NARCISO AMOROSO, PETITIONER, VS. JUAN ALEGRE, JR., RESPONDENT.

G.R. NO. 142766. June 15, 2007

Ponente: TINGA, J.

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TINGA, J.:

Before us is a Petition for Review on Certiorari[1] assailing the Decision[2] dated 31 May 1999 and Resolution[3] dated 8 March 2000 of the Court of Appeals in CA-G.R. CV No. 42100 which involved an appeal from the Decision[4] dated 26 March 1993 of the Regional Trial Court (RTC) of Roxas City, Branch 16, in Civil Case No. V-5111.

This case involves two parcels of land, Cadastral Lots No. 3961 and 3962, which are subdivided lots of Cadastral Lot No. 729 of the Capiz Cadastre, situated at Barrio Cadimahan, Bilbao Street, Roxas City.

On 19 November 1954, Juan Alegre, Sr., father of herein respondent Juan Alegre, Jr., filed a petition for reconstitution of the titles covering Lots No. 730, 3961, 3962, and 1383 before the Court of First Instance (CFI) of Capiz. The CFI set the reception of applicant before the Clerk of Court on 19 May 1955, there being no opposition to the petition. The following day, 20 May 1955, the CFI, acting on the ex-parte motion of the applicant, issued an order[5] directing the Register of Deeds of Capiz to effect the reconstitution of the certificates of title. On 21 May 1955, reconstituted titles Original Certificate of Title (OCT) Nos. RO-1020[6] and RO-1021[7] were issued pursuant to the order.

On 31 May 1955, herein petitioner Narciso Amoroso filed a Motion for Relief from the Order dated 20 May 1955, in particular questioning the reconstitution of the titles to Lots No. 3962 and 3961.[8] Finding the motion to be well-founded, the CFI, on 4 November 1955, set aside the Order[9] of 20 May 1955 and set the case for hearing on the merits. However, on 23 November 1955, Alegre, Sr. moved for reconsideration of the 4 November 1955 Order and the same was granted. On 29 February 1956, the CFI set aside the 4 November 1955 Order and reaffirmed the Order of 20 May 1955.

Petitioner, in turn, filed on 12 March 1956 a motion for reconsideration of the 29 February 1956 Order. Before the filing of his motion, however, petitioner requested leave of court to amend his motion for relief. His request to amend was granted on 12 May 1956 and the Clerk of Court was ordered to calendar the amended motion for hearing and complete reception of evidence. After several postponements, the hearing of the case was conducted and terminated on 26 July 1957. On 3 October 1957, the CFI rendered a Decision[10] dismissing the petition for reconstitution and setting aside the Order of 20 May 1955.

On 10 April 1985, respondent, as plaintiff, filed a complaint before the RTC of Roxas City against petitioner, for the recovery of possession and ownership of the subject properties. The complaint was docketed as Civil Case No. V-5111 and raffled to Branch 16. Respondent alleged that the original owners of Lot No. 729 were his grandparents, the spouses Saturnino Alegre and Concepcion Acupinpin. About a year before the death of Saturnino Alegre, his son, Juan Alegre, Sr., purchased Lot No. 729 which had been subdivided into Lots No. 3961

and 3962. Alegre, Sr. was able to obtain reconstituted titles OCT Nos. RO-1020 and RO-1021 to the subdivided lots in his name pursuant to the 20 May 1955 Order. When Alegre, Sr. and his family moved to Manila, petitioner, taking advantage of their absence, occupied the subject property and constructed three houses thereon without Alegre, Sr.'s knowledge and consent. Upon Alegre, Sr.'s return to Roxas City after several years, he demanded that petitioner vacate the property but the latter pleaded that he be allowed to remain on the property for a few more months. Alegre, Sr. acceded. Months turned into years and petitioner remained on the property, continually begging for extensions until Alegre, Sr. fell sick and died. Meanwhile, respondent became the owner of the properties after purchasing the rights of his co-heirs. He then filed the complaint docketed as Civil Case No. V-5111[11] since petitioner refused to vacate the property despite demand.

