

HEIRS OF CATALINO LIGASON, NAMELY: SIMEON LIGASON JANGAO, PABLO LIGASON JANGAO, MARIA L. LOZADA, CRISTITA L. BANAS, FRANCISCA L. PAHANG, ELEUTERIA L. PAHANG, GLICERIO T. LIGASON...

Ponente: LOPEZ, J.

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LOPEZ, J.:

Challenged in this Appeal is the Decision[1] dated 21 August 2008 of the Tagbilaran City Regional Trial Court, Branch 4, in Civil Case No. 6666, and its Order[2] denying the Motion for Reconsideration[3] filed by the appellant.

The dispositive portion of the RTC Decision reads:

WHEREFORE, in light of the foregoing considerations, the Court hereby renders judgment as follows:

1. Declaring that the plaintiffs are the rightful owners of the parcels of land covered by OCT No. (1765)584 and OCT No. (1908) 688 both located at Bool District, City of Tagbilaran.
2. Ordering defendant Leonardo Ligason and his agents, or any person/s acting in his behalf, to turn over and deliver to the plaintiffs the owner's duplicate copies of OCT No. (1765) 584 and OCT No. (1908) 688;
3. Ordering defendant Leonardo Ligason to pay plaintiffs P5,000.00 as attorney's fee, and
4. Denying both plaintiffs' claim for moral and exemplary damages as well as defendant's counterclaim for moral and exemplary damages, for lack of factual and doctrinal basis. Costs against the defendant.

SO ORDERED.

FACTS

The genesis of this case is an action for Quieting of Title, Specific Performance and Damages[4] filed by the abovementioned plaintiffs-appellees against defendant-appellant, Leonardo Ligason.

At the heart of the controversy is the identity of a widower named 'Catalino Ligason' (hereinafter "Catalino").

Plaintiffs-appellees' version

The facts according to the appellees are as follows:

Catalino (hereinafter "appellees' Catalino") was married to Cecelia Diola (hereinafter "Cecelia"). The couple had four children and the appellees are his grandchildren. Cecelia died on 12 September 1902. During the cadastral proceedings in Tagbilaran in the 1920s, Catalino applied for and was granted title[5] over four (4) parcels of land as a widower. Among the four (4) parcels, two (2) of which are the subject of this case – (a) OCT No. (1765)584 and (b) OCT No. (1908)688 (hereinafter "subject parcels of land"). The other Original Certificates of Title issued to Catalino were OCT Nos. 2292 and 2612. As borne in these titles, the cadastral court issued its ruling granting title to Catalino on 22 August 1933. The titles were transcribed in the "Registration Book" for the Province of

Bohol in 1937.

Catalino was in actual possession of these parcels of land. After his death, his successors, including herein appellees, became the possessors of the land.

On 16 December 1959,[6] Atanacia Ligason (hereinafter “Atanacia”), one of Catalino’s four children, took from the Register of Deeds the owner’s duplicate copy of OCT Nos. 2292 and 2612, apparently claiming them as her share in the estate. On the other hand, OCT Nos. (1765)584 and OCT No. (1908)688 were left as shares of the other heirs.

However, on 20 June 1973, appellant Leonardo Ligason (hereinafter “Leonardo”) took[7] the owner’s duplicate copy of OCT No. (1765)584 and OCT No. (1908)688 from the Register of Deeds.[8] Appellees contend that there is no legal basis for the appellant to be entitled to possess the titles because Catalino never sold, alienated nor encumbered the subject parcels of land to him.

The appellees demanded that appellant Leonardo turn over the OCTs of the subject parcels of land to them, but the latter refused without any valid cause. This led the appellees to file a Complaint for Specific Performance with Damages.

When appellant Leonardo filed his answer, he claimed that Catalino was the half-brother of his father. This allegation prompted appellees to amend their complaint in order to include quieting of title as one of the causes of action, since it cast a cloud of doubt on the title of the subject parcels of land.

Appellant’s version

On the other hand, the facts, as told by the appellant is as follows:

The widower named Catalino Ligason, the central figure in this case, is the registered owner of two (2) separate parcels of land which are both located in Bool district, Tagbilaran City, and covered by the following certificates of title namely: Original Certificate of Title No. (1765)584, assigned with Cadastral lot No. 2348, containing an area of 6,207 square meters, and registered under the name of Catalino Ligason, a widower, sometime on 16 March 1937; and Original Certificate of Title No. (1908)688, assigned with Cadastral Lot No. 2581 containing an area of 8,164 square meters and registered under the name of Catalino Ligason, a widower, sometime on 8 April 1937.

