HEIRS OF SIMEON BORLADO, NAMELY, ADELAIDA BORLADO, LORETO BORLADO, REYNALDO BORLADO, RICARDO BORLADO, FRANCISCO BORLADO AND ALADINO DORADO, PETITIONERS, VS. COURT OF APPEALS, AN...

G.R. No. 114118. August 28, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case is an appeal via certiorari from a decision[1] of the Court of Appeals affirming the decision of the trial court, the dispositive portion of which reads:

> "WHEREFORE, judgment is rendered dismissing plaintiffs' complaint for lack of cause of action and ordering as vacated the restraining order and writ of preliminary injunction issued in this case; and
>
> "1. Plaintiffs to be jointly and solidarily liable to defendants the quantity of one hundred (100) cavans of palay every year from 1972 until plaintiffs vacate the premises of the land in question;
>
> "2. Declaring defendants as owner of the land and entitled to possession;
>
> "3. Ordering plaintiffs to pay defendants the sum of P5,000.00 as attorney's fees and the sum of P5,000.00 as litigation expenses; and
>
> "4. To pay the costs of the suit.
>
> "SO ORDERED.
>
> "Roxas City, Philippines, March 18, 1988.
>
> "(Sgd.) JONAS A. ABELLAR
> "J u d g e"[2]

The Facts

The facts, as found by the Court of Appeals, are as follows:

> "The records show that plaintiffs-appellants[3] (petitioners) are the heirs of Simeon Borlado whose parents were Serapio Borlado and Balbina Bulan. The original owner of the lot in question, Lot No. 2097 of the Pontevedra Cadastre, Maayon, Capiz, was Serapio Borlado, grandfather of petitioners.
>
> "On 15 April 1942, Serapio sold the lot to Francisco Bacero (Exh. "C", p. 247, MTC Record) for Three Hundred Pesos (P300.00). After the death of Francsico on 26 February 1948, his widow Amparo Dionisio Vda. de Bacero, in her capacity as legal guardian of her minor children, namely: Nicolas, Valentin and Luzviminda, all surnamed Bacero and forced heirs of Francisco Bacero sold it (the lot) to the Spouses Bienvenido Bulan and Salvacion Borbon, through a Deed of Absolute Sale dated 27 August 1954 (Exh. 65, pp. 243-245, id.).
>
> "Upon the execution of the Deed of Sale and even prior thereto, actual possession of Lot No. 2057 was with

> the vendees-spouses Bulans in view of a loan obtained by Francisco Bacero from them in December 1947 (Exh. "65", supra). Exercising their right of ownership under the Deed of Sale, Salvacion Borbon Vda. de Bulan declared the lot in her name in 1900 for taxation purposes under Tax Declaration No. 2232 (Exh. "F", p. 254, Record [MTC]). She paid the corresponding taxes as evidenced by the Tax Receipts marked as Exhibits "K", "J", "I", "G", "F" and "H" (pp. 248-253, Record, id.). Salvacion and her co-defendants-appellees'[4] possession of the lot was continuous, peaceful, uninterrupted, adverse and exclusive until November 4, 1972, when petitioners forcibly entered and wrested physical possession thereof from them.
>
> "On 23 November 1972, respondents filed with the Municipal Court of Maayon, Capiz a complaint for ejectment docketed as Civil Case No. A-1, against petitioners (p. 1, id.). The ejectment case was decided in favor of the respondents whereby the petitioners, their agents, tenants, privies and members of their families were ordered to vacate Lot No. 2079 and deliver possession to the respondents together with all improvements and standing crops; to pay said respondents One Hundred (100) cavans of palay annually from 1972 to the present or in the total amount of One Thousand One Hundred (1,100) cavans of palay; and to pay the sum of Five Thousand (P5,000.00) Pesos as reimbursement for the amount respondents had paid their lawyer to protect their rights; and, the costs of suit (Exh. "57", pp. 256-261, id.). Instead of appealing the adverse decision to the Court of First Instance (now RTC), on 8 November 1983, petitioners filed the present case with the Regional Trial Court, Branch 18, Roxas City, docketed as Civil Case No. V-4887. This case was dismissed for lack of cause of action in a decision, the decretal portion of which was quoted earlier."[5]

On 24 November 1993, the Court of Appeals promulgated its decision affirming in toto the appealed decision.[6]

Hence, this appeal.[7]

The Issue

The issue raised is whether the Court of Appeals erred in ruling that respondents were the owners of the lot in question.