Petitioner, on the other hand, claims that he is the owner of the properties in question, as he allegedly bought Lot No. 729 from the brothers Roque and Matias Severino, the registered owners of the property under OCT No. 4570, per Deed of Absolute Sale[12] dated 31 May 1946. From that time onwards, he occupied the property and constructed his house thereon, declared the land for taxation purposes in his name, and has been religiously paying all the taxes due thereon. He alleged that OCT Nos. RO-1020 and RO-1021 in Alegre, Sr.'s name had already been cancelled by virtue of the CFI Decision dated 3 October 1957, since Alegre, Sr. was found to have made false declarations[13] in his petition for reconstitution and the evidence he presented. Furthermore, the CFI found that petitioner had been in possession of the properties since 1946 and had constructed three houses thereon without Alegre, Sr. molesting him, and that petitioner's predecessors-in-interest had been in possession of the properties prior to 1946. In view of this Decision dated 3 October 1957, petitioner argued, Civil Case No. V-5111 states no cause of action and any cause of action is already barred by prior judgment and the statute of limitations and/or laches.[14]

Petitioner also filed before the RTC of Roxas City a petition for reconstitution, this time of OCT No. 4570 which allegedly covered both Lots No. 3961 and 3962, docketed as Case No. R-1777 and raffled to Branch 16.[15] Civil Case No. V-5111 and Case No. R-1777 were jointly tried.

On 19 March 1990, the RTC rendered a decision dismissing both cases.[16] The RTC refused to adjudicate in whose name, as between respondent and petitioner, the certificates of title should be issued, maintaining that the ownership of the lots had already been previously adjudicated in cadastral proceedings in 1924 and a ruling on the cases would be reopening a decree that had already become incontrovertible.[17]

Both parties appealed the 19 March 1990 Decision. On 23 April 1992, the Court of Appeals (CA) rendered its decision on the appeal docketed as CA G.R. No. 29299-300-CV.[18] The trial court was found to have erred in dismissing Civil Case No. V-5111 and in not deciding it on the merits since the action is neither a land registration case nor a reopening of a land registration case or a review of a decree of registration, but a plain and simple case of recovery of possession. Thus, the appellate court ordered the remand of Civil Case No. V-5111 to the trial court for it to render a decision on the basis of the evidence presented by the parties.

As to Case No. R-1777, the CA affirmed the dismissal of petitioner's petition for reconstitution since it found that the allegations in the petition failed to show any basis for his claim of title to the properties in question. The CA also made reference to the Decision dated 3 October 1957, observing that the CFI of Capiz had set aside the Order of 20 May 1955 granting the reconstitution of OCT Nos. RO-1021 and RO-1022. However, the CA opined, the CFI promulgated the 3 October 1957 Decision after the Order of 20 May 1955 had already become final since petitioner had not filed any appeal or motion for reconsideration of the 4 November 1955 Order.[19] Thus the dismissal of the reconstitution case filed by petitioner was proper.

The records of Civil Case No. V-5111 were remanded to the RTC. On 3 February 1993, the case was deemed

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submitted for decision. On 26 March 1993, the RTC decided in favor of respondent,[20] based primarily on his evidence consisting of the certification[21] of the Bureau of Lands issued on 2 July 1956 that the spouses Saturnino Alegre and Concepcion Acupinpin were the claimants of Lot No. 729, supported by a cadastral list[22] which showed at the same time that petitioner's predecessor, Roque Severino, was the claimant of the adjacent Lot No. 728. Even the Deed of Absolute Sale[23] dated 31 May 1946 presented by petitioner to establish that the subject properties were sold to him by Roque and Matias Severino shows that the parcel of land described and numbered therein is not Lot No. 729 but Lot No. 3982, written in words and figures. Petitioner attempted to convince the RTC that the lot number in the Deed was a mere clerical error through an affidavit supposedly executed by Matias Severino in 1951, but the RTC was not persuaded, since the affidavit was executed five years after the alleged sale had been made and was not even registered. Even the tax declarations presented by petitioner did not show for which property the land taxes were being paid. Thus, the RTC held that petitioner acquired no better title to the subject properties than the seller Roque Severino who was not the owner thereof. As a result, no valid title over Lot No. 729 or its sublots passed to petitioner . As to the defense that Alegre, Sr. was convicted of perjury for the false allegations in his petition for reconstitution, the RTC found this to be irrelevant, since it is not Alegre, Sr. who is the plaintiff and his conviction does not affect the overwhelming proof of possession and ownership presented by petitioner.

The RTC added that the 3 October 1957 Decision which ordered the cancellation of the reconstituted titles in Alegre, Sr.'s name and which was relied upon by petitioner had already been superseded by the 17 January 1983 Decision[24] in Special Civil Case No. 2776 of the CFI of Capiz, Branch IV, which ordered the expunction of the word "cancelled" on the faces of OCT Nos. RO-1020 and RO-1021.

