

RICARDO DISTAJO, ERNESTO DISTAJO, RAUL DISTAJO, FEDERICO DISTAJO, ZACARIAS A. DISTAJO, EDUARDO DISTAJO, AND PILAR DISTAJO TAPAR, PETITIONERS, VS. COURT OF APPEALS AND LAGRIMAS S...

G.R. No. 112954. August 25, 2000

Ponente: PARDO, J.

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PARDO, J.:

The case under consideration is a petition for review on certiorari of a decision of the Court of Appeals[1], which modified the ruling of the Regional Trial Court, Roxas City regarding seven parcels of land located in Barangay Hipona, Pontevedra, Capiz.[2]

During the lifetime of Iluminada Abiertas, she designated one of her sons, Rufo Distajo, to be the administrator of her parcels of land denoted as Lot Nos. 1018, 1046, 1047, and 1057 situated in Barangay Hipona, Pontevedra, Capiz.

On May 21, 1954, Iluminada Abiertas sold a portion of Lot No. 1018 (1018-A) to her other children, namely, Raul Distajo, Ricardo Distajo, Ernesto Distajo, Federico Distajo, and Eduardo Distajo.[3]

On May 29, 1963, Iluminada Abiertas certified to the sale of Lot Nos. 1046 and 1047 in favor of Rufo Distajo.[4]

On June 4, 1969, Iluminada Abiertas sold Lot No. 1057 to Rhodora Distajo, the daughter of Rufo Distajo.[5]

On July 12, 1969, Iluminada Abiertas sold Lot No. 1018 to Rufo Distajo.[6]

Meanwhile, Justo Abiertas, Jr., the brother of Iluminada Abiertas, died leaving behind his children, Teresita, Alicia, Josefa and Luis Abiertas. Teresita paid for the real estate taxes of the following properties, which she inherited from her father: Lot Nos. 1001, 1048, 1049, and a portion of Lot No. 1047, all located in Capiz. On May 26, 1954, Teresita Abiertas sold Lot No. 1001 in favor of Rufo Distajo.[7] On June 2, 1965, Teresita Abiertas, for herself and representing her sisters and brother, sold Lot Nos. 1048, 1049, and a portion of Lot No. 1047 to Rufo Distajo.[8]

After purchasing the above-mentioned parcels of land, Rufo Distajo took possession of the property and paid the corresponding real estate taxes thereon. Rhodora Distajo likewise paid for the real estate taxes of Lot No. 1057.

When Iluminada Abiertas died in 1971, Zacarias Distajo, Pilar Distajo-Tapar, and Rizaldo Distajo,[9] demanded possession of the seven parcels of land from Lagrimas S. Distajo, and her husband, Rufo Distajo. The latter refused.

Consequently, on June 5, 1986, Ricardo Distajo, with the other heirs of Iluminada Abiertas, namely, Ernesto Distajo, Raul Distajo, Federico Distajo, Zacarias Distajo, Eduardo Distajo, and Pilar Distajo, filed with the Regional Trial Court, Roxas City a complaint for recovery of possession and ownership of Lot No. 1018, partition

of Lot Nos. 1001, 1018-B, 1046, 1047, 1048, 1049, 1057, and damages.

On September 4, 1986, private respondent Lagrimas Distajo[10] filed an answer with counterclaim.

On April 9, 1990, the trial court dismissed the complaint for lack of cause of action, laches and prescription. The counterclaim was likewise dismissed. The parties appealed to the Court of Appeals.[11]

On August 21, 1992, the Court of Appeals rendered its decision,[12] the dispositive portion of which states as follows:

“PREMISES CONSIDERED, the decision appealed from is hereby SET ASIDE and a new judgment rendered, as follows:

WHEREFORE, the Court decides the case in favor of the defendant and dismisses the plaintiffs’ complaint for lack of cause of action except with regard to the plaintiffs’ claim over a 238 sq. m. portion of Lot No. 1018 (the portion adjoining the market site and measuring seventeen meters and that adjoining the property of E. Rodriguez measuring 14 meters). The Court hereby Orders the partition of Lot No. 1018 to conform to the following: 238 sq. m. as above specified to belong to the plaintiffs as prayed for by them while the rest is declared property of the defendant.

Upon partition of Lot No. 1018 in accordance with this Court’s Order, the City Assessor of Roxas City is hereby Ordered to cancel Tax Declaration 2813 in the name of Rufo Distajo (or any subsequent tax declaration/s issued relative to the above-cited Tax Declaration No. 2813) and forthwith to issue the corresponding tax declarations in the names of the respective parties herein.

SO ORDERED.”

On September 10, 1992, Ricardo Distajo filed a motion for reconsideration.[13] On December 9, 1993, the Court of Appeals denied the motion.[14]

Hence, this petition.[15]

Petitioner alleges that Iluminada Abiertas exclusively owns the seven parcels of land delineated as Lot Nos. 1001, 1018, 1046, 1047, 1048, 1049, and 1057, all of which should be partitioned among all her heirs. Furthermore, Rufo Distajo cannot acquire the subject parcels of land owned by Iluminada Abiertas because the Civil Code prohibits the administrator from acquiring properties under his administration.[16] Rufo Distajo merely employed fraudulent machinations in order to obtain the consent of his mother to the sale, and may have even forged her signature on the deeds of sale of the parcels of land.

