

**DR. JESUS SERIÑA AND ENRIQUETA SERIÑA (DECEASED),
REPRESENTED BY DR. JESUS SERIÑA, JR., ANTONIO SERIÑA, VIOLETA
SERIÑA TAN, REYNALDO SERIÑA AND EMMANUEL SERIÑA,
PETITIONERS, VS....**

G.R. No. 127382. August 17, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before us is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) dated August 23, 1996, affirming the dismissal of the complaint for quieting of title, recovery of possession, and damages by the Regional Trial Court (RTC) of Misamis Oriental, Cagayan de Oro City, in Civil Case No. 8716.

The Antecedents

On August 11, 1982, Dr. Jesus Seriña and his wife, Enriqueta Seriña filed a Complaint for quieting of title, recovery of possession, and damages with a prayer for a writ of preliminary mandatory injunction against respondents Victor Caballero and his tenants, Teodoro Donela and Oliver Donela. When Dr. Seriña died on August 6, 1983, he was substituted by his children, petitioners Jesus, Jr., Antonio, Violeta, Reynaldo and Emmanuel.[2]

The petitioners alleged in their complaint that they are the absolute owners and have been in actual and constructive possession for thirty-five (35) years of a parcel of land described as follows:

Lot No. 3533-A, Cad-237, Cagayan Cadastre

Tax Declaration No. 02161

Location - Mantadiao, Opol, Misamis Oriental

Area - 2.5000 has.

Boundaries:

North - Alejo Seriña

South - T. Sabornido

East - A. Seriña & T. Sabornido

West - F. Caballero[3]

The petitioners averred that sometime in March 1982, they discovered that respondent Caballero was claiming ownership over the said land and offering it for sale or mortgage to third parties. They also discovered that the respondents Donelas were occupying the land as tenants and caretakers of the land. [4]

The petitioners claimed that their father, Dr. Serina, bought the land from Lucia Vda. de Marbella who inherited it from her father, Ramon Neri.[5] They presented a Deed of Sale[6] dated August 23, 1947 showing that Dr. Serina bought 5 hectares of ricefield, bounded on the North by Raymundo Serina, on the East by Teofilo Saburnido, on the South by Obdelio Caballero, on the West by Obdullo Caballero, from Lucia Vda. de Marbella. Dr. Serina was issued Tax Declaration No. 4029 allegedly for the said property. As indicated in the tax declaration and subsequent tax declarations issued in the name of Dr. Serina, they were issued for Cadastral Lot No. 3533 and covered a 2.5-hectare ricefield with the same boundary owners as those in the complaint.[7] The petitioners also averred that they regularly paid taxes thereon since 1947 up to the present.[8]

In his answer, respondent Caballero alleged that he was the lawful owner, and had been in actual physical possession of the disputed land since time immemorial. He averred that the disputed land is part of Cadastral Lot No. 3533, C-7 of the Cagayan Cadastre and originally owned by his grandfather, Eustaquio Caballero.[9]

The respondents averred that Eustaquio Caballero declared the entire parcel of land for tax purposes even before the war. Tax Declaration No. 2442 was issued in lieu of the records that were destroyed during the war. This tax declaration indicated that the 119,490 square-meter parcel of land was located at Pontacon, Iponan, Cagayan de Oro City, bounded on North by Rustico Dablio, on the East by J. Serina and T. Saburnido, on the South by Victor Obsioma, and on the West by Victorino Caballero.[10]

Emiliana Ibarat, respondent Caballero's sister, testified that when Eustaquio Caballero died in 1944, the land was divided among his three children, Vicenta, Benita and Victorino, the father of respondent Caballero. Lot A, with an area of 39,625 square meters, was given to Victorino, which was later inherited by the respondent. Lot B, with an area of 71, 450 square meters, was given to Benita; and Lot C, with only 7,938 square meters was given to Vicenta. Lots B and C were, thereafter, sold to one Gaga Yasay. Because of the trouble between the petitioners and the respondents, Yasay agreed to buy only a portion of Lot A.[11]

