

**FLORENTINO TABLATE, PAZ TABLATE-SOLEBA, GENOVEVA
TABLATE-GERVACIO, BARBARA TABLATE-DELIS, FAUSTA TABLATE,
ESTER TABLATE-ALICANDO, TEODULO TABLATE, VICENTE
TABLATE, AURORA TABLAT...**

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

Before us is an Appeal[3] from the July 21, 2000 Decision[4] of the Regional Trial Court, 8[th] Judicial Region, Branch 16, Naval, Biliran in Civil Case No. B-0678 for Recovery of Ownership with Damages the dispositive portion thereof reads:

“WHEREFORE, premises considered, this Court finds in favor of the plaintiff(s) and against the defendants; hereby declaring that:

a) Plaintiffs are the owners of the property described in par. 2 of the complaint;

b) The Municipal Assessor of Naval is directed to cancel Tax Declaration No. 2404 in the name of Dolores Vda. de Saboy and restor(e) Tax Declaration No. 2655 in the name of the “Heirs of Pablo Tablate”, in accordance with the Rules of Assessments of the Bureau;

c) The defendants and all those claiming under them are directed to vacate the land subject matter of this action and return possession of the same to the herein plaintiffs and/or those claiming under their authority.

d) Defendants shall pay the plaintiffs:

- 1) P3,000.00 in attorney's fees;
- 2) P5,000.00 in litigation expenses;
- 3) P10,000.00 in exemplary damages; and

e) Cost of suit.

SO ORDERED.” [5]

The antecedent facts and proceedings of the case as culled from the decision of the court a quo, are as follows:

“This is an action for a recovery of ownership and possession with damages filed by the plaintiffs against the defendants on October 15, 1987.

The complaint[6] alleges that plaintiffs' father Pablo Tablate was the owner of a residential land particularly described as follows; to wit:

'A parcel of residential land situated at Del Rosario St., Biliran, Leyte under Tax Declaration No. 2655 declared in the name of Pablo Tablate with an area of 175.50 square meters. Bounded on the north by Del Rosario St.; on the south by Honorato Corpin; on the east by Catalina Juaniza; on the west by Damaso Rosales; with assessed value of P350.00.'

Further, that during the lifetime of Pablo Tablate he allowed one Prudencio Napalit to occupy the said residential

land without rent but the only condition was for the latter to pay taxes in behalf of the owner. After the death of Pablo Tablate plaintiffs demanded from the defendants the return of the property but to no avail. Hence, the complaint.

In their answer,[7] the defendants alleged that in 1959 the heirs of Pablo Tablate sold the land to Regina Napalit for One Hundred (P100.00) Pesos. Regina Napalit in turn sold it to Ireneo Napalit, who finally sold the same to Dolores Napalit Saboy, mother of the defendants, in 1970. The land was transferred to the name of Dolores N. Saboy beginning with the year 1972 canceling Tax Declaration No. 2655 in the name of Pablo Tablate. Defendants claim that thru their predecessors-in-interests they have been in continuous possession of the land in concept of owner paying taxes therefor.”

Pre-trial was conducted on February 4, 1988 but the parties failed to settle the case amicably. The parties stipulated that the land originally belonged to Pablo Tablate who died in 1945; his last Tax Declaration was Tax Declaration No. 2655 issued in 1948; appellants have been in possession of the land since 1972 thru their predecessor-in-interest Dolores Saboy who was issued Tax Declaration No. 4795 over the said land in 1972; this was superseded by Tax Declaration No. 2252 in 1973. Thereafter, trial ensued.[8]

The first witness for the plaintiffs was Regina Napalit, her testimony[9] is hereunder summarized as follows:

She is familiar with the land subject matter of this case having lived thereat when she was still young (she was 83 years old when her testimony was taken). Her father is Prudencio Napalit, a cousin of Pablo Tablate. The land was owned by Pablo Tablate. The heirs of Pablo Tablate, namely Barbara Tablate and Fausta Tablate borrowed from the witness P100.00 for the payment of the taxes of the land. She knows the defendants in this case, namely, Amando Saboy, Cristito Saboy and Gloria Saboy Macalalad because they are her grandchildren.