The Court's Ruling

We deny the petition. The issue is factual. In an appeal via certiorari, we may not review the findings of fact of the Court of Appeals.[8] When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court,[9] unless the case falls under any of the exceptions to the rule.[10]

Petitioner failed to prove that the case falls within the exceptions.[11] The Supreme Court is not a trier of facts.[12] It is not our function to review, examine and evaluate or weigh the probative value of the evidence presented.[13] A question of fact would arise in such event.[14] Questions of fact cannot be raised in an appeal via certiorari before the Supreme Court and are not proper for its consideration.[15]

Nevertheless, as a matter of law, the trial court and the Court of Appeals erred in holding petitioners liable to pay respondents one hundred (100) cavans of palay every year from 1972 until they vacate the premises of the land in question.

The one hundred cavans of palay was awarded as a form of damages. We cannot sustain the award. "Palay" is not legal tender currency in the Philippines.

El Fallo del Tribunal

WHEREFORE, the Court DENIES the petition and AFFIRMS the decision of the Court of Appeals in CA-G. R. CV No. 18980 with modification that petitioners' liability to pay respondents one hundred (100) cavans of palay every year from 1972 until petitioners vacate the land in question is deleted, for lack of basis.

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No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] In CA-G. R. CV No. 18980, promulgated on November 24, 1993, Guerrero, B., J., ponente, Herrera M. and Francisco, C., JJ., concurring. Petition, Annex "A", Rollo, pp. 27-37.

[2] Petition, Annex "B", Rollo, pp. 38-48.

[3] Plaintiffs-appellants are hereafter referred to as petitioners.

[4] Defendants-appellees are hereafter referred to as respondents.

[5] Petition, Annex "A", Rollo, pp. 27-37.

[6] Ibid.

[7] Petition for Review on Certiorari, filed on 16 April 1994, posted by registered mail (Rollo, pp. 8-23). On 10 February 1999, we gave due course to the petition (Rollo, pp. 108-109).

[8] Cristobal v. Court of Appeals, 353 Phil. 320 [1998]; Sarmiento v. Court of Appeals, 353 Phil. 834 [1998]; Concepcion v. Court of Appeals, 324 SCRA 85 [2000], citing Congregation of the of the Virgin Mary v. Court of Appeals, 353 Phil. 591 [1998] and Sarmiento v. Court of Appeals, supra; Arriola v. Mahilum, G. R. No. 123490, August 9, 2000; Bolanos v. Court of Appeals, G. R. No. 122950, November 20, 2000.

[9] Atillo v. Court of Appeals, 334 Phil. 546 [1997].

[10] Cebu Shipyard and Engineering Works, Inc. v. William Lines, Inc., 306 SCRA 762, 774-775 [1999].

[11] Rivera v. Court of Appeals, 348 Phil. 734, 743 [1998].

[12] Trade Unions of the Philippines v. Laguesma, 236 SCRA 586 [1995].

[13] Trade Unions of the Philippines v. Laguesma, supra, Note 12.

[14] Cheesman v. Intermediate Appellate Court, 193 SCRA 93 [1991]; Ramos v. Pepsi Cola Bottling Co.,125 Phil. 701 [1967]; Pilar Dev. Corp. v. Intermediate Appellate Court, 146 SCRA 215 [1986]; Aroyo v. Beaterio del Santissimo Rosario de Molo, 132 Phil. 9 [1968]; Bernardo v. Court of Appeals, 216 SCRA 224 [1992].

[15] Hi-Precision Steel Center, Inc. v. Lim Kim Steel Builders, Inc. 228 SCRA 397 [1993]; Navarro v. Commission on Elections, 228 SCRA 596 [1993].

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