

VIRGINIA VIÑAS, JAIME VIÑAS, RUBEN VIÑAS, BEATA VIÑAS-JEREMIAS, MARCIANO VIÑAS, GREGORIA VIÑAS III, ASUNCION VIÑAS-LAVANDERO, HEIRS OF BEATRIZ VIÑAS, REPRESENTED BY JUANITO VIÑA...

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Addressed here is an Appeal[1] filed under Rule 41 of the Rules of Court from the Decision[2] dated April 12, 2010 of the Regional Trial Court, Branch 23 of Naga City (“lower court” for brevity) in Special Civil Case No. RTC-2000-0076 for “Partition with Prayer for Accounting of Profits”[3] filed by plaintiffs-appellants Virginia Viñas, Jaime Viñas, Ruben Viñas, Beata Viñas-Jeremias, Marciano Viñas, Gregoria Viñas III, Asuncion Viñas-Lavandero, Heirs of Beatriz Viñas, represented by Juanito Viñas Mugar, Heirs of Felimon Viñas, Jr., represented by Alex Viñas, and Heirs of Felipe Viñas, represented by Ramon Viñas (“plaintiffs-appellants” for brevity) against defendants-appellees Nilda Caceres, Marisol Caceres, Felvin Caceres, Marivic Caceres, Maru Caceres, Ma. Magdalena Caceres, Maria Vinelda Caceres, Ma. Luisa Caceres, and Mafe Caceres (“defendants-appellees” for brevity).

The Appeal also assails the lower court's Order[4] dated May 21, 2010, which denied plaintiffs-appellants' eventual Motion for Reconsideration.[5]

The antecedent facts are those as stated in the trial court's assailed Decision[6] dated April 12, 2010, as follows:

“Plaintiffs (plaintiffs-appellants here) are the grandchildren of the late Esteban Viñas who died intestate on November 2, 1914 at Minalabac, Camarines Sur. During his lifetime, he was the absolute owner of twenty-two (22) parcels of land (subject properties here) xxx

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At the time of his death, Esteban Viñas was survived by his three (3) children namely: Felimon Viñas, Sr., Maria Viñas, and Marciana Viñas Caceres.

Felimon Viñas Sr. died at Naga City on March 29, 1983. He had nine children namely: Virginia Viñas, Jaime Viñas, Ruben Viñas, Beata Viñas - Jeremias, Marciano Viñas, Gregoria Viñas, Beatriz Viñas, Felimon Viñas, Jr. and Felipe Viñas.

Beatriz, Felimon, Jr. and Felipe Viñas predeceased their father Felimon Viñas, Sr. and are represented in this case by herein plaintiffs, Juanito Viñas Mugar, Alex Viñas, and Ramon Viñas, respectively.

Maria Viñas Lavandero is survived by her daughter, Asuncion Viñas-Lavandero.

Marciana Viñas-Caceres had only one child, Sustines[*] Caceres. He is already dead and is survived by his wife, Nilda Caceres, and children, Marisol Caceres, Felvin Caceres, Marivic Caceres, Maru Caceres, Ma. Magdalena Caceres, Maria Venilda Caceres, Ma. Luisa Caceres, and Mafe Caceres. Nilda Caceres and her children are the defendants in this case (defendants-appellees here).

The properties xxx are in the actual possession, cultivation, management and supervision of the defendants who expropriated for themselves the produce therefrom despite the fact that the same are supposed to be owned in common by all the parties in this case[,] they being the legitimate heirs of the late Esteban Viñas and thus entitled to the estate left by him. Plaintiffs were unjustly deprived of their right to use, possess, enjoy or otherwise dispose of what is due each of them as co-owners. When plaintiffs demanded from the defendants their respective shares in the estate left by Esteban Viñas, the said defendants refused without justifiable reasons. Efforts to amicably settle the controversy failed, hence, the filing of this case.

To prove that they are the co-owners of the properties above-described, plaintiffs presented the following witnesses: Virginia Viñas, Jaime L. Viñas, Raul Nocos, Manuel Rojano, Neil Romero, Alfredo Alegre, Aurelio Rubio, Jerry De la Cruz, and Maximino Borja.

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Defendants, upon the other hand deny, for lack of sufficient knowledge, that the properties referred to in paragraph 6 of the amended complaint belong to the estate of the late Esteban Viñas, the administration of which was given to Sustines Caceres by Felimon Viñas, Sr. in the year 1980. They maintain that all the properties declared in the name of the late Sustines Caceres were legitimately acquired either by onerous or gratuitous title. They are not familiar or acquainted with the maternal relatives of the late Sustines Caceres.

