

## **GREGORIO &#8220;GEORGE&#8221; AMANTE, AND VICENTE AMANTE,PETITIONERS, VS. BIBIANO SERWELAS, RESPONDENT.**

*G.R. NO. 143572. September 30, 2005*

Ponente: CORONA, J.

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### **CORONA, J.:**

The subject of this petition for review on certiorari under Rule 45 of the Rules of Court is the decision[1] of the Court of Appeals dated December 28, 1999 declaring respondent Bibiano Serwelas as the lawful owner of a contested vehicle.

The facts, as found by the appellate court, follow.

Danilo Bicomong was the registered owner of a 1990 Isuzu Jitney with motor no. 139328, chassis no. SPMM 35092-90-C and plate no. DHH 230, evidenced by certificate of registration no. 00567641.[2] He was employed as plant supervisor of Amante Motors.

On July 17, 1992, Bicomong sold the vehicle for P200,000 to respondent in a deed of absolute sale.[3] On October 7, 1992, respondent had the vehicle registered in his name, as shown in certificate of registration no. 14058314.[4] He then operated it as a common carrier on a boundary system.[5]

On December 9, 1993, the vehicle was seized by the police highway patrol group in General Mariano Alvarez, Cavite without a warrant, upon the request of petitioner Gregorio Amante, the manager of Amante Motors.

The vehicle was brought to Camp Vicente Lim in Laguna and, after being subjected to macro-etching examination by SPO1 Elfin B. Rico of the Philippine National Police Crime Laboratory Service, was later released to petitioner Gregorio Amante. Despite respondent's demand,[6] Gregorio Amante refused to return the vehicle. Hence, respondent instituted a replevin suit with the trial court.[7] Asserting ownership of the vehicle, petitioner Vicente Amante, the proprietor of Amante Motors, intervened in the suit.

On April 29, 1996, the trial court rendered a decision[8] declaring respondent as the lawful owner of the vehicle:

The illegal seizure of the vehicle was triggered by the suspicion of the defendant[9] that [the] said vehicle was spirited out of Amante Motors by Danilo [Bicomong] who was formerly the plant supervisor therein.

Aside from the suspicion and the inconclusive conclusion of the technician that the chassis number of the vehicle in question was "re-stamped" no other evidence – like registration certificate – was adduced by defendant/intervenor, to support the claim of ownership.

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Besides, it was not shown that the certificate of registration of Danilo was spurious or fake. It was not also shown that the subject vehicle was registered in the name of either the defendant or intervenor[10] or Amante Motors. Now, between the plaintiff[11] who purchased the vehicle in good faith and for value and with supporting genuine documents and the defendant/intervenor who merely presumed that they owned the chassis,

the choice is clear.[12]

The trial court also awarded damages to respondent for lost earnings[13] amounting to P103,200 plus P37,963 as premium for the replevin bond of respondent.

On appeal, the Court of Appeals affirmed the trial court's decision holding respondent as the rightful owner of the vehicle. It ruled that respondent had established ownership of the vehicle to the exclusion of the whole world. [14] It also affirmed the award of damages as unrealized earnings[15] but deleted the award for replevin bond premium since no claim for it was made in the complaint.

Petitioners' motion for reconsideration was denied. Hence, this recourse.

Petitioners impute errors involving questions of fact which we are not at liberty to review. Our jurisdiction is generally limited to reviewing errors of law that may have been committed by the Court of Appeals. We reiterate the oft-repeated but not so well-heeded rule that findings of fact of the Court of Appeals, especially when they are in agreement with those of the trial court, are accorded not only respect but even finality, and are binding on this Court. Barring a showing that the findings complained of were devoid of support, they must stand for this Court is not expected or required to examine or refute the oral and documentary evidence submitted by the parties.[16] The trial court, having heard the witnesses and observed their demeanor and manner of testifying, is in a better position to assess their credibility.

In any event, we carefully reviewed the records of this case and found no compelling reason to disturb the findings and conclusions of the trial court and the appellate court.