For the appellant, the person named Catalino Ligason (hereinafter “appellant’s Catalino”), is the son of Lazaro Ligason, and is the half brother of appellant. According to appellant, his Catalino Ligason was born on 13 September 1883 during the first marriage of Lazaro Ligason with Daniela Capayas. Lazaro Ligason died as a widower on 13 May 1965 at the age of 82 years old. It is his contention that the properties mentioned above are the properties of appellant’s Catalino Ligason because they were his inheritance from his father Lazaro Ligason. And inasmuch as the said Catalino Ligason died a widower without any children, his properties will redound to the benefit of his collateral heirs, including herein defendant-appellant. Appellant presented Tax Histories[9] which indicate that the above-mentioned Cadastral Lot No. 2348 per Original Certificate of Title No. (1765)584 and the aforesaid Cadastral Lot No. 2581 per Original Certificate of Tile No. (1908)688 originated from a common decedent named Lazaro Ligason.

According to appellant, the appellees have long ago known of the foregoing facts, as he has repeatedly informed them but the latter have insisted on taking physical possession over the subject parcels of land including two (2) other parcels of land which appellees also claimed and took possession of the original certificates of title. Furthermore, appellees took possession of the original certificates of tile nos. (1765) 584 and (1908) 688 all

registered in the name of Catalino Ligason, and even proceeded to occupy the said lots without any legal basis or authority from appellant and his co-heirs.

Tacked from the possession of his predecessor, defendant-appellant was in actual possession of the above-mentioned property for over a period of 50 years already. They cultivated the said properties and planted root crops like ube and camote on the same. They also paid realty taxes thereto and alleged that they have never been delinquent in paying realty taxes on the disputed lot until the present. His blood relationship with the said Catalino Ligason coupled with their actual possession of the property led appellant Leonardo Ligason to keep in possession the aforementioned Certificates of Title, under his care and custody, for and in behalf of the co-ownership with his siblings.

The insistence of the defendant-appellant to refuse to turn over to the plaintiffs-appellees the above-mentioned Certificates of Title relating to the properties of Catalino Ligason which are all located in Bool district, Tagbilaran City, led to the filing of this action for Quieting of Title, Specific Performance and Damages with the trial court.

On 21 August 2008, the trial court rendered the challenged Decision. Appellant filed his Motion for Reconsideration[10], which the trial court denied in an Order[11] dated 26 January 2009, for lack of merit. Hence this appeal.

ISSUES

Appellant assigns the following errors for our consideration:

I.

THE HONORABLE TRIAL COURT COMMITTED SERIOUS REVERSIBLE ERROR OF FACT AND LAW WHEN IT RULED THAT THE WIDOWER NAMED CATALINO LIGASON WHO IS THE REGISTERED OWNER OF THE TWO ORIGINAL CERTIFICATES OF TITLE IS THE SAME PERSON WHO IS THE DECEDENT OF THE PLAINTIFFS-APPELLEES, AS SUCH RULING IS BASED ON PURE CONJECTURES AND PRESUMPTIONS;

II.

THE HONORABLE TRIAL COURT SERIOUSLY ERRED IN FINDING THAT PLAINTIFF-APPELLEES CATALINO LIGASON IS THE OWNER OF THE TWO ORIGINAL CERTIFICATES OF TITLE COVERING TWO PARCELS OF LAND LOCATED IN BOOL DISTRICT, TAGBILARAN CITY;

III.

THAT THE HONORABLE COURT ENGAGED IN A FAULTY REASONING IN CONCLUDING THAT DEFENDANT-APPELLANT'S CATALINO LIGASON WAS NOT MARRIED;

IV.

THAT THE HONORABLE TRIAL COURT ERRED IN NOT DECLARING THAT PRESCRIPTION HAD ALREADY SET IN;

OUR RULING

Relying on Article 1144[12] of the Civil Code, appellant argues that the prescriptive period for bringing an action for specific performance prescribes in ten (10) years. In this case, he points out that it took the appellees 29 years to exercise their right, reckoned from the time appellees alleged that the appellant took the original certificates of title in 1973.

Article 1144 of the Civil Code reads:

The following actions must be brought within ten years from the time the right of action accrues:

1. Upon a written contract;

2. Upon an obligation created by law;
3. Upon a judgment;

Appellant's reliance on Article 1144 of the Civil Code and the case of *Banco Filipino Savings and Mortgage Bank vs. CA*[13] is mistaken. In the said case, what is involved is a contract of loan between the parties. Here, what the appellees seek is to quiet title to the subject parcels of land since both parties claim rightful ownership over the properties registered in the name of Catalino Ligason. There is no written contract, obligation created by law, or judgment involved in this case that would call for the application of Article 1144.

