

FELISA ARON AND HEIRS OF MAURA ARON, REPRESENTED BY MARQUITA SANCHEZ, PLAINTIFFS-APPELLANTS, VS. HEIRS OF PEDRO VILLANUEVA, NAMELY: NARCISO VILLANUEVA AND SANTOS VILLANUEVA, DEF...

Ponente: ELBINIAS, M.P., J.

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ELBINIAS, M.P., J.:

Addressed here is an Appeal[1] filed under Rule 41 of the Rules of Court. The Appeal assails the Decision[2] dated August 28, 2007 of the Regional Trial Court of Trece Martires City, Branch 23 (“trial court” for brevity) in Civil Case No. TM-594 for “Recovery of Ownership with Damages.”[3] The Appeal[4] also questions the trial court's Order[5] dated December 27, 2007, which denied plaintiffs-appellants' eventual Motion for Reconsideration.[6]

The antecedent facts are:

On April 11, 1997, plaintiffs-appellants Felisa Aron, and Heirs of Maura Aron, who were represented by Marquita Sanchez (“plaintiffs-appellants” for brevity), filed a Complaint[7] for “Recovery of Ownership with Damages” against defendants-appellees Heirs of Pedro Villanueva, namely: Narciso Villanueva and Santos Villanueva (“defendants-appellees” for brevity).

The rest of the facts are those as stated in the trial court's assailed Decision[8] dated August 28, 2007, as follows:

“xxx Plaintiffs (plaintiffs-appellants here) alleged that their deceased parents Spouses Moises Aron and Valeriana Santor died intestate, leaving a parcel of land at Gen. Trias, Cavite with a total area of Sixteen Thousand Eight Hundred Nine (16, 809) Square Meters known as Lot 2640 and covered by Patent No. 33071; that from the time of their parents' death plaintiffs (plaintiffs-appellants) never executed any deed regarding the sale, partition, waiver of right of said property.

Sometime in year 1994, plaintiffs (plaintiffs-appellants) were shocked to know that four-sixth (4/6) portion of said property is now registered under the name of the defendant (Pedro Villanueva here) under Transfer Certificate of Title No. (T-22048) RT-19611 of the Registry of Deeds of the Province of Cavite. Since [plaintiffs] (plaintiffs-appellants) never signed any document regarding the four-sixth (4/6) share of the property, they alleged that defendant (Pedro Villanueva) committed fraud and falsification in the transfer of their four-sixth (4/6) share. Plaintiffs (plaintiffs-appellants) demanded from the defendants (defendants-appellees) the return of the property but the latter refused hence, this litigation.

On the other hand, defendants (defendants-appellees) tried to show that plaintiff Felisa Aron is not the legal heir of the deceased Sps. Moises Aron and Valeriana Santor and therefore has no right to file this case. However, the Baptismal Certificate presented by this plaintiff is sufficient to show that she is the daughter of the late Moises Aron and Valeriana Santor which resolves this issue.

Another point raised by the defendant[s] was the sale executed by Valeriana Santor and Maria Aron. Defendants (defendants-appellees) alleged that Santor and Aron sold the property (two-thirds [2/3] portion) to

Fortuno on April 19, 1932. Plaintiffs to this alleged that this sale was obtained through fraud. Xxx Fortuno on the other hand[,] sold the portion to Villanueva wherein a title was issued on November 26, 1941.”[9] (Emphasis supplied)

On August 28, 2007, the trial court rendered the Decision[10] appealed from, which dismissed plaintiffs-appellants' Complaint[11]. The dispositive portion of the Decision[12] stated:

“WHEREFORE, judgment is hereby rendered in favor of the defendants DISMISSING the complaint filed by the plaintiffs.

Plaintiffs are hereby ordered to pay defendants the amount of Fifty Thousand (P50,000.00) Pesos as damages and Twenty Thousand (P20,000.00) Pesos as litigation expenses.

SO ORDERED.”[13]

After plaintiffs-appellants' Motion for Reconsideration[14] was denied by the trial court in its assailed Order[15] dated December 27, 2007, plaintiffs-appellants filed the Appeal[16] at bench, praying that:

“WHEREFORE, it is most respectfully prayed of this Honorable Court that the Decision dated 28 August 2007 and rendered by the Regional Trial Court, Branch 23, Trece Martires City in Civil Case No. TM-594 be REVERSED and SET ASIDE and that another decision be rendered granting the reliefs prayed for in plaintiff[s]-appellants' Amended Complaint.

