

RENATO TENGCO, PLAINTIFF-APPELLEE, VS. FELICIANA QUINTO, DEFENDANT-APPELLANT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Assailed in this Appeal is the Decision[1] dated 11 September 2000 of the Regional Trial Court, Third Judicial Region, Malolos, Bulacan, Branch 80, in Civil Case No. 330-M-95 for Reconveyance and Damages, the dispositive portion of which reads:

“WHEREFORE, judgment is hereby rendered ordering the defendant to reconvey the lot in question in the name of the original owner, Mr. Urbano Quinto. Now, considering that Urbano Quinto is already dead, let the title of the property be reconveyed and named to the legal heirs.

Ordering further the defendant to pay the following:

- a) P17,000.00 as actual damages;
- b) P30,000.00 as moral damages;
- c) P20,000.00 as exemplary damages;
- d) P20,000.00 as attorney's fees; and
- e) Costs of suits.

SO ORDERED.”[2]

The pertinent facts of the case are as follows.

Urbano Quinto (“Urbano”) was the registered owner of a parcel of land described as Lot No. 1684 with an area of 218 square meters located in Malolos, Bulacan, covered by Decree No. 232809[3] and Original Certificate of Title (OCT) No. 2064.[4] On 29 March 1929,[5] Urbano died single and intestate.[6] At the time of his death, Urbano was survived by his full blood brother, Aureo Quinto (“Aureo”), half blood brother, Guillermo dela Cruz and half blood sisters, Apolonia and Ana (“Ana”), also surnamed Dela Cruz.[7] Ana died intestate on 22 October 1961[8] and was survived by her only daughter Pacita Enriquez (“Pacita”) who got married to Nicanor Tengco.[9] On 14 February 1984,[10] Pacita died intestate and was survived by her three legitimate children, namely: Efren, Perlito and plaintiff Renato Tengco (“Renato”).[11] Efren and Perlito[12] predeceased Renato.

Upon the other hand, Aureo died in 1930 and was survived by his three children, namely: Vicenta, Pedro and defendant Feliciano Quinto (“Feliciano”).[13] Pedro died single and without any issue.[14]

On 29 April 1985, the title of the said land was transferred to Feliciano who was correspondingly issued Transfer Certificate of Title (TCT) No. RT-43746.[15]

On 22 May 1995, Renato filed a Complaint[16] seeking for the cancellation of TCT No. RT-43746 and recovery of the property in question alleging, among others, that the ownership of the said land was conveyed by Urbano to

Ana, Renato's grandmother, in consideration of the services she rendered during the two-year period of Urbano's illness. In fact, Urbano gave Ana the owner's copy of OCT No. 2064. The said conveyance was known to and not objected by Aureo. Ana immediately took possession of the land in question peacefully, continuously and publicly. After she died, Renato's mother, Pacita, likewise immediately took possession of the property. Thereafter, upon the death of Pacita, Renato inherited the said property and possessed the same continuously and publicly. Over the years, he and his pre-decessors-in-interest were the ones paying the real property taxes. During the lifetime of Pacita, she entrusted to Feliciana the owner's copy of OCT No. 2064. For her part, Feliciana promised to cause the transfer of the title of the property in question in Pacita's name. However, sometime in June 1994, Renato discovered that Feliciana fraudulently transferred the title of the subject property in her own name, thus violating the trust and confidence reposed upon her by Pacita. Thereafter, Feliciana filed a complaint for unlawful detainer against Renato which led to his eviction on 8 December 1997, pursuant to a decision of the Municipal Trial Court (MTC) of Malolos, Bulacan in Civil Case No. 94-100.

In her Answer,[17] Feliciana denied the material allegations of the complaint and averred as an affirmative defense that she inherited the subject property for being the sole legitimate heir of Urbano. Renato was not a legal heir as he was merely a grandson of Ana, the half blood sister of Urbano. The subject land was originally a portion of a bigger lot owned by Dominga San Pedro, who, in her lifetime, partitioned said land into two. One half (½) portion was given to her children by first marriage, namely: Guillermo, Apolonia and Ana, all surnamed Dela Cruz. The other half was given to her children by second marriage, namely: Urbano and Aureo. This latter half portion was decreed and titled in Urbano's name alone, he being the older of two siblings. Upon the death of both Urbano and Aureo, it was the latter's children, Feliciana, Pedro, and Vicenta, who were left as the only surviving heirs. Feliciana also alleged that she acquired sole ownership over the subject parcel of land because her brother Pedro and sister Vicenta sold their respective shares in her favor. Moreover, it was her daughter who worked for the transfer of the title in her (Feliciana) name while she paid all the real estate taxes of the property in question. She merely allowed Renato to temporarily stay on the premises.

