SPOUSES LARRY B. TOBIAS AND LYN V. TOBIAS, PLAINTIFFS-APPELLEES, VS. OMENGAN CONSTRUCTION AND DEVELOPMENT CORPORATION, DEFENDANT-APPELLANT.

Ponente: TOLENTINO, A.G., J.

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TOLENTINO, A.G., J.:

This is an appeal from the decision[1] dated September 22, 2010 of the Regional Trial Court of Quezon City (RTC), Branch 216, in Civil Case No. Q-01-43567 entitled Spouses Larry B. Tobias and Lyn V. Tobias vs. Omengan Construction and Development Corporation.

Spouses Larry B. Tobias and Lyn V. Tobias (Spouses Tobias), as plaintiffs filed an action for quieting of title with the Regional Trial Court (RTC) of Quezon City, alleging that they are the true and lawful owners in fee simple of a real property situated at Don Enrique Subdivision, Commonwealth Avenue, Quezon, consisting of Two Hundred (200) Square Meters, more or less, as evidenced by their Transfer Certificate of Title (TCT) No. 115735. They claimed that they purchased the same from the spouses Virgilio Ramon G. Laurente and Alicia T. Laurente sometime in 1994, as evidenced by a Deed of Absolute Sale executed in their favor. The Sps. Tobias further averred that sometime in November, 2000, defendant Omengan Construction and Development, through its representative, appeared at Don Enrique Subdivision and claimed ownership of their property. The complaint was docketed as Civil Case No. Q-01-43567 and raffled off to Branch 216 of the RTC of Quezon City.

Omengan Construction and Development Corporation (OCDC), as defendant-appellant denied Sps. Tobias' allegations and stubbornly claimed that the disputed lot is covered by Transfer Certificate of Title (TCT) No. N-217020 in its name. It asserted that it bought the property from the registered owners, Roberto Nolasco and Julian F. Salcedo, as evidenced by a Deed of Sale dated April 4, 2000. It asseverated that it was a purchaser for value and in good faith, as no one claimed adverse title thereto.

On September 22, 2010, the RTC decided in favor of the plaintiffs Sps. Tobias, whereby it ruled:

> "WHEREFORE, premises considered, judgment is hereby rendered:
>
> 1. DECLARING TCT No. 115735 of the Register of Deeds of Quezon City in the name of Sps. Larry B. Tobias and Lyn V. Tobias superior to that of TCT No. 217020 in the name of defendant corporation;
> 2. Declaring TCT No. N-217020 of the land records of the Register of Deeds of Quezon City null and void and same ordered cancelled insofar as the area of two hundred (200) sq. m., covered by plaintiffs' title is concerned;
> 3. Dismissing plaintiffs' claim for damages.
>
> No Costs.
>
> SO ORDERED."[2]

The defendant OCDC sought partial reconsideration[3] of the aforesaid decision but this was denied in the order[4] of March 22, 2011.

Hence, this appeal whereby defendant OCDC assigned as errors[5] the following:

I.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT RULED THAT THE NON-SUBMISSION OF THE RECONSTITUTED TITLE IN THE NAME OF DEFENDANT-APPELLANT'S PREDECESSOR IN-INTEREST WAS FATAL.

II.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT RULED THAT PLAINTIFFS-APPELLEES' TITLE TO THE PROPERTY IN DISPUTE IS SUPERIOR TO DEFENDANT-APPELLANT'S.

III.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT ORDERED THE CANCELLATION OF DEFENDANT-APPELLANT'S TITLE OVER THE DISPUTED PROPERTY.

IV.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT DID NOT DISMISS THE COMPLAINT FOR UTTER LACK OF MERIT.

V.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT DID NOT DECLARE DEFENDANT-APPELLANT AS THE TRUE AND LAWFUL OWNER OF THE PROPERTY IN DISPUTE.

From the evidence, both testimonial and documentary presented by the parties, the RTC made the following findings in support of the fallo, to wit:

> "From the evidence submitted by plaintiffs, TCT No. 115735 (Exhibit C)[6] traces its origin from Sales Certificate No. 777 covering Lot 827 of the Piedad Estate. In a Report dated May 20, 2002 (Exhibit I-1)[7] addressed to LRA Administrator Benedicto B. Ulep, it appears that subject lot was originally sold to Vicente Salgado on June 16, 1313. It was assigned to one S. Gochangco on February 25, 1919 who further assigned the same to Jose V. Hernandez on December 6, 1920. The property passed into the hands of Antonio de Zuzuarregui on January 16, 1922 and later to Jose Cirar Sumandi on June 17, 1926. Filomena S. Mateo acquired the property on October 18, 1920 who reassigned the same to Zuzuarregui on April 12, 1930. Zuzuarregui owned ADEZ Realty, the corporation from whom plaintiffs' predecessors-in-interest bought the subject property.
>
> "The above-mentioned evidence further shows that (LRC) Pcs. 17435 covering Lot 287 of the Piedad Estate in the name of Antonio Zuzuarregui was approved on June 20, 1974. Hence, Psd-00-049285 in the name of Julian Salcedo and Roberto Nolasco, defendant's predecessors-in-interest, was only approved on December 12, 1992. Said plan totally overlaps that of plaintiffs property.
>
> "Defendant's title, on the other hand, was derived from TCT No. 193758[8] issued on July 31, 1998 in the name of Julian Salcedo and Roberto Nolasco. Said title was a derivative of TCT No. 186516[9] issued on January 12, 1998 also in the names of Salcedo and Nolasco. TCT No.186516 is a transfer from TCT No. 128947, the reconstituted title of TCT No. 12662 (106531) registered in the name of Elias Eugenio. The new title was issued pursuant to the Order of Reconstitution dated November 20, 1984 issued by the Regional Trial Court of Morong, Rizal. The validity of the reconstitution proceedings was upheld by the Court of Appeals in