Petitioner appealed the 26 March 1993 Decision of the RTC to the CA via CA-G.R. No. 42100. He alleged that Civil Case No. V-5111 is barred by res judicata in view of the Decision dated 3 October 1957 and by laches/prescription; and that the trial court erred in declaring respondent as the actual and real possessor and owner of the lots.

The CA affirmed the decision of the trial court. The Decision[25] dated 31 March 1999 reiterated the opinion in the CA Decision dated 23 April 1992 that the Order of the CFI of Capiz dated 20 May 1955 had already become final, rendering the 3 October 1957 Decision of no force and effect.[26] Since the 20 May 1955 Order had already become final, the appellate court ruled that petitioner could no longer raise the defense that the decision in the reconstitution case operates as res judicata on the issue of who is entitled to possession of the subject lots. Thus, it concluded that the 3 October 1957 Decision has no bearing on the results of the present case. The CA also remained convinced by the evidence presented by respondent that his predecessors were the lawful owners and possessors of the properties and agreed with the factual findings of the trial court.

Petitioner now challenges the decision of the CA, raising the following questions: (a) whether or not the court a quo acted correctly in affirming the trial court's judgment and in holding that res judicata is unavailing and in not considering the issue of laches as ground for dismissal of the complaint; and (b) whether or not the courts a quo acted correctly in concluding, based on undisputed facts, that respondent is the actual and real possessor and lawful owner of the subject lots.[27]

Petitioner reiterates his argument that res judicata and laches bar this suit. He asserts that the then CFI of Capiz had already rendered a final and executory Decision[28] dated 3 October 1957 cancelling the certificates of title issued to respondent's late father, Alegre, Sr., and declaring that petitioner had sufficiently proven his possession of the properties with sufficient title. He argues that the 20 May 1955 Order[29] did not become final since he had timely filed a motion for relief which was granted in the Order of 4 November 1955. The Decision[30] of 17 January 1983 in Special Case No. 2776 which supposedly superseded the Decision of 3 October 1957 was also

rendered long after the latter decision had become final and executory and was even rendered without complying with the jurisdictional requirement of notice to petitioner pursuant to Sec. 113 of Act No. 496.

Petitioner also argues that the suit is barred by laches. He had been in actual physical possession of the properties since 1946 while respondent filed the civil case for recovery of possession and ownership only in 1985. It would be unjust and inequitable to permit respondent to enforce his right after so many years and after petitioner had invested time, money and effort to buy and improve the property and to pay taxes thereon, petitioner adds.

In his Comment,[31] respondent reiterates the finding of the CFI and the CA that the Decision of 3 October 1957 is a nullity for having been rendered long after the Order of 20 May 1955 had become final, therefore demolishing petitioner's theory that the case is barred by res judicata. The Order of 20 May 1955 was set aside by the CFI on 4 November 1955. Petitioner filed a Motion for Relief on 31 May 1955, and after hearing on the motion, the 20 May 1955 Order was reinstated on 29 February 1956 and thereafter became final and executory. This was pointed out in the decision of the appellate court. Since there is no prior valid decision, there can be no res judicata.

There is likewise no reason for laches to apply, respondent maintains, since he and his father never slept on their rights as lawful and true owners of the properties in question. Respondent had even testified that his father had filed an ejectment case against petitioner.

Respondent concludes by averring that the issue as to who was in possession of the lots in question had already been ruled upon by the trial court and affirmed by the CA, and is a question of fact which cannot properly be raised in a petition for review.

The petition must be denied.

It must be pointed out that the case for resolution before us concerns the complaint for accion reivindicatoria filed by respondent. Accion reivindicatoria or accion de reivindicacion is an action whereby plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. It is a suit to recover possession of a parcel of land as an element of ownership.[32] The basic question in such an action is whether the plaintiff, respondent herein, has presented sufficient evidence to prove his ownership of the properties in question.

