

JUANITA S. SALARZON, ANACLETO SALARZON, JR., AND ROSALINDA SALARZON, PLAINTIFFS-APPELLEES, VS. ESTEFANIA S. SALARZON, LEOPOLDO SOCLO, AND ANDRES PURUGGANAN, DEFENDANTS,

Ponente: CORALES, J.

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CORALES, J.:

This is an appeal[2] from the April 8, 2013 Decision[3] of the Regional Trial Court (RTC), Branch 24, Cabugao, Ilocos Sur in Civil Case No. 530-KC entitled “Juanita S. Salarzon, Anacleto Salarzon, Jr. and Rosalinda Salarzon v. Estefania S. Salarzon, Leopoldo Soclo and Andres Purugganan” for the nullification of document, recovery of ownership, and damages (nullity of document case). The dispositive portion of the appealed Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

- Declaring the Deed of Sale of Seven Parcels of Rural Lands executed by Juanita Salarzon and Estefania Salarzon not valid;
- Declaring the Extra-Judicial Adjudication with Sale dated August 20, 1985 executed by Estefania Salarzon null and void but not with respect to the sale of Estefania Salarzon's share to Leopoldo Soclo;
- Ordering the Office of the Registry of Deeds of Ilocos Sur to cancel TCT Nos. T-23285, T-23286, T-23287, T-23288, T-23289, T-23290, T-23291 and T-23292, all in the name of Leopoldo Soclo for being null and void;
- Ordering the Municipal Assessor of Cabugao, Ilocos Sur to cancel the tax declarations in the name of Leopoldo Soclo covering the parcels of land described in the above-mentioned certificates of title; and
- Declaring the plaintiffs the owners of one-half of the properties described in the eight certificates of title and the other half to the heirs of Leopoldo Soclo.
- Declaring the plaintiffs the owner of the western portion of the residential land located in Panay-ogan, Cabugao, Ilocos Sur.

No cost.

SO ORDERED.

The Antecedents

The instant controversy involves eight (8) parcels of rural land denominated as Lot Nos. 12343, 11722, 12300, 12302, 12278, 12405, 12402, 11739, and 12316, respectively registered in the name of Dominga Salarzon (Dominga) under Original Certificate of Title (OCT) Nos. P-10180, P-10181, P-10183, P-10184, P-10185, P-10186, P-10187, and P-10188[4] (the rural lands), and the residential property as well as the sugarland/riceland respectively covered by Tax Declaration Nos. 16432-F[5] and 50557 in the name of Dominga's husband, Gregorio.

Dominga and Gregorio both died intestate and were survived by their two (2) children, Estefania and Anacleto.

Allegedly, Estefania had a daughter who predeceased her while Anacleto was married to Juanita and had two (2) children, namely, plaintiffs-appellees Anacleto, Jr. and Rosalinda.[6]

In 1980, Estefania sold the eastern one-half portion of the residential property to Manuel Sapon (Manuel),[7] while the rural lands are now registered in the name of defendant-appellant Leopoldo Soclo (Leopoldo) under Transfer Certificate of Title (TCT) Nos. T-23285, T-23286, T-23287, T-23288, T-23289, T-23290, T-23291, and T-23292[8] by virtue of the August 20, 1985 Extra-Judicial Adjudication with Sale[9] (1985 extra-judicial adjudication) executed in his favor by Estefania.

On July 3, 2001, Juanita and her two (2) children filed the nullity of document case against Estefania, Leopoldo, and one Andres Purugganan (Andres). Invoking their right as legal heirs of Anacleto, who was already deceased, they claimed that they have an undivided interest in one-half portion of the eight (8) rural lands and the sole right over the western portion of the residential property considering that Estefania already sold her share thereto. They assailed the validity of the 1985 extra-judicial adjudication arguing that at the time of the execution of the said instrument, both Estefania and Leopoldo were aware that Anacleto was also Dominga's heir. Despite such knowledge, Leopoldo transferred to Andres the property covered by Tax Declaration No. 50557 which was given by Gregorio to Juanita as a dowry. Efforts to settle the case before the Lupong Tagamayapa of Barangay Daclapan proved futile, hence, the suit praying for: the nullification of the 1985 extra-judicial adjudication and the transaction between Leopoldo and Andres; an order declaring Juanita, Anacleto, Jr., and Rosalinda as the true owners of one-half portion of the eight (8) rural lands and the western portion of the residential property; the turnover of the property covered by Tax Declaration No. 50557; an order directing Estefania and Leopoldo to make an accounting of the fruits of the properties from 1985 and reimburse them of their corresponding shares in the produce of the subject properties; and payment of actual, moral, exemplary damages plus attorney's fees.[10]

Estefania died on June 2, 2003 without filing an Answer. Her co-defendant Leopoldo filed a Notice of Death[11] alleging that he is the nephew and the only surviving heir of Estefania.

