxx It must be emphasized that any evidence which a party desires to submit for the consideration of the court must formally be offered by the party; otherwise, it is excluded and rejected. [107]

In the instant appeal, the defendants-appellants' counsel opposed the plaintiffs-appellees' formal offer of evidence which led the trial court to order the latter to produce the proper witness to identify Exhibit "L", the excerpt of the police blotter. [108] Thus, it was only fair for the plaintiffs-appellees to be given the same opportunity to object to the defendants-appellants' documentary evidence as well. Unfortunately, the defendants-appellants' counsel did

not file their formal offer of evidence. Furthermore, in *Prieto v. Alpadi Development Corporation*, the Supreme Court reiterated why it is not easily convinced by a client's claim that his counsel's gross negligence should not bind him, to wit:

The Court further elucidated in *People v. Kawasa and Salido*[109] on why it is not easily swayed by assertions of gross negligence or mistake on the part of the counsel that should not bind the client:

If indeed accused-appellant felt and believed that his counsel was inept, that he should have taken action, such as discharging him earlier, instead of waiting until an adverse decision was handed, and thereupon heap all blame and condemnation on his counsel, who cannot now be heard to defend himself. This cannot be allowed, for to do otherwise would result in a situation where all a defeated party would have to do to salvage his case is to claim neglect or mistake on the part of his counsel as a ground for reversing an adverse judgment. There would be no end to litigation if this were allowed as every shortcoming of counsel could be the subject of challenge by his client through another counsel who, if he is also found wanting, would likewise be disowned by the same client through another counsel, and so on ad infinitum. This would render court proceedings indefinite, tentative, and subject to reopening at any time by the mere subterfuge of replacing counsel. x x x.[110] (Emphasis supplied.)

The defendants-appellants allege that they were denied the right to present their evidence before the RTC Branch 19 and that the latter had not considered the defendants-appellants' documentary evidence. However, it is worthy to note that the defendants-appellants' exhibits pertaining to their titles also formed part of the plaintiffs-appellees' formal offer of evidence.[111] Hence, these were also considered by the trial court. In addition, the defendants-appellants were able to present their testimonial evidence through their witnesses. Therefore, they were not unduly deprived of their right to due process.

Finally, even assuming that all of the documentary exhibits of the defendants-appellants must be considered, We note that the letter, demanding the subject property's occupants to vacate, was only issued in 2005[112] despite the fact that TCT No. T-415 was issued to Francisco Nicolas as early as 1947. Based on the records, the defendants-appellants tried to occupy the subject property and asserted their right thereto only in 2005 or three (3) decades after their predecessor-in-interest died in 1973. Defendant-appellant Francisco Nicolas, Jr. testified as follows:

Q:

You said awhile ago that you tried to occupy the property but you were stopped by policemen when was that?

A:

I cannot remember, sir.

Q:

That was your first time to occupy the property after your father died?

A:

Yes, sir.

Q: When your father died until this time you did not occupy that property?

A: We were afraid of these people.

Q: When was (sic) your father died?

A: 1973, sir.[113]

