

CITY GOVERNMENT OF VALENZUELA REPRESENTED BY MAYOR SHERWIN T. GATCHALIAN, PLAINTIFF-APPELLEE, VS. LUCIA NAZAR VDA. DE FELICIANO, ET AL., DEFENDANT-APPELLANT.

Ponente: INTING, S.B., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b7f2503d7660/>

INTING, S.B., J.:

This Appeal[1] seeks to reverse and set aside the Decision[2] dated 7 June 2012 of the Regional Trial Court (RTC) of the National Capital Judicial Region, Valenzuela City, Branch 269, in Civil Case No. 17-V-10.

The facts of the case follow:

On 5 November 1986 defendant-appellant Lucia Nazar Vda. De Feliciano executed a Deed of Donation denominated as “Kusang Pagkakaloob” in favor of plaintiff-appellee City (then Municipality) Government of Valenzuela involving two parcels of land (subject properties) situated in Barangay Ugong, Valenzuela City, covered by Transfer Certificate of Title Nos. 124243 and (T-115916) T-83728 .[3] Hon. Wilfredo Chongco accepted the donation in behalf of plaintiff-appellee in the same deed.[4] The Barangay Hall of Ugong was constructed therein thereafter.

Twenty three (23) years later, defendant-appellant filed an ejectment case against the Barangay officials of Ugong before the Metropolitan Trial Court of Valenzuela (MeTC). On 10 November 2007 the MeTC ruled in favor of defendant-appellant. The Regional Trial Court of Valenzuela, Branch 172, (RTC Branch 172) affirmed the Decision of the MeTC.

During the pendency of the case before the Court of Appeals, defendant-appellant filed a Motion for Execution which the RTC Branch 172 granted in its Order dated 4 September 2009. This prompted the plaintiff-appellee to file a Complaint for Specific Performance and Damages against defendant-appellant to enforce the deed of donation which the latter executed over the subject properties.

On 7 June 2012 the RTC rendered the assailed Decision. The dispositive portion of which reads:

“WHEREFORE, judgment is hereby rendered in favor of plaintiff City Government of Valenzuela and against defendant Lucia Nazar vda. de Feliciano. Said defendant is hereby ordered to immediately DELIVER to plaintiff the Owner's Duplicate of Transfer Certificate of Title Nos. (T-115916) T-83728 and 124243.

The writ of preliminary injunction issued on April 6, 2010, is hereby made PERMANENT.

Costs against defendant Nazar.

SO ORDERED.”[5]

Defendant-appellant filed a Motion for Reconsideration but the same was denied on 20 July 2012. Hence, this appeal before this Court raising the following issues:[6]

I.

WHETHER OR NOT THE PLAINTIFF HAS ESTABLISHED BY PREPONDERANCE OF EVIDENCE THE CLAIM THAT THE SUBJECT PROPERTIES HAD BEEN DONATED TO THE CITY GOVERNMENT OF VALENZUELA;

II.

WHETHER OR NOT THE REGIONAL TRIAL COURT OF VALENZUELA CITY HAS THE JURISDICTION TO ENJOIN THE IMPLEMENTATION OF THE WRIT OF EXECUTION ISSUED BY A COURT OF CO-EQUAL JURISDICTION.

III.

WHETHER OR NOT THE DEFENDANT LUCIA NAZAR VDA. DE FELICIANO IS ENTITLED TO THE RELIEF PRAYED FOR IN HER COUNTERCLAIM.

Defendant-appellant disputes the authenticity of the deed of donation she allegedly executed in favor of plaintiff-appellee. Defendant-appellant maintains that she has never donated the subject properties to anyone. She adds that her continuous payment of taxes on the subject properties supports her claim of ownership thereof.

We deny the appeal.

According to Section 30, Rule 132 of the Rules of Court, "every instrument duly acknowledged or proved and certified as provided by law, may be presented in evidence without further proof, the certificate of acknowledgment being a prima facie evidence of the execution of the instrument or document involved." A notarial document is evidence of the facts expressed therein. A notarized document enjoys a prima facie presumption of authenticity and due execution. Clear and convincing evidence must be presented to overcome such legal presumption.[7]

In the instant case, defendant-appellant failed to adduce sufficient evidence to overcome the above presumption. The deed in question was executed in 1986. It is therefore surprising why the defendant-appellant is now contending very much belatedly that no such donation took place.

