

**FRANCISCO ALAMARES, MIGUEL ALAMARES, DOMINGA ALAMARES,
SOFRONIO ALAMARES AND ARLIS ALAMARES,
PLAINTIFFS-APPELLANTS, VS. HEIRS OF RUBEN PACRES NAMELY:
ANTONIA BALDE PACRES, ALICI...**

Ponente: SORONGON, E.D., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/82f3b54e873d/>

SORONGON, E.D., J.

On appeal is the Decision[1] dated April 20, 2011 of the Regional Trial Court of Legazpi City, Branch 10 in Civil Case No. 10332. In the assailed decision, the trial court dismissed the complaint of plaintiffs-appellants for lack of merit.

Culled from the records are the following antecedent facts:

A suit for quieting of title was instituted by Francisco Alamares, Miguel Alamares, Dominga Alamares, Sofronio Alamares and Arlis Alamares (plaintiffs-appellants) against the heirs of Ruben Pacres, Sr., namely: Antonia Balde Pacres, Alicia Pacres Esquela, Salvador Pacres, Teresita Pacres Reginaldo, Ruben Pacres, Jr., Violeta Pacres Ramos and Lolita Pacres Mandac (defendants-appellees).

According to plaintiffs-appellants they are the owners of the Four Hundred Ninety (490) Square Meter lot which is an aliquot portion of Lot 2581 located at Tagas, Daraga, Albay. They inherited it from their father, Ricardo Alamares who acquired the same by donation from his aunt (Francisca Alamares) as per Deed of Donation dated March 12, 1954. Their father declared said property in his name for taxation purposes under Tax Declaration No. 26781. Since then they have been in peaceful possession of the property where they constructed their family home.

Upon his death Ricardo Alamares was survived by his widow Socorro Marano vda. De Alamares (Socorro) and five children, the plaintiffs-appellants herein, who were only minors at that time. After the death of their father, a document denominated as Deed of Sale, Waiver of Rights, Interest and Participation dated October 4, 1968 in favor of Ruben Pacres, Sr., surfaced duly signed by Socorro. Plaintiffs-appellants disputed the due execution of the said document and the voluntariness of their mother's consent to the alleged transfer arguing that the latter never sold the subject property but was merely deluded into signing the same on the pretense that she was only a witness thereto. They insisted that she could not have validly sold the property without their conformity and knowledge considering that they are co-owners of the said lot by way of intestate succession.

Following the death of Socorro on June 13, 2003, Ruben Pacres, Sr. filed an ejectment case against them at the Municipal Trial Court of Daraga, Albay. However, the case was dismissed on April 23, 2004. Only then that plaintiffs-appellants learned that the tax declaration of the disputed property was already in the name of Ruben Pacres, Sr.

On the other hand, defendants-appellees gave an entirely different version. They alleged that their father Ruben Pacres, Sr., acquired the subject property from Socorro by virtue of a Deed of Sale and Waiver of Rights, Interest

and Participation dated October 4, 1968. The original owner of the subject property was Evaristo Masbate who upon his death was succeeded by his heirs, one of whom was Socorro, who owned the aliquot Four Hundred Ninety (490) Square Meter part thereof. All the heirs of Evaristo Masbate sold their respective shares including Socorro who conveyed her share to defendants-appellees' father Ruben Pacres, Sr. Since the title of the whole lot was lost, Ruben Pacres, Sr. and the other new co-owners filed a case for reconstitution. After the title was duly reconstituted, the Court of First Instance of Legazpi City, Branch IV then caused the transfer of the title in the name of the new co-owners. Meanwhile, Ruben Pacres, Sr. obtained a separate title for the lot he bought from Socorro. Following the sale, Socorro then asked Ruben Pacres, Sr. to allow her family to remain on the subject property to which the latter agreed because he does not need the property yet and more importantly they are distant relatives. Notwithstanding such arrangement, Ruben Pacres, Sr. and his heirs were still the ones paying the realty taxes due thereon.

By decision[2] dated April 20, 2011, the trial court rendered judgment dismissing the complaint for quieting of title.

Following the denial[3] of their Motion for Reconsideration, plaintiffs-appellants' filed this appeal alleging that:

- THE TRIAL COURT ERRED IN HOLDING THAT THE DEED OF ABSOLUTE SALE EXECUTED BY SOCORRO ALAMARES AND RUBEN PACRES, SR. IS VALID.
- THE TRIAL COURT ERRED IN HOLDING THAT THE PLAINTIFFS IMPLIEDLY RATIFIED THE CONTRACT ENTERED INTO BY THEIR MOTHER BY FAILING TO RESCIND THE CONTRACT DESPITE THE PASSING OF TIME.

