

**SPOUSES ROMULO AND SALLY EDUARTE, PETITIONERS, VS. THE
HONORABLE COURT OF APPEALS AND PEDRO CALAPINE
(SUBSTITUTED BY ALEXANDER CALAPINE AND ARTEMIS CALAPINE,
RESPONDENTS.**

G.R. No. 105944. February 09, 1996

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

A donation is an act of liberality whereby a person disposes gratuitously of a thing or right in favor of another, who accepts it.[1] On the part of the donor, it is an exercise of one's generosity. However, on several occasions, instead of being accorded recognition and appreciation for this act of beneficence, the donor ends up as a victim of greed and ingratitude. This was the fate that befell Pedro Calapine (herein original plaintiff) constraining him to cause the revocation of the donation that he made to his niece in 1984. The instant petition for certiorari is interposed by the spouses Romulo and Sally Eduarte, assailing the decision of the Court of Appeals in CA-G.R. CV No. 29175 which affirmed the revocation of the donation made by Pedro Calapine to his niece, Helen Doria, and at the same time declared petitioners as purchasers in bad faith of the property donated.

As set out in the appealed decision, the undisputed facts are as follows:

"Pedro Calapine was the registered owner of a parcel of land located in San Cristobal, San Pablo City, with an area of 12,199 square meters, as evidenced by Original Certificate of Title No. P-2129 (Exhibits A and 1). On April 26, 1984, he executed a deed entitled 'Pagbibigay-Pala (Donacion Inter-Vivos)' ceding one-half portion thereof to his niece Helen S. Doria (Exhibit B).

"On July 26, 1984, another deed identically entitled was purportedly executed by Pedro Calapine ceding unto Helen S. Doria the whole of the parcel of land covered by OCT No. P-2129 (Exhibits C and D), on the basis of which said original certificate was cancelled and in lieu thereof Transfer Certificate of Title No. T-23205 was issued in her name (Exhibits G and 2).

"On February 26, 1986, Helen S. Doria donated a portion of 157 square meters of the parcel of land covered by TCT No. T-23205 to the Calauan Christian Reformed Church, Inc. (Exhibit H), on the basis of which said transfer certificate of title was cancelled and TCT No. T-24444 was issued in its name covering 157 square meters (Exhibit 2-A) and TCT No. T-24445, in the name of Helen S. Doria covering the remaining portion of 12,042 square meters (Exhibit 3).

"On March 25, 1988, Helen S. Doria sold, transferred and conveyed unto the spouses Romulo and Sally Eduarte the parcel of land covered by TCT No. T-24445, save the portion of 700 square meters on which the vendor's house had been erected (Exhibits I and 3-F), on the basis of which TCT No. 24445 was cancelled and in lieu thereof TCT No. T-27434, issued in the name of the vendees (Exhibit 4).

"Claiming that his signature to the deed of donation (Exhibits C and D) was a forgery and that, she was unworthy of his liberality, Pedro Calapine brought suit against Helen S. Doria, the Calauan Christian Reformed

Church, Inc. and the spouses Romulo and Sally Eduarte to revoke the donation made in favor of Helen S. Doria (Exhibit B), to declare null and void the deeds of donation and sale that she had executed in favor of the Calauan Christian Reformed Church, Inc. and the spouses Romulo and Sally Eduarte (Exhibits H, I and 3-F) and to cancel TCT Nos. T-24444, 24445 and T-27434.

"Answering the complaint, the defendants spouses denied knowledge of the first deed of donation and alleged that after a part of the property was donated to the defendant Calauan Christian Reformed Church, Inc., the remaining portion thereof was sold to them by the defendant Helen S. Doria; and that the plaintiff's purported signature in the second deed of donation was his own, hence genuine. They prayed that the complaint against them be dismissed; that upon their counterclaim, the plaintiff be ordered to pay them moral and exemplary damages and attorney's fees; and that upon their cross-claim the defendant Helen S. Doria be ordered to reimburse them the purchase price of P110,000 and to pay them moral and exemplary damages and attorney's fees (pp. 23-31, rec.).