A perusal of the deed reveals that it is a gratuitous disposition of the subject properties made by defendant-appellant in favor of plaintiff-appellee. The pertinent portions of the deed are reproduced hereunder:

"x x x

x x x

x x x

LUCIA NAZAR, Pilipino, may sapat na gulang, asawa ni Alfonso Feliciano, at kasalukuyang naninirahan sa brgy. Ugong, Valenzuela, Kalakhang Maynila, at dito'y tatawaging NAGKAKALOOB;

ANG PAMAHALAANG BAYAN NG VALENZUELA, KALAKHANG MAYNILA, publikong korporasyon, na kinakatawan ng Kgg. WILFREDO CHONGCO, Pangsamantalang Punong-Bayan ng Valenzuela, Kalakhang Maynila at sa kasulatang ito ay mapagkikilanlang PINAGKAKALOOBAN ay

N A G P A P A T U N A Y

1. Na ang NAGKAKALOOB ay siyang may-ari ng dalawang (2) lagay na lupa na may mga Katibayan sa Pagmamay-ari bilang 124243 ng Tagapagtala ng mga Katibayan sa Lungsod ng Caloocan, at Blg. T-115916 ng Tagapagtala ng mga Katibayan sa Malolos, Bulacan; at matatagpuan sa barangay Ugong, Valenzuela, Kalakhang Maynila, at mapagkikilanlan gaya ng mga sumusunod:

TRANSFER CERTIFICATE OF TITLE NO. 124243

X X X

TRANSFER CERTIFICATE OF TITLE NO. T-115916

X X X

2. Na alang-alang sa kabutihan ng bayan, lalung-lalo na nang Barangay Ugong, Valenzuela, Kalakhang Maynila, ay kusa kong ipinagkakaloob ng walang pasubali tulad ng dito ay aking ipangkakaloob sa Pamahalaang Bayan ng Valenzuela, Kalakhang Maynila, ang dalawang (2) lagay na lupang binabanggit sa unang (1) dahon ng Kasulatang ito, upang siyang maging palagiang tayuan ng “multi-purppose building” na siyang kinalalagyan ng “Health Center” at “Barangya Hall” Ugong, Valenzuela, Kalakhang Maynila;

3. Na ang Pamahalaang Bayan ng Valenzuela, Kalakhang Maynila, na kinatawan ng Kgg. WILFREDO CHONGCO, pangsamantalang Punong Bayan, ay nagpapasalamat at tinatanggap ang pag pagkakaloob ng nabanggit na dalawang (2) lagay na lupang binabanggit sa unang (1) dahon nito;

X X X

X X X

(Sgd.) LUCIA NAZAR
(nagkaloob)

(Sgd.) ALFONSO FELICIANO
(asawa ng nagkaloob)

PAMAHALAANG BAYAN NG VALENZUELA, KALAKHANG MAYNILA

(Sgd.) WILFREDO CHONGCO
Pangsamantalang Punong Bayan”[8]

The formalities set forth in Article 749 of the Civil Code of the Philippines were likewise complied with. Article 749 of the Civil Code reads:

Art. 749. In order that the donation of an immovable may be valid, it must be made in a public document, specifying therein the property donated and the value of the charges which the donee must satisfy.

The acceptance may be made in the same deed of donation or in a separate public document, but it shall not take effect unless it is done during the lifetime of the donor.

If the acceptance is made in a separate instrument, the donor shall be notified thereof in an authentic form, and this step shall be noted in both instruments.

Article 749 of the Civil Code requires that the donation of real property must be made in a public instrument. Otherwise, the donation is void. A deed of donation acknowledged before a notary public is a public document.

The notary public shall certify that he knows the person acknowledging the instrument and that such person is the same person who executed the instrument, acknowledging that the instrument is his free act and deed. The acceptance may be made in the same deed of donation or in a separate instrument. An acceptance made in a separate instrument must also be in a public document. If the acceptance is in a separate public instrument, the donor shall be notified in writing of such fact. Both instruments must state the fact of such notification.[9]

In addition, the non-registration of the aforesaid deed does not also affect the validity thereof. For, as between the parties to the donation and their assigns, the registration of the deed of donation with the Registry of Deeds is not needed for its validity and efficacy. In *Pajarillo v. Intermediate Appellate Court*, the Court emphatically dismissed the notion that registration was necessary to make the donation a binding commitment insofar as the donor and the donee were concerned.[10] The principal purpose of registration is merely to notify other persons not parties to a contract that a transaction involving the property has been entered into.[11]

All told, We see no reason to depart from the findings and conclusions of the RTC.

WHEREFORE, the appeal is DENIED. Accordingly, the assailed Decision of the Regional Trial Court (RTC) of the National Capital Judicial Region, Valenzuela City, Branch 269, is AFFIRMED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Lopez, JJ., concur.

[1] Rule 41 under the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 54-67.

[3] Records, pp. 10-11.

[4] Ibid.

[5] Rollo, p. 67.

[6] Rollo, p. 38.

[7] *Gutierrez v. Mendoza-Plaza*, G.R. No. 185477, 4 December 2009.

[8] *Supra* note 3.

[9] *DECS v. Del Rosario*, G.R. No. 146586, 26 January 2005.

[10] *Dolar v. Barangay Lublub Dumangas Iloilo*, G.R. No. 152663, 18 November 2005.

[11] *Heirs of Eduardo Manlapat v. Court of Appeals*, G.R. No. 125585, 8 June 2005.

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.