The case is one for specific performance, quieting of title, and damages. Appellees are praying for the quieting of their title against a cloud cast by the claim of the appellant. Appellees alleged that they are in possession, and it is well settled that an action to quiet title does not prescribe[14], thus we cannot rule in favor of appellant on the issue of prescription.

The Identity of Catalino Ligason

Having disposed of the issue of prescription, we shall now proceed to discuss the three interrelated issues jointly.

The pivotal issue of this case is the identity of Catalino Ligason. Is he the Catalino of the appellant, or the Catalino of the appellees?

Appellant argues that appellees failed to prove their claim by a preponderance of evidence. He argues that there is no proof that appellees' Catalino was still alive at the time of the issuance of the certificate of title in 1933, and that the tax histories[15] support that the origin of said parcels of land came from Lazaro Ligason, the father of appellant Leonardo.

On the other hand, appellees maintain that the trial court did not commit any reversible error of fact and law when it ruled that Catalino, the registered owner of the subject parcels of land is their grandfather.

After an assiduous scrutiny of the testimonial and documentary evidence extant, we are of the conclusion that the evidence preponderates in favor of the appellees.

The testimony of Lucia Bugash[16] (hereinafter "Lucia"), 78 years old, a relative of the appellant, tips the scales in favor of the appellees. Lucia testified that she was close to appellant's Catalino because she had a business in La Castellana Negros Occidental and lived across the house of Ramon Ligason, her first degree cousin. Speaking of appellant's Catalino in her testimony, Lucia unequivocally stated:

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Q: Now, who is this Ramon Ligason that you mentioned?

A: Ramon Ligason is the younger half brother of Catalino Ligason.

Q: Do you know where was Catalino Ligason living at La Castellana, Negros Occidental?

A: In the house of Ramon Ligason.

Q: What was Catalino Ligason doing at the house of Ramon Ligason?

A: Catalino was attending to the children of Ramon Ligason.

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Q: When you arrived in Negros Occidental, you mean to say, Catalino Ligason was already there?

A: Yes Sir, he was already in the house of Ramon Ligason.

Q: How often did you see Catalino Ligason?

A: Everyday because my house is just in front of the house of Ramon Ligason.

Q: Do you have knowledge whether or not Catalino Ligason got married?

A: No Sir, he was single.

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Q: At the time of his death, do you know if he was still a bachelor [or] he already got married?

A: He died single.

Q: Do you know if Catalino Ligason had any child?

A: He has an illegitimate child during his younger years.

Q: At the time that this Catalino Ligason that you knew who was taking care of the children of Ramon Ligason, do you know of other person who also bears the name of Catalino Ligason?

A: That Catalino Ligason who was a widower, who is very old, and he was living in Bool.

Q: So, you mean to say that you also knew of another Catalino Ligason who was a widower and who used to live in Bool?

A: Yes sir.

Q: So, they are two (2) different persons?

A: Yes Sir, the Catalino Ligason who was single and who was living in Negros and the other Catalino who was a widower and who was living in Bool.

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The foregoing testimony coupled with the Certificate of Death[17] of Cecelia Diola presented by the appellees stating that when she died on the 12[th] of September 1902, she was the wife of a certain Catalino Ligason persuasively reveals that appellees' Catalino was a widower at the time when the certificates of title were issued.

The testimony of appellant's witness Bernardita Mendez (hereinafter "Mendez") fails to buttress his cause. We note that Mendez offered conflicting testimonies on whether or not appellant's Catalino was a widower. While on 29 November 2006, she testified that appellant's Catalino had no wife[18], she unequivocally stated on 8 April 2003, that appellant's Catalino was married but did not have any children.[19]

Appellant also presented a Certification[20], issued by the Municipal Civil Registrar of La Castellana Negros Occidental, stating that appellant's Catalino was a widower when he died in 1965. However, this only reveals that he was a widower when he died in 1965. It does not certainly lead to a conclusion that he was a widower upon application or upon issuance of the original certificates of title. Furthermore, appellant's argument that there is no proof that appellees' Catalino was still alive at the time of the issuance of the original certificates of title must fail. Ordinary human experience would tell us that once registration proceedings have been commenced, the process will continue and the title will be even issued in the name of a deceased owner.

The foregoing pieces of evidence reveals that appellant's Catalino was single and could not have been the "widower" described in the certificates of title issued in 1936.