In defense of his title, Leopoldo averred that in 1985, he acquired the eight (8) parcels of rural land from Atty. Higinio and his spouse Macrina Soller (Spouses Soller) who in turn bought the same from Juanita and Estefania through an October 24, 1979 Deed of Absolute Sale of Seven Parcels of Rural Lands[12] (1979 sale of seven parcels of land) and a Deed of Absolute Sale[13] over Lot No. 12395 executed by Estefania. In order to facilitate the issuance of TCTs in Leopoldo's name, Spouses Soller thought of drawing up the 1985 extra-judicial adjudication wherein Estefania appeared as the adjudicator-vendor and Leopoldo as the vendee. From the time Leopoldo acquired the properties, he has possessed the same in good faith and had registered the titles in his name. He further interposed the defense of *res judicata*, alleging that his ownership over a 259-square meter parcel of land covered by Tax Declaration No. 6000259 had already been upheld in Civil Case No. 164-KC for quieting of title instituted by Manuel sometime in July 1980. On December 6, 1990, Juanita and her children also filed before the Municipal Trial Court (MTC) a case for nullification of document, recovery of ownership, and damages against him involving the same properties, docketed as Civil Case No. 493, but the same was dismissed for lack of jurisdiction. The RTC likewise dismissed the case when it was refiled, docketed as Civil Case No. 308, due to failure to comply with the mandatory provision of prior barangay conciliation under the Local Government Code.[14]

Leopoldo died during the pendency of the case while Juanita became too weak to return to court. Their respective testimonies were stricken off the record for lack of cross-examination.[15]

On September 13, 2011, the RTC granted the motion of Leopoldo's son, Eugene, that he be substituted as party defendant in lieu of his deceased father.[16]

Rosalinda testified in support of the complaint. She claimed that Leopoldo stayed with her grandparents until he got married and had children, thus, he was familiar with the Salarzon family and should have been aware that the 1985 extra-judicial adjudication was defective as Estefania was not the sole heir of Dominga. She denied the genuineness of Juanita's signature affixed on the 1979 sale of seven parcels of land.[17]

On the other hand, Leopoldo's son, Eugene, rehashed the allegations in his father's Answer with Counterclaim. He added that at the time his father bought the eight (8) parcels of rural land, titles were still in Dominga's name. To facilitate the transfer of titles, Atty. Soller prepared the 1985 extra-judicial adjudication.[18] Eugene's testimony was corroborated by retired Judge Efren Ubuñgen (Judge Ubuñgen) who notarized the 1979 sale of seven parcels of land and the 1985 extra-judicial adjudication. Judge Ubuñgen averred that Estefania and Juanita signed the 1979 sale of seven parcels of land in his presence while Spouses Soller conformed to the sale of the said properties to Leopoldo. He opined that Spouses Soller did not transfer in their names the titles to the rural lands to save on costs, then, they subsequently sold the same to Leopoldo.[19]

The Ruling of the RTC

In its April 8, 2013 Decision[20] the RTC nullified the 1985 extra-judicial adjudication insofar as it pertains to the one-half share of Anacleto, who neither participated in the execution of the instrument nor represented by his surviving heirs. It also nullified the 1979 sale of seven parcels of land because there was no evidence showing Juanita's authority to sell for and in behalf of her husband, Anacleto. Leopoldo's claim that he was a buyer in good faith was disregarded by the court a quo on the rationale that his suspicion should have been aroused by the fact that the TCTs were still in Dominga's name when he bought the rural lands and he knew that Estefania had a brother who was not mentioned in the 1985 extra-judicial adjudication. The court a quo further ruled against the existence of *res judicata* because the quieting of title case filed by Manuel involved a different parcel of land while the previous nullification cases before the MTC and RTC were dismissed on technicalities, not on the merits. Similarly, laches and estoppel are inapplicable as there was dearth of evidence indicating that Juanita and her children were remiss in protecting their rights as heirs of Anacleto. However, the RTC did not find sufficient evidence to substantiate Juanita's claim that the land covered by Tax Declaration No. 50557, and possessed by Andres, was given to her by Gregorio as a dowry or a donation propter nuptias. Accordingly, the court a quo ordered the cancellation of Leopoldo's TCTs and declared Juanita and her children as the legal owners of the western portion of the residential property as well the one-half portion of the eight (8) parcels of rural land.

