

**FELIPA GREGORIO, ISABEL SALVADOR, TACIANA SALVADOR,
ARTEMIO SAL-VADOR, MAURA SALVADOR, BONIFACIO SALVADOR,
SUSANA SALVADOR, PAU-LINA ALEJANDRO, DANIEL ALEJANDRO,
CRISTOBAL ALEJA...**

G.R. No. L-44344. July 16, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

This appeal involves a land registration case -- the petitioners' prayer being for reversal of the decision rendered by the Court of Appeals which, on a 3 to 2 vote,[1] affirmed that of the Land Registration Court in toto.[2] Said petitioners have adopted[3] the basic facts set forth in the appealed judgment.[4] These facts are as follows:

"This is an appeal from the judgment of the Court of First Instance of Rizal in Land Registration Case No. N-4481, LRC Rec. No. N-25387 ordering the registration of a parcel of land located in Barrio Owak, Pamplona, Las Piñas, Rizal, with a total area of 13,631 square meters and described in Plan PSU-153463 in favor of the Applicants.

The land in question originally belonged to the spouses Candido Gregorio and Simeona Trinidad. Candido died in 1908, survived by his widow, Simeona, and five children, namely, MARIA, Valentina, Ignacia, Francisco and Felipa.

On October 9, 1948 (40 years after Candido's death), Simeona Trinidad was still alive. Valentina had already died, survived by her son, Paulino de la Cruz. Ignacia was still alive. Francisca had already died, survived by her husband, Dominador Alejandro, and six children: Paulina and Daniel, who were then already of age, and the minors Cristobal, Epifanio, Rosita and Rodolfo. Felipa was still alive and so was her husband, Geronimo Ramos.

On said date of October 9, 1948, Exhibit 'O,' a notarized document in Tagalog entitled 'Kasunduan ng Pagpapatibay ng Karapatan sa Lupa' was executed. It read in part:

'Na alang-alang sa halagang APAT NA DAAN (P400.00) PISO, sa aming lahat tinanggap sa paglagda ng Kasulatan ito, ay pinagbile, nilipat at isinalin naming lahat ang aming karapatan at pag-aari sa nasabing mga lupa sa aming kapatid na si Maria Gregorio; kayat buhat ngayon ay wala na kaming paghahabol sa nasabing lupa gayon din ang aming mga tagapagmana.'

The signatories were: Paulino de la Cruz

(son of Valentina)

Ignacia Gregorio

Felipa Gregorio

(thumbmarked)

Dominador Alejandro

(husband of Francisca)

with the consent of: Simeona Trinidad

(thumbmarked, widow of

Candido)

Geronimo Ramos

(husband of Felipa)

and the witnesses: Daniel Alejandro

(son of Francisca)

Paulina Alejandro

(daughter of Francisca)

By virtue of Exhibit 'O,' MARIA and her children, Glicería, Sergio and Domingo, all surnamed Miranda, filed, on January 14, 1964 (about 15 1/2 years after execution of said Exh. O), an Application before the lower Court for the registration of the land described therein in their names. The Application was opposed by Felipa, the heirs of Ignacia, who had in the meantime died, the heirs of Francisca, and by Paulino de la Cruz, claiming to be the owners of 4/5 of the property sought to be registered."

The application was granted by the Land Registration Court. Its decision disposed as follows:[5]

"IN VIEW OF THE ABOVE CONSIDERATIONS, this Court finds and holds that applicants Maria Gregorio and her children, Glicería, Sergio, and Domingo, surnamed Miranda, are the true and absolute owners of the land in litigation for more than 50 years, and this Court orders the confirmation of their title and the registration of the same.

As soon as this decision is final let the corresponding decree be issued in favor of Maria Gregorio, widow, Glicería Miranda, married to Agapito Gawaran, Domingo Miranda, married to Natividad Cañiga, and Sergio Miranda, single, all of whom are Filipinos, of legal age, and residents of Pamplona, Las Piñas, Rizal.

SO ORDERED."

As already mentioned, this judgment of the Land Registration Court was affirmed in toto by the Court of Appeals in a 3 to 2 decision rendered by a Special Division of Five. The Appeals Court rejected the submittals of the oppositors (Felipa Gregorio; the heirs of Ignacia Gregorio and of Francisca; and Paulino de la Cruz) that the Land Registration Court had erred :

- 1) in finding from the evidence that Maria Gregorio was sole owner of the property, having partly inherited it from her father, and partly acquired it from her sisters;
- 2) in finding that there was no sufficient evidence to nullify the deed of sale, Exhibit O;
- 3) in not declaring the transfer of the property from Maria Gregorio to her husband, Dionisio Miranda, to be null and void;
- 4) in finding from the evidence that Maria Gregorio had possessed the land, enjoyed it, and benefited therefrom, in concept of exclusive owner;
- 5) in finding that the oppositors had lost whatever rights they had on the property by prescription; and

6) in holding applicants-appellees to be the only true and absolute owners of the land in question and ordering confirmation of their title and registration of the same.