Plaintiff[s]-appellants also respectfully pray for such further or other reliefs as may be deemed just or equitable.”[17]

The Appeal raised the following assignment of errors:

“1.1. THE LOWER COURT ERRED IN FINDING AND CONCLUDING THAT PLAINTIFF[S]-APPELLANTS CLEARLY ADMITTED THE SALE OF THE FOUR-SIXTH (4/6) PORTION OF THE SUBJECT PROPERTY BY VALERIANA SANTOR AND MAURA ARON TO A CERTAIN EMILIO FORTUNO;

1.2. THE LOWER COURT ERRED IN FINDING THAT PLAINTIFF[S]-APPELLANTS LOST THEIR INTEREST IN THE SUBJECT PROPERTY WHEN VALERIANA SANTOR and MAURA ARON SOLD THE SAME TO A CERTAIN EMILIO FORTUNO;

1.3 THE LOWER COURT ERRED IN FINDING THAT THE PIECES OF EVIDENCE PRESENTED BY DEFENDANT[S]-APPELLEES, WHICH ARE MERE PHOTOCOPIES, ARE SUFFICIENT TO JUSTIFY THE DECISION DISMISSING THE CASE;

1.4 THE LOWER COURT ERRED IN ORDERING PLAINTIFF[S]-[APPELLANTS] TO PAY DEFENDANT[S]-APPELLEES P50,000.00 AS DAMAGES AND P20,000.00 AS LITIGATION EXPENSES.”[18]

Despite the failure of defendants-appellees to file their Appellee's Brief, it is nevertheless Our “primary duty to render or dispense justice”[19] in this case in accordance with the facts and the law.

To begin with, even if plaintiffs-appellants properly argued in their assignment of error 1.1 that they had not admitted to the sale of the four-sixth (4/6) portion of the subject property (“subject property” for brevity) by Valeriana Santor and Maura Aron to Emilio Fortuno, still, contrary to plaintiffs-appellants' allegations in their assignment of error 1.3, the trial court properly dismissed the Complaint[20] filed by plaintiffs-appellants against defendants-appellees.

On these matters, plaintiffs-appellants had argued that:

“5.2. However, contrary to the erroneous finding and conclusion of the lower court, there was no such admission on the part of [plaintiffs]-appellants to the effect that the four-sixth (4/6) or two-thirds (2/3) portion of the subject property had been sold to a certain (Emilio) Fortunio by (Valeriana) Santor and (Maura) Aron;

xxx

5.6 Moreover, it is precisely because [plaintiffs]-appellants did not also admit or acknowledge the validity of the alleged sale of the same 4/6 or 2/3 portion of the subject property from Emilio Fortunio to Pedro Villanueva

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xxx [T]he lower court failed to state specifically what 'pieces of evidence' did it consider and find 'sufficient to justify a decision dismissing the case', much less state with particularity how and why such 'pieces of evidence' became 'sufficient to justify a decision dismissing the case';

5.16. In the first place, the lower court should have not admitted the documentary evidence presented by defendant[s]-appellees, particularly Exhibits '1', '2', '3', '5', '5-A', '5-B', and '5-C' for being written hearsay, unreliable, irrelevant, immaterial, misleading, and self-serving, as well as for being all mere photocopies;

5.17. Suffice it to say that defendant[s]-appellees' Exhibits '1', '2', '3', '5', '5-A', '5-B', and '5-C', being mere photocopies and not the original documents themselves, are inadmissible in evidence for having violated the best evidence rule, as provided in Section 3, Rule 130 of the Revised Rules on Evidence xxx;

5.18. Moreover, the lower court should have not also admitted the other documentary evidence of defendant[s]-appellees, specifically Exhibits '4', '4-1', '4-1-A', '6', and '7' for being unreliable, without factual basis, irrelevant, immaterial, written hearsay, and self serving;”[21] (Emphasis and underlinings were made in the original)

Negating plaintiffs-appellants' arguments however, is that plaintiffs-appellants failed to establish by preponderance of evidence that they had a better right over the subject property against defendants-appellees. This is so, considering that plaintiffs-appellants failed to present any proof that would have established their title over the subject property. Plaintiffs-appellants merely attacked the evidence presented by defendants-appellees.