On cross-examination she testified that: only Fausta Tablate borrowed P100.00 from her to pay for taxes but it was not returned to her; she could not write her name; she never went to school; she has never voted; she has a brother named Ireneo, a niece named Dolores Napalit; she knows Celso Gayrama; she also knows Palerma Napoles, the latter being her daughter; while witness was still young, they left the subject parcel of land and transferred to the poblacion; the land was thereafter occupied by the children of Segundo de Rosas; in 1959, it was his brother Leon Napalit who is in possession of the land; his brother is already dead now.

The next witness for the plaintiff was Vicente Tablate and his testimony[10] is hereunder summarized as follows:

He is familiar with the land subject matter of this case because the same belongs to his grandfather, Pablo Tablate per Tax Declaration No. 2655.[11] The same is now in the possession of Dolores Napalit Saboy. They demanded for the recovery of the land but the defendants refused because they already bought the land. Due to the defendants' refusal, witness went to the Barangay Captain to settle the same but to no avail, thus, he was issued a Certificate to File Action.[12] He then consulted a lawyer and they agreed on attorney's fees in the amount of P3,000.00 plus P300.00 per appearance. He was also expecting to incur litigation expenses in the amount of P5,000.00. Because of the refusal of the defendants to vacate the land, witness was worried inasmuch as their aunt told them that they did not sell that land. He left the determination of the amount of moral damages to the discretion of the trial court and pegged the amount of exemplary damages at P10,000.00.

On cross-examination the witness testified that: Tax Declaration No. 2655 is the only tax declaration he have over the subject parcel of land; Dolores Saboy is now possessing the land since 1972; the witness resided in Manila in 1959 and went back to Biliran in 1986 and started the effort to recover the subject land. In response to the queries propounded by the trial court, the witness disclosed that he did not pay taxes for the land because it were the defendants who were in possession thereof. He also disclosed that prior to the defendants' possession of the

subject land, it were his aunts who paid the taxes and he could not produce the receipts,

The defense, on the other hand, presented its first witness in the person of Amando Saboy who is one of the defendants in this case. He testified[13] that:

He is the son of Dolores Saboy who is now deceased, During her lifetime, she owned a parcel of land in Biliran which is the land subject matter of this case. This land is covered by Tax Declarations issued to Dolores Saboy in various years starting with Tax Declaration No. 4795[14] in 1972. This tax declaration canceled Tax Declaration No. 2655[15] in the name of Pablo Tablate. The succeeding tax declarations are Tax Declaration No. 2252,[16] 2128,[17] 2368[18] and 2404[19] all under the name of Dolores. She had been paying the taxes for this land.

The witness also testified that his mother bought the land from Ireneo Napalit per Affidavit of Confirmation[20] signed by the latter dated August 2, 1971. Ireneo acquired the said property from Regina Napalit per an affidavit[21] dated September 3, 1966.

On cross-examination the witness testified that: when Vicente Tablate approached him and the other defendants to recover the subject property, Regina Napalit was with them; Regina Napalit also informed him that this land is owned by the Tablates.

The defense also presented Gloria Saboy-Macalalad and her testimony[22] is hereunder summarized as follows:

She is the daughter of Dolores Saboy who is now deceased. The latter owned a parcel of land in Biliran during her lifetime. The witness is now in possession of the said land. She traced the ownership of the land from the original owner Pablo Tablate who sold it to Regina Napalit who then sold it to Ireneo Napalit who thereafter sold it to Dolores Saboy and the latter had been in possession thereof since 1972. She does not know if Regina Napalit has a tax declaration covering the said parcel of land under her name but her mother, Dolores Saboy had declared the same and was issued Tax Declaration Nos. 4795, 2252, 2128, 2368 and 2404. Dolores had consistently paid the taxes for the said land during her lifetime and upon her death, her children, including herein witness, have paid the taxes therefor per various tax receipts²³ presented to the trial court. The witness identified an Affidavit of Confirmation which shows that Dolores Saboy acquired the subject parcel of land from Ireneo Napalit. She also identified an affidavit executed by Regina Napalit dated September 3, 1966 indicating that the land was acquired by Ireneo Napalit from her. The third paragraph thereof states that the land was acquired by Dolores Saboy from Regina Napalit who acquired the same from Pablo Tablate.

The court a quo, on July 21, 2000 issued the assailed Decision in the manner and tenor quoted above.