The land was surveyed during the trial and it was determined that it now consisted of only 23,373 square meters,[12] and not 25,000 square meters as claimed by the petitioners. Gliceria Legaspi, respondent Caballero's other sister, also testified that the disputed land was now bounded on the North by Serina and Nangcas, on the East by Teofilo Saburnido, on the South by Gaga Yasay, and on the West by Nangcas.[13]

The RTC rendered judgment[14] on January 21, 1992, dismissing the complaint, and upholding the right of the respondents over the land. The dispositive portion reads:

WHEREFORE, judgment is hereby rendered in favor of the defendant Victor Caballero and against the plaintiffs herein, to wit:

- Ordering the dismissal of the complaint with costs.
- Ordering the defendant Victor Caballero as the absolute and lawful owner and possessor of the land in question.
- Ordering the plaintiffs, their heirs, lawyers, servants or privies not to disturb or molest the possession and ownership of Victor Caballero over the land in question.
- Ordering the plaintiffs to pay to defendant Victor Caballero, jointly and severally the sum of FIVE THOUSAND (P5,000.00) pesos for expenses of litigation, and THREE THOUSAND (P3,000.00) pesos for and as attorney's fees having been compelled to retain the services of counsel to protect his interest herein.

SO ORDERED.[15]

The trial court ruled that it was not clearly shown that the land bought by Dr. Serina from Lucia Vda. de Marbella

was the same land owned by Victor Caballero, and that the petitioners failed to show that Lucia Vda. de Marbella bought the land from Eustaquio Caballero, the original owner and cadastral claimant of the land. It also noted that the deed of sale between Lucia Vda. de Marbella and Dr. Serićna showed that the land had an area of 5 hectares, whereas, the petitioners only claimed 2.5 hectares. Furthermore, the boundaries of the land stated in the complaint did not coincide with what was stated in the Deed of Sale, or in Tax Declaration No. 2442 in the name of Eustaquio Caballero. The trial court ruled that the petitioners failed to explain these discrepancies, and that there was no showing that Tax Declaration No. 2442 was cancelled by Tax Declaration No. 4029 in the name of Dr. Serićna. The trial court interpreted this to mean that Eustaquio Caballero's right as owner of the land remained.

Dissatisfied, the petitioners appealed the case to the CA, which rendered a Decision[16] affirming in toto the decision of the RTC. The petitioners filed a Motion for Reconsideration on September 30, 1996.[17] The CA denied the motion.[18]

Hence, the instant petition.

The petitioners assign the following errors:

- THAT IT IS ERROR FOR THE HONORABLE COURT OF APPEALS TO UPHOLD THE HONORABLE RTC ON THE ISSUE THAT THE ALLEGED IDENTITY OF THE LAND IN LITIGATION IS UNESTABLISHED BETWEEN THE PARTIES-LITIGANTS.
- THAT IT IS ERROR FOR THE HONORABLE COURT OF APPEALS TO FAIL TO APPRECIATE THE 35-YEAR ACQUISITIVE PRESCRIPTION IN FAVOR OF THE PLAINTIFFS-APPELLANTS.[19]

The issues in this petition are, therefore, the following: (1) whether the petitioners were able to establish the identity of the land being claimed by them; and (2) whether acquisitive prescription should be appreciated in favor of the petitioners.

The Ruling of the Court

The first issue deals clearly with a question of fact which is beyond the province of this Court in a petition for review on certiorari. Well-entrenched is the rule that the Court's jurisdiction in a petition for review is limited to reviewing or revising errors of law allegedly committed by the appellate court. Factual findings of the Court of Appeals are conclusive on the parties and not reviewable by this Court—and they carry even more weight when the Court of Appeals affirms the factual findings of the trial court.[20] The exceptions to this rule are the following:

- (1) when the conclusion is a finding grounded entirely on speculations, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on misapprehension of facts; (5) when the findings of facts are conflicting; (6) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings of the Court of Appeals are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion; and (10) when the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record.[21]

We find no cogent reason to reverse the findings of the CA. None of the aforementioned exceptions is present in this case. The CA was correct in concluding that the petitioners failed to establish that the parcel of land in the possession of the respondents is the same as that subject of their complaint.