Arguing that the Catalino described in the subject OCTs is their relative, appellees maintain that Atanacia

Ligason, one of the four (4) children of their Catalino, took from the Register of Deeds the owner's duplicate copy of OCT Nos. 2292[21] and 2612[22] covering lots 2574 and 2406 respectively and registered them in her name. To support this argument they present as evidence Transfer Certificate of Title Nos. 3776[23] and 3777[24] which shows that both lots 2574 and 2406, that were previously registered in the name of "Catalino Ligason, widower", have been transferred to Atancia Ligason. This coupled with Atancia's Certificate of Baptism[25] bolsters appellees' account that Atancia was the daughter of their grandfather Catalino and that she already took her share among the parcels of land inherited by the children of Catalino. The foregoing also shows that indeed after Catalino's death, his heirs continued to be in possession of the subject parcels of land.

The fact that appellant's witness Bernardita Mendez (hereinafter "Mendez") testified that appellant's Catalino left Bohol in about 1900 when he went to Hawaii to work as a sakada, and when he returned to the Philippines in 1936, he went straight to Negros Oriental and did not return to Bohol until 1955, after which he returned to La Castellana, Negros Oriental until his death[26], also serves to buttress appellees' claim. This begs the question of how could appellant's Catalino apply for registration of the parcels of land in his name, when he left Bohol in about 1900 and only returned in 1936?

The tax histories[27] presented as evidence by both parties are not persuasive. They only reveal that prior to Catalino Ligason, the subject parcels of land were declared in the name of Lazaro Ligason. The same is true with the Tax Receipts[28] and Tax Declarations[29], presented as evidence by both parties, since these are not proofs of ownership. Well settled is the rule that, tax declarations and receipts are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence. The fact that the disputed property may have been declared for taxation purposes in the names of the applicants for registration or of their predecessors-in-interest does not necessarily prove ownership.[30]

Thus, in conclusion, we find no cogent reason to depart from the ruling of the trial court. Time and again, the Court has upheld the rule that findings of fact of the trial court should not be disturbed on appeal unless the trial court has ignored or overlooked certain facts or circumstances of weight and significance which, if considered, would alter the result of the case, for trial judges are in the best position to weigh conflicting declarations of witnesses in the light of the court's opportunity to observe and examine the witnesses' conduct and attitude on the witness chair.[31]

Preponderance of evidence simply means evidence which is of greater weight, or more convincing than that which is offered in opposition to it.[32] Here, based on all the foregoing, we find that the evidence preponderates in favor of the appellees. They have convincingly shown that the "Catalino Ligason, widower" described in the certificates of title is their relative.

We however find it reasonable to delete the award of attorney's fees since no evidence points to bad faith on the part of the appellant. The latter had in his possession documents that seemed to support his cause.

WHEREFORE, the appeal is DENIED. The Decision of the trial court dated 21 August 2008 in Civil Case No. 6666 is AFFIRMED with MODIFICATION. The award of attorney's fees is hereby DELETED.

SO ORDERED.

Ingles, G.T., Chairperson., and Lagura-Yap, M.B., JJ., concur.

[1] Rollo, pp.65-70

[2] Rollo, pp.83-84.

[3] Rollo, pp.71-82

[4] Records, pp. 52-56

[5] Records, pp.111-112

[6] Records, p.113

[7] Records, p.1-3

[8] Records, p.113

[9] Records, pp.194-195

[10] Records, pp.233-243

[11] Records, pp.257-258

[12] Article 1144: The following actions must be brought in within ten years from the time the right of action accrues:

- Upon a written contract;
- Upon an obligation created by law
- Upon a judgment

[13] G.R. No. 129227, May 30, 2000.

[14] Berico vs. CA, G.R. No. 96306, August 20, 1993

[15] Records, p.185, 187

[16] TSN, October 19, 2004, pp.4-11; Emphases ours.

[17] Records, p.114

[18] TSN, November 28, 2006, p.18

[19] TSN, April 8, 2003, p.9

[20] Records, p.183

[21] Records, p.115

[22] Records, p.117

[23] Records, p.116

[24] Records, p.118

[25] Records, p.129

[26] TSN, April 8, 2003, p.15; TSN Vicente Ligason

[27] Records, pp.132-133, pp.185,187

[28] Records, pp.119-124; 197-209

[29] Records, p.210

[30] Republic of the Philippines v. Dela Paz, G.R. No. 171631, November 15, 2010; Republic vs. Manimtim, G.R. No. 169599, March 16, 2011.

[31] Far East Bank & Trust Company vs. Court of Appeals, G.R. No. 123569. April 1, 1996.

[32] Montañez v. Mendoza, G.R. No. 144116, November 22, 2002, Spouses Booc vs. Five Star Marketing Co., Inc., G.R. No. 157806, November 22, 2007.

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