Displeased with the ruling of the court a quo, plaintiffs interposed the instant appeal. In Defendants-Appellants Brief,[24] the following assignments of errors were made, to wit:

- I. THE LOWER COURT ERRED IN NOT FINDING THAT THE PLAINTIFFS-APPELLEES HAVE NO CAUSE OF ACTION AGAINST THE DEFENDANTS-APPELLANTS.
- II. THE LOWER COURT ERRED IN NOT FINDING THAT PLAINTIFFS-APPELLEES' PREDECESSORS-IN-INTEREST HAD SOLD THE LAND SUBJECT MATTER OF THE CASE TO THE PREDECESSORS-IN-INTEREST OF DEFENDANTS-APPELLANTS.
- III. THE LOWER COURT ERRED IN NOT FINDING THAT DEFENDANTS-APPELLANTS' PREDECESSORS-IN-INTEREST HAD ACQUIRED THE LAND IF NOT BY PURCHASE, THEN BY ACQUISITIVE PRESCRIPTION.
- IV. THE LOWER COURT ERRED IN NOT HOLDING THAT THIS ACTION IS BARRED BY LACHES.
- V. THE LOWER COURT ERRED IN NOT AWARDING TO THE DEFENDANTS-APPELLANTS THE

DAMAGES PRAYED FOR IN THEIR COUNTER-CLAIM.

The appeal is bereft of merit.

An accion reivindicatoria is an action to recover ownership over real property. Article 434 of the New Civil Code provides that to successfully maintain an action to recover the ownership of a real property, the person who claims a better right to it must prove two things: first, the identity of the land claimed by describing the location, area, and boundaries thereof; and second, his title thereto.[25]

In the instant case, the identity of the subject land is undisputed. It is also undisputed that the same originally belonged to Pablo Tablate, the predecessor-in-interest of herein appellees.

The appellants' claim over the subject parcel of land is anchored on the alleged purchase thereof by Dolores Satoy from Ireneo Napalit. The latter, on the other hand, acquired the same from Regina Napalit who waived all her rights thereto in favor of Ireneo Napalit on September 3, 1966 per affidavit executed on September 3, 1966.

The court a quo did not give credence to the claim of the appellants inasmuch as Regina Napalit herself had testified and denied having owned, much more sold, the subject parcel of land. We quote with approval the findings of the court a quo on this matter, to wit:

“The evidence disclosed at the trial showed that Regina Napalit never bought the land from the heirs of Pablo Tablate. Her father Prudencio Tablate, was the cousin of Pablo Tablate. Barbara Tablate and Fausta Tablate borrowed from her One Hundred (P100.00) Pesos to pay taxes to the land. Pablo Tablate, plaintiffs' father is the owner of the land, Regina Napalit so testified to stop the trouble and to tell the truth.

The affidavit attached to the answer of one Regina Napalit was not executed by her (Exh. “9”). She does not know how to read and write. She had not gone to school. In 1959, Leon Napalit, her brother, was in possession of the land. He died about four (4) years ago in 1984. The defendants Armando Saboy, Cristi(tuto) Saboy and Gloria Saboy Macalalad are her grandchildren. Regina Napalit testified on February 4, 1988 and stated that when she left the land for the poblacion the children of Segundo de Rosas occupied the land and that the defendants were not staying on the land.”

Anent appellants' contention to the effect that if they did not acquire ownership over the subject land by purchase, ownership thereof was nevertheless acquired by them thru prescription, is likewise bereft of merit.

The Supreme Court in the case of ROSARIO P. TAN vs. ARTEMIO G. RAMIREZ, MOISES G. RAMIREZ, RODRIGO G. RAMIREZ, DOMINGO G. RAMIREZ, and MODESTA RAMIREZ ANDRADE,[26] has ruled that:

“Prescription, as a mode of acquiring ownership and other real rights over immovable property, is concerned with lapse of time in the manner and under conditions laid down by law, namely, that the possession should be in the concept of an owner, public, peaceful, uninterrupted, and adverse. The party who asserts ownership by adverse possession must prove the presence of the essential elements of acquisitive prescription.

Acquisitive prescription of real rights may be ordinary or extraordinary. Ordinary acquisitive prescription requires possession in good faith and with just title for ten years. In extraordinary prescription, ownership and other real rights over immovable property are acquired through uninterrupted adverse possession for thirty years without need of title or of good faith.