After trial on the merits, the court a quo rendered the assailed Decision. Renato moved for partial execution of the judgment pending appeal.[18] However, the court a quo denied the same in its Order dated 19 January 2001.[19]

Aggrieved, Feliciana (now appellant) interposed this appeal ascribing to the court a quo the following errors:

I

THE TRIAL COURT ERRED IN NOT DISMISSING THE CASE FOR LACK OF CAUSE OF ACTION AS IT WAS FILED WITHOUT COMPLYING WITH THE LAW ON KATARUNGANG PAMBARANGAY.

II

THE TRIAL COURT ERRED IN NOT DISMISSING THE CASE ON GROUND OF PRESCRIPTION AND LACHES.

III

THE TRIAL COURT ERRED IN NOT FINDING THAT DEFENDANT-APPELLANT IS THE RIGHTFUL OWNER OF THE SUBJECT LOT.

IV

THE TRIAL COURT ERRED IN ADJUDGING DEFENDANT-APPELLANT TO PAY DAMAGES AND ATTORNEY'S FEES TO PLAINTIFF-APPELLEE.

V

THE TRIAL COURT ERRED IN NOT DISMISSING THE COMPLAINT AND AWARDING TO DEFENDANT-APPELLANT HER COUNTERCLAIM.

The Appeal is devoid of merit.

On the first assigned error, appellant avers that since the matter was not brought before the barangay for conciliation, appellee has no cause of action against her.

We do not agree.

It is now settled that the absence of the conciliation process at the barangay level is not a jurisdictional defect and that failure to seasonably question the lack of conciliation is a waiver, as when the party invoking it submitted himself to the jurisdiction of the court by participating in the trial of the case and presenting his own evidence and cross-examining the witness of the adverse party.[20] Having actively participated in the trial of the case and presented her own evidence, appellant waived her right to assail the absence of conciliation.

Anent the second assigned error, appellant posits that appellee's action for reconveyance had already prescribed on the ground that the same was filed after a period of ten years from the time the title was issued in her name.

The point of the appellant is unconvincing.

The fraudulent registration of a parcel of land holds the person in whose name the land is registered as a mere trustee of an implied trust for the benefit of the person from whom the property comes. An action for reconveyance of registered land based on implied trust prescribes in ten years even if the decree of registration is no longer open to review. However, when the adverse claimants are still in possession of the property in dispute, the action for reconveyance, which in effect seeks to quiet title to property in one's own possession, is not subject to prescription.[21]

In the case at bench, records reveal that appellee and his predecessors-in-interests were in possession of the subject parcel of land at the time of the filing of the complaint in 1995 and were evicted only on 8 December 1997 pursuant to the MTC decision pertaining to an unlawful detainer case initiated by the appellant.[22] In fact, appellant admitted during the pre-trial that appellee's house is presently erected on the land in question.[23]

With respect to the third assigned error, appellant contends that the court a quo erred in declaring that the appellee is entitled to a portion of the land in question. Appellant insists that appellee has no right over the property in question as the latter is merely a grandson of Urbano's half blood sister, Ana. Thus, appellee is excluded by her (appellant), who is the niece of Urbano by his full blood brother Aureo pursuant to Article 972 of the Civil Code which provides that the right of representation in collateral line takes place only in favor of the children of brothers and sisters, whether they be of the full or half blood.

Appellant's contention deserves scant consideration.

It is undisputed that Urbano and Aureo were full blood brothers and Ana, the grandmother of appellee, was their half blood sister. Appellant is one of the legitimate daughters of Aureo while appellee's mother, Pacita, was the legitimate daughter of Ana.

When Urbano died intestate in 1929, Aureo and Ana, by operation of law, inherited the subject property as collateral relatives with Aureo's share being doubled as compared to that of Ana's share. This is pursuant to Articles 1003 and 1004 of the Civil Code which reads, as follows:

“Article 1003. If there are no descendants, ascendants, illegitimate children, or a surviving spouse, the collateral relatives shall succeed to the entire estate of the deceased in accordance with the following articles.”