As in all civil cases, the burden of proof is on the plaintiff to establish his case by preponderance of evidence. "Preponderance of evidence" is the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term "greater weight of the evidence" or "greater weight of the credible evidence." Preponderance of evidence is a phrase which, in the last analysis, means probability of the truth. It is evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto.[33] If plaintiff claims a right granted or created by law, he must prove his claim by competent evidence. He must rely on the strength of his own evidence and not upon the weakness of that of his opponent.[34]

The RTC and the CA are one in saying that respondent had sufficiently proven his claim of ownership over the subject properties. In particular, both courts relied on the certification dated 2 July 1956 by the Bureau of Lands and the cadastral list presented by respondent that showed his predecessors-in-interest to be the owners of the subject lands. Both courts also demonstrated the weakness of the evidence presented by petitioner, pointing out that the documents he presented showed that his predecessors-in-interest were owners of the adjoining piece of land and not the properties in dispute. A reexamination of these conclusions is no longer necessary since factual issues are not the province of the Supreme Court especially in petitions for review where only questions of law may be raised. This Court cannot be tasked to go over the proofs presented by the parties in the lower courts and analyze, assess and weigh them to ascertain if the trial court and the appellate court were correct in their

appreciation of the evidence.[35] Moreover, the factual findings as to the ownership of the properties reached by the trial court and affirmed by the appellate court are supported by the evidence on record and therefore should be accorded great respect.[36]

The foregoing, however, does not write finis to the case at bar. There remains the matter of the validity of the 3 October 1957 Decision denying the reconstitution of titles in respondent's father's name, and whether this decision influences the outcome of the accion reivindicatoria. It is here where the issue of applicability of the doctrine of res judicata comes into play.

It is apparent that a petition for reconstitution of title and a case for recovery of possession of property have no identity of causes of action. In a reconstitution case, the judgment merely orders the re-issuance of a lost certificate of title in its original form and condition. It does not determine or resolve the ownership of the land covered by the lost or destroyed title. A reconstituted title, like the original certificate of title, by itself does not vest ownership of the land or estate covered thereby.[37] An accion reivindicatoria, on the other hand, is a suit to recover possession of a parcel of land as an element of ownership. It is an action whereby the plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. The judgment in such a case determines the ownership of the property and awards the possession of the property to the lawful owner.

There are two aspects to the doctrine of res judicata. The first concept of res judicata, known as "bar by prior judgment," is the effect of a judgment as a bar to the prosecution of a second action upon the same claim, demand or cause of action. This concept is clearly inapplicable to the case at bar since the two cases, although involving the same parties and the same subject matter, have different causes of action. In the second concept, known as "conclusiveness of judgment," issues actually and directly resolved in a former suit cannot again be raised in any future case between the same parties involving a different cause of action. Conclusiveness of judgment operates as a bar even if there is no identity as between the first and second causes of action. Under the doctrine, any right, fact, or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.[38] This second concept is likewise inapplicable to the present case.

Petitioner claims in his petition that the 3 October 1957 Decision resolved the issue of ownership of the lots and declared in the body of the decision that he had "sufficiently proven uncontroverted facts that he had been in possession of the land in question since 1946 x x x [and] has been in possession of the property with sufficient title."[39] However, such findings made by the CFI in the said decision are mere obiter, since the ownership of the properties, titles to which were sought to be reconstituted, was never the issue in the reconstitution case. Ownership is not the issue in a petition for reconstitution of title. A reconstitution of title does not pass upon the ownership of the land covered by the lost or destroyed title.[40]

It may perhaps be argued that ownership of the properties was put in issue when petitioner opposed the petition for reconstitution by claiming to be the owner of the properties. However, any ruling that the trial court may make on the matter is irrelevant considering the court's limited authority in petitions for reconstitution. In a petition for reconstitution of title, the only relief sought is the issuance of a reconstituted title because the reconstituting officer's power is limited to granting or denying a reconstituted title. As stated earlier, the reconstitution of title does not pass upon the ownership of the land covered by the lost or destroyed title, and any change in the ownership of the property must be the subject of a separate suit.[41]

It should be noted, too, that the dispositive portion of the 3 October 1957 Decision did not make a categorical ruling on the matter of ownership. While it dismissed the petition for reconstitution filed by Alegre, Sr., it did so

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"without precluding the right of the party or parties entitled thereto." Evidently, the trial court itself recognized that its authority in the reconstitution case is limited only to the re-issuance of the certificate of title, and that the matter of ownership of the properties should be threshed out in a proper and separate proceeding.

Besides, the validity of the 3 October 1957 Decision remains dubious. The order granting the reconstitution of title in Alegre, Sr's name was issued on 20 May 1955. On 31 May 1955, petitioner filed a Motion for Relief from the said order. However, a motion or petition for relief assumes that the assailed order or decision has already become final. In this case, the motion for relief was filed less than 30 days[42] from the issuance of the assailed order, clearly before it had become final. Petitioner's proper recourse would have been to appeal or file a motion for reconsideration. Thus, the CFI of Capiz improperly ruled on the motion for relief and set off a chain of events that led to the promulgation of the 3 October 1957 Decision. It can then be concluded that the 20 May 1955 Order eventually attained finality.