"The defendant Calauan Christian Reformed Church, Inc. manifested in its answer the willingness to reconvey to the plaintiff that part of the property donated to it by Helen S. Doria (pp. 36-38, rec.). And having executed the corresponding deed of reconveyance, the case as against it was dismissed(pp. 81-83; 84, rec.).

"The defendants Helen S. Doria and the City Assessor and the Registrar of Deeds of San Pablo City did not file answers to the plaintiffs complaint.

"After the plaintiffs death on August 27, 1989, on motion, he was substituted by his nephews Alexander and Artemis Calapine upon order of the Court (pp. 147-152; 250, rec.).

"After trial, the Regional Trial Court, Fourth Judicial Region, Branch 30, San Pablo City rendered judgment, the dispositive part of which provides:

WHEREFORE, premises considered, judgment is hereby rendered by the Court in the instant case in favor of plaintiff and against defendant Eduartes to wit:

1. DECLARING as it is hereby declared, the revocation of the Deed of Donation dated April 26, 1984;
2. ANNULING, voiding, setting aside and declaring of no force and effect the Deed of Donation dated July 26, 1984, the deed of absolute sale executed on March 25, 1988 by and between spouses Eduartes and Helen Doria, and the Transfer Certificate of Title No-T-27434 issued under the name of spouses Romulo and Sally Eduarte;
3. ORDERING the office of the Register of Deeds, San Pablo City, to cancel TCT No. T-27434 or any other adverse title emanating from OCT No. P-2129 and in lieu thereof, to issue a new transfer certificate of title covering the subject property under the names of the substitute-plaintiffs Alexander and Artemis both surnamed Calapine, after payment of the corresponding fees and taxes therefor; and
4. ORDERING defendant Helen Doria to pay substitute-plaintiffs the sum of P20,000.00 as and for attorney's fees.

Judgment on the cross-claim of defendant Eduartes against Helen Doria is further rendered by ordering the latter to pay the former the sum of P110,000.00 with legal interest thereon starting from March 25, 1988 until full payment, and the further sum of P20,000.00 as and for attorney's fees.

The counterclaim of defendant Eduartes against plaintiff is hereby dismissed for lack of merit.

Costs against defendant Helen Doria in both the complaint and the cross-claim (pp. 11-12, decision, pp. 264-265, rec.).

"Only the defendants Eduarte spouses took an appeal (p. 266, rec.), claiming that the trial court erred -

1. In annulling, voiding, setting aside, and declaring of no force and effect -
 - (a) the deed of donation (Exhibits C and 1-A), dated July 26, 1984;
 - (b) the deed of absolute sale (Exhibits 1 and 3-E) executed on March 25, 1988 by and between Spouses Eduartes and Helen Doria;
 - (c) TCT No. T-27434 (Exhibit 4) issued in the name of spouses Romulo Eduarte and Sally Eduarte; andin revoking the deed of donation (Exhibit B) dated April 26, 1984;
2. In declaring the appellants Eduartes buyers in bad faith;
3. In not finding the plaintiffs guilty of estoppel by silence and/or guilty of suppression of evidence instead of finding the appellants Eduartes guilty of suppression of evidence; and
4. In finding that the signature of Pedro Calapine in the deed of donation (Exhibits C and 1-A) dated July 26, 1984 a forgery based on the opposite findings of the handwriting experts presented by each party and in the absence of the testimony of Pedro Calapine who was then still alive (pp. 1-2, appellants' brief.)"[2]

In its decision dated April 22, 1992,[3] respondent Court of Appeals dismissed petitioners' appeal and affirmed the decision of the trial court. Respondent court was in complete accord with the trial court in giving more credence to the testimony of private respondents' expert witness, NBJ document examiner Bienvenido Albacea, who found Pedro Calapine's signature in the second deed of donation to be a forgery. It also ruled that by falsifying Pedro Calapine's signature, Helen Doria committed an act of ingratitude which is a valid ground for revocation of the donation made in her favor in accordance with Article 765 of the Civil Code. Furthermore, respondent court upheld the trial court's finding that petitioners are not buyers in good faith of the donated property as they failed to exercise due diligence in verifying the true ownership of the property despite the existence of circumstances that should have aroused their suspicions.