To prove that Sustines Caceres is the owner of the properties declared in his name, defendants presented the following witnesses, namely: Charlene Casilao, Pedro De la Cruz, Jr., Angelita Casasola, Marcelo Laynesa, Jr., and Nilda Caceres.”[7] (Emphasis supplied)

On April 12, 2010, the lower court rendered the Decision[8] appealed from, dismissing plaintiffs-appellants' Petition for “Partition with Prayer for Accounting of Profits.”[9] The dispositive portion of the Decision stated:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered: dismissing the instant action for partition in view of the failure of the plaintiffs to prove, by preponderance of evidence, that they are co-owners of the parcels of land enumerated in their complaint;

SO ORDERED.”[10] (Emphasis was made in the original)

After plaintiffs-appellants' Motion for Reconsideration[11] was denied by the lower court in its Order[12] dated May 21, 2010, plaintiffs-appellants filed the Appeal[13] at bench praying that:

“WHEREFORE, it is respectfully prayed that after consideration of this appeal on the merits, a decision be rendered vacating the decision of the court a quo and in its place a decision be rendered holding and declaring that appellants herein are co-owners of the properties in question and are entitled to take part in the partition of the same and that appellees be required to render an accounting from the period they have, in representation of Sustenes Caceres, enjoyed the fruits from the properties in question and excluded appellants in their participation or just share to said fruits.

Appellants further pray, in sum, that the decision of the court a quo be reversed and set aside.”[14] (Emphasis was made in the original)

The Appeal[15] raised this sole assignment of error:

“The Honorable Court a quo committed a reversible error in holding that appellants herein failed to present preponderance of evidence to show that they are co-owners of the parcels of land in question. In holding such, the court a quo erroneously disregarded the evidence both testimonial and documentary presented by appellants resulting to their prejudice.”[16]

Contrary to plaintiffs-appellants' arguments in their sole assignment of error, the lower court properly ruled that

plaintiffs-appellants were not co-owners of the subject properties.

Plaintiffs-appellants had argued that:

“The court a quo erred in holding that appellants were unable to present evidence to prove that the late Esteban Viñas during his lifetime owned 22 parcels of land because there was no documentary evidence that was presented by appellants to establish that fact. This resolution by the court a quo is erroneous because in fact appellants presented testimonial evidence proving that fact and presented Exhibits C-1 to C-21 to show that parcels of land actually existed. Appellants explained that the said parcels of land, specifically the documents appertaining thereto, were delivered for administration to defendants-appellees' husband and father, respectively by Felimon Viñas, Sr. This explains why Sustenes Caceres in his capacity as administrator of the estate of Esteban Viñas was able to procure tax declarations in his name. Said tax declarations are not proof of ownership but merely of possession. Linking said tax declarations with the combined testimonies of appellants and their witnesses would show that indeed the said parcels of land originally came from Esteban Viñas, inherited by the latter's children and inherited by the appellants and appellees by operation of law.

The court a quo did not consciously take into consideration the testimony of Jaime Viñas as he testified in open court and [was] subjected to the rigors of cross-examination instead the court a quo banked on its supposition and conjecture by saying that Felimon Viñas, Sr., could have relinquished the administration of the parcels of land to his son, Jaime Viñas and not to Sustenes Caceres. The court a quo has not based its conclusion or observation on the facts existing on record. The reasons why Felimon Viñas, Sr. entrusted the administration of parcels of land to Sustenes Caceres was because the latter was an educated man and he was then employed at the Municipal Assessors Office of Minalabac, Camarines Sur. xxx

The court a quo erred in holding that appellants are not even certain of the identity of the properties they claim to be co-owned. This is erroneous because from their testimonies and those of their witnesses appellants identified the lands in question and even presented the tax declarations, Exhibits C-1 to C-21 in the name of Sustenes Caceres. The said exhibits identify (sic) the lands and the properties claimed by plaintiffs as being co-owned by them.

The Court a quo ignored the testimonial and documentary exhibits of appellants. In their testimony proceeding from their personal knowledge appellants were able to establish and which appellees did never controvert that Sustenes Caceres was appointed by the children of Esteban Viñas to act as administrator of the estate of the latter considering that Felimon Viñas is already old. The documents appertaining to the properties of Esteban Viñas were delivered to Sustenes Caceres and the latter declared said properties in his name in various tax declarations marked as Exhibits C-1 to C-21. These matters are never speculative but factual. In fact, even the representative from the Minalabac Assessors Office testified that the tax declarations in the name of Sustenes Caceres did not have any origin or it was unknown from whence they came from. This points to show that originally said tax declarations or the properties represented thereat came from the estate of Esteban Viñas. In the records of the Municipal Assessors there is no showing that the said tax declarations in the name of Sustenes Caceres were purchased by him from other persons. But the fact is, they were indeed the properties of Esteban Viñas which Sustenes Caceres out of the trust reposed upon him by Felimon Viñas, Sr., abused and succeeded in declaring the properties in his name.

