

JOSE RUBIATO, PETITIONER, VS. THE HEIRS OF JOVITO RUBIATO, NAMELY: ERUDITA B. RUBIATO, ROGELIO RUBIATO, ERLINDA R. JAMORA, RUDY RUBIATO, RONNIE RUBIATO, ALBERT RUBIATO AND MERLY...

G.R. No. 137451. July 28, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-137451/>

SANDOVAL-GUTIERREZ, J.:

Petitioner assails in the instant petition for review on certiorari the Decision dated July 23, 1998 of the Court of Appeals in CA-G.R. SP No. 50300 affirming in toto the Decision dated September 26, 1994 of the Regional Trial Court (RTC) of Koronadal, South Cotabato, Branch 25, dismissing the complaint for "Recovery of Possession, Ownership, Cancellation of Title and Damages" he filed against private respondents, docketed as Civil Case No. 233.

The property involved in this case is Farm Lot No. 639, Pls-246-D located in Koronadal, South Cotabato. It was originally assigned and allocated by the now defunct National Resettlement and Rehabilitation Administration (NARRA) to spouses Anastacio and Catalina Dignadice. On June 12, 1950, Catalina Dignadice sold the farm lot to Jose Rubiato, petitioner.

On January 22, 1991, petitioner filed with the RTC a complaint against the above-named respondents, widow and children of his brother Jovito Rubiato, now deceased. Petitioner alleged inter alia that through fraud, misrepresentation and forgery, his brother Jovito succeeded in obtaining title in his name for Farm Lot No. 639; that Jovito submitted to the NARRA a letter dated November 21, 1955, purportedly written by petitioner, stating that he is tendering his resignation as settler of Farm Lot No. 639 in favor of his brother Jovito; and that petitioner denies having executed the said letter, claiming that his signature is a forgery.

In their answer, respondents denied that Homestead Patent No. V-5724 and Original Certificate of Title No. (V-18585) P-8128 in the name of Jovito were procured through fraud, misrepresentation, forgery and other illegal means. They asserted that the title was issued after petitioner had voluntarily transferred the possession and cultivation of the farm lot to his brother Jovito. Long before the death of Jovito, petitioner already knew that the farm lot had been titled in the former's name.

In a Decision dated September 26, 1994, the RTC dismissed petitioner's complaint. It found that at the time the alleged forged letter was submitted to the NARRA, the farm lot was still a public land. Petitioner has never applied for the titling of the lot and has not acquired vested rights over it. Thus, the trial court disregarded the issue as to whether petitioner's alleged letter of November 21, 1955 is a forgery. The trial court held:

"Plaintiff has not shown any evidence that his predecessor-in-interest Catalina Vda. De Yangco ever applied for the titling of Lot 639, Pls-246-D. No evidence was also shown that he himself ever applied for titling of the same lot. On the contrary, he admits that he never applied to have the lot titled in his name (t.s.n, p. 4, Dec. 10, 1992). Accordingly, plaintiff's supposed letter of resignation (Exh. 'D') is not of such vital importance to his

brother Jovito Rubiato's own homestead application over the same lot. Rubiato's own homestead application over the same lot. Whether or not it was forged need not be discussed. At the time the letter of resignation (Exh. 'D') and Jovito Rubiato's own letter (Exh. 'E') both dated November 21, 1955, were submitted to NARRA, Lot 639, Pls-246-D, was still a public land. Plaintiff had at the time, and presently has, no vested rights over the lot. The reason is simple - he never applied for titling of the lot.

x x x

The principle has been consistently applied. The homesteader who has complied with all the terms and conditions which would entitle him to the patent has a vested right over the land. He is considered as the equitable owner thereof (*Nieto vs. Quines*, 1 SCRA 227; *Pineda vs. CFI of Davao*, 1 SCRA 1020). Such a principle cannot be applied to plaintiff's favor, however, not even appear in the records of the lands office that he was ever connected in any way with Lot 639, Pls-246-D.

From all appearances, Lot 639, Pls-246-D, was still a public land in 1955 when the letter of resignation was submitted. Thus, the allocation or award (Exhs. 'H', '8') of Lot 639, Pls-246-D, to Jovito Rubiato, even if the letter of resignation of plaintiff (Exh. 'D') as settler is flawed, is valid and lawful."

The trial court likewise found -

"There is still another reason in the alternative why plaintiff's suit should fail. He slept on his rights for thirty-six (36) long years, from 1954 to 1990 when he took the initial steps for the filing in February, 1991 of the instant case. On his cross-examination, plaintiff admitted that as early as 1954 when Jovito Rubiato took the papers covering the lot from their mother, he already knew that his elder brother Jovito was applying for a title over the lot in his (Jovito) own name (t.s.n., pp. 4 to 7, Dec. 10, 1992) although in another breath, he said that he came to know of the move of Jovito to title the land in 1958 (t.s.n., p. 19, Dec. 10, 1992). When he confronted Jovito only in 1955, because he was very busy at the time for an early confrontation, the latter admitted that it was so. However, it was only in 1990 when plaintiff revived an interest over the lot."

