HEIRS OF FLORENTINO REMETIO, REPRESENTED BY PEPITO REMETIO SIOCO, PETITIONERS, VS. JULIAN VILLARUEL AND DIANITO VILLARUEL, RESPONDENTS.

G.R. NO. 132357. May 31, 2006

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-132357/

TINGA, J.:

The Heirs of Florentino Remetio, represented by Pepito Remetio Sioco, have challenged the Court of Appeals' Decision[1] dated October 29, 1997 in CA-G.R. CV No. 52421, which affirmed the trial court's ruling that private respondents Julian and Dianito Villaruel are the lawful owners and possessors of the property subject of this case.

The trial court and the Court of Appeals agree on the following facts lifted from the assailed Decision:

> The case commenced below on July 21, 1992 with the filing by the Heirs of Florentino Remetio, represented by Pepito Remetio Sioco of a Complaint for Quieting of Title, alleging inter alia that their late grandfather left a 6,076 square meter land in Magpag-ong, Batan, Aklan, declared in his name under Tax Declaration No. 4706; that during the cadastral survey in the Municipality of Batan, Aklan, the said parcel of land was surveyed in the name of appellees' mother, Basilisa Remetio Villaruel, and on the basis of such cadastral survey, appellees have asserted rights over subject land, casting a cloud over their (appellants) title of the same. Appellants then prayed that they be adjudged as the rightful owners of subject land, that appellees be ordered to execute the necessary document for the cancellation of their mother's name in the Bureau of Lands, as claimant over said land, and appellees be further ordered to pay P5,000.00, as and for attorney's fees and other litigation expenses.
>
> On September 14, 1992, the appellees sent in their Answer with Counterclaims and Motion to Dismiss, averring that the parcel of land surveyed in the name of their late mother is Lot No. 4862, with an area of 9,896 square meters; that the parcel of land described by appellants in their Complaint is not Lot No. 4864, as therein alleged, but Lot No. 4863; that the appellants have no cause of action against them as they are claiming neither Lot No. 4863 in the name of appellants' late grandafather nor Lot No. 4864; that Pepito Sioco has not been authorized by appellants to file the present Complaint and in fact, has no Special Power of Attorney for the purpose; and that they are owners of Lot No. 4862 with an area of 9,896 square meters, which lot is separate and distinct from the land claimed by appellants as Lot No. 4863, with an area of 2,494 square meters. Appellees therefore prayed for the dismissal of the Complaint, with costs against appellants; that they be declared the lawful owners of Lot No. 4862; and that appellants be made to pay P10,000.00, as attorney's fees, together with litigation expenses and appearance fees of counsel at P500.00 per actual day of trial.
>
> On January 4, 1993, during the pre-trial of the case, the parties manifested the need for a court commissioner to ascertain the actual description of the land claimed by the parties, considering the differences in lot numbers referred to by them.
>
> On March 12, 1993, the Commissioner's Report and Sketch was submitted to the lower court wherein it was clarified that subject land is Lot No. 4862, consisting of 9,8[9]6 square meters under Basilisa Remetio Villaruel as cadastral claimant.

> On April 12, 1983, after submission of the Commissioner's Report, an Amended Complaint was filed by the appellants, to conform to the agreed description of subject land.
>
> In its Pre-Trial Order of October 26, 1993, the lower court defined the issues, thus:
>
> "1) Who between the parties is in actual possession of the land in question, Lot No. 4862, and its lawful owner;
>
> 2) Whether or not the cause of action of plaintiff has prescribed;
>
> 3) Whether plaintiffs are in estoppel on their claim of Lot 4862 when they did not contest the cadastral survey, as approved by the Land Management Bureau, DENR;
>
> 4) Whether or not the parties are entitled to damages prayed for in their respective pleadings."

(Pre-Trial Order, Civil Case No. 4506, pp. 2-3; Rollo, pp. 78-79)

> On February 7, 1996, following trial on the merits, the court a quo came out with its Decision now on appeal; disposing as follows -
>
> "WHEREFORE, the Court finds that the preponderance of evidence tilts in favor of the defendants and hereby holds that:
>
> 1) the defendants are the lawful owners of and possessors of Lot No. 4862 containing an area of 9,896 sq. m., more or less, situated at Barangay Mapag-ong, Batan, Aklan, together with all the improvements existing thereon, except the houses of Mauricia Pelonio, Fidelina Sioco and Fausta Remetio, which were built in good faith;
>
> 2) the plaintiffs are hereby ordered to pay defendants the sum of P10,000.00 as attorney's fees and expenses of litigation; and to pay the costs of suit.
>
> SO ORDERED."
>
> (Decision, Civil Case No. 4506, p. 5; Rollo, p. 153)
>
> Dissatisfied with the aforesaid Decision, appellants have come before this Court with their Appeal; theorizing that the lower court erred in declaring the appellees as lawful owners and possessors of the land in question.[2]

The Court of Appeals found for private respondents, ruling that petitioners' own witness testified that private respondents' parents peacefully possessed the subject property in their lifetime. This possession, enjoyed by private respondents upon their parents' death, was only disturbed when petitioners filed the complaint in the instant case. Moreover, the appellate court deemed the tax declarations presented by private respondents to be more reliable proof of ownership compared to the documentary evidence in support of petitioners' claims which consisted of tax declarations pertaining to different properties. It also held that petitioners were able to build structures on the property by the tolerance of private respondents.