The CA noted that the land subject of the complaint has boundaries different from the land in possession of the

respondents. In fact, the land described in the complaint appears to be different from the land described in the Deed of Sale which the petitioners invoke as the basis of their ownership.

First. The petitioners alleged in their complaint that the boundaries of their property are as follows:

North - Alejo Serina
South - T. Sabornido
East - A. Serina & T. Sabornido
West - F. Caballero[22]

On the other hand, the Deed of Sale provides that the property sold to them has the following boundaries:

North - Raymundo Serina
South - Obdullo Caballero
East - Teofilo Sabornido
West - Obdullo Caballero[23]

Second. The complaint[24] of the petitioners states that the property they are claiming has an area of 2.5 hectares. On the other hand, the Deed of Sale[25] provides that the subject property has an area of 5 hectares.

Third. The complaint alleged that the property is located in "Mantadiao, Opol, Misamis Oriental,"[26] while the Deed of Sale shows that the property purchased is located in "Puntakon, Igpit, Cagayan Or. Misamis."[27]

We agree with the CA that there was no showing that Tax Declaration No. 2442 in the name of Eustaquio Caballero was cancelled. Absent any specific statement therein to that effect, it cannot be presumed that Tax Declaration No. 4029 in the name of Dr. Serina cancelled Tax Declaration No. 2442.

Moreover, the land covered by Tax Declaration No. 2442 is different from that covered by Tax Declaration No. 4029 for the following reasons:

The boundary owners of the land as indicated in Tax Declaration No. 2442 differ from those stated in Tax Declaration No. 4029. The boundary owners as indicated in Tax Declaration No. 2442 are as follows:

North - Rustico Dablio
South - Victor Obsioma
East - J. Serina & T. Sabornido
West - Victorino Caballero[28]

Under Tax Declaration No. 4029, on the other hand, the boundary owners are as follows:

North - Alejo Serina
South - Teofilo Sabornido
East - A. Serina [and] T. Sabornido
West - Eustaquio Caballero[29]

Moreover, Tax Declaration No. 2442 covers an area of 119,490 square meters[30] while Tax Declaration No. 4029 covers only 25,000 square meters or 2.5 hectares.[31]

The petitioners argue that the Deed of Sale and Tax Declaration No. 4029 should not be compared to Tax Declaration No. 2442 and the Technical Description of Cadastral Lot No. 3533 because the former refers only to a portion of the area referred to by the latter.[32] While the petitioners are correct on this point, such mistake would still not justify a different conclusion. The fact remains that the documentary and testimonial evidence presented by the petitioners did not prove the identity of the land being claimed. The petitioners did not present evidence to prove that the land registered in the name of Eustaquio Caballero was sold to Lucia Vda. de Marbella or her

predecessor-in-interest from whom they purchased the land subject of their complaint.

The failure to establish the identity of the land is obviously fatal to the petitioners' case. In *Beo vs. Court of Appeals*,^[33] a case which also involves an action for possession and quieting of title, the Court had the occasion to state:

...[B]ecause petitioners failed to explain the discrepancy or present other evidence to prove with certainty the location and area of the land they seek to recover, respondent court correctly applied the invariable rule that a person who claims ownership of real property is duty-bound to clearly identify the land being claimed, in accordance with the title on which he anchors his right of ownership. When the record does not show that the land subject matter of the action for recovery of possession has been exactly determined, such action cannot prosper, as in the case of petitioners. In sum, proof of ownership coupled with identity of the land is the basic rule.