Petitioners are now before us taking exception to the foregoing findings of respondent Court of Appeals and contending that the same are not in accord with the law and evidence on record.

Anent the revocation of the first deed of donation, petitioners submit that paragraph (1) of Article 765 of the Civil Code does not apply in this case because the acts of ingratitude referred to therein pertain to offenses committed by the donee against the person or property of the donor. Petitioners argue that as the offense imputed to herein donee Helen Doria - falsification of a public document - is neither a crime against the person nor property of the donor but is a crime against public interest under the Revised Penal Code, the same is not a ground for revocation.

In support of this contention, petitioners cite the following portions found in Tolentino's Commentaries and Jurisprudence on the Civil Code:

"Offense against Donor - x x x. The crimes against the person of the donor would include not only homicide and physical injuries, but also illegal detention, threats and coercion; and those against honor include offenses against chastity and those against the property, include robbery, theft, usurpation, swindling, arson, damages, etc. (5 Manresa 175-176)."[4]

This assertion, however, deserves scant consideration. The full text of the very same commentary cited by petitioners belies their claim that falsification of the deed of donation is not an act of ingratitude, to wit:

"Offense Against Donor. All crimes which offend the donor show ingratitude and are causes for revocation. There is no doubt, therefore, that the donee who commits adultery with the wife of the donor, gives cause for revocation by reason of ingratitude. The crimes against the person of the donor would include not only homicide and

physical injuries, but also illegal detention, threats, and coercion; those against honor include offenses against chastity; and those against the property, include robbery, theft, usurpation, swindling, arson, damages, etc. [Manresa 175-176]."[5] (*Italics supplied*).

Obviously, the first sentence was deleted by petitioners because it totally controverts their contention. As noted in the *aforecited* opinion "all crimes which offend the donor show ingratitude and are causes for revocation." Petitioners' attempt to categorize the offenses according to their classification under the Revised Penal Code is therefore unwarranted considering that illegal detention, threats and coercion are considered as crimes against the person of the donor despite the fact that they are classified as crimes against personal liberty and security under the Revised Penal Code.[6]

Petitioners also impute grave error to respondent Court of Appeals in finding that the second deed of donation dated July 26, 1984 was falsified. Petitioners deplore the fact that more credence was given to the testimony of the NBI handwriting expert who found Pedro Calapine's signature in the second deed of donation to be a forgery despite the existence of controverting testimony by PC-INP Crime Laboratory (PCCL) Chief Document Examiner which petitioners adduced as evidence on their part.

We are not persuaded. Respondent Court of Appeals and the trial court cannot be faulted for giving more weight and credence to the testimony of the NBI handwriting expert considering that the examination of the said witness proved to be complete, thorough and scientific.

In gauging the relative weight to be given to the opinion of handwriting experts, we adhere to the following standards:

"We have held that the value of the opinion of a handwriting expert depends not upon his mere statements of whether a writing is genuine or false, but upon the assistance he may afford in pointing out distinguishing marks, characteristics and discrepancies in and between genuine and false specimens of writing which would ordinarily escape notice or detection from an unpracticed observer. The test of genuineness ought to be the resemblance, not the formation of letters in some other specimens but to the general character of writing, which is impressed on it as the involuntary and unconscious result of constitution, habit or other permanent course, and is, therefore itself permanent."[7]

Confronted with contradicting testimonies from two handwriting experts, the trial court and respondent Court of Appeals were convinced by the opinion of the NBI handwriting expert as it was more exhaustive, in contrast with the testimony of petitioners' witness from the PCCL which was discarded on account of the following flaws:

"The Court is not convinced with Cruz's explanations. Apart from the visual inconsistencies, i.e., the strokes with which some letters were made, the variety in the sizes of the letters, the depth, the difference in the slant which the Court itself observed in its own examination of both the questioned signatures and those standard specimen signatures, there is evidence showing that Cruz did not make a thorough examination of all the signatures involved in this particular issue. Thus even in the report submitted by the PCCL it was admitted that they omitted or overlooked the examination of at least three (3) standard specimen signatures of Pedro Calapine which were previously subject of the NBI examination marked as Exhibits S-9, S-10 and S-11. When questioned regarding this oversight, Cruz testified that in his opinion, the inclusion or non-inclusion of said exhibits in their examination will not affect the same and they would have arrived at the same conclusion anyway. Again, when asked why they did not bother to have the original copies of the documents being questioned (Exhs. Q-1 through Q-3) for their examination, Cruz replied that they are using a special film so it will not matter whether the documents being examined are the original or a mere photocopy (TSN 8, 10, 12 and 26, Hearing of Nov. 23, 1989).

