

ABNER DE GUIA, REPRESENTED BY HIS ATTY.-IN-FACT NOMERIANO DE GUIA, PLAINTIFF-APPELLEE, VS. SELENI REGALA AND THE ASSESSOR OF THE CITY OF PROMULGATED: OLONGAPO, DEFENDANTS-APPELL...

Ponente: BARRIOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fac1d6b58cd1/>

BARRIOS, J.:

This is an appeal from the decision in the case denominated for Recovery of Possession and Ownership of Real Property, Cancellation of Documents with Application for a Writ of Preliminary Injunction, filed by the appellee Abner De Guia (or De Guia) against the appellants Seleni Regala (or Regala) and the Assessor of the City of Olongapo.

In the complaint De Guia averred that in 1968 he purchased a parcel of land at Sitio Maquinaya now known as Abra Extension, Brgy. Barretto, Olongapo City. At the time of the purchase the land had an area of 18,000 square meters and is so stated in the 1971 tax declaration no. 244666. After he purchased this, De Guia enclosed the whole area with a high concrete fence but when the Mt. Pinatubo erupted the area became elevated and dwarfed the fence. Some portions of the land have been sold, and tax declaration no. 244666 has been cancelled in lieu of this tax declaration no. 99400104661 was issued.

It was sometime in 1998 when De Guia learned that Regala had also declared for taxation purposes a portion of the land and that the latter even submitted a Miscellaneous Sales Application before the Bureau of Land. He then made an investigation as to how Regala was able to acquire a tax declaration over the property and learned that a Waiver of Possessory Rights was executed by a certain Beatriz Sabangan in favor of Regala. Learning this De Guia went to see Beatriz Sabangan and confronted her, but she was herself surprised to see this document and denied having executed this. The matter was then brought before the barangay of Brgy. Barretto and earnest efforts were exerted to settle the issues, but to no avail. Hence De Guia filed the instant suit.

In her Answer, Regala denied these allegations and in her own version stated how the property came to her possession. According to Regala she saw that the lot had been vacant for a while and she inquired from neighbors who owned it. She was then told that it was owned by Beatriz Sabangan. Accompanied by a certain Teofilo Español who knew her, she went to her residence at Cabangan, Zambales and convinced her to sell the lot and she acceded. The property was sold to Regala by Beatriz Sabangan for P180,000.00 under a document of Deed of Transfer and Possessory Right with waiver and Quitclaim. After buying it, Regala had the lot surveyed and what was supposed to be 600 square meters was surveyed at 885 square meters. She then applied for a Miscellaneous Sales Application and declared the lot for taxation purposes. Regala stated too that after securing a Fencing Permit she started to enclose the property with concrete hollow blocks and filled it with gravel and sand. Her possession and ownership over the land is in good faith and she has no knowledge of the alleged ownership of De Guia.

Trial ensued. On July 13, 2004 the court a quo rendered its judgment in favor of De Guia, disposing that:

WHEREFORE, judgment is rendered in favor of the plaintiff and against the defendant:

- Ordering defendant to vacate and restore possession of the property covered by Tax Declaration No. 9400104661 with an area of 885 square meters;
- Ordering the City Assessor to cancel Tax Declaration No. 9400104661; and
- To pay the amount of P50,000.00 as attorney's fees and to pay the costs. (p. 155, record)

Dismayed but resolute, Regala appealed to Us and assigns the following as the errors committed by the court a quo that:

- The Court erred in ordering the defendant to vacate and restore possession of the property in question to the plaintiff.
- The court erred in ordering the City Assessor to cancel Tax Declaration No. 9400104661.
- The Court erred in ordering the defendant to pay attorney's fees in the sum of P50,000.00 and to pay the costs. (p. 29, rollo)

There is no merit in the appeal.

Regala roots her ownership of the property from the alleged sale executed by Beatriz Sabangan. However her supposed seller herself denied that she knew Regala or that she had any sale transaction with her:

Q Madam witness do you know the defendant in this case Seleni Regala?

A I do not know them (sic).

Q Have you met her personally Madam Witness?

A No, Ma'am.

Q Have you had any transaction with Mrs. Regala?

A No, sir. (tsn, Jan. 30, 2001, pp.3-4)

On the other hand, the sale of the property to De Guia was affirmed positively by the same witness. She declared that:

Q Do you have any transaction with Mr. de Guia?

A We have a discussion about the area that we sold him.

Q When was this Madam Witness?