In an action for recovery of ownership, such as the case here, the party who claims a better right over the property, such as plaintiffs-appellants, has the burden to prove not only the identity of the property he was claiming, but also his title to the property. Such party must not rely on the weakness of the other party's evidence but must rely on the strength of his title to the property. This is in accordance with the declaration made by the Supreme Court in *Cornelio del Fierro, et al. vs. Rene Seguiran*, G.R. No. 152141, August 8, 2011, to wit:

“The main issues are whether petitioners are entitled to reconveyance of Lot Nos. 1625 and 1626, and whether the certificates of title of respondent to the said lots should be cancelled.

The requisites of reconveyance are provided for in Article 434 of the Civil Code, thus:

Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

Article 434 of the 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 (2) things: first, the identity of the land claimed; and second, his title thereto.

In regard to the first requisite, in an *accion reivindicatoria*, the person who claims that he has a better right to the property must first fix the identity of the land he is claiming by describing the location, area and boundaries thereof. Anent the second requisite, i.e., the claimant's title over the disputed area, the rule is that a party can

claim a right of ownership only over the parcel of land that was the object of the deed.” (Emphasis supplied)

Further showing that plaintiffs-appellants had no right over the property is that, contrary to plaintiffs-appellants' claim in their assignment of error 1.2, the subject property was already sold by plaintiffs-appellants' ascendants to a certain Emilio Fortuno (“Fortuno” for brevity), who in turn, sold the property to defendants-appellees' father, Pedro Villanueva (“Pedro” for brevity). Defendants-appellees' father had subsequently registered the property under his name with the Registry of Deeds of the Province of Cavite. As a result, he was issued Transfer Certificate of Title No. (T-22048) RT-19611 (“TCT No. (T-22048) RT-19611” for brevity) on November 26, 1941.

Plaintiffs-appellants further argued that fraud was committed in the transfer of the subject property from their ascendants to Fortuno, and subsequently from Fortuno to defendants-appellees' father, Pedro, as follows:

“5.10. To reiterate, plaintiff[s]-appellants did not admit or make any admission to the effect that the four-sixth or two-third (2/3) portion of the subject property had been sold by Valeriana Santor and Maura Aron to a certain Emilio Fortuno. In fact, [plaintiffs]-appellants raised the very issue of fraud insofar as both the alleged transfer of the 4/6 or 2/3 portion of the subject property by way of assignment from Santor and Aron to Fortuno and the alleged sale of the same 4/6 or 2/3 portion of said property from Fortuno to Villanueva were concerned;

5.11. It is precisely because plaintiffs-appellants questioned or raised the question of validity of the alleged transfer of such four-sixth (4/6) or two-thirds (2/3) portion of the subject property from Santor and Aron to Fortuno that they (plaintiff-appellants) (sic) had showed their interest in said property or that they had not lost their interest therein;

5.12 Significantly, the foregoing finding of the lower court that 'the plaintiffs cannot question the transaction since they lost their interest to the property when Santor and Aron sold the property to Fortuno' has no basis whatsoever in evidence and seems to have been based, if at all, merely on speculation, surmise, or conjecture. The lower court simply failed to cite any specific evidence on which it based its supposed finding that they (plaintiffs) lost their interest to the property”[22] (Emphasis and underlinings were made in the original)

Defeating plaintiffs-appellants' arguments however, is that plaintiffs-appellants failed to overcome the burden of proving that fraud attended the transfer of the property from plaintiffs-appellants' ascendants to Fortuno, and then to defendants-appellees' father. Plaintiffs-appellants merely presented the following documents: plaintiff-appellant Felisa Aron's (“plaintiff-appellant Felisa” for brevity) Certificate of Baptism[23]; the Certification[24] issued by the Community Environment and Natural Resources in Trece Martires City, and; the TCT (T-22048) RT-19611[25] issued by the Registry of Deeds of the Province of Cavite. These documents however, did not support plaintiffs-appellants' allegation that fraud was committed by by Fortuno and by defendants-appellees' father. This is because such documents were only offered to prove: the filiation between plaintiff-appellant Felisa with Moises Aron and Valeriana Santor; the subject property having been acquired by plaintiffs-appellants' ascendants on June 16, 1933, and; the subject property having eventually been registered by defendants-appellees' father in his name on November 26, 1941.[26]

That the party who alleges the commission of fraud in obtaining titles, such as plaintiffs-appellants, should prove by sufficient evidence such allegation, is as pursuant to the following declaration of the Supreme Court in *Delfin, et al. v. Billones*, G.R. No. 146550, March 17, 2006:

