

MAXIMINO FUENTES, PETITIONER, VS. THE HON. COURT OF APPEALS, THIRTEENTH DIVISION, AND VIRGILIO UY, BRIGIDO SAGUINDANG, LEONCIO CALIGANG, ET AL., RESPONDENTS.

G.R. No. 109849. February 26, 1997

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In deciding this appeal, the Court reiterates the oft-stated doctrine that factual findings of the Court of Appeals affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error.

This is a petition under Rule 45 seeking a reversal of the Decision[1] of the Court of Appeals[2] promulgated on March 22, 1993, in CA-G.R. SP No. 29910.

The Antecedent Facts

The facts of the case as gleaned from the respondent Court of Appeals' Decision are as follows:

“(Herein petitioner) Maximino Fuentes and (herein private respondents) Virgilio Uy, et al. are owners of adjoining parcels of land situated in Dela Paz, Clarin, Misamis Occidental. The (herein petitioner's) land declared in his name is identified as Lot No. 1358, Pls 707 while that of the defendant Virgilio Uy, titled in the latter's name, is identified as Lot No. 1357.

The boundary lines of the adjoining lands had been relocated twice by Engineer Armelito Amores in surveys conducted before the case for forcible entry was filed. When the case was already filed, further relocation surveys were conducted, this time, by Engineer Norberto Iyog thru a court order on the litigated portion consisting of 411 square meters which according to the plaintiff was forcibly taken and entered into by (herein private respondents).

In hearing the case, the MCTC of Clarin-Tudela stated the issues to be as follows:

1. Was there an act of dispossession effected by the defendants on the disputed property whereby the plaintiff was dispossessed of the disputed property? and
2. To whom did the area of 411 square meters belong?

The trial court making a review of the evidence on record held that the (herein private respondents) have superior evidence to disprove the allegations of (herein petitioner) and on the basis of which, it found that the (herein private respondents) have not committed the acts complained of by (herein petitioner), in the main pointing to the statement of the witness Alfredo Dantes as reflected in the stenographic notes particularly indicated as tsn, p. 46, proceedings of February 8, 1991, wherein said witness appeared to have testified that he bought the land from the heirs of the original owner, one Gadiane, which he improved gradually by putting up a dike which in effect was only an improvement of an already existing dike and in 1976, he had entered into an agreement with (herein private respondents) to develop the property on a sharing basis which finally

culminated in his selling the said area in 1980 to the (herein private respondents).

What appeared to have impressed the trial court most is expressed in its statement that the (herein petitioner) should have questioned the action of the (herein private respondents) in improving the dike and having it fenced, and also, why it was only in 1987 when he tried to restrain the (herein private respondents) when the same dike had existed many years before. The part of the decision in connection with said questions of the court is herein quoted:

“This court finds it strange for the (herein petitioner) for him to question the action of the defendant in fencing the dikes. If it appeared to him that the dike fenced by the defendant which is the same dike existing when Dantes bought the property from Gadiane really belonged to him, why did he not question the same many years before? Yet, all the time when Dantes, since 1970 and later the (herein private respondent) in 1976, made improvements on the dike, the plaintiff did not make any adverse move to restrain them. It was only in 1987 when he made the initial move of trying to restrain (herein private respondent) which prompted the latter to cause a (sic) relocation surveys which were conducted by Engr. Amores twice.”

Prescinding from the foregoing findings, the trial court said it found nothing wrong for the (herein private respondents) to have fenced the dike after the relocation survey conducted by Engr. Amores which the (herein petitioner) had attended and further stated that the act of fencing the dike and cutting the nipa palms did not violate the property rights of the (herein petitioner) for the (herein private respondents) only acted to assert what properly belongs to them and on the basis of (the) Commissioner’s Report more or less indicating the foregoing circumstances, it held that there was in fact no forcible dispossession of property and that further, the area of 411 square meters under dispute factually belongs to (herein private respondent) Virgilio Uy.

The decision of the MCTC of Clarin-Tudela was appealed by the (herein plaintiff) and the RTC Ozamis City resolved to affirm the decision of the MCTC deleting only the monetary award therein granted in favor of the (herein private respondents).

The (herein) petitioner in the case before (the respondent Court of Appeals) has raised two (2) purported errors of the court below thus:

“That the honorable Regional Trial Court, Branch 15-A, Ozamiz City, gravely erred in deciding that (herein petitioner) had no evidence to support the allegation that (herein private respondents) entered the portion in question by force and intimidation.

