

SPOUSES SILVENO ALEJANDRO AND MILAGROS OBARRA, PETITIONERS, VS. LIGAYA VILLAR, RESPONDENT.

Ponente: DIY, J.

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DIY, J.:

This is a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure which seeks to annul and set aside the Decision dated August 28, 2008 and the Order dated October 21, 2008 of Branch 20, Regional Trial Court (RTC) of Mambusao, Capiz in Civil Case No. M-08-0262-02(AP). The dispositive portion of the assailed Decision[1] reads:

WHEREFORE, in view of all the foregoing, the Decision of the Court a quo is hereby REVERSED AND SET ASIDE. The case filed by the appellees is ordered DISMISSED for insufficiency of evidence.

COSTS against the appellees.

SO ORDERED.

On the other hand, the decretal portion of the assailed Order[2] provides:

Wherefore, in view of the foregoing, the Motion for Reconsideration is Denied for lack of merit.

SO ORDERED.

The Antecedents

On October 2, 2003, herein petitioners, spouses Silveno Alejandro and Milagros Obarra, filed a Complaint[3] for Reconveyance and Damages with the Municipal Circuit Trial Court (MCTC) of Sigma, Sapi-an and Jaminsan, Sigma, Capiz, involving Lot No. 1940, a 15,409-square meter parcel of land registered in respondent Ligaya Villar's name under Katibayan ng Orihinal na Titulo Blg. P-13342.[4]

Petitioners claimed they are the lawful owners of a parcel of land identified as Lot No. 1940, with an area of 15,409, located in Damayan, Sapi-an, Capiz, covered by Katibayan ng Orihinal na Titulo Blg. P-13342. They claimed that the assessed value of the land is P9,090.00.

They alleged that the subject land used to form part of a bigger parcel of land formerly declared in the name of Juan Ofialda under Tax Declaration No. 2519, with the following technical description:

A parcel of land of irrigated Riceland with an area of 6,000 sq. m. more or less; coconut land with an area of 33,000 sq. m. more or less; banana land with an area of 23,740 sq. m. more or less; and cogonal with an area of 132,898 sq. m. more or less. Bounded on the N-Enrico Alayon or Leonardo Arboleda and Clemente Obligar; on the E-Clemente Obligar and Rodrigo Ore; on the S-Nonica Ofialda; and on the W-Nonica Ofialda, Consolacion Ofialda and T. Aperocho.

The above-described parcel of land formerly belonged to spouses Bernardo Ofialda and Gualberta Onayan. Upon the death of the spouses, their heirs succeeded as owners of the subject land. Subsequently, on March 7, 1956, the heirs, namely, Juan Ofialda, Alejandre Ofialda, Anacleto Ofialda, Rodriguez Ochenta,[5] Panfilo Ofialda, and

Marcela Estibes,[6] executed a document adjudicating a portion of the land in favor of Marcela Estibes. The parcel of land was described as follows:

A portion of land consisting of rice irrigated land with an area of 4,000 sq. m. more or less; and cogonal with an area of 20,000 sq. m. more or less, with improvements thereon existing; Bounded on the N-Juan Ofialda; E-Juan Ofialda; S-Juan Ofialda; W-Nonica Ofialda.

This portion of the land was subsequently identified as Lot Nos. 1940 and 1941 of the Cadastral Survey of Sapián. Afterwards, Tax Declaration No. 4805 was issued covering the portion of the land adjudicated to Marcela Estibes, allegedly referring to Lot Nos. 1940 and 1941, while the remaining undivided portion of the land was then issued Tax Declaration No. 4804.

On April 10, 1956, Marcela Estibes sold the subject property to petitioners. The contract of sale was embodied in a duly notarized Absolute Deed of Sale.

On December 10, 1963, the other heirs, namely, Juan Ofialda, Anacleto Ofialda, Eduardo Ochenta, Panfilo Ofialda, and Alejandro Ofialda, executed an Extrajudicial Partition over the remaining undivided portion of the land.

In the subject partition, Anacleto Ofialda was adjudicated with two (2) parcels of land which is more particularly described as follows:

A portion of the above-described parcel of land, bounded on the North by Telesforo Apercho; on the East by Maria Ofialda; on the South by Marcela Esteves; and on the West by Nonion Ofialda with an area of Twenty-eight thousand six hundred fifty-nine (26, 659) sq. meters more or less.

A portion of the above-described parcel of land bounded on the North by Juan Ofialda; East by Rodrigo Ore; South by Rodrigo Ore; and on the West by Isaac Ofialda with an area of 28,658 sq. ms., more or less.