“Article 1006. Should brothers and sisters of the full blood survive together with brothers and sisters of the half blood, the former shall be entitled to a share double that of the latter.”

Upon the death of Aureo in 1930, appellant, along with her brother Pedro and sister Vicenta, likewise by operation of law, inherited the share of Aureo over the subject property. On the other hand, Pacita inherited the share of Ana, who died in 1961. The share of Pacita was subsequently transmitted to appellee and his brothers Efren and Perlito upon her death in 1984. Thus, appellee is entitled to inherit a portion of the subject property not by right of representation from Urbano but by his own right as the legitimate heir of his mother Pacita and grandmother Ana.

As aptly held by the court a quo:

“As admitted too by both parties, the lot in question is owned by Urbano Quinto who happened to be the full brother of the father of the defendant and the half brother of the plaintiff's grandmother; That Urbano died single and intestate. The plaintiff and the defendant turned out to be the grandson and niece of Urbano Quinto respectively. Now, since the grandmother of the plaintiff is the half sister of Urbano while the father of the defendant (Aurelio (sic)) is the full blood brother and they both survived Urbano, both of them (Ana and Aurelio (sic)) are entitled to their respective shares as heirs and according to the law applicable in the instant case—the brother of the full blood when survived by a sister of the half blood, the former shall be entitled to a share double that of the latter. In short, the plaintiff and the defendant are entitled to inherit from their respective parents that shares that their respective parents inherited from Urbano Quinto. And since the lot titled in the name of Urbano was all transferred and titled in the name of the defendant only, the plaintiff was denied of the shares he is entitled therein that emanated from his grandmother Ana dela Cruz.”[24] (Emphasis supplied)

We sustain the foregoing disquisition. It is a hornbook doctrine that findings of fact of trial courts are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons because the trial court is in a better position to examine the demeanor of the witnesses while testifying. It is not the function of this Court to analyze and weigh evidence by the parties all over again.[25]

However, We find the court a quo's awards of actual, moral and exemplary damages as well as attorney's fees un-substantiated. The assailed decision failed to state the factual and legal bases therefor. Whenever granted, the court must explicitly state in the body of its decision, and not only in the dispositive portion thereof, the legal reason for the award. The power of the courts to grant damages and attorney's fees demands factual, legal and equitable justification; its basis cannot be left to speculation or conjecture.[26] Further, it is settled that the reason for the award of attorney's fees must be stated in the text of the court's decision. If it is stated only in the dispositive portion of the decision, the same shall be disallowed.[27]

WHEREFORE, the assailed Decision dated 11 September 2000 of the Regional Trial Court, Third Judicial Region, Malolos, Bulacan, Branch 80 is hereby **AFFIRMED** with **MODIFICATION** in that the awards of actual, moral and exemplary damages as well as attorney's fees are **DELETED**.

SO ORDERED.

Buzon, and Maambong, JJ., concur.

[1] Original Record, pp. 336-341.

[2] Original Record, p. 341.

[3] Id., p. 151.

[4] See TCT No. RT-43746, Id., p. 294.

[5] Id., p. 153.

[6] TSN, 7 May 1996, p. 6; Original Record, p. 49.

[7] Original Record, p. 32.

[8] Id., p. 157.

[9] Id., pp. 17, 159 & 32.

[10] Id., p. 158.

[11] Id., pp. 5, 19, 20 & 159.

[12] Ibid.

[13] TSN 13 August 1998, pp. 7-8; Original Record, pp. 179-180.

[14] See Answer, Original Record, p. 24.

[15] Original Record, p. 294.

[16] Id., pp. 4-9.

[17] Id., pp. 22-25.

[18] Original record, pp. 345-347.

[19] Id., pp. 358-361.

[20] Siacor v. Gigantana, 380 SCRA 306, 311-312 (2002).

[21] Portes, Sr. v. Arcala, 468 SCRA 343, 355 (2005)

[22] TSN, 2 June 1998, pp. 6-7, Original Record, pp. 132-133.

[23] Amended Pre-Trial Order dated 6 March 1996. p.2; Original Record, p. 33.

[24] Original Record, pp. 340-341.

[25] Local Superior of the Servants of Charity (Guanellians), Inc. v. Jody King Construction & Development Corporation, 472 SCRA 445, 451 (2005).

[26] Ranola v. Court of Appeals, 322 SCRA 1, 11 (2000).

[27] Legaspi v. Ong, 459 SCRA 122, 146 (2005).

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