Possession “in good faith” consists in the reasonable belief that the person from whom the thing is received has been the owner thereof, and could transmit his ownership. There is “just title” when the adverse claimant came into possession of the property through one of the modes recognized by law for the acquisition of ownership or other real rights, but the grantor was not the owner or could not transmit any right.”

In the instant case, it cannot be gainsaid the herein appellants acquired the subject parcel of land “in good faith.” Appellants themselves recognized that the original owner of the land is Pablo Tablate. The transfer of ownership from Pablo Tablate to Regina Napalit (from whom appellants' predecessor-in-interest allegedly bought the land) was shown to be dubious as Regina has been categorical in saying that she did not buy the said lot, hence, ordinary acquisitive prescription will not apply.

For extraordinary prescription to apply, ownership is acquired only if there is uninterrupted adverse possession for thirty years which is not so in the case at bar. It is undisputed that appellants possession started in 1972 and the complaint was filed in 1987, therefore, only fifteen years has lapsed.

Anent appellants' assignment of error to the effect that the court a quo erred when it ruled and pronounced that laches does not apply, we likewise find the same bereft of merit.

Laches is a doctrine in equity and our courts are basically courts of law and not courts of equity. Equity, which has been aptly described as "justice outside legality," should be applied only in the absence of, and never against, statutory law. *Aequitas nunguam contravenit legis*. The positive mandate of Art. 1410 of the New Civil Code conferring imprescriptibility to actions for declaration of the inexistence of a contract should pre-empt and prevail over all abstract arguments based only on equity. Certainly, laches cannot be set up to resist the enforcement of an imprescriptible legal right, and petitioners can validly vindicate their inheritance despite the lapse of time[27].

Hence, the court a quo committed no reversible error in finding and declaring appellees as the owners of the subject land. It is settled doctrine that in a civil case, final and conclusive are the factual findings of the court, if supported by clear and convincing evidence on record.[28] Per our perusal of the records of the case, we find no reason to disregard the findings of fact of the court a quo as the factual findings were borne out by the record and supported by substantial evidence.

WHEREFORE, on the view above taken, the assailed Decision dated July 21, 2000 of the Regional Trial Court, Branch 16, Naval, Biliran, is hereby AFFIRMED in toto.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] Name of the plaintiffs appearing in Par. 1 of the Complaint, records at p. 1.

[2] The real name of Gerondio Daboy is Cristituto Saboy per Par. 1 of the Answer with Counterclaim, records at p. 9.

[3] Notice of Appeal, Records at pp.97-98.

[4] Records at pp. 93-96.

[5] Letter in parenthesis supplied.

[6] Records at pp. 1-4.

[7] Records at pp. 9-11.

[8] Transcript of Stenographic Notes dated February 4, 1988.

[9] Ibid..

[10] Transcript of Stenographic Notes dated March 15, 1988.

[11] Records at p. 51.

[12] Records at p. 37.

[13] Transcript of Stenographic Notes dated March 15, 1988.

[14] Records at p. 52.

[15] Records at p. 38.

[16] Records at p. 53.

[17] Records at p. 54.

[18] Records at p. 55.

[19] Records at p. 56.

[20] Records at p. 58.

[21] Records at p. 59.

[22] Transcript of Stenographic Notes dated October 26, 2011. Her testimony was retaken per Resolution of this Court, promulgated on April 14, 2011.

[23] Records at pp. 60-84.

[24] Rollo at pp. 18-31.

[25] SPS. AMBROSIO DECALENG (substituted by his heirs) and JULIA “WANAY” DECALENG vs. BISHOP OF THE MISSIONARY DISTRICT OF THE PHILIPPINE ISLANDS OF PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA, otherwise known as THE PHILIPPINE EPISCOPAL CHURCH, represented by RT. REV. ROBERT LEE O. LONGID, BISHOP OF THE EPISCOPAL DIOCESE OF NORTHERN PHILIPPINES, and REV. HENRY HAKCHOLNA; G.R. No. 171209, June 27, 2012.

[26] G.R. No. 158929, August 3, 2010.

[27] HEIRS OF ROMANA INGJUG-TIRO vs. SPOUSES LEON V. CASALS et al., G.R. No. 134718. August 20, 2001 .

[28] SILVANO B. GAJE, EMILIO C. MELLONIDA, and DESIDERIO DALISAY, JR. vs. PATRICIA S. VDA. DE DALISAY, G.R. No. 158762 , April 4, 2007 .

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