The appellate court denied petitioners' motion for reconsideration for lack of merit in its Resolution[3] dated January 21, 1998.

Petitioners filed this petition insisting that they have been in continuous, open, adverse, public and uninterrupted possession of the subject property as proven by the fact that they have constructed structures thereon without objection from private respondents. The trial court's ruling that private respondents' possession of the property has spanned more than 50 years is allegedly erroneous since the latter have not presented any tax declaration prior to 1974. Petitioners insist that the fact that the cadastral survey of the property was in the name of private respondents' mother does not warrant the conclusion that the property is owned by the latter.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Private respondents' Comments[4] dated April 3, 1998, unfortunately, only quotes the assailed Decision and does nothing to shed light on the issues involved. Petitioners point out this failure in their Reply[5] dated August 21, 1998, to which private respondents filed a Rejoinder[6] dated October 13, 1998, contending that the petition raises factual issues.

We deny the petition.

Petitioners call upon the Court to again review the testimonial and documentary evidence presented by the parties and examine their weight and sufficiency. This is a function which the Court generally does not undertake for it is a settled rule that the assessment of the credibility of witnesses is a domain best left to the trial court judge because of his unique opportunity to observe their deportment and demeanor on the witness stand, a vantage point denied appellate tribunals. And when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court.[7]

The records show that petitioners presented three (3) witnesses who declared that the subject properly was previously owned and occupied by Florentino Remetio, was inherited by his children, and ultimately ended up with petitioners. However, one witness, a certain Simplicia Abayon, contradicted the testimonies of her three (3) co-witnesses and testified that private respondents' predecessors also occupied the property in question.

On the other hand, private respondents presented four (4) witnesses who collectively testified that the subject property was previously owned and possessed by Eleuterio Remetio, was inherited by Basilisa Remetio Villaruel, and finally by private respondents. This continued possession covered a period of more than 50 years. Interestingly, not one of private respondents' witnesses declared that petitioners had at one time been in actual physical possession and ownership of the subject property.

With these considerations, the trial court and the Court of Appeals deemed the testimony of Simplicia Abayon sufficient to cast a cloud of doubt on petitioners' claim of exclusive possession and ownership. But this is not all. The documentary evidence presented by the parties also supports the legal conclusions drawn by the Court of Appeals and the trial court.

The tax declarations which petitioners submitted in evidence were found to pertain to Lot Nos. 4863 and 4864 and not to Lot No. 4862, the property subject of this case. Moreover, as found by the trial court, Lot No. 4863 appears to be declared in the name of a certain Fausta Remetio, while Lot No. 4864 is declared in the name of Florentino Remetio. However, the sketch plan approved by the parties lists Florentino Remetio as the claimant of Lot No. 4863, and Fausta Remetio as the claimant of Lot No. 4864. Further, the tax receipts presented by petitioners cover only Lot No. 4864. The other tax declarations for which taxes have allegedly been paid were not presented in court.[8]

In contrast, private respondents' evidence shows that the subject property was surveyed for Basilisa Remetio Villaruel in 1962. The tax declarations also consistently refer to Lot No. 4862 and indicate that taxes have been paid up to 1991. Moreover, the technical description of Lot No. 4862 shows that it was surveyed for Basilisa Remetio Villaruel from August 4, 1961 to September 22, 1962, while the technical description of Lot No. 4863 shows that it was surveyed for Florentino Remetio on the same dates.

The construction by petitioners of structures in the subject property is insufficient to establish their claim of ownership. We are persuaded by the trial court's finding, affirmed by the Court of Appeals, that private respondents tolerated the construction of these structures because petitioners are their relatives. At any rate, there is no other fact or circumstance to indicate that private respondents relinquished their possession and ownership of the property in question.

In fine, we are convinced that the findings of the courts a quo are not tainted by arbitrariness or oversight and are amply supported by the evidence on record. The challenged Decision should be upheld.

WHEREFORE, the instant petition is hereby DENIED. The Decision of the Court of Appeals dated October 29, 1997 is hereby AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Quisumbing, (Chairman), Carpio, Carpio Morales, and Velasco, Jr., JJ., concur.

---

[1] Rollo, pp. 13-18, penned by Acting Presiding Justice (later Associate Justice of this Court) Fidel P. Purisima and concurred in by Associate Justices Ricardo P. Galvez and B.A. Adefuin-de la Cruz.

[2] Id. at 13-16.

[3]Id. at 19-20.

[4] Id. at 24-26.

[5]Id. at 30-31.

[6] Id. at 34-35.

[7] Roca v. Court of Appeals, G.R. No. 114917, January 29, 2001, 350 SCRA 414. 420. See also Salvatierra, Jr. v. People, 364 SCRA 173, G.R. No. 144442, August 30, 2001.

[8]Records, pp. 149-153; decision dated February 7, 1996 of the Regional Trial Court, 6[th] Judicial Region, Branch 9, Kalibo, Aklan.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.