A That was in 1967 when we bought the land, ma'am.

Q Is there any evidence to show that the property was sold to Mr. de Guia, Madam Witness?

A Yes, sir this is the one.

Q This deed was previously marked as Exhibit A during the last hearing x x x.

x x x

COURT

Q That document which you signed in selling the property to Mr. de Guia will you be able to recognize the signature?

A My husband signed that.

Q But there is a conformity at the bottom will you identify if this is your signature?

A I agreed that my husband sell (sic) that property.

Q Is that your signature?

A Yes, sir.

ATTY. SANTOS

Q Can you please try to look at this document and identify whether this is really your signature?

A Yes, this is my signature.

Q Are you aware that...are you aware of the nature of this document Madam witness?

A My husband read it to me.

Q Your husband read it to you?

A Yes, sir.

Q Are you aware that you sold a portion of this property to Seleni Regala Madam witness?

A We sold it only to Mr. Abner de Guia. We did not sell anything to anybody except to Dr. Abner de Guia (tsn, pp. 7-8, Jan. 30, 2001)

Scrutinizing the testimony of Beatriz Sabangan, it would show that it was a certain Teofilo Español, the former City Assessor of Olongapo who manipulated the sale of the lot to Regala. Beatriz Sabangan was made by Teofilo Español to believe that the property sold to Regala was outside the lot sold to De Guia and that this has not yet been assessed. The following testimony of the same witness was:

Q Do you remember selling a portion of your property to Ms. Regala?

A Mr. Español went to my place and he said that a portion of my lot was not yet assessed and I told him that he was the one who have assessed the whole area.

Q What happened after that?

A There was a portion of the area that was not assessed according to Mr. Español and that he and my husband have a separate assessment of that area.

Q Did he tell you where this area is located?

A I asked him where was that area and he said that it was in Buli as boundary.

Q After that what did he tell you Madam witness?

A He told me to just sell it so that I can have additional money to buy for my medicines.

Q Did you agree to sell that portion Madam Witness?

A At first I told him that I will look for that area that was not assessed and then after that he gave me sixteen thousand pesos in check.

Q What is that sixteen thousand pesos for Madam Witness?

A That was a payment for the area which was not assessed and that he will partition the payment for the unassessed portion.

Q What happened to the check that was given to you Madam Witness?

A I did not bring the check to the bank because I do not have any name in that check. (tsn, pp. 4-5)

Even the testimony of Sofronio Mendoza, the father of Regala proved that it was Teofilo Español who had the hand in the sale of the property to Regala. He testified that:

Q Mr. witness, when you talked to Seleni Regala that she is interested to buy the property in Abra, you send your daughter personally to see Mr. Teofilo Español, am I correct?

A The first time they talked sir, I was not present.

Q So it was only your daughter who met Mr. Español?

A In Manila, yes sir.

Q So it was Mr. Español who told you that there was an undeclared lot in Abra owned by Mrs. Sabangan, am I correct?

A Yes ma'am.

Q When Mr. Español told you that there was an undeclared lot in Abra, you did not verify with the office of the city assessor, is it not?

A I verified it ma'am.

Q When you verified at the City Assessor's Office you were not informed that the said land was already registered with Mr. Regala (sic)?

A What I know ma'am, it was not all registered in his name, it is only a portion of the lot belongs to him.

Q And this information you received, you received it personally from Mr. Español?

A Yes, ma'am, and also to the family of Sabangan.

Q Mr. witness, will you agree with me that your daughter never met with Mr. Sabangan?

A The reason is that Mrs. Sabangan was in Manila at the time we verified the property in question in Barretto.

Q So you and your daughter entrusted the acquisition of the lot to Mr. Español?

A Yes, ma'am x x x (tsn, Nov. 12, 2002, pp. 3-4)

From the above testimonies as well as the documentary evidence presented (e.g. Deed of Sale, [Exh. "A"], Tax Declaration [Exh. "B"]), there is no doubt that what was sold to Regala was a lot already belonging to De Guia since 1968.

Case law has it that the findings of facts of the trial court, its calibration of the evidence of the parties and its conclusions anchored on its findings are accorded by the appellate court high respect if not conclusive effect (People vs. Torres, 420 SCRA 61). There is no reason to have it otherwise in this case.

WHEREFORE, the appeal is DENIED and the decision appealed from is AFFIRMED.

SO ORDERED.

Guariña III and Romilla-Lontok, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.