

**CASIANO AGOLTO AND MARIA ASUNCION AGOLTO, PETITIONERS,
VS. THE COURT OF APPEALS, PLACIDA DIAZ, ENDOCIA DIAZ, MARIO
DIAZ, AND TERESITA DIAZ, RESPONDENTS.***G.R. No. L-23025. June 30, 1970*

Ponente: RUIZ CASTRO, J.

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The ownership of a parcel of land, a little more than a hectare in area, located in the municipality of San Luis, province of Pampanga, was awarded in favor of the respondents Placida, Endocia, Mario and Teresita, all surnamed Diaz, by the Court of First Instance of Pampanga in cadastral case 57 of San Luis, that province. All of the said private respondents are children of the original claimant, Pilar Carlos, and were substituted in her place, upon the latter's death, in the course of the proceedings in the trial court.

The other claimants to the same parcel of land are the petitioners Casiano and Maria Asuncion, both surnamed Agolto. Losing in the legal battle they waged in the trial court, the Agol-tos elevated their cause to the respondent Court of Appeals which in turn affirmed the decision a quo. This case is now with us on appeal by certiorari by the petitioners.

A brief recital of the common genealogy of the litigants should complete the entire picture of this case. Servando Agolto, who is the deceased father of the petitioners Casiano and Maria Asuncion Agolto, had three sisters, namely, Vicenta, Lucia, and Macaria, likewise all surnamed Agolto. Both Vicenta and Lucia died without issue. Macaria had three sons, Juan, Cipriano, and Gregorio, all surnamed Carlos. Pilar Carlos (substitu-ted in this case by her children, the respondents Diaz) was Juan's daughter. Gregorio was survived by his son Pedro Carlos.

The respondent Court of Appeals, in support of its conclu-sion that the ownership of the land in dispute should pertain to the respondents Diaz, relied on (a) the deed of partition dated March 11, 1934, and (b) acquisitive prescription in favor of the respondents Diaz. Both matters are the subject of the present appellate review.

1. The respondent appellate court gave full credit to the deed of partition entered into on March 11, 1934 by and between the petitioners Casiano and Maria Asuncion Agolto on the one hand, and Cipriano Carlos, Pedro Carlos, and the mother of the respondents Diaz (Pilar Carlos) on the other. The deed recites that the several parcels of land therein mentioned were inherited by the parties from their ascendants, and that they were now agreed to apportion these parcels. Lot 3051 of the San Luis ca-dastre, which is admittedly the land now under litigation, was adjudicated, in that instrument of partition, to Cipriano Carlos, to his nephew Pedro Carlos, and to his niece Pilar Carlos.

While no evidence appears on record, it seems clearly assumed by the parties that both Cipriano and Pedro Carlos had assigned or transferred their rights over lot 3051 to Pilar Car-los, the predecessor-in-interest of the respondents Diaz.

It is admitted, however, that while the name of the peti-tioner Maria Asuncion Agolto was included in the deed of

partition adverted to above, she did not actually participate in its execution. The deed itself reveals this fact as it declares that illness or some other unavoidable circumstance caused the absence of petitioner Maria Asuncion Agolto. Added to this recital, however, is a statement that she was to be represented by her brother, the petitioner Casiano Agolto, and that moreover her husband Leoncio de Castro, whose signature appears on the instrument, was to bear witness to the execution of the instrument.

The petitioners insist nevertheless, and we agree with them, that the deed of partition of March 11, 1934 is not binding upon the petitioner Maria Asuncion Agolto. No written power of attorney in favor of her brother Casiano was presented nor was any pretension made as to its existence. The respondents Diaz offered no proof that the deed of partition was subsequently ratified by the absent party.^[1] It was therefore error on the part of the respondent appellate court to rely upon this instrument as a basis for adjudicating, as it did, the ownership of the land in question, more so when the respondents Diaz themselves, in their brief, appear to be hesitant in invoking this deed of partition. This instrument, according to them, was intended by the parties thereto merely to confirm in writing the division of ownership then already existing among them.

Thus the respondents Diaz predicate their claim to ownership basically on acquisitive prescription in their favor.

2. The respondent Court of Appeals found that even prior to March 11, 1934, the date when the deed of partition was executed, the respondents predecessor-in-interest, Pilar Carlos, had already been in possession of the land in dispute and had been paying the irrigation fees thereon. It likewise declared that upon the death of Pilar Carlos, the respondents Diaz assumed and carried forward the possession as her heirs.

The petitioners assail the correctness of the respondent court's conclusion that lot 3051 belongs to the respondents Diaz by virtue of acquisitive prescription. It behooved us therefore to scrutinize the record to determine whether there was indeed a grave misapprehension of facts on the part of the respondent court.

Pedro Carlos testified that lot 3051 was among several parcels of land previously held and owned in common by the brother and sisters Servando, Macaria, Vicenta and Lucia, all surnamed Agolto. These properties were subsequently apportioned among their surviving heirs, and it was in the year 1914 that Pilar Carlos, the respondents Diaz' mother, took possession of lot 3051 as her share in the partition. Pilar's possession continued until her death on April 26, 1950 when her heirs, the respondents Diaz, forthwith took over. Eliseo Calma, a witness for the respondents Diaz, testified that since 1925, when he started cultivating lot 3051 as tenant thereof, he has been delivering the landowner's share of the harvest to Pilar Carlos whose ownership has, to his knowledge, never been doubted. Joaquin Diaz, Pilar's husband, testified that even prior to his marriage to Pilar, the latter had all along been recognized in their barrio as the sole owner of lot 3051. Exhibits submitted by the respondents Diaz show that the irrigation fees over the land were paid by either Pilar or her uncle Cipriano Carlos.