"The Court will not attempt to make its own conclusion or resolution on such a technical issue as the matter at

hand in the light of the cavalier attitude of Cruz. In fine, between the examinations made by the two witnesses, that of Albacea's proved to be complete, thorough and scientific and is worthy of credence and belief." [8]

The afore-quoted findings confirm beyond doubt the failure of petitioners' expert witness to satisfy the above-mentioned criteria for evaluating the opinion of handwriting experts. At the same time, petitioners' witness failed to rebut the convincing testimony of the NB! handwriting expert presented by private respondents. We therefore find no reason to deviate from the assailed conclusions as the same are amply supported by the evidence on record.

Finally, proceeding to the crucial issue that directly affects herein petitioners, it is reiterated that petitioners are buyers in good faith of the donated property, and therefore, it was grave error to annul and set aside the deed of sale executed between petitioners and donee Helen Doria.

In adjudging petitioners as buyers in bad faith, respondent Court of Appeals affirmed the trial court's finding that the attendant circumstances, that is, the presence of other occupants as well as houses built of strong materials and fruit bearing trees in the subject land, should have aroused the suspicion of petitioners and impelled them to exercise due diligence in verifying the true ownership of the property being sold. Petitioners dispute the trial court's conclusion and argue that although there were other occupants in the subject property, no adverse claim was made by the latter as they were mere tenants therein, thus, petitioners were not obliged to make any further inquiry because the property being sold was covered by a certificate of title under Helen Doria's name.

We agree with petitioners. The rule is well-settled that mere possession cannot defeat the title of a holder of a registered torrens title to real property. [9] Moreover, reliance on the doctrine that a forged deed can legally be the root of a valid title is squarely in point in this case:

"Although generally a forged or fraudulent deed is a nullity and conveys no title, however there are instances when such a fraudulent document may become the root of a valid title. One such instance is where the certificate of title was already transferred from the name of the true owner to the forger, and while it remained that way, the land was subsequently sold to an innocent purchaser. For then, the vendee had the right to rely upon what appeared in the certificate.

"Where there was nothing in the certificate of title to indicate any cloud or vice in the ownership of the property, or any encumbrance thereon, the purchaser is not required to explore further than what the Torrens Title upon its face indicates in quest for any hidden defect or inchoate right that may subsequently defeat his right thereto. If the rule were otherwise, the efficacy and conclusiveness of the certificate of title which the Torrens System seeks to insure would entirely be futile and nugatory." [10]

When herein petitioners purchased the subject property from Helen Doria, the same was already covered by TCT No. T-23205 under the latter's name. And although Helen Doria's title was fraudulently secured, such fact cannot prejudice the rights of herein petitioners absent any showing that they had any knowledge or participation in such irregularity. Thus, they cannot be obliged to look beyond the certificate of title which appeared to be valid on its face and sans any annotation or notice of private respondents' adverse claim. Contrary therefore to the conclusion of respondent Court, petitioners are purchasers in good faith and for value as they bought the disputed property without notice that some other person has a right or interest in such property, and paid a full price for the same at the time of the purchase or before they had notice of the claim or interest of some other person in the property. [11]

Respondent Court therefore committed a reversible error when it affirmed the ruling of the trial court annulling and setting aside the deed of absolute sale dated March 25, 1988 between petitioners and Helen Doria, as well as the Transfer Certificate of Title No. T-27434 issued under petitioners' name, the established rule being that the

rights of an innocent purchaser for value must be respected and protected notwithstanding the fraud employed by the seller in securing his title.[12]