In her comment dated May 13, 1994, private respondent Lagrimas S. Distajo contends that Rufo Distajo rightfully owns the subject parcels of land because of various deeds of sale executed by Iluminada Abiertas selling Lot Nos. 1018-B, 1047 and 1046 in favor of Rufo Distajo and Lot No. 1057 in favor of Rhodora Distajo. Private respondent also avers that petitioner cannot claim any right over Lot Nos. 1001, 1048 and 1049, considering that such lands belong to the brother of Iluminada Abiertas, namely, Justo Abiertas, Jr., whose heirs sold said parcels of land to Rufo Distajo.

The petition lacks merit.

Factual findings of the trial court will not be disturbed on appeal unless the court has overlooked or ignored some fact or circumstance of sufficient weight or significance, which, if considered, would alter the result of the case.[17] When there is no conflict between the findings of the trial and appellate courts, a review of the facts found by the appellate court is unnecessary.[18]

Since the trial court and the Court of Appeals agree that Iluminada Abiertas owned Lot Nos. 1046, 1057 and a portion of Lot No. 1047, and that Justo Abiertas Jr. owned Lot Nos. 1001, 1048, and 1049, such findings are binding on this Court, which is not a trier of facts.[19] However, the record shows that Lot No. 1018 should be divided into Lot No. 1018-A and 1018-B, the delineation of which the Court of Appeals clarified in its decision.

The issues in this case, therefore, are limited to those properties which were owned by Iluminada Abiertas, ascendant of petitioner, consisting of Lot Nos. 1018-A, 1046, 1057, and a portion of 1047.

In his petition, Ricardo Distajo assails the genuineness of the signatures of Iluminada Abiertas in the deeds of sale of the parcels of land, and claims that Rufo Distajo forged the signature of Iluminada Abiertas. However, no handwriting expert was presented to corroborate the claim of forgery. Petitioner even failed to present a witness who was familiar with the signature of Iluminada Abiertas. Forgery should be proved by clear and convincing evidence, and whoever alleges it has the burden of proving the same.[20]

Petitioner likewise contends that the sale transactions are void for having been entered into by the administrator of the properties. We disagree. The pertinent Civil Code provision provides:

“Art. 1491. The following persons cannot acquire by purchase, even at a public or judicial auction, either in person or through the mediation of another:

- (1) The guardian, the property of the person or persons who may be under guardianship;
- (2) Agents, the property whose administration or sale may have been entrusted to them, unless the consent of the principal has been given;
- (3) Executors and administrators, the property of the estate under administration;” x x x

Under paragraph (2) of the above article, the prohibition against agents purchasing property in their hands for sale or management is not absolute. It does not apply if the principal consents to the sale of the property in the hands of the agent or administrator. In this case, the deeds of sale signed by Iluminada Abiertas shows that she gave consent to the sale of the properties in favor of her son, Rufo, who was the administrator of the properties. Thus, the consent of the principal Iluminada Abiertas removes the transaction out of the prohibition contained in Article 1491(2).

Petitioner also alleges that Rufo Distajo employed fraudulent machinations to obtain the consent of Iluminada Abiertas to the sale of the parcels of land. However, petitioner failed to adduce convincing evidence to substantiate his allegations.

In the absence of any showing of lack of basis for the conclusions made by the Court of Appeals, this Court finds no cogent reason to reverse the ruling of the appellate court.

WHEREFORE, the Court DENIES the petition and AFFIRMS the decision of the Court of Appeals in CA-G.R. CV No. 30063.

SO ORDERED.

Davide, Jr., C.J., (Chairman), and Ynares-Santiago, JJ., concur.
Puno, and Kapunan, JJ., no part.

[1] In CA-G.R. CV No. 30063, promulgated on August 21, 1992, Justice Serafin V.C. Guingona, ponente, with Justices Santiago M. Kapunan and Oscar M. Herrera, concurring.

- [2] Delineated as Lot Nos. 1001, 1018, 1046, 1047, 1048, 1049, and 1057.
- [3] Deed of Absolute Sale, Trial Court Record, p. 209.
- [4] Deed of Certification of Sale of Unregistered Land, Trial Court Record, pp. 290-292.
- [5] Deed of Absolute Sale, Trial Court Record, pp. 293-294.
- [6] Ibid., p. 289.
- [7] Ibid., p. 270.
- [8] Ibid., p. 272.
- [9] Petitioner Ricardo Distajo is the son of the late Rizaldo Distajo.
- [10] Rufo Distajo died on January 2, 1986.
- [11] Docketed as CA-G.R. CV No. 30063.
- [12] Decision, Court of Appeals Rollo, pp. 64-75.
- [13] Court of Appeals Record, pp. 76-80.
- [14] Resolution, Court of Appeals Record, p. 100.
- [15] Filed on February 23, 1994, Rollo, pp. 14-39.
- [16] Article 1491, Civil Code.
- [17] Sumbad v. Court of Appeals, G.R. No. 106060, June 21, 1999, citing Heirs of Felicidad Canque v. Court of Appeals, 275 SCRA 741 (1997).
- [18] Ibid., citing Kierulf v. Court of Appeals, 269 SCRA 433 (1997).
- [19] Moomba Mining Exploration Company v. Honorable Court of Appeals, G.R. No. 108846, October 26, 1999.
- [20] Sumbad v. Court of Appeals, G. R. No. 106060, June 21, 1999, citing Veloso v. Court of Appeals, 260 SCRA 593 (1996).

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