We likewise note that the tax declarations[114] under the name of the plaintiffs-appellees' predecessors-in-interest, covering the subject property, were issued as early as 1960. It is also significant to note that the defendants-appellants' titles were issued only in 2005[115] while the titles of the plaintiffs-appellees and their predecessors-in-interest were issued in 1967[116] and 2003[117], respectively. Thus, the latter's titles must prevail, in accordance with the Supreme Court's ruling that "in cases where two (2) certificates of title covering the same parcel of land are issued to two (2) different persons, he who holds in good faith that certificate which is earlier in date has superior right over the land covered thereby".[118] Herein plaintiffs-appellees acquired their titles in good faith from their predecessors-in-interest, the late spouses Ricardo Interior and Leonor Lavadia, through an extra-judicial partition which was evidenced by a compromise agreement that was approved by the trial court[119]. The late spouses Ricardo Interior and Leonor Lavadia also acquired the subject property in good faith by virtue of a notarized Deed of Barter of Motor Vehicle with Registered Land with Assumption of Mortgage executed by Leonida Silao and Valentina Cadiz.[120] The latter were likewise in good faith when they acquired title to the subject property from their predecessor-in-interest, Domingo Cadiz, whose ownership of the subject property was confirmed by the Supreme Court way back in 1958. Accordingly, We give credence to the plaintiffs-appellees' argument that TCT No. T-33212 in the name of Ricardo Interior should prevail over the reconstituted TCT No. T-415 since the latter has an annotation indicating that it is "subject to the deed on file"[121]. Based on the records and the testimony of Atty. Serrano, Register of Deeds of Isabela, TCT No. T-33212 was already on file in the office of the Register of Deeds prior to the reconstitution of TCT No. T-415 on March 22, 2002.[122] In any case, whether or not the plaintiffs-appellees hold the certificates of title which are earlier in date, the Supreme Court has ordered the cancellation of TCT No. T-415 as early as 1958. Thus, the Supreme Court has already confirmed that Francisco Nicolas did not own the subject property when Domingo Cadiz won the case against him. Consequently, the defendants-appellants' claim of ownership, which is derived from Francisco Nicolas, must likewise fall.

We are in consonance with the following ruling of the trial court:

Did Francisco Nicolas convey the subject property to Leonida Silao and Valentina Cadiz or to the plaintiffs' predecessors-in-interest?

The answer is no. This does not, however, have any adverse effect on the titles or ownership of the plaintiffs over the subject lot. This is because it is very clear that Ricardo Interior and Leonora Lavadia derived their title and ownership over the land not from Francisco Nicolas but rather from Valentina Cadiz and Leonida Silao who became the owners of the lot after Domingo Cadiz died. Besides, after the title of Francisco Nicolas was ordered cancelled by the court and a new title (TCT No. T-14140) was issued in the name of Domingo Cadiz as the rightful owner of the lot, Francisco Nicolas has no right whatsoever to convey the said lot either to Valentina Cadiz and Leonida Silao or to Ricardo Interior and Leonora Lavadia, the plaintiffs' predecessors-in-interest.

Having established that TCT No. T-415 was cancelled by an order of the Court of First Instance of Isabela in Civil Case No. 313 (which was affirmed by the Supreme Court in its en banc decision dated February 13, 1958 in Valentina Cadiz, et al., vs. Francisco Nicolas; G.R. L-9198), its reconstitution on March 22, 2002 was definitely void ab initio. Consequently, all titles emanating from the said invalid title were likewise invalid.[123]

In the assailed Order, the trial court held:

It is also not correct to say that Leonida Silao and Valentina Cadiz could not have derived from Domingo Cadiz their title or ownership over the property as the latter was no longer the owner at the time of his death. As the Supreme Court held in *Valentina Cadiz et. al. v. Francisco Nicolas* (supra), the sale between Domingo Cadiz and Francisco Nicolas was null and void being in contravention of Section 118 of Commonwealth Act 141 which prohibits the encumbrance of homestead land within five years from issuance of the patent, unless the encumbrance should be in favor of the Government or any of its branches, units or institutions. The said contract being illegal and void, no independent action to rescind or annul it is necessary, and it may be treated as non-existent for all purposes. (*Ocejo Perez & Co. v. Flores*, 40 Phil. 921 [1920]; *De Belen v. Collector of Customs*, 46 Phil. 241 [1924]; *Gallion v. Gayares*, 53 Phil. 43 [1929]; *Escutin v. Escutin*, 60 Phil. 922 [1934]; *Gonzales v. Trinidad*, 67 Phil. 682 [1939]; *Portugal v. IAC*, 242 Phil. 709 [1988]). A void or inexistent contract is one which has no force and effect from the beginning, as if it has never been entered into, and which cannot be validated either by time or ratification. A void contract produces no effect whatsoever either against or in favor of anyone; it does not create, modify or extinguish the juridical relation to which it refers. (*Tongoy v. Court of Appeals*, 208 Phil. 95 [1983]).

Since the Deed of Sale is void, Domingo Cadiz was still considered the owner of the land. Its inclusion, therefore, in the extra-judicial settlement of the estate of Domingo Cadiz was proper.