The Appellate Tribunal did not believe the oppositors' claim that the contents of Exhibit O had not been explained to them or they had not bothered to read the same, or that their evidence substantiated their allegation of fraud or mistake. It said that apart from the fact that the oppositors' proofs were not credible, and did not suffice to overcome the presumption that transactions have been fair and regular and that persons take ordinary care of their concerns, the applicants' evidence preponderantly established the genuineness and validity of the conveyance to Maria Gregorio of all the pro indiviso shares of the other co-owners. Maria Gregorio thereby became, according to the Court, the sole and exclusive owner of the property, having "inherited part of the same from her parents and having acquired the balance from her co-heirs."

The evidence moreover showed, declared the Court, that after execution of the deed of conveyance, Exhibit "O," Maria Gregorio commenced to exercise exclusive dominion over the property and received and enjoyed the fruits thereof to the exclusion of the erstwhile co-owners, without any protest or challenge from any one of the latter.

And as regards "the alleged nullity of the transfer of the land in question from MARIA to her husband, Dionisio Miranda," the Court of Appeals held that "the records fail to show the nature of such transfer;" that all that Maria apparently did was "only to transfer the tax declaration in the name of her husband so that the latter could qualify as a voter;" and that in any event, "even assuming the property in question was indeed transferred by MARIA to her husband and, therefore, said transfer is null and void, the nullity of said transfer only means that MARIA is still the absolute owner of said property * * (and) the right of the Applicants to the registration of the property in question as owners still exists by virtue of Exhibit 'O.'"

In these appellate proceedings, the oppositors (petitioners herein) insist that the Appellate Tribunal's (and the Trial Court's) interpretation of the evidence is gravely in error; that the evidence actually establishes a different version of the facts, one more in accord with their own theory of the case -- i.e., that, essentially, there is adequate evidentiary demonstration in the record that the deed of sale, Exhibit O, is void and inefficacious on account of fraud or mistake; that Maria Gregorio had NOT in truth possessed the land, enjoyed it, and benefited therefrom, in concept of exclusive owner; and that the transfer of the property from Maria Gregorio to her husband, Dionisio Miranda, was null and void.

But, as should immediately be apparent, what the petitioners have done is to raise issues essentially factual, impermissible in an appeal on certiorari to this Court which, by law and immemorial practice, is limited to a review of questions of law merely, and undertaken in this Court's discretion only when it is cited to some special and important reasons therefor.[6]

This Court in any event perceives, after a thoroughgoing review of the record, no serious reason for rejection of the facts found to have been duly proven by both the Court of Appeals and the Land Registration Court, and therefore accepts them as correct, and as binding in the proceedings at bar. These facts justify, the confirmation and registration of the petitioners' title in and to the property in question.

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. No. 43575-R promulgated on May 6, 1976 is AFFIRMED in toto. Costs against petitioners.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] In CA-G.R. No. 43575-R on May 6, 1976, the decision having been written for a Special Division of Five by Mme. Justice Melencio-Herrera (now a member of the Supreme Court and Chairman of its Second Division), with whom concurred, Reyes, L.B. and Agcaoili, JJ;; dissenting in separate opinions were San Diego and Lim, JJ.

[2] Court of First Instance of Rizal, presided over by Hon. Cecilia Muñoz-Palma (later, Associate Justice of the Court of Appeals and eventually and until her retirement, of the Supreme Court)

[3] Rollo, pp. 4-6 (petition for review); p. 81 (petitioners' brief, pp. 3-6)

[4] Id., pp. 18-20

[5] Id., pp. 20-21

[6] Hernandez v. C.A., 149 SCRA 67 (1987); Cu Bie v. I.A.C., 154 SCRA 599 (1987); Sumbingco v. C.A., 155 SCRA 20 (1987); Hermo v. C.A., 155 SCRA 24 (1987), citing Ramos v. Pepsi-Cola Bottling Co., 19 SCRA 289, Bacayo v. Genato, 135 SCRA 668, Republic v. Intermediate Appellate Court, 145 SCRA 25, Sacay v. Sandiganbayan, 142 SCRA 599 (1987); De Guzman v. Intestate Estate of Benitez, 169 SCRA 248 (1989)

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