The equitable doctrine of laches is also inapplicable to the case at bar. Laches means the failure or neglect for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting the presumption that the party entitled to assert it either has abandoned or declined to assert it.[43] The question of laches is addressed to the sound discretion of the court, and since laches is an equitable doctrine, its application is controlled by equitable considerations. It cannot work to defeat justice or to perpetrate fraud and injustice.[44]

Petitioner had been in possession of Lot No. 729 since 1952. Petitioner first possessed the property sometime in 1950 but that same year, respondent's father filed an ejectment suit against him. The case was settled upon the intervention of the town mayor, with petitioner explicitly agreeing to vacate the property. In 1951, when respondent's father went to Manila, petitioner returned to the property and constructed his house thereon. Respondent's father filed another ejectment case, but this did not push through because a fire razed the house petitioner had built. Sometime in 1953 or 1954, respondent's father again filed another ejectment case against petitioner who had re-occupied the property and rebuilt his house thereon in 1952. The trial court where the ejectment case was filed asked respondent's father to produce the title to the property. The ejectment case was then dismissed and respondent's father filed the reconstitution case before the CFI of Capiz which eventually issued the Order of 20 May 1955.[45] Many other incidents relating to the reconstitution case followed, leading to the promulgation of the 3 October 1957 Decision.

It appears that during the pendency of the reconstitution case, petitioner remained in possession of the property. This is understandable since the last ejectment case filed by respondent's father against petitioner was dismissed by the trial court and respondent's father was required to produce the title to the property. However, even after the issuance of the 1955 Order granting reconstitution of the titles in the name of respondent's father, the latter did not re-file or revive the ejectment case. The reason for this failure was the filing by petitioner of the criminal case for perjury against Alegre, Sr. for which he was convicted.[46] Alegre, Sr. left for Manila after the decision in the criminal case was promulgated and remained there out of fear that he would be imprisoned. When Alegre, Sr. had decided to come home after several years, he received information that petitioner, who was a policeman, was looking for him to place him in jail. Thus, Alegre, Sr. returned to Manila.[47] Sometime in 1973, respondent, in behalf of his father, made oral demands upon petitioner to vacate the land but the latter still refused and insisted only on talking to the elder Alegre. In 1976, Alegre, Sr. came home and talked to petitioner who still insisted on remaining on the property. Alegre, Sr. finally died on 5 March 1982 without recovering the property.[48] Then on 12 February 1985, respondent sent petitioner a letter demanding the latter to vacate the property.[49] Upon petitioner's failure to comply, the action for recovery was filed.

Thus, respondent's and his father's right to the property remains intact. Their ownership was affirmed by the lower

courts, while laches could not have set in owing to respondent's and his father's persistent moves to reclaim possession of the property and the circumstances which prevented Alegre, Sr. from re-filing the ejectment case against petitioner. Indeed, neither respondent nor his father abandoned their right to the property.

WHEREFORE, the petition is hereby DENIED and the Decision dated 31 May 1999 and Resolution dated 8 March 2000 of the Court of Appeals are AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Velasco, Jr., JJ., concur.
Carpio Morales, J., on official Leave.

[1] Rollo, pp. 3-17.

[2] Id. at 20-28.

[3] Id. at 30.

[4] Id. at 55-69.

[5] Records, pp. 298-300. Docketed as Cadastral Case No. 4, GLRO Cad. Record No. 336; order penned by Judge Jose D. Evangelista.

[6] Id. at 295; For Lot No. 3961, marked as Exhibit "L."

[7] Id. at 297; For Lot No. 3962, marked as Exhibit "M."

[8] Id. at 28-29.

[9] Id. at 64-66.

[10] Id. at 301-310. By the same Judge Evangelista.

[11] Id. at 7-10; Amended Complaint.

[12] Id. at 531-532; Exhibit "2."

[13] In Criminal Case No. 12985 where Alegre, Sr. was tried and convicted for perjury. See id. at 737.

[14] Id. at 54-60; Answer.