This portion of land was subsequently identified as Lot No. 1947 of the Cadastral Survey of Sapián. For petitioners, the portions of the land adjudicated in favor of Marcela Estibes and Anacleto Ofialda are far and do not adjoin each other.

Sometime in 1980, respondent's mother, Anacleto Ofialda, borrowed the disputed lot (Lot No. 1940) from petitioners.

In November 2001, petitioners discovered that respondent had applied for the issuance of a free patent over Lot No. 1940 with the DENR.

Petitioners further alleged that respondent obtained the free patent through fraud and misrepresentation. It is claimed that respondent and her mother were not the true and lawful owners of Lot No. 1940.

Petitioners sent a demand upon respondent to return Lot No. 1940 to the former. However, the demand was unheeded. Respondent referred the case to the local barangay for mediation, but efforts to conciliate and reach an amicable settlement failed. Consequently, a corresponding certificate to file action was issued. Thus, the filing of the above-mentioned complaint.

Additionally, petitioners prayed for P50,000.00 as moral damages, P25,000.00 as attorney's fees, P10,000.00 as expenses of litigation, and costs of suit.

In respondent's Answer with Compulsory Counterclaim,[7] she contended that on December 10, 1963, the subject lot was adjudicated in favor of Anacleto Ofialda, respondent's mother.

Sometime in 1965, respondent acquired the subject land from her mother. From then on, she had continuously

occupied and cultivated said land.

In 1976, during the cadastral survey, respondent had the subject land surveyed in her name. Because of the survey, she also learned that the area of said lot is only 1.5409 hectares.

In 1994, respondent applied for the titling of the land. Consequently, in the same year, respondent was issued Katibayan ng Orihinal naTitulo Blg. P-13342 over Lot No. 1940. Respondent prayed that the complaint be dismissed for lack of cause of action. She likewise prayed for the award of moral damages as well as attorney's fees and costs of suit.

At the pre-trial conference, the following issues were presented by both parties for resolution:[8]

- Who is the lawful owner of lot 1940;
- Whether or not plaintiffs are entitled for reconveyance of lot 1940;
- Whether or not plaintiffs are entitled to recover possession of lot 1940;
- Whether or not the prevailing party is entitled for [sic] damages; and
- Whether or not lot no. 1940 is included in the title of the defendant.

In a Decision[9] dated January 22, 2008, the Municipal Circuit Trial Court ruled in favor of petitioners. The dispositive portion of the decision reads:

WHEREFORE, in the light of the foregoing considerations, finding the evidence preponderantly in favor of the plaintiffs and against the defendant, judgment is hereby rendered as follows:

- 1) Declaring the plaintiffs as the lawful owners of lot 1940 of Sapián Cadastre situated at Brgy. Damayan, Sapián, Capiz;
- 2) Ordering defendant to reconvey the aforesaid property to the plaintiffs and for the Register of Deeds to cancel Katibayan ng Orihinal naTitulo Blg. P-13342 in the name of the defendant and to issue a new one in the name of the plaintiffs;
- 3) Ordering the defendant to pay to the plaintiffs the following sums:
 - a) P20,000.00 as moral damages;
 - b) P10,000.00 as exemplary damages; and
 - c) P20,000.00 as attorney's fees.

Costs against the defendant.

SO ORDERED.

Dissatisfied, respondent filed an appeal, docketed as Civil Case No. M-08-0262-02(AP), with Branch 20, RTC of Mambusao, Capiz. In a Decision[10] dated August 28, 2008, the RTC reversed the appealed decision of the MCTC. The RTC ruled that herein petitioners were unable to establish their claim over Lot No. 1940.

Petitioners filed a Motion for Reconsideration.[11] On October 21, 2008, the court a quo rendered an Order[12] denying said motion for lack of merit. Hence, the instant petition for review with the lone assignment of error:[13]

The Regional Trial Court erred in dismissing the case on the ground of insufficiency of evidence.

The Ruling of the Court

The petition is bereft of merit.

Petitioners insist that they are the lawful owners of Lot No. 1940. They claim that Lot No. 1940 is the same parcel of land sold to them by Marcela Estibes on April 10, 1956.

We are not persuaded.