Simply stated, plaintiffs-appellants wanted Us to declare them the rightful owner of the disputed property for the following reasons: (1) they have been in continued, open occupation and possession of the subject property for the longest time in the concept of an owner; (2) they inherited the property from their father, Ricardo Alamares who acquired it by donation from his aunt Francisca Alamares; and, (3) the sale of the property to Ruben Pacres, Sr. by their mother was null and void since it does not bear their conformity.

We deny the appeal.

Primarily, quieting of title is a common law remedy for the removal of any cloud, doubt, or uncertainty affecting title to real property[4]. Whenever there is a cloud on title to real property or any interest in real property by reason of any instrument, record, claim, encumbrance, or proceeding that is apparently valid or effective, but is, in truth and in fact, invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title[5]. In such action, the competent court is tasked to determine the respective rights of the complainant and the other claimants, not only to place things in their proper places, and to make the claimant, who has no rights to said immovable, respect and not disturb the one so entitled, but also for the benefit of both, so that whoever has the right will see every cloud of doubt over the property dissipated, and he can thereafter fearlessly introduce the improvements he may desire, as well as use, and even abuse the property as he deems fit[6].

Plaintiffs-appellants theorized that they already acquired ownership over the subject property through the lapse of time since their possession was in the concept of an owner, public, peaceful and uninterrupted. From the time they inherited it from their father after the latter's death in 1967[7] they were already in possession of the said property. In fact, they have it declared for taxation purposes in the years 1968, 1990 and 2003 during which they received several notices of tax assessment and tax delinquency[8]. On the other hand, defendants-appellants based their ownership of the property through certificate of title and tax declaration in the name of Ruben Pacres, Sr. They

also have the realty tax receipts evidencing payment of its taxes since 1977.

It must be stressed that "[i]n civil cases, the burden of proof is on the plaintiff to establish their case by preponderance of evidence. If [they] claim a right granted or created by law, [they] must prove [their] claim by competent evidence. [They] must rely on the strength of [their] own evidence and not on the weakness of that of [their] opponent.[9]

Admittedly, it is well settled that tax declarations and tax receipts are not conclusive evidence of ownership or of the right to possess land. They are merely indicia of a claim of ownership. Under Article 434 of the Civil Code, to successfully maintain an action to remain as owner of a real property, the person who claims a better right to it must fulfill two (2) things. First, the identity of the land claimed; and second, his title thereto.

The prima facie evidence of ownership obviously tilts in favor of defendants-appellees. Time and again, jurisprudence has it that a certificate of title is the best proof of ownership and it is binding upon the whole world. Thus, it was held that a party's declaration of real property, his payment of realty taxes and his designation as owner of the subject property in the cadastral survey and in the records of the Ministry of Agrarian Reform Office cannot defeat a certificate of title, which is an absolute and indefeasible evidence of ownership of the property in favor of the person whose name appears therein.[10]

Along the foregoing discussion we quote with approval the trial court's cogent discussion on this matter, viz:

"First, they have successfully shown how their father, Ruben Pacres Sr. acquired title to the property. Defendants were able to establish that the mother title belonged to Evaristo Masbate, from whom defendants' father, Hipolito Cleofe and Eugenio Mayor acquire the property. The portion that was sold by plaintiffs' mother is included in Masbate's property. Since the original title in the name of Masbate was lost or destroyed, Ruben Pacres Sr. and his co-owners sought to have the title reconstituted in Masbate's name. After successfully having reconstituted the title, the co-owners then transferred the title in their names. Out of this reconstituted title, Ruben Pacres Sr. sought, and was given, permission to segregate his own portion and have title over the same.

Second, realty taxes were paid by defendants, on a more or less regular basis. the earliest receipt for realty taxes that defendants exhibited to the Court was for the year 1977; while the property was purchased from plaintiffs' mother sometime in 1968. in contrast, the tax declarations and receipts of payment shown by the plaintiffs were for the years 1967, 1990 and 2003. in 2003, the spectre of having a protracted litigation is already imminent. There was no other concrete evidence presented to the Court that would show that plaintiffs have been religiously paying their realty taxes. xxx

Third, plaintiffs may be the one who are in actual physical possession of the subject property; however, the Court finds that their much-vaunted possession is simply one by tolerance. Plaintiffs failed to adduce any solid evidence to show their possession is by virtue of their ownership over the property. The parties being distant relatives, the Court accords weight to the testimony of Salvador Pacres and Teresita Pacres-Regildo that plaintiffs' mother was just allowed by defendants' father to remain on the premises even after she has already sold off the property. There was no controverting evidence adduced by plaintiffs to rebut this particular aspect. Thus, insofar as the Court reads it, it is actually defendants who are in possession, through plaintiffs. xxx"