Dissatisfied, Eugene interposed this appeal with the following assignment of errors:[21]

III. FIRST ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN REFUSING TO GIVE FULL FAITH AND CREDIT, AND IN DISREGARDING THE EVIDENCE PRESENTED BY DEFENDANTS WHICH PROVE THE TIMELY APPLICATION OF THE PRINCIPLE OF ESTOPPEL.

IV. SECOND ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN NOT GIVING FULL FAITH AND CREDIT, AND IN DISREGARDING THE EVIDENCE PRESENTED BY DEFENDANTS WHICH PROVE THAT THE LATE DEFENDANT LEOPOLDO SOCLO WAS A BUYER IN GOOD FAITH AND FOR VALUE.

Eugene agrees with the RTC's ruling as to the western portion of the residential property. However, he maintains that his father was a buyer in good faith and for value with respect to the eight (8) parcels of rural land. At the time Leopoldo bought the properties from Spouses Soller, he had no reason "to investigate or to look for a defect on the title" and he knew very well that Juanita had been authorized by her husband. Eugene further argues that

Juanita is estopped from assailing the validity of the 1985 extra-judicial adjudication because she made Spouses Soller and Leopoldo believe that she was authorized to dispose Anacleto's properties when she executed the 1979 sale of seven parcels of land.[22]

Strangely, plaintiffs-appellees Rosalinda and Anacleto, Jr. filed an appellees' brief even before Eugene could submit his appellant's brief. They harp on the nullity of the 1985 extra-judicial adjudication and on the absence of evidence showing that Leopoldo actually bought the subject properties from Spouses Soller or that he had taken lawful ownership of Dominga's properties.[23]

This Court's Ruling

The appeal is devoid of merit.

Principle of Estoppel: Inapplicable

Under the doctrine of estoppel, an admission or representation is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon. A party may not go back on his own acts and representations to the prejudice of the other party who relied upon them. In the law of evidence, whenever a party has, by his own declaration, act, or omission, intentionally and deliberately led another to believe a particular thing true, to act upon such belief, he cannot, in any litigation arising out of such declaration, act, or omission, be permitted to falsify it.[24]

The essential elements of estoppel in pais, in relation to the party sought to be estopped, are: (1) a clear conduct amounting to false representation or concealment of material facts or, at least, calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert; (2) an intent or, at least, an expectation, that this conduct shall influence, or be acted upon by, the other party; and (3) the knowledge, actual or constructive, by him of the real facts.[25]

With respect to the party claiming the estoppel, the conditions he must satisfy are: (1) lack of knowledge or of the means of knowledge of the truth as to the facts in question; (2) reliance, in good faith, upon the conduct or statements of the party to be estopped; and (3) action or inaction based thereon of such character as to change his position or status calculated to cause him injury or prejudice.[26]

None of the foregoing elements is attendant herein. It has not been shown that Juanita intended to conceal Anacleto's ownership of one-half portion of the eight (8) parcels of rural land or that she had misrepresented to Leopoldo her authority to convey the subject properties without Anacleto's written consent. It was stated in the 1979 sale of seven parcels of land that Juanita was married to Anacleto but nothing therein indicated that she was acting on behalf of her husband or by his authority. By the clear wordings in the stipulation, it appears that Juanita acted on her own when she executed the 1979 sale of seven parcels of land.

More importantly, the records are replete of evidence indicating that Leopoldo was aware of the real ownership of the subject properties and he cannot be said to have relied in good faith on Juanita's execution of the 1979 sale of seven parcels of land. Leopoldo's admission that he was Estefania's nephew[27] and the un rebutted testimony of Rosalinda that Leopoldo lived with her grandparents until he married and had his own children militate against his claim that he had no reason "to investigate or to look for a defect on [Juanita's] title". As stated earlier, the 1979 sale of seven parcels of land described Juanita as married to Anacleto but the latter did not signify his consent to the execution of the instrument. This fact alone should have put Leopoldo on guard. With his familiarity and close proximity with the Salarzon family, he could have easily inquired and ascertained why Anacleto was not made a party to the conveyance of the eight (8) parcels of rural land. However, he did not even bother to confirm with Anacleto if he was indeed selling his share in the estate left by Dominga. Certainly, Leopoldo conducted himself

with careless indifference to means of information reasonably at hand and ignored highly suspicious circumstances, thus, he may not invoke the doctrine of estoppel. Estoppel does not find application where the party claiming it was put on inquiry as to the truth and had available means for ascertaining it. One who claims the benefit of an estoppel on the ground that he has been misled by the representations of another must not have been misled through his own want of reasonable care and circumspection.[28]