On appeal, the Court of Appeals rendered its Decision dated July 23, 1998 affirming in toto the trial court's Decision, holding that:

"In his testimony in court, appellant admits that as early as 1954 he saw his mother delivered to Jovito all the pertinent documents of his ownership over Lot 639; that when he confronted his mother, who was in custody of said documents, she readily admitted that the documents were taken so that the lot could be titled; that also in 1954, he learned from his mother that Lot 639 was titled in the name of Jovito Rubiato and his wife (TSN, pages 4-6, November 19, 1992). Lastly, upon cross-examination by the trial judge whether it was as early as 1954 that appellant came to know that the lot was being applied for Jovito Rubiato and his wife, he answered in the affirmative (TSN, page 7, December 10, 1992).

Having acquired such knowledge that his Lot 639 was being applied for and titled in the name of his brother Jovito and his wife as early as 1954, appellant were already placed on guard about a threat of losing his property. Yet, he did not do anything. He placed himself in total apathetic inaction. Eventually, the homestead patent issued on June 18, 1958 was registered with the Registry of Deeds on March 10, 1960 leading to the issuance of Original Certificate of Title No. (V-18585) P-8128 in the name of Jovito Rubiato married to Erudita Rubiato.

Thirty-one (31) years passed from the issuance of OCT No. (V-18585) P-8128, when Jovito is already deceased that the present action for reconveyance was commenced by the appellant. Ostensibly, the unexplained and inexcusable long span of time of inaction, calls upon laches to effectively set in. Where a party sleeps on his rights and allow laches to set in, the same is fatal to his case (*Perinquet, Jr. vs. IAC*, 238 SCRA 496 [1994]). When a person slept in his right for twenty-eight (28) years before filing the action amounts to laches which cannot be excused even by ignorance resulting from inexcusable negligence (*Garbin*

vs. CA, 253 SCRA187 [1996])."

After his motion for reconsideration was denied on January 13, 1999, petitioner filed the instant petition for review on certiorari, raising the following issues:

"I

RESPONDENT COURT OF APPEALS IGNORED THE BASIC LAW THAT ACTS AND CONTRACTS WHICH HAVE FOR THEIR OBJECT THE CREATION, TRANSMISSION, MODIFICATION OR EXTINCTION OF REAL RIGHTS OVER IMMOVABLE PROPERTY MUST APPEAR IN A PUBLIC DOCUMENT OTHERWISE, IT COULD NOT CONVEY TITLE OR ANY RIGHT THERETO.

II

RESPONDENT COURT OF APPEALS IGNORED THE SETTLE POSTULATE THAT THE PRINCIPLE OF LACHES IS NOT APPLICABLE TO CASES WHERE PROTECTION IS SOUGHT AGAINST A VIOLATION OF A PRESENT VESTED PROPERTY RIGHT OR WHAT HAS BEEN TERMED AS EXECUTED INTEREST."

The above issues require a determination on whether petitioner has a valid claim on the farm lot. Obviously, this involves a review and evaluation of the evidence, which are factual in nature, presented before the trial court. This Court is not a trier of facts and it is not the function of this Court to re-examine the evidence submitted by the parties.[1] Basic is the rule that factual issues are beyond the province of this court in a petition for review, for it is not our function to review evidence all over again. Although there are exceptions, petitioner did not show that this case is one of them. Factual findings of the trial courts, when adopted and confirmed by the Court of Appeals, are binding and conclusive upon us and, generally, will not be reviewed on appeal.[2] Our pronouncement in *Ocampo vs. Ocampo*[3] is squarely in point, thus:

"It is a settled doctrine that in a civil case, final and conclusive are the factual findings of the trial court, if supported by clear and convincing evidence on record. Usually, the Supreme Court does not review those findings-especially when affirmed by the Court of Appeals, as in this case (*Philippine National Bank vs. Court of Appeals*, 381 Phil. 720; 324 SCRA 714, February 4, 2000; *Atillo III vs. Court of Appeals*, 334 Phil. 546; 266 SCRA 596, January 23, 1997; *Catapusan vs. Court of Appeals*, 332 Phil. 586; 264 SCRA 534, November 21, 1996). From the records of the present case, no cogent evidence appears that would impel us to apply the above doctrine differently. The courts below have not overlooked essential facts that, if considered, may produce a different outcome."

WHEREFORE, the instant petition is DENIED. The assailed Decision of the Court of Appeals dated July 23, 1998 in CA-G.R. SP No. 50300 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] *Langkaan Realty Development, Inc. vs. United Coconut Planters Bank*, 347 SCRA 542, December 8, 2000; *Lantin vs. Court of Appeals*, 402 SCRA 202, April 30, 2003; *Heirs of William Sevilla vs. Sevilla*, 402 SCRA 501, April 30, 2003.

[2] *Ma. Consolacion Lazaro vs. Hon. Court of Appeals, et al.*, 372 SCRA 308, December 14, 2001.

[3] 427 SCRA 545, April 14, 2004.

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.