An action for reconveyance of a property is the sole remedy of a landowner whose property has been wrongfully or erroneously registered in another's name after one year from the date of the decree so long as the property has not passed to an innocent purchaser for value. The action does not seek to reopen the registration proceedings and set aside the decree of registration but only purports to show that the person who secured the registration of the property in controversy is not the real owner thereof. Fraud may be a ground for reconveyance. For an action for reconveyance based on fraud to prosper, the party seeking reconveyance must prove by clear and convincing evidence his title to the property and the fact of fraud.[14]

A perusal of the records of the case shows that petitioners miserably failed to prove that they are the true and lawful owners of the subject land. They anchored their right of ownership on the Deed of Sale executed by Marcela Estibes in petitioners' favor on April 10, 1956. Unfortunately, the same does not indicate that the parcel of land bought by petitioners is Lot No. 1940, the disputed land in the instant case. In the same vein, and to prove their ownership of the subject land, petitioners heavily relied on their bare assertion that respondent's mother borrowed Lot No. 1940 from them in 1980. The Supreme Court has held that bare allegations, without more, do not meet the quantum of evidence needed to establish the same as a fact.[15] As the RTC, correctly held:[16]

Contrary to the findings of the Court a quo, appellant was able to present sufficient evidence to prove her ownership of the land. Along this line, it is worth stressing that appellant and her predecessor's possession and occupation of the subject land which led to the issuance of Katibayan ng Orihinal na Titulo Blg P-13342 was clearly established. Exhibits "3" and "5", consisting of Tax Declaration in the names of Anacleto Ofialda and appellant Ligaya Villar, respectively are enough to prove this point. Although Tax Declaration or realty tax payments of property are not conclusive evidence of ownership, nevertheless, they are good indicia of possession in the concept of owner. (Cuenco vs. Cuenco Vda. De Manguerra, 440 SCRA 252).

On the other hand, appellees failed to present clear and convincing evidence to prove their ownership of Lot 1940. Likewise they were unable to substantiate the fact that what was given to Marcela Estibes and later on sold to them is indeed Lot 1940 as the extra-judicial partition and the deed of sale executed in their favor does not indicate the number of the subject lot. The bar declaration of appellee Milagros Alejandro that the land was allegedly "borrowed" by appellant's mother, Anacleto Ofialda to help finance her children's education is not enough to prove the point. Bare allegations, unsubstantiated by evidence, are not equivalent to proof under the rules of court. (Garcia vs. de Vera, 418 SCRA 27).

Furthermore, petitioners failed to prove their allegation of fraud. They failed to prove by clear and convincing evidence that respondent managed, through fraud, to have Lot No.1940 registered in her name. In the absence of fraud, We rule that no implied trust had been established between petitioners and respondent under Article 1456[17] of the Civil Code. We find jurisprudential support in the case of Heirs of Salvador Hermosilla v. Sps. Remoquillo[18] where the Supreme Court held:

At all events, for an action for reconveyance based on fraud to prosper, the plaintiff must prove by clear and convincing evidence not only his title to the property but also the fact of fraud. Fraud is never presumed. Intentional acts to deceive and deprive another of his right, or in some manner injure him must be specifically alleged and proved by the plaintiff by clear and convincing evidence

Notably, petitioners miserably failed to discharge this burden despite having been given the opportunity to do so. Their failure to present competent and convincing proof is certainly fatal to their cause. Therefore, their instant petition is deserving of no other fate but denial.

All told, We find no reversible error on the part of the RTC when it rendered the assailed decision as petitioners were not able to present evidence which sufficiently established their case.

WHEREFORE, the instant petition is DENIED. The assailed Decision dated August 28, 2008 and the Order dated October 21, 2008 of Branch 20, Regional Trial Court of Mambusao, Capiz, in Civil Case No. M-08-0262-02(AP), are AFFIRMED.

SO ORDERED.

Delos Santos, E.L., (Chairperson) and Maxino, P.A.A., JJ., concur.

[1] Rollo, pp. 94-100.

[2]Ibid., p. 106.

[3]Ibid., pp. 20-38.

[4]Ibid., pp. 26-27,

[5] Also referred to in the record as “Ochinta”.

[6] Also referred to in the record as “Marcela Estives” and “Marcela Esteves”.

[7] Rollo, pp. 39-45.

[8]Ibid., pp. 46-48.

[9]Ibid., pp. 49-64.

[10]Ibid., pp. 30-34.

[11]Ibid., pp. 101-103.

[12]Ibid., p. 106.

[13]Ibid., p. 13.

[14] Barrera v. Court of Appeals, G. R. No. 123935, December 14, 2001.

[15] Macias, et al., v. Lim, et al., G.R. No. 139284, June 4, 2004.

[16] Rollo, pp. 98-99.

[17]Article 1456. If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person whom the property comes.

[18] G.R. NO. 167320, January 30, 2007.

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