In discussing their third argument, the defendants put so much stress on the alleged failure of Domingo Cadiz (or his successors-in-interest) to pay the loan he obtained from Francisco Nicolas, as well as the amount of P546.69, as if ownership of the land depended on whether or not said amounts were paid. The ruling of the CFI of Isabela as affirmed by the Supreme Court, however, was very clear. The lot was owned by Domingo Cadiz and his successors-in-interest; but they must pay the said amounts before possession thereof would be returned to them.

It must also be stressed that the cancellation by the Register of Deeds of the title of Francisco Nicolas (TCT No. T-415) was not dependent on the payment of the aforementioned sums of money. Whether or not said sums were paid, TCT No. T-415 was cancelled by virtue of the court ruling.[124] (Underlining supplied.)

Finally, We affirm the trial court's award of moral and exemplary damages, attorney's fees and litigation expenses. We emphasize that as early as 1958, the Supreme Court rendered a Decision ordering the Register of Deeds of Isabela to cancel TCT No. T-415 and issue in lieu thereof another title in the name of Domingo Cadiz. More than four (4) decades later or in 1999, the defendants-appellants filed a petition for the reconstitution of TCT No. T-415 in the name of Francisco Nicolas. We give credence to the plaintiffs-appellees' assertion that the defendants-appellants took undue advantage of the burnt records of the Register of Deeds of Isabela by filing a petition for reconstitution, alleging that the original and owner's copies of TCT No. T-415 were burned and neither canceled nor encumbered. Hence, We are consonant with the following ruling of the trial court:

xxx Having established that the defendants were not in good faith in filing a petition for the reconstitution of TCT No. T-415 and succeeded in securing an order for their sinister purpose to the clear detriment of the plaintiffs, the award of moral damages is proper.

Exemplary or corrective damages are intended to serve as an example or as a correction for the public good in addition to moral, temperate, liquidated or compensatory damages (*Prudencio vs. Alliance Transport System*, 148 SCRA 440). The defendants having acted in wanton and malevolent manner, the award of exemplary damages is likewise proper.

Finally, the award of attorney's fees and litigation expenses is valid since the plaintiffs were compelled to litigate and thus incurred expenses in order to protect their rights over the subject property.[125]

In sum, based on the foregoing, the plaintiffs-appellees were able to prove their right to the subject property by

preponderance of evidence. Francisco Nicolas, not being the owner of the subject property as held by the Supreme Court Decision on February 13, 1958, could not validly transfer his ownership to his successors-in-interest, herein defendants-appellants. This is based on the legal maxim that a “spring cannot rise higher than its source”.[126] Therefore, the trial court did not err in holding that the reconstituted TCT No. T-415 and the titles of herein defendants-appellants are null and void. We also emphasize that “[f]indings by the trial court as to the credibility of witnesses are accorded the greatest respect, and even finality by appellate courts, since the former is in a better position to observe their demeanor as well as their deportment and manner of testifying during the trial.”[127]

WHEREFORE, premises considered, the appeal of the defendants-appellants is DENIED. The assailed Decision[128] dated June 14, 2012 and the Order[129] dated December 28, 2012 of the RTC of Cauayan City, Isabela, Branch 19, in Civil Case No. 19-1303 for Quieting of Title with Declaration of Nullity of Certificates of Title and Damages, are 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.

Lazaro-Javier, A.C., and [*]Barrios, M.M., JJ., concur.

[1] Referred to as “Leonor” in other parts of the records.

[*] Acting Junior Member, vice Justice Laguilles, per Office Order No. 243-14-ABR dated May 23, 2014.

[2] Rollo, pp. 41-45.

[3] Rollo, pp. 46-50.

[4] Valentina Cadiz, et al v. Francisco Nicolas, G.R. No. L-9198, February 13, 1958. See also assailed Decision, Rollo, p. 43.

[5] Valentina Cadiz, et al. v. Francisco Nicolas, G.R. No. L-9198, February 13, 1958.

[6] Index of Exhibits of Plaintiffs-Appellees, pp. 17-18.

[7] Based on the case of Valentina Cadiz, et al. v. Francisco Nicolas, G.R. No. L-9198, February 13, 1958. See also assailed Decision, Rollo, p. 43.