Estoppel, being in the nature of a forfeiture, is not favored by law. It is to be applied rarely and only in extraordinary circumstances and out of necessity. Courts have always been reminded that the doctrine of estoppel must be applied with great care and the equity must be strong in its favor, otherwise, it would be an effective weapon for the accomplishment of injustice when misapplied.[29]

Leopoldo: Buyer In Bad Faith

A purchaser in good faith is one who buys the property of another without notice that some other person has a right to or interest in such property, and pays a full and fair price for the same at the time of such purchase or before having notice of the claim of another person.[30] The burden of proving the status of a purchaser in good faith and for value lies upon one who asserts the status. This onus probandi cannot be discharged by mere invocation of the ordinary presumption of good faith.[31]

As discussed earlier, the evidence adduced by Leopoldo was insufficient to remove the cloud of doubt pertaining to his good faith in acquiring the litigated lands. He conveniently ignored the fact that only Estefania executed the 1985 extra-judicial adjudication and did not bother to wait for Juanita and her children who were admittedly in Manila at the time of the execution of the instrument. It need not be overemphasized that Leopoldo's mere refusal to believe that such defects exist, or the willful closing of his eyes to the possibility of the existence of a defect in the vendor's title, will not make him an innocent purchaser for value if it later develops that the title was in fact defective, and it appears that he had such notice of the defects had he acted with that measure of precaution which may reasonably be required of a prudent man in a like situation.[32]

In fine, We find no cogent reason to depart from the findings of facts and conclusion reached by the RTC in its assailed decision.

WHEREFORE, the appeal is hereby DENIED. The April 8, 2013 Decision of the Regional Trial Court, Branch 24, Cabugao, Ilocos Sur in Civil Case No. 530-KC is AFFIRMED in toto.

SO ORDERED.

Villon, J., Chairperson and Zalameda, JJ., concur.

[1] Leopoldo Soclo died during the pendency of the case and was substituted by his son Eugene. See September 13, 2011 Order, records, page 187.

[2] See Notice of Appeal in relation to the April 30, 2013 Order giving due course to said appeal, *ibid.*, pages 357 and 359, respectively.

[3] Penned by Judge Nida B. Alejandro, rollo, pages 42-56.

[4] Records, pages 151-167.

[5] *Ibid.*, page 23.

[6] See TSN, Rosalinda Salarzon, August 27, 2008, page 3.

- [7] See June 17, 1980 Deed of Absolute Sale, records, page 12.
- [8] Ibid., pages 204, 205, 206, 207, 208, 209, 202, and 203, respectively.
- [9] Ibid., pages 10-11.
- [10] See Complaint, *ibid.*, pages 2-8.
- [11] Ibid., page 62.
- [12] Ibid., pages 199-200.
- [13] Ibid., page 201.
- [14] See Answer with Counterclaim, *ibid.*, pages 25-29.
- [15] See July 23, 2008 and September 13, 2011 Orders, *ibid.*, pages 123 and 188, respectively.
- [16] See September 13, 2011 Order, *supra*, at note 1.
- [17] TSN, Rosalinda S. Salarzon, August 27, 2008, pages 6-7 and 15-16.
- [18] TSN, Eugene Soclo, November 15, 2011, pages 4-16.
- [19] JTSN, Judge Efren Ubuñgen, February 28, 2012, pages 3-11.
- [20] *Supra*, at note 3.
- [21] See page 3 of the Brief for the Appellants (*sic*), rollo, page 38.
- [22] See Brief for the Appellants, *ibid.*, pages 36-41.
- [23] See Appellee's Brief, *ibid.*, pages 20-24.
- [24] PSB v. Chowking Food Corporation, G.R. No. 177526. July 4, 2008, citing Caltex (Philippines) v. Court of Appeals, G.R. No. 97753. August 10, 1992.
- [25] See Shoppers Paradise Realty & Development Corporation v. Roque, G.R. No. 148775. January 13, 2004.
- [26] Ibid.; See also Manila International Airport Authority v. Ding Velayo Sports Center, Inc., G.R. No. 161718. December 14, 2011.
- [27] See Notice of Death, *supra*, at note 11.
- [28] See F.A.T. Kee v. Online Networks, G.R. No. 171238. February 2, 2011 citing Mijares v. Court of Appeals, G.R. No. 113558. April 18, 1997.
- [29] See Vivancio y Cervantes v. People, G.R. No. 147406. July 14, 2008.
- [30] The Heirs of Cabigas v. Limbaco, G.R. No. 175291. July 27, 2011.
- [31] See Heirs of Late Felix M. Buton v. Spouses Go, G.R. No. 188395. November 20, 2013.
- [32] See Spouses Pudadera v. Magallanes, G.R. No. 170073. October 18, 2010.

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