Corollarily, the rule is likewise well-settled that in order that an action for recovery of possession may prosper, it is indispensable that he who brings the action fully proves not only his ownership but also the identity of the property claimed, by describing the location, area and boundaries thereof. As the appellate court succinctly stated, he who claims to have a better right to the property must clearly show that the land possessed by the other party is the very land that belongs to him.^[34]

On the second issue, the CA ruled that inasmuch as the petitioners failed to establish that the parcel of land in possession of the respondents is the same as the subject of their complaint, their claim of acquisitive prescription is clearly untenable.

The petitioners argue that they would not have regularly paid taxes on the land since 1947 had they not believed that they owned the same.^[35] The respondents, for their part, aver that the petitioners were only able to prove seven (7) years of actual possession of the land through cultivation by their tenants. They argue that such seven-year period of cultivation cannot be considered in the petitioners' favor, since the witness who testified on this fact did not personally know the boundaries of the land cultivated, or whether it was the same land bought by Dr. Serina. The respondents contend that acquisitive prescription applies only when there is no dispute as to the identity of the property.^[36]

We agree with the respondents. Since the property has not been clearly identified by the petitioners, their claim of acquisitive prescription cannot be considered. Insufficient identification of the portion of land claimed in absolute ownership cannot ripen into ownership. Possession as a means of acquiring ownership, while it may be constructive, is not a mere fiction.^[37]

Assuming, however, that the disputed land has been clearly identified, acquisitive prescription will still not lie in favor of the petitioners because they were not able to prove that they have been in possession of the property for the requisite number of years. Prescription requires public, peaceful, uninterrupted and adverse possession of the property in the concept of an owner for ten years, in case the possession is in good faith and with just title.^[38]

Aside from the testimony of Leonardo Vacalares that certain tenants of the petitioners cultivated the land for a total of seven years, the petitioners did not present any other evidence to show that they have been in actual possession of the property for at least ten years.

The petitioners' argument that the payment of taxes on the property since May 31, 1948 constitutes proof of their possession of the subject land for thirty-five years is untenable. Tax declarations and receipts are not conclusive evidence of ownership. At most, they constitute mere prima facie proof of ownership of the property for which taxes have been paid. In the absence of actual, public and adverse possession, the declaration of the land for tax purposes does not prove ownership.^[39]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Decision of the Court of Appeals is AFFIRMED. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Artemio G. Tuquero (retired), with Associate Justices Cancio C. Garcia and Eugenio S. Labitoria, concurring.

[2] Rollo, p. 11.

[3] Id. at 82-83.

[4] Id.

[5] Id. at 70.

[6] Id. at 90.

[7] Id. at 92-95.

[8] Id. at 83.

[9] Id. at 87.

[10] Id. at 101.

[11] Id. at 75.

[12] Id.

[13] Id. at 35.

[14] Penned by Judge Alejandro M. Velez.

[15] Rollo, pp. 80-81.

[16] Id. at 66.

[17] CA Rollo, p. 81.

[18] Rollo, p. 60.

[19] Id. at 9-10.

[20] Reyes vs. Court of Appeals, 363 SCRA 51 (2001).

[21] Nokom vs. National Labor Relations Commission, 336 SCRA 97 (2000).

[22] Rollo, p. 83.

[23] Id. at 90.

[24] Id. at 83.

[25] Id. at 90.

[26] Id. at 83.

[27] Id. at 90.

[28] Id. at 101.

[29] Id. at 92.

[30] Id. at 101.

[31] Id. at 92.

[32] Id. at 157.

[33] 200 SCRA 575 (1991).

[34] Id. at 581-582. (Emphasis supplied)

[35] Rollo, p. 50.

[36] Id. at 146-147.

[37] Republic vs. Court of Appeals, 345 SCRA 104 (2000).

[38] Development Bank of the Philippines vs. Court of Appeals, 331 SCRA 267 (2000).

[39] Cequeña vs. Bolante, 330 SCRA 216 (2000).

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