[8] G.R. No. L-9198, February 13, 1958.

[9] Index of Exhibits of Plaintiffs-Appellees, p. 32.

[10] Index of Exhibits of Plaintiffs-Appellees, p. 3.

[11] Index of Exhibits of Plaintiffs-Appellees, pp. 4-5.

[12] Ibid.

[13] Index of Exhibits of Plaintiffs-Appellees, pp. 9-13.

[14] Index of Exhibits of Plaintiffs-Appellees, p. 16.

- [15] Index of Exhibits of Plaintiffs-Appellees, p.15.
- [16] Rollo, p. 75.
- [17] Rollo, p. 84.
- [18] Index of Exhibits of Plaintiffs-Appellees, p. 18.
- [19] Ibid.
- [20] Records, p. 36.
- [21] Records, p. 37.
- [22] Records, p. 38.
- [23] Records, p. 39.
- [24] Records, p. 40.
- [25] Records, p. 41.
- [26] Records, p. 42.
- [27] Records, p. 43.
- [28] Records, p. 80.
- [29] Rollo, p. 76. Index of Exhibits of Plaintiffs-Appellees, p. 28
- [30] Records, pp. 1-21.
- [31] Records, pp. 29-58.
- [32] Records, pp. 60-62 and 65-67.
- [33] Records, p. 78.
- [34] Records, pp. 108-111.
- [35] Index of Exhibits of Plaintiffs-Appellees, p. 1.
- [36] Index of Exhibits of Plaintiffs-Appellees, p. 2.
- [37] Index of Exhibits of Plaintiffs-Appellees, p. 3.
- [38] Index of Exhibits of Plaintiffs-Appellees, pp. 4-5.
- [39] Index of Exhibits of Plaintiffs-Appellees, p. 6.
- [40] Index of Exhibits of Plaintiffs-Appellees, p. 7.
- [41] Index of Exhibits of Plaintiffs-Appellees, p.8.
- [42] Index of Exhibits of Plaintiffs-Appellees, pp. 9-13.
- [43] Index of Exhibits of Plaintiffs-Appellees, p. 14.
- [44] Index of Exhibits of Plaintiffs-Appellees, p.15.
- [45] Index of Exhibits of Plaintiffs-Appellees, p. 16.

- [46] Index of Exhibits of Plaintiffs-Appellees, pp. 17-18.
- [47] Index of Exhibits of Plaintiffs-Appellees, p. 19.
- [48] Index of Exhibits of Plaintiffs-Appellees, p. 20.
- [49] Index of Exhibits of Plaintiffs-Appellees, p. 21.
- [50] Index of Exhibits of Plaintiffs-Appellees, p. 22.
- [51] Index of Exhibits of Plaintiffs-Appellees, p. 23.
- [52] Index of Exhibits of Plaintiffs-Appellees, p. 24.
- [53] Index of Exhibits of Plaintiffs-Appellees, p. 25.
- [54] Index of Exhibits of Plaintiffs-Appellees, p. 26.
- [55] Index of Exhibits of Plaintiffs-Appellees, p. 27.
- [56] Index of Exhibits of Plaintiffs-Appellees, p. 28. The trial court ordered the plaintiff to present the proper witness to identify Exhibit “L” or provide a certified true copy thereof, Records, pp. 128 and 143. The plaintiffs-appellees then submitted the certified true copy of Exhibit “L”, Records, p. 147.
- [57] Index of Exhibits of Plaintiffs-Appellees, p. 29.
- [58] Index of Exhibits of Plaintiffs-Appellees, p. 30.
- [59] Index of Exhibits of Plaintiffs-Appellees, p. 31.
- [60] Index of Exhibits of Plaintiffs-Appellees, p. 32.
- [61] He was referred to as Ricardo Tabil in other parts of the TSN dated June 4, 2009.
- [62] Records, p. 205.
- [63] Rollo, pp. 41-45.
- [64] Rollo, p. 45.
- [65] Motion for Reconsideration filed by defendants-appellants' counsel, Atty. Randolph Joseph P. Arreola, on July 5, 2012, Records, pp. 215-217.
- [66] Rollo, pp. 220-225.
- [67] Rollo, pp. 226-228.
- [68] Rollo, pp. 46-50.
- [69] Rollo, p. 50.
- [70] Rollo, pp. 249-252.
- [71] Rollo, pp. 253-255.
- [72] Rollo, p. 258.
- [73] Rollo, pp. 27-51.
- [74] Rollo, p. 28.