“Fraud may be, and often is, proved by or inferred from circumstances, and the circumstances proved may in some cases raise a presumption of its existence. However, while fraud may be proved by circumstances or presumed from them, it cannot be demonstrated by mere construction, but must be proven in all cases. Respondents indeed failed to prove that fraud attended the execution of the Extra-Judicial Partition and Deed

of Absolute Sale. Their bare and unsupported allegations are not enough to overthrow the presumption of the validity of said agreement or to raise the presumption of fraud.” (Emphasis supplied)

Consequently, because of plaintiffs-appellants' failure to prove fraud, the title of defendants-appellees' father over the subject property under TCT No. (T-22048) RT-19611 prevails. That this is the consequence is pursuant to the Supreme Court's declaration in *Numeriano P. Abobon vs. Felicitas Abata Abobon and Gelima Abata Abobon*, G.R. No. 155830, August 15, 2012, as follows:

“First of all, a fundamental principle in land registration under the Torrens system is that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. The certificate of title thus becomes the best proof of ownership of a parcel of land; hence, anyone who deals with property registered under the Torrens system may rely on the title and need not go beyond the title. This reliance on the certificate of title rests on the doctrine of indefeasibility of the land title, which has long been well-settled in this jurisdiction. It is only when the acquisition of the title is attended with fraud or bad faith that the doctrine of indefeasibility finds no application.” (Emphasis supplied)

Besides, defendants-appellees' father is presumed to have acted in good faith when he acquired the subject property from Fortuno, and when he subsequently registered such property in his name. Defendants-appellees' father properly relied on a copy of the “Assignment of Sale Certificate”[27] (“Sale Certificate” for brevity) executed between plaintiffs-appellants' ascendants and Fortuno. The Sale Certificate[28] stated that plaintiffs-appellants' ascendants sold, assigned, and transferred “all [their] right[s], title, and interest[s]”[29] over the subject property to Fortuno.

Good faith, being the opposite of fraud, is always presumed unless convincing proof was presented to disprove such presumption. This was not done so here because plaintiffs-appellants' allegation of fraud was unsubstantiated. That good faith is always presumed in the absence of proof to the contrary is pursuant to the declaration made by the Supreme Court in *Heirs of Severa P. Gregorio, represented by its administratrix Buenconsejo Pineda vda. de Vivar vs. Court of Appeals, et al.*[30], to wit:

“It is axiomatic that good faith is always presumed unless convincing evidence to the contrary is adduced. It is incumbent upon the party alleging bad faith to sufficiently prove such allegation. Absent enough proof thereof, the presumption of good faith prevails. In the case under examination, the burden of proving bad faith therefore lies with petitioners (plaintiffs below) but they failed to discharge such onus probandi. Without a clear and persuasive substantiation of bad faith, the presumption of good faith in favor of respondents stands.

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Good faith is the opposite of fraud and consists of the honest intention to abstain from taking an unconscionable and unscrupulous advantage of another. xxx” (Emphasis supplied)

Given all these, no cogent reason was therefore shown to justify any deviation from the following findings of the trial court, which were in accordance with the facts and the law:

“From the pieces of evidence offered and admitted by the Court, the plaintiffs (plaintiffs-appellants here) failed to prove and establish the existence of fraud and substantiate the same through convincing and credible proof and testimonies of witnesses as regards the assignment of property made by Valeriana Santor and Maura Aron in favor of Emilio Fortuno as well as the contract of sale entered into by Emilio Fortuno and Pedro Villanueva. From the moment of assignment, Fortuno acquires ownership over the property. Hence, Plaintiffs cannot assail the contract of sale by virtue of the said assignment. The contract such as sale takes effect between the parties thereto. Furthermore, Pedro Villanueva's right over the property cannot be doubted as it is evidenced by the Transfer Certificate of Title No. T-22048 and an Order issued by the Court in LRC No. 5964 dated October 08, 1992 as regards Petition for Judicial Reconstitution of Original and Owner's Duplicate Copy of T.C.T. [N]o.