Respondent's ownership of the vehicle was proven by the certificate of registration in his name. Petitioner Vicente Amante, on the otherhand, could not present any certificate of registration to support his claim. Between one who is armed with a certificate of registration clearly establishing his ownership and another whose claim is supported only by unconvincing allegations, we do not hesitate to rule for the former.

A certificate of registration of a motor vehicle creates a strong presumption of ownership in favor of one in whose name it is issued, unless proven otherwise. In this case, we have not found sufficient proof to destroy the presumption. Petitioners seek to dispel the presumption by alleging that the vehicle was stolen by Bicomong from them and therefore the respondent was a buyer in bad faith. In this connection, petitioners raise the following points:

- Bicomong was merely a supervisor at Amante Motors owned by petitioner Vicente Amante.
- Bicomong had no motor shop of his own.
- Bicomong had no other [source] of income or livelihood aside from being a supervisor at Amante Motors and did not own any passenger-type jeepney.
- [R]espondent was brought to the shop of Amante Motors where he chose and picked the subject motor vehicle from among the jeepneys on display thereat for sale.
- [T]he jeepney chosen by respondent at the shop of Amante Motors was the very same vehicle in question delivered to him by Danilo Bicomong at his residence [in] Cavite.
- [T]he subject motor vehicle was among the passenger-type jeepneys manufactured and/or assembled by Amante Motors spirited out of the shop of Amante Motors by Danilo Bicomong.
- [T]he macro-etching examination conducted by SPO1 Elfin B. Rico of the Philippine National Police Crime Laboratory Service on the subject motor vehicle clearly revealed "presence of signs of grinding on the metal

surface where the chassis number is normally located" per his Physical Investigation Report No. PI-369-93 dated December 9, 1993.

- Chassis no. SPMM-35092-90C (the chassis number in Bicomong's certificate of registration) was merely re-stamped on the chassis of subject motor vehicle as per the aforesaid Physical Investigation Report No. PI-369-93 of SPO1 Rico.

- [T]he chassis bearing no. SPMM-35092-90-C, as found re-stamped on the chassis of the vehicle in question by SPO1 Rico is with the police authorities of San Pablo City, Laguna.

- [T]he dorsal side of the hood of subject motor vehicle, when its paint was scratched, showed the original chassis number secretly stamped thereon by petitioners.

- Danilo Bicomong was not even presented in court to prove his alleged ownership of [the] subject motor vehicle; and

- Danilo Bicomong, among others, was charged by the Office of the City Prosecutor of San Pablo City for theft of subject motor vehicle and other jeepneys as per Resolution of the San Pablo City Prosecutor's Office. [17]

We are not convinced. There is no clear indication that the vehicle was stolen by Bicomong, much less that respondent had knowledge thereof. Hence, the presumption of ownership created by respondent's certificate of registration stands.

More telling are the following observations.

The fact that Bicomong was only a supervisor at Amante Motors did not conclusively prove that he never at any time owned a jeepney for sale. That was pure speculation. One's wealth is not measured solely by his occupation. There are so many possibilities which might have explained how Bicomong managed to own one although that is no longer within the extent of our review.

Next, as supervisor of Amante Motors, Bicomong was clothed with authority to deal and transact with customers. When respondent was shown the vehicles on display, it was not necessary for him to verify in whose names the vehicles were registered. What a customer normally does under such circumstances is to take a look at the items and take his pick.

Petitioners wish to establish bad faith on the part of respondent for purchasing a jeepney which was registered not to Amante Motors but to Danilo Bicomong. Was this sufficient proof of bad faith on the part of a purchaser? Whatever internal arrangement the motor shop may have had with Bicomong regarding why the latter's vehicle was among those on display in its premises was not the responsibility of respondent buyer to inquire into. What was crucial was the valid certificate of registration in Bicomong's name, true and clean on its face. Respondent buyer was not required to go beyond that.