[15] Petitioner alleged that he bought the properties, Lots No. 3961 and 3962, from the brothers Matias and Roque Severino, and that the properties were titled under OCT No. 4570. He stated that he actually saw the title which was already tattered and brittle. He did not realize the importance of the title so he did not get it from the Severinos. When he attempted to get the title from the Severinos, it could no longer be found; hence he filed the petition for reconstitution. See id. at 647-648.

Petitioner had earlier filed on 25 September 1958 another petition for reconstitution of the same OCTs but this was denied on 30 June 1965 since petitioner introduced only parol evidence to show that the OCTs were issued in the names of the brothers Matias and Roque Severino. See id. at 322-323; Exhibit "Z."

[16] Records, pp. 647-652. Penned by Judge Manuel E. Autajay.

[17] Id. at 652.

[18] Id. at 670-679. Decision penned by Justice Artemon D. Luna and concurred in by Justices Jose A.R. Melo

and Segundino G. Chua, of the Second Division.

[19] Id. at 678.

[20] Id. at 734-748. Decision penned by Judge Rizal R. Recio.

[21] Id. at 281; Exhibit "A."

[22] Id. at 282-283; Exhibit "B."

[23] Id. at 531-532; Exhibit "2."

[24] Id. at 368-369; Exhibit "GG." Decision penned by Judge Oscar Leviste. This case arose from a petition filed by Juan Alegre, Jr. praying for an order to the Register of Deeds of Roxas City to cancel the word "cancelled" on the faces of OCT Nos. RO-1020 and RO-1021 inasmuch as the transaction supposedly leading to the cancellation was not consummated and not signed by the said Register of Deeds. The CFI, Br. IV, found that the back of the titles contained annotations which were not duly signed by the Register of Deeds and were actually crossed out. The following entry was found on the reverse side of both titles:

> Memorandum of Encumbrances
>
> x x x x
>
> Entry No. 7055 – Court Decision – canceling this certificate of title by virtue of the Decision of the Court of First Instance of Capiz, filed in this office, dated October 3, 1957. Inscription: September 1, 1966, at 1:20 P.M.
>
> LEALTAD A. MORENTE
> Register of Deeds

These entries were unsigned and cross marked in ink. Also presented was a certified photocopy of the day book in the office of the Register of Deeds of Capiz showing that the entry on 1 September 1966 at 1:20 p.m. based on a Decision in Juan Alegre v. Narcisio Amoroso was crossed-out and cancelled. These convinced the CFI, Br. IV, that the entries were truly cancelled and accordingly granted the petition.

[25] Rollo, pp. 20-28. Decision penned by Justice Portia Aliño-Hormachuelos and concurred in by Justices Buenaventura J. Guerrero and Teodoro P. Regino, of the Twelfth Division.

[26] Supra note 18.

[27] Rollo, p. 7.

[28] Records, pp. 28-37.

[29] Id. at 298-300.

[30] Id. at 368-369.

[31] Rollo, pp. 98-102.

[32] Vda. de Villanueva v. Court of Appeals, 403 Phil. 721, 730 (2001).

[33] Encinas v. National Bookstore, Inc., G.R. No. 162704, 19 November 2004, 443 SCRA 293, 302.

[34] Heirs of Spouses Cruz and Tuazon v. Heirs of Quintos, Sr., 434 Phil. 708, 719 (2002).

[35] JMM Promotions and Management, Inc. v. Court of Appeals, 439 Phil. 1, 10 (2002).

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[36] Bernaldez v Francia, 446 Phil. 643, 649-650 (2003).

[37] Alonso v. Cebu Country Club, Inc., G.R. No. 130876, 5 December 2003, 417 SCRA 115, 127.

[38] Francisco v. Co, et al., G.R. No. 151339, 31 January 2006, 481 SCRA 241, 249-250.

[39] Rollo, p. 11.

[40] Lee v. Republic of the Philippines, 418 Phil. 793, 803 (2001).

[41] Id. at 802-803.

[42] See Act No. 496 (1902), Sec. 14 and Presidential Decree No. 1529 (1978), Sec. 110.

[43] De Vera-Cruz v. Miguel, G.R. No. 144103, 31 August 2005, 468 SCRA 506, 518-519.

[44] Id. at 520.

[45] TSN, 9 September 1986, pp. 8-11; 12 January 1987, pp. 17-19, 27-28.

[46] TSN, 9 September 1986, pp. 11-13.

[47] Id. at 14-15.

[48] Id. at 16-17.

[49] Id. at 19; 12 January 1987, p. 24.

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