- [75] Records, pp. 47-50.
- [76] Rollo, p. 32.
- [77] Rollo, p. 33.
- [78] Rollo, pp. 34-35.
- [79] Rollo, p. 35.
- [80] Rollo, p. 32 and 36.
- [81] Emphasis supplied by the defendants-appellants. Rollo, p. 36.
- [82] Rollo, p. 36.
- [83] Rollo, pp. 37-38.
- [84] Records, pp. 215-217.
- [85] Rollo, p. 38.
- [86] Rollo, p. 39.
- [87] See Appellee' Brief of Interior, Rollo, pp. 73-93. The other plaintiffs-appellees did not file their brief.
- [88] Rollo, p. 80.
- [89] Rollo, pp. 81-82.
- [90] G.R. No. L-9198, February 13, 1958.
- [91] Rollo, p. 87.
- [92] Rollo, p. 88.
- [93] Index of Exhibits of Plaintiffs-Appellees, p. 18.
- [94] Rollo, p. 89.
- [95] Rollo, p. 90.
- [96] Rollo, p. 91.
- [97] G.R. No. 193089, July 9, 20`12.
- [98] G.R. No. 173038, September 14, 2011.
- [99] Valentina Cadiz, et al. v. Francisco Nicolas, G.R. No. L-9198, February 13, 1958. See also assailed Decision, Rollo, p. 43.
- [100] Valentina Cadiz et al. v. Francisco Nicolas, February 13, 1958.
- [101] Rollo, p. 33.
- [102] G.R. No. 181359, August 5, 2013.
- [103] Valentina Cadiz, et al. v. Francisco Nicolas, G.R. No. L-9198, February 13, 1958. See also assailed Decision, Rollo, p. 43.

- [104] Index of Exhibits of Plaintiffs-Appellees, p. 3.
- [105] A.C. No. 5474, August 28, 2003, pertaining to Perla Compania de Seguros, Inc. v. Saquilabon, 16 337 Phil. 555 (1997).
- [106] G.R. No. 114942, November 27, 2000.
- [107] G.R. No. 155483, April 27, 2007.
- [108] Records, p. 128.
- [109] 327 Phil. 928, 935 (1996).
- [110] G.R. No. 191025, July 31, 2013.
- [111] Records, pp. 36-43. See also Index of Exhibits of Plaintiffs-Appellees, pp. 19-26.
- [112] Records, pp. 44-45.
- [113] Transcript of Stenographic Notes (TSN) dated March 12, 2009, p. 19.
- [114] Index of Exhibits of Plaintiffs-Appellees, pp. 31-32.
- [115] Records, pp. 36-43. See also Index of Exhibits of Plaintiffs-Appellees, pp. 19-26.
- [116] Index of Exhibits of Plaintiffs-Appellees, p. 4.
- [117] Index of Exhibits of Plaintiffs-Appellees, pp. 15-16.
- [118] Sanchez v. Quinio, G.R. No. 133545, July 15, 2005.
- [119] Index of Exhibits of the Plaintiffs-Appellees, pp. 9-13.
- [120] Index of Exhibits of Plaintiffs-Appellees, p. 3.
- [121] Index of Exhibits of Plaintiffs-Appellees, p. 18.
- [122] TSN dated March 12, 2007, pp. 3-4.
- [123] Rollo, pp. 44.
- [124] Rollo, pp. 49-50.
- [125] Rollo, p. 45.
- [126] Merced v. G.S.I.S., et al., G.R. No. 167140, November 23, 2011.
- [127] Domingo v. Domingo, et al., G.R. No. 150897, April 11, 2005.
- [128] Rollo, pp. 41-45.
- [129] Rollo, pp. 46-50.

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