The witnesses for the appellees did not even testify with concrete exactitude that Sustenes Caceres is the owner of the lands they were tilling as tenants. They just declared that it is Sustenes Caceres to whom they deliver the land owner[s] share. This testimony of the witnesses for appellees clearly shows that there is also no certainty that indeed Sustenes Caceres is the owner of [the] real properties to the exclusion of appellants herein. Finally, it should also be argued that even Nilda Caceres, the wife of Sustenes Caceres testified that he is not even sure where the properties declared in the name of Sustenes Caceres came from. She likewise declared that she does not even know the maternal relatives of Sustenes Caceres['] mother.”[17] (Emphasis supplied)

Trumping plaintiffs-appellants' arguments however, is that, as the records revealed, plaintiffs-appellants failed to sufficiently show that plaintiffs-appellants, together with defendants-appellants, were co-owners of the subject properties.

To begin with, plaintiffs-appellants failed to establish that Esteban Viñas (“Esteban” for brevity), plaintiffs-appellants' grandfather, and Felimon Viñas, Sr. (“Felimon, Sr.” for brevity), plaintiffs-appellants' father, from whom plaintiffs-appellants allegedly inherited the subject properties, were the owners of such properties. This is because, other than the testimonies of plaintiffs-appellants' witnesses, plaintiffs-appellants failed to present sufficient documentary evidence that would have shown Esteban or Felimon, Sr.'s ownership of the properties. All of these matters were as also found by the lower court, to wit:

“First, plaintiff[s] [were] unable to present evidence to prove that the late Esteban Viñas, during his lifetime, owned the 22 parcels of land above-described. Other than the bare testimony of Jaime Viñas, no documentary evidence was presented to establish that fact. Exhibits C to C-21, consisting of the tax declarations covering those properties were offered not only to prove that the properties described therein belong to the late Felimon Viñas, Sr.. The testimony of witnesses, Alfredo Alegre, Aurelio Rubio, Jerry De La Cruz, and Maximino Borja also established the fact that Felimon Viñas, Sr. owned properties in Barangays Bagongbong, Taban and Del Carmen, M[a]nalabac, Camarines Sur. The said witnesses never said anything about the ownership by Esteban Viñas of those properties. Neither did Neil Romero of the Municipal Assessors Office of Minalabac mention anything about the prior ownership by Esteban Viñas or even by Felimon Viñas, Sr., of the twelve parcels of land declared in the name of Sustines Caceres enumerated in the Commissioner's Report, Exhibit E for the plaintiff;”[18] (Emphasis supplied)

Plaintiffs-appellants could not also properly claim that Felimon, Sr. had relinquished the administration of the properties in favor of Sustines Caceres (“Sustines” for brevity), who was defendant-appellee Nilda Ceceres' husband and the father of the other defendants-appellees. This is because plaintiffs-appellants merely rendered such allegations, but failed to present evidence showing any act of relinquishment by Felimon Sr. of his administration.

On the other hand, defendants-appellees were able to sufficiently prove that they owned the subject properties to the exclusion of others. Defendants-appellees' ownership of the subject properties, including defendants-appellees' actual possession and occupation of the subject properties, were shown by the Tax Declarations[19] issued under the name of Sustines. Their ownership was also shown by the “Field Appraisal and Assessment Sheets”[20] and the “Certificate of Tax Payment,”[21] both of which stated Sustines as being the owner of the subject properties, and by the testimonies of defendants-appellees' witnesses, which testimonies affirmed that Sustines had administered and owned the properties.[22]

That Tax Declarations, coupled with actual possession and occupation, would be a valid source of ownership of a property was as reiterated by the Supreme Court in *Republic of the Philippines v. East Silverlane Realty Development Corporation*, G.R. No. 186961, February 20, 2012, as follows:

“In *Cequeña v. Bolante*, this Court ruled that it is only when these tax declarations are coupled with proof of actual possession of the property that they may become the basis of a claim of ownership. In the absence of actual public and adverse possession, the declaration of the land for tax purposes does not prove ownership.” (Emphasis supplied)

Neither could plaintiffs-appellants rely on their argument that the Tax Declarations[23] issued in favor of Sustines were fraudulently obtained by Sustines. This, considering that plaintiffs-appellants failed to sufficiently prove such allegation of fraud. All of these were as similarly found by the lower court, to wit:

“Fourth, the allegation that Sustines Caceres fraudulently transferred the tax declarations covering the

above-described properties to deprive his co-heirs thereof he being once a casual employee at the Minalabac Assessor's Office is purely speculative and must not be given credence; and”[24] (Emphasis supplied)

A party, such as plaintiffs-appellants, alleging the commission of fraud by another in obtaining a public document, such as the Tax Declarations here, has the burden to prove such fraudulent act. This is pursuant to the following pronouncement of the Supreme Court in *Republic of the Philippines v. Bellate, et al.*, G.R. No. 175685, August 7, 2013:

“The burden of proof rests on the party who, as determined by the pleadings or the nature of the case, asserts the affirmative of an issue. In other words, the Republic has the burden to prove that Angeles committed fraud in his application for free patent.