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> CA-G.R. No. CV No. 55124 (Exhibit 1-A).[10] Said Decision has become final and executory prompting the Register of Deeds of (sic) recall its order holding in abeyance the registration of the reconstituted title."[11] (Underscoring Supplied)

In favoring the plaintiffs Sps. Tobias and ruling against the defendant OCDC, the RTC had this to say:

> "Defendant relies mainly on the strength of the aforesaid Decision in order to prove the superiority of its title over that of the plaintiffs.
>
> "While this Court takes judicial cognizance of the aforesaid Decision, this Court believes that plaintiffs' title is superior to that of defendant. After all, the validity of the reconstitution proceedings is separate and distinct from the issues of the validity of title and ownership.
>
> "As pointed out in plaintiffs' Exhibit I-1, the earliest record of TCT No. 12662 in the name of Elias Eugenio was the reconstituted title (TCT No. 128947) issued in 1984. However, no copy of the same was presented by defendant. The known fact as reported is that Elias Eugenio was one of the claimants of the Piedad Estate (Lot 827), originally registered as OCT 614 of the land records of the Province of Rizal. Plaintiffs' title, on the other hand, traces its origin to the Certificate of Sale issued to Vicente Salgado way back in 1913."[12] (Underscoring Supplied)

Thus, the RTC pointed out:

> "In Sanchez vs. Rodolfo M. Quinio and Ismael M. Quinio, G.R. No.133545, July 15, 2005, the Supreme Court held in this wise:
>
> 'x x x For, in cases where two (2) certificates of title covering the same parcel of land are issued to two different persons, he who holds in good faith that certificate which is earlier in date has superior right over the land covered thereby. Thus, we said in Margolles vs. Court of Appeals.
>
> Lastly, it is a settled rule that when two certificates of title are issued to different persons covering the same land in whole or in part, the earlier in date must prevail, and in case of successive registrations where more than one certificate is issued over the land, the persons holding a prior certificate is entitled to the land as against a person who relies on a subsequent certificate. The titles of the petitioners, having emanated from an older title should, thus, be upheld.' "[13]

It concluded that:

> "The title of Sps. Larry B. Tobias and Lyn B.(sic) Tobias having emanated from an earlier title, plaintiffs have established by preponderance of evidence that they are the rightful owners of the subject property." [14]

THE APPEAL MUST FAIL.

The issue before this Court is whether the Sps. Tobias, as plaintiffs were able to discharge their burden of proving the superiority of their title over the title of defendant OCDC.

We are in accord with the findings and conclusion of the RTC. A review of the evidence reveals no compelling reason to reverse or modify the RTC's ruling.

In civil cases, the party having the burden of proof must establish his case by preponderance of evidence. "Preponderance of evidence" means that the evidence as a whole adduced by one side is superior to that of the other. In other words, preponderance of evidence means the greater weight of the evidence – or evidence that outweighs the evidence of the adverse party.[15]

The Sps.Tobias as plaintiffs were able to overcome the burden of proof and prove by preponderant evidence that

they have a superior right and title to the disputed property. In contrast, OCDC as defendant seems to have relied on the strength of the decision of the Court of Appeals in CA-G.R.CV No. 55124[16]dated June 25, 1999. Moreover, from the time the Sps.Tobias obtained the property, they protected their interest therein by fencing off the property to secure the area.[17] They also exercised their obligation as owners by paying real property taxes on the property it had acquired, as evidenced by the real property tax bill receipts issued in their names by the Quezon City Treasurer's Office.[18] We find the evidence presented by the Sps. Tobias more convincing than that which is offered in opposition by the defendant OCDC.

WHEREFORE, for all the foregoing considerations, the appeal is DISMISSED. Accordingly, the decision dated September 22, 2010 and the order dated March 22, 2011 of the Regional Trial Court of Quezon City, Branch 216 in Civil Case No. Q-01-43567 is AFFIRMED.

SO ORDERED.

Rosario and Bueser,[*] JJ., concur.

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[*] Vice Leoncia R. Dimagiba, per Office Order No. 244-14-ABR dated May 26, 2014.

[1] Records, pp. 370-386.

[2] Id., p. 386.

[3] Id., p. 388.

[4] Id., p. 453.

[5] Rollo, pp. 67-68.

[6] Records, p. 99.

[7] Id., p. 127.

[8] Id., Exhibit “5”, p. 302.

[9] Id., Exhibit “4”, p. 300.

[10] Id., p. 284.

[11] Id., pp. 383-385.

[12] Id., pp. 384-385.

[13] Id., p. 385.

[14] Id., p. 385.

[15] Department of Education, Culture and Sports vs. Del Rosario, 449 SCRA 299.

[16] Records, Exhibit “1-A”, p. 284

[17] TSN of September 5, 2002, p. 12.

[18] Records, Exhibits “D”, “D-1” to “D-8”, pp. 100-108.

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