Furthermore, plaintiffs-appellants aver that their mother was misled or deceived into signing a document of conveyance of rights and interest on the pretext that she was merely signing as a witness thereof. Records however failed to support such a contention. As rightly said so by the trial court, plaintiffs-appellants' allegation of fraud is utterly wanting in substantiation. There is no showing how fraud was committed save for their bare allegations of the commission of fraud and clandestine machinations of defendants-appellees' predecessor-in-interest in the conveyance of the subject property in the former's favor and thereafter in the

issuance of the certificate of title. Needless to stress, however, fraud is never presumed. Worse, plaintiffs-appellants, as already shown above, failed to prove that the subject lot sought to be reconveyed in their favor is theirs or even that of their predecessor from whom they allegedly derived their title. To buttress their claim, they have bombarded the trial court with a number of tax declarations showing the disputed land was declared under the name of their father yet they cannot validly refute the existence of defendants-appellee's certificate of title except for their stubborn insistence of fraud. Besides, other than the intermittent payment of the real property taxes and the unregistered deed of donation, records are bereft of proofs showing that Ricardo Alamares is the real owner of the property. Verily, to award ownership to plaintiffs-appellants absent any shred of corroborative evidence of their claim over the disputed property opens doubts on the veracity of their naked assertions. Thus, for an action for reconveyance based on fraud to prosper, the party seeking reconveyance must prove by clear and convincing evidence his title to the property and the fact of fraud since mere allegations of fraud are insufficient rather intentional acts to deceive and deprive another of his right, or in some manner injure him, must be specifically alleged and proved.[11]

Another point, the questioned Deed of Sale and Waiver of Rights, Interest and Participation dated October 4, 1968 sought to be nullified by herein plaintiffs-appellants is a duly notarized document. Being so, it enjoys a legal presumption of authenticity and due execution. Hence, notarial documents celebrated with all the legal requisites under the safeguard of a notarial certificate is evidence of a high character and to overcome its recitals, it is incumbent upon the party challenging it to prove his claim with clear, convincing and more than merely preponderant evidence[12].

In light of these conclusions, we need not tarry further to discuss the validity of transfer allegedly made by Socorro such issue having been mooted by our earlier pronouncement that plaintiffs-appellants have no equitable right over the subject property as to entitle them to bring an action for quieting of title.

Lastly, "it is a matter of judicial policy to accord the trial court's findings of facts with the highest respect and not to disturb the same on appeal unless there are strong and impelling reasons to do so. The reason for this is that trial courts have more opportunity and facilities to examine factual matters than appellate courts. They are in a better position to assess the credibility of witnesses, not only by the nature of their testimonies, but also by their demeanor on the stand." No clear specific contrary evidence was cited by the CA to justify the reversal of the trial court's findings. Thus, in this case, between the factual findings of the trial court and those of the CA, those of the trial court must prevail over those of the latter.[13]

WHEREFORE, the instant appeal is DISMISSED for lack of merit. The assailed decision dated April 20, 2011 of the Regional Trial Court of Legazpi City, Branch 10 is AFFIRMED.

Carandang (Chairperson) and Gonzales-Sison, JJ., concur.

[1] Rollo, pp. 46-54

[2] Supra at note 1

[3] Order dated July 14, 2011, rollo, pp. 55-57

[4] Vitug, Compendium of Civil Law and Jurisprudence, 1993 Rev. Ed., p. 295.

[5] Article 476, Civil Code.

[6] Baricuatro, Jr. v. Court of Appeals, G.R. No. 105902, February 9, 2000, 325 SCRA 137, 146-147.

[7] TSN, No. 9, 2007, testimony of Arlis Almares

[8] TSN, Sofronio Alamares, Aug. 21, 2007.

[9] Guilangen vs. Wooden, 666 SCRA 120.

[10] Hemedes vs. Court of Appeals, G.R. Nos. 107132 and 108472, October 8, 1999 citing Heirs of Leopoldo Vencilao, Sr., vs. Court of Appeals, 351 Phil. 815

[11] Barrera vs. Court of Appeals, G.R. No. 123935, December 14, 2001

[12] Pan Pacific Industrial Sales Co. Inc. vs. Court of Appeals and Nicolas Capistrano, G.R. 125283, February 10, 2006

[13] Id.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.