That the honorable Regional Trial Court Branch 15-A, Ozamiz City, erred in sustaining that the (herein private respondents) did not commit any act constituting forcible entry.”[3]

The Issue

Hence, petitioner Maximino Fuentes filed the present six-page petition alleging the same assignment of errors raised before the Court of Appeals as follows:

- “1. That the Honorable Regional Trial Court, Branch 15-A, Ozamiz City, gravely erred in deciding that plaintiff had no evidence to support the allegation that defendants entered the portion in question by force and intimidation.
2. That the Honorable Regional Trial Court, Branch 15-A, Ozamiz City, erred in sustaining that the defendants did not commit any act constituting forcible entry.”[4]

In his Memorandum, the petitioner consolidated these into a single issue: Who is in actual, physical and prior possession of the portion in question?

The Court’s Ruling

The petition for review is unmeritorious.

Jurisprudence teaches us that “(a)s a rule, the jurisdiction of this Court in cases brought to it from the Court of Appeals x x x is limited to the review and revision of errors of law allegedly committed by the appellate court, as its findings of fact are deemed conclusive. As such this Court is not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below. This rule, however, is not without exceptions.”[5] The findings of fact of the Court of Appeals, which are as a general rule deemed conclusive, may admit of review by this Court:[6]

- (1) when the factual findings of the Court of Appeals and the trial court are contradictory;
- (2) when the findings are grounded entirely on speculation, surmises, or conjectures;
- (3) when the inference made by the Court of Appeals from its findings of fact is manifestly mistaken, absurd, or impossible;
- (4) when there is grave abuse of discretion in the appreciation of facts;
- (5) when the appellate court, in making its findings, goes beyond the issues of the case, and such findings are contrary to the admissions of both appellant and appellee;
- (6) when the judgment of the Court of Appeals is premised on a misapprehension of facts;
- (7) when the Court of Appeals fails to notice certain relevant facts which, if properly considered, will justify a different conclusion;
- (8) when the findings of fact are themselves conflicting;
- (9) when the findings of fact are conclusions without citation of the specific evidence on which they are based; and
- (10) when the findings of fact of the Court of Appeals are premised on the absence of evidence but such findings are contradicted by the evidence on record.

After a thorough review of the case at bench, the Court finds that the petition raises no substantial question of law. The question raised as to who has prior actual possession over the contested portion of land is patently a question of fact beyond the pale of Rule 45 of the Rules of Court which mandates that only questions of law be raised in the petition.[7]

Moreover, petitioner utterly failed to show the presence of any of the previously mentioned exceptions to justify the Court’s review of the factual findings of the Court of Appeals. On the contrary, the factual findings and conclusion of the Metropolitan Circuit Trial Court, the Regional Trial Court, and Court of Appeals in the instant case regarding the issue raised in this petition are consistent and backed up by the extant evidence. “Prevailing jurisprudence uniformly holds that findings of facts of the trial court, particularly when affirmed by the Court of Appeals, are binding upon this Court.”[8]

All in all, the petition, viewed in its entirety, sorely fails to demonstrate any reversible error committed by the respondent Court of Appeals.

WHEREFORE, premises considered, the instant petition is hereby DISMISSED for utter lack of merit. Double costs against petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

[1] Rollo, pp. 23-28.

[2] Thirteenth Division, composed of J. Cezar D. Francisco, Ponente, JJ. Pedro A. Ramirez, chairman, and Angelina S. Gutierrez, concurring.

[3] Rollo, pp. 24-26.

[4]Ibid., p. 4.

[5] Gaw vs. Intermediate Appellate Court, 220 SCRA 405, 413, March 24, 1993; citing Morales vs. Court of Appeals, 197 SCRA 391, May 23, 1991, and Navarra vs. Court of Appeals, 204 SCRA 850, December 17, 1991.

[6] Reyes vs. Court of Appeals, G.R. No. 110207, p. 8, July 11, 1996, Vda. de Alcantara vs. Court of Appeals, 252 SCRA 457, 468, January 29, 1996, Quebral vs. Court of Appeals, 252 SCRA 353, 368, January 25, 1996 (citing Calde vs. Court of Appeals, 233 SCRA 376, June 27, 1994. See also Cayabyab vs. The Honorable Intermediate Appellate Court, 232 SCRA 1, April 28, 1994), Engineering & Machinery Corporation vs. Court of Appeals, 252 SCRA 156, 163, January 24, 1996, Chua Tiong Tay vs. Court of Appeals, 243 SCRA 183, 186, March 31, 1995, Dee vs. Court of Appeals, 238 SCRA 254, 263, November 21, 1994, and Asia Brewery, Inc. vs. Court of Appeals, 224 SCRA 437, 443.

[7] Paragraph 2, Section 2, Rule 45, Rules of Court.

[8] Juan Castillo and Maria Masangya-Castillo, et al. vs. Court of Appeals, et al., G.R. No. 106472, p. 9, August 7, 1996.

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