In *Libudan v. Gil*, we held:

[T]he fraud must consist in an intentional omission of facts required by law to be stated in the application or a willful statement of a claim against the truth. It must show some specific acts intended to deceive and deprive another of his right. The fraud must be actual and extrinsic, not merely constructive or intrinsic; the evidence thereof must be clear, convincing and more than merely preponderant, because the proceedings which are assailed as having been fraudulent are judicial proceedings which by law, are presumed to have been fair and regular.” (Emphasis supplied)

No cogent reason was therefore shown to justify deviation from the following findings of the lower court, which findings were based on the facts and the law:

“After a careful review of the evidence adduced by the parties, this court has come to the conclusion that plaintiffs were not able to establish by preponderance of evidence, the fact that they are co-owners of the parcels of land identified and described in paragraph 6 of their amended complaint.

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Second, the testimony of Jaime Viñas that in the year 1980, his father decided to relinquish the administration of the said properties and turned over the documents pertaining thereto to Sustines Caceres because of his old age, deserves scant consideration. Why would Felimon Viñas, Sr. relinquish the administration of those properties to Sustines Caceres when he had several children, all grown ups, who could have taken his place and taken charge of the cultivation and management of said properties. Jaime Viñas even claims to have helped his father in the cultivation of those properties since he was twelve. Jaime Viñas tried to explain this by saying that the administration of the said properties were transferred to Sustines Caceres because he was an educated man and was at that time, a casual employee at the Assessor's Office of Minalabac, Camarines Sur. However, this explanation is fails (sic) to inspire belief. Plaintiff tried to establish the fact that Sustines Caceres worked as a casual employee at the Municipal Assessor's Office of Minalabac from 1968 to 1972. If this were true, then Sustines Caceres was no longer connected with the Assessor's Office in the year 1980 when the administration of the said properties and the documents pertaining thereto were allegedly turned over to him by Felimon Viñas, Sr.;

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Third, plaintiffs are not even certain about the identity of the properties they claim to co-own with herein defendants. In their complaint, they identified 22 parcels of land which allegedly belong to Esteban Viñas during his lifetime. It turned out however, that some of the tax declarations relied upon by plaintiffs refer to identical properties. Neil Romero of the Municipal Assessor's Office of Minalabac, identified only twelve (12) parcels of land declared in the name of Sustines Caceres one of which is already declared in the name of Ma. Magdalena Caceres. xxx

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Owing to the failure of the plaintiffs to prove their status as co-owners of the subject properties, the issue as to the manner of partition and whether or not the action is already barred by prescription or laches, has been rendered moot and academic.”[25] (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,[26] 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.

IN VIEW OF ALL THESE, the Appeal is DENIED.

SO ORDERED.

Didican (Chairman) and Dimagiba[*], JJ., concur.

[*] Acting Junior Member vice J. Paredes per Office Order No. 34-14-RSF dated January 30, 2014.

[1] Rollo, pp. 62-79.

[2] Rollo, pp. 81-99.

[3] Records, pp. 1-7; Amended Complaint, pp. 46-52.

[4] Records, pp. 683-684.

[5] Records, pp. 672-678.

[6] Rollo, pp. 81-99.

[*] Alternatively spelled as Sustenes and Sustines.

[7] Rollo, pp. 81-89.

[8] Rollo, pp. 81-99.

[9] Records, pp. 1-7.

[10] Rollo, p. 99.

[11] Records, pp. 672-678.

[12] Records, pp. 683-684.

[13] Rollo, pp. 62-79.

[14] Rollo, p. 79.

[15] Rollo, pp. 62-80.

[16] Rollo, p. 65.

[17] Rollo, pp. 73-75.

[18] Rollo, pp. 93-94.

[19] Records, pp. 304-307; 316-319.326-328; 335-338; 345-348; 353-354; 359-360; 366-367;372-374; 380- 382; 388-388B.

[20] Records, pp. 576, 578, 581, 583, 585, 587.

[21] Records, pp. 577, 579-580, 582, 584, 586, 588.

[22] TSN September 25, 2008, pp. 1-9; TSN October 29, 2008, pp. 1-9; January 27, 2009, pp. 1-10; TSN April 28, 2009, pp. 1-10; TSN June 24, 2009, pp. 1-1-7; TSN August 3, 2009, pp. 1-15.

[23] Records, pp. 304-307; 316-319.326-328; 335-338; 345-348; 353-354; 359-360; 366-367;372-374; 380- 382; 388-388B.

[24] Rollo, p. 97.

[25] Rollo, pp. 93-98.

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

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