The petitioner Casiano Agolto, upon the other hand, testified that lot 3051 was part of a bigger parcel of land which he, together with the other petitioner, Maria Asuncion Agolto, inherited from their father, Servando Agolto. The petitioners were still of tender age when their parents died, and they had to be placed, together with their properties, under the care of their aunt Macaria Agolto. The petitioners came to know that lot 3051 belonged to them because their relatives, including Macaria, had told them so. When Macaria died, her son Cipriano requested the petitioners to allow him to cultivate the land in order to help him tide over his financial difficulties. The petitioners granted the request upon the condition that Cipriano was to pay the fees and taxes on the land. The petitioner Casiano Agolto, together with Leoncio de Castro, the husband of petitioner Maria Asuncion Agolto, in addition, disowned the deed of partition of March 11, 1934 as having been procured through fraud and misrepresentation.

Further, the petitioners press the argument that the actual possession enjoyed by the predecessor-in-interest of the respondents Diaz was consistent with the petitioners' position that lot 3051 was being held by the Carlos family only in trust for the petitioners. The trust agreement, it is argued, stays the running of the statute of limitations and bars every form of acquisitive prescription in favor of the trustee until that trust is repudiated openly and positively and brought home to the knowledge of the cestui que trust or beneficiary.

While we concede to the petitioners the validity of the legal implications drawn by them,[2] we cannot say the same with respect to their factual premises. The possession credited by the respondent Court of Appeals, and the trial court for that matter, to the predecessor-in-interest of the respondents Diaz was, to all intents and purposes, possession in the concept of ownership. Upon the other hand, the possession which the petitioners attribute to Pilar Carlos is possession by a trustee for the benefit of a cestui que trust. One necessarily contradicts the other, and both cannot co-exist in a common factual setting. Ultimately, therefore, when opposing litigants present conflicting evidence for these two kinds of possession, there arises the need of assessing the credibility or the witnesses and the probability or improbability of the conflicting situations presented. This the trial court and the Court of Appeals did. The trial court dismissed the petitioners' evidence on the point as untenable; and the respondent Court of Appeals agreed, declaring the preponderance of evidence in favor of the respondents. Because in our review of the record, we have found no substantial reason on which to base a disagreement with the findings thus made, we are loath to discredit the same.[3]

In sum, we find more than adequate basis in the record for sustaining the ownership of the respondents Diaz. Their mother, Pilar Carlos, acquired lot 3051 by inheritance. Her possession, which began in the year 1914, or, at the very least, in 1925, was in the concept of ownership, adverse, public, peaceful and uninterrupted, and lasted until January 20, 1941 when the petitioners filed their adverse claim in the cadastral proceedings. Consequently, she must be adjudged the owner of lot 3051 by ordinary acquisitive prescription.[4]

The petitioners raise one other issue which, although not directed at the merits of the case, deserves our attention. They roundly assail the decision of the respondent Court of Appeals for not meeting head-on the several factual and legal issues posed in that court, in spite of these issues having been elaborately discussed in their brief, reiterated in their memorandum, and insisted upon in their motion for reconsideration.

A perceptive reading of the decision in question indeed imparts the impression that the same is a more or less re-hashed version of the decision of the trial court. After reciting virtually the same facts as those shaped out by the trial court, the respondent appellate court's decision proceeded to enumerate the petitioners' assignments of error, and then ended with an unadorned statement that they are all without merit.

It may indeed be that a good measure of time and effort on the part of the respondent Court of Appeals went into its study of this case and that the conclusion it reached is fully justifiable, but we find its decision wanting in full exposition.

All judges must needs remember, and this we stress once again, that courts of justice find warrant in what they do only to the extent that their decisions rest on reason that is the law. We are not so naive as to put our faith wholly in articulated reason. We know that a great deal more is caught up in a judge's mental processes than his opinion reveals. We know how slender a reed reason is. Still, it is only to the extent that a judge strives to expose fully and clearly the reasons for his decision that he fulfills his office. Decisions that are well-written and well-argued go a long way toward minimizing appeals and promoting public understanding of and faith in the actions, mandates and judgments of courts of justice.

ACCORDINGLY, the judgment of the Court of Appeals is affirmed. No pronouncement as to costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, and Barredo, JJ., concur.
Reyes, J.B.L., J., concurs separately.
Villamor, J., on leave.

[1] See article 1403, par. (1), Civil Code of the Philippines.

[2] Manalang, et al. vs. Canlas, et al., 94 Phil. 776; Laguna vs. Levantino, et al., 71 Phil. 566.

[3] Lim vs. Calaguas and Alcaraz, 83 Phil. 796.

[4] See articles 1118, 1119, 1127, 1128, 1129 and 1134 of the Civil Code of the Philippines.

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CONCURRING OPINION

REYES, J.B.L. J.:

I concur in the opinion but believe it opportune to emphasize here that Section 33 (paragraph 2), Judiciary Act, as amended, explicitly requires that –

"Every decision of the Court of Appeals shall contain complete findings on all issues properly raised before it."
(Emphasis supplied).

While the Court of Appeals may deem discussion of some issues properly raised before it to be unnecessary because of the conclusions already reached, that does not excuse compliance with the categorical imperatives of the statute, which were evidently made to avoid possible remands for more complete findings in case the Supreme Court should deem it essential that the issues skipped by the appellate Court in its decision should be resolved in furtherance of justice.

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