T-22048 filed by Mariquita Sanchez who is the same as the Plaintiff in this case. As stated in the order, 'That two (2) owner's duplicate copies of said title was issued by the Register of Deeds of Cavite, one for Maura Aron and the other for Pedro Villanueva, the other registered co-owner of said property.' xxx 'that the owner's copy of said title issued to Pedro Villanueva remains intact in his possession.' This Order of the Court is given much credence for it is a public record. xxx"[31] (Emphasis supplied)

However, as correctly argued by plaintiffs-appellants in their assignment of error 1.4, the trial court erred in awarding Php 50,000.00 as Damages, and Php 20,000.00 as Litigation Expenses in favor of defendants-appellees.

Defendants-appellees could not be awarded Damages in the amount of Php 50,000.00 because the trial court failed to specify what kind of Damages was awarded to defendants-appellees. The trial court also failed to provide the actual, legal, and equitable justification for such award of Damages, which award was only mentioned in the dispositive portion of the assailed Decision.[32]

Defendants-appellees could not also be awarded Litigation Expenses, given that the trial court failed to discuss in the body of its Decision[33] the basis for such award to defendants-appellees.[34] That Litigation Expenses could not be awarded if the trial court failed to provide the factual and legal bases for such award in its Decision,[35] with the award being only mentioned in the dispositive portion of the Decision,[36] is pursuant to the following pronouncement of the Supreme Court in Mercury Drug Corporation vs. Sebastian M. Baking[37]:

“On the matter of attorney’s fees and expenses of litigation, it is settled that the reasons or grounds for the award thereof must be set forth in the decision of the court. Since the trial court’s decision did not give the basis of the award, the same must be deleted. In Vibram Manufacturing Corporation v. Manila Electric Company, we held:

Likewise, the award for attorney’s fees and litigation expenses should be deleted. Well-enshrined is that 'an award for attorney’s fees must be stated in the text of the court’s decision and not in the dispositive portion only' (Consolidated Bank and Trust Corporation (Solidbank) v. Court of Appeals, 246 SCRA 193 [1995] and Keng Hua Paper Products, Inc. v. Court of Appeals, 286 SCRA 257 [1998]). This is also true with the litigation expenses where the body of the decision discussed nothing for its basis.” (Emphasis supplied)

Indeed, the findings of the trial court are entitled to great weight and respect on appeal, and are in fact accorded finality when supported by sufficient evidence on the record,[38] as in this case.

After careful consideration of all the facts, arguments, and issues appearing on the records as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is therefore made on these matters.

BECAUSE OF ALL THESE, the trial court's Decision is AFFIRMED, with the MODIFICATION that the awards granted to defendants-appellees of Damages amounting to P50,000.00, and Litigation Expenses amounting to P20,000.00, are DELETED.

SO ORDERED.

Dicdican (Chairperson) and Paredes, JJ., concur.

[1] Rollo, pp.54 - 70

[2] Records, pp. 252 - 253

[3] Records, pp. 1-4, 252 - 253

- [4] Rollo, pp.54 - 70
- [5] Records, pp. 262 - 263
- [6] Records, pp. 254 - 258
- [7] “Amended Complaint”, Records, pp. 25 - 28
- [8] Records, pp. 252 - 253
- [9] Records, pp. 252 - 253
- [10] Records, pp. 252 - 253
- [11] “Amended Complaint”, Records, pp. 25 - 28
- [12] Records, pp. 252 - 253
- [13] Records, p. 253.
- [14] Records, pp. 254 - 258
- [15] Records, pp. 262 - 263
- [16] Rollo, pp. 54 - 70
- [17] Rollo, p. 69
- [18] Rollo, pp. 57 - 58
- [19] Paz Reyes Aguam vs. Court of Appeals, et. al., G.R. No. 137672, May 31, 2000.
- [20] “Amended Complaint”, Records, pp. 25 - 28
- [21] Rollo, pp. 63 - 67.
- [22] Rollo, pp. 65 - 66.
- [23] Records, p. 177
- [24] Records, p. 178
- [25] Records, pp. 183 - 184
- [26] Records, pp. 174 – 175, 183
- [27] Records, p. 236
- [28] Records, p. 236
- [29] Records, p. 236
- [30] G.R. No. 117609 December 29, 1998
- [31] Rollo, pp. 262 - 263.
- [32] Records, p. 253
- [33] Records, pp. 252 - 253
- [34] Records, p. 253

[35] Records, pp. 252 - 253

[36] Records, pp. 252 - 253

[37] G.R. No. 156037, May 28, 2007

[38] Spouses Patricio and Myrna Bernales vs. Heirs of Julian Sambaan, et al., G.R. No. 163271, January 15, 2010.

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