In this regard, it has been held that the proper recourse of the true owner of the property who was prejudiced and fraudulently dispossessed of the same is to bring an action for damages against those who caused or employed the fraud, and if the latter are insolvent, an action against the Treasurer of the Philippines may be filed for recovery of damages against the Assurance Fund.[13]

Conformably with the foregoing, having established beyond doubt that Helen Doria fraudulently secured her title over the disputed property which she subsequently sold to petitioners, Helen Doria should instead be adjudged liable to private respondents, and not to petitioners as declared by the trial court and respondent Court of Appeals, for the resulting damages to the true owner and original plaintiff, Pedro Calapine.

ACCORDINGLY, the petition is GRANTED and the appealed decision is hereby MODIFIED. The portions of the decision of the Regional Trial Court of San Pablo City, Branch 30, as affirmed by the Court of Appeals in CA-G.R. CV No. 29175 which ordered the following:

"xxx xxx xxx;

"2. ANNULLING, voiding, setting aside and declaring of no force and effect x x x , the deed of absolute sale executed on March 25, 1988 by and between spouses Eduartes and Helen Doria, and the Transfer Certificate of Title No. T-27434 issued under the name of spouses Romulo and Sally Eduarte;

"3. ORDERING the office of the Register of Deeds, San Pablo City, to cancel TCT No. T-27434 or any other adverse title emanating from OCT No. P-2129 and in lieu thereof, to issue a new transfer certificate of title covering the subject property under the names of the substitute-plaintiffs Alexander and Artemi s both surnamed Calapine, after payment of the corresponding fees and taxes therefor: and

"4 xxx xxx xxx

"Judgment on the cross-claim of defendant Eduartes against Helen Doria is further rendered by ordering the latter to pay the former the sum of P110,000.00 with legal interest thereon starting from March 25, 1988 until full payment, x x x."

are hereby REVERSED and SET ASIDE.

Instead, Helen Doria is hereby ordered to pay herein private respondents the sum of P110,000.00 with legal interest counted from March 25, 1988 until full payment, as damages for the resulting loss to original plaintiff Pedro Calapine.

In all other respects, the appealed decision is hereby affirmed.

SO ORDERED.

Narvasa, C.]. (Chairman), Davide, Jr., Melo, and Pankaniban, JJ., concur.

[1] Article 725, New Civil Code.

[2] Decision, pp. 1-5, Rollo, pp. 32-36.

[3] Rollo, 32.

[4] Petition, p. 11; Rollo, p. 23, citing vol. 11, ed., p. 550.

[5] Vol. II, 1983 Ed., p. 538.

[6] See Revised Penal Code, Title Nine - Crimes Against Personal Liberty and Security; Articles 267,268, 282,283, 286,287,289.

[7] People vs. Domasian, 219 SCRA 245, 252, (1993) citing Alcos V. LAC, 162 SCRA 823, Moran, Comments on Rules of Court, 434, Nolasco ed., 1980; People v. Bustos, 45 Phil. 9(1983).

[8] Decision, pp. 5-6, Rollo, pp. 36-37.

[9] Abad vs. Court of Appeals, 179 SCRA 817, 826(1989) citing J.M. Tuason & Co., Inc. vs. Court of Appeals, 93 SCRA (1979).

[10] Philippine National Bank vs. Court of Appeals, et al., 187 SCRA 735, 740(1990) citing Fule vs. Legare, 7 SCRA 351.

[11] Tenio-Obsequio vs. Court of Appeals, 230 SCRA 550, 556(1994) citing De Santos vs. Intermediate Appellate Court, et al., 157 SCRA 295; Co, et al. vs. Court of Appeals, et al., 196 SCRA 705; Casupit, et al., vs. Court of Appeals, 204 SCRA 684.

[12] Pino vs. Court of Appeals, 189 SCRA 434, citing Director of Lands vs. Abache, et al., 73 Phil. 606.

[13] Philippine National Bank vs. Court of Appeals, et al., supra, citing Blanco, et al. vs. Esquierdo, 110 Phil. 494; Tenio-Obsequio vs. Court of Appeals, supra.

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