Petitioners also assert that the delivery of the vehicle to respondent's residence should have made him suspicious. We do not agree. In order to attract buyers, sellers are known to extend all kinds of gimmicks and accommodations, one of which could have been the delivery of the vehicle right at a buyer's doorstep.

Next, in an attempt to prove that the vehicle was stolen from them, petitioners presented evidence such as the police report on the macro-etching examination conducted on the vehicle. There is something legally anomalous about this, however. The seizure of the vehicle on December 9, 1993 by the highway patrol group (which led to such examination) was done without a court warrant. Obviously, Gregorio Amante could not have effected the seizure without the cooperation of his "friendly contacts" in the police force. This, on the mere suspicion that it was spirited out of the Amante Motor Shop sometime in 1992. How are we supposed to rule on this in the light of

the Bill of Rights guaranteed by the Constitution? One of the most protected rights of every person is the right against unreasonable searches and seizures[18]. The fundamental law mandates that these must be carried out only on the strength of a judicial warrant, otherwise evidence secured therefrom is deemed tainted. In the language of the fundamental law, it is inadmissible in evidence for any purpose in any proceeding.[19]

Although the exclusionary rule admits of some exceptions such as customs searches, searches of moving vehicles, seizure of evidence in plain view, consented searches, searches incidental to a lawful arrest and "stop and frisk" measures,[20] the case at bar does not fall under any of the foregoing.

Moreover, the element of immediacy between the time of the commission of the offense and the time of the seizure was missing. The alleged commission of the theft was in 1992 while the seizure was effected only in 1993. There was thus no compelling reason for the haste in seizing the vehicle because petitioner Gregorio Amante could have easily obtained a warrant if he really believed that the vehicle had been stolen from them.

We rule therefore that the reports, based as they were on chattel illegally seized, were inadmissible in evidence and thus carried no weight.

Finally, the resolution of San Pablo City Assistant Prosecutor Esperidion Gajitos[21] could not but strengthen respondent's claim of good faith. Petitioner Gregorio Amante's criminal complaint for violation of RA 6539[22] and the Anti-Fencing Law was filed in court only against Bicomong. Respondent was exonerated of any liability whatsoever.

All told, we find no reason to disturb the findings of both the court a quo and the appellate court on the good faith of respondent.

As to the issue of damages, we concur with the Court of Appeals that only petitioner Gregorio Amante should be held liable for the unrealized rentals of respondent during the period he was deprived of the vehicle's possession. Petitioner Vicente Amante was not privy to the unlawful seizure and detention of the vehicle.

WHEREFORE, in view of the foregoing, the decision of the Court of Appeals dated December 28, 1999 is hereby **AFFIRMED** with **MODIFICATION**. Respondent Bibiano Serwelas is hereby declared the owner of the disputed vehicle. Petitioner Gregorio Amante is hereby ordered to pay respondent the amount of P103,200 as unrealized rentals plus P37,963 as premium for the replevin bond.[23]

Costs against petitioners.

### **SO ORDERED.**

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

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[1] Penned by Associate Justice Edgardo P. Cruz, and concurred in by Associate Justices Godardo A. Jacinto and Marina L. Buzon, Thirteenth Division; Rollo, pp. 34-39.

[2] Certificate of Registration dated April 4, 1991, RTC records, p. 137.

[3] RTC Records, p. 138.

[4] Id., p. 3.

[5] At P400 a day; Id., p.1.

[6] Demand letter signed by the private respondent's counsel, addressed to George Amante, dated July 7, 1994,

RTC records, p.143.

[7] Regional Trial Court, Imus, Cavite, Branch 21.

[8] Penned by Judge Roy S. del Rosario, Regional Trial Court, Fourth Judicial Region, Branch 21, Imus, Cavite.

[9] Herein petitioner Gregorio Amante.

[10] Herein petitioner Vicente Amante.

[11] Herein private respondent.

[12] RTC Records, pp. 200-201.

[13] Computed at P400 per day under the boundary system from the time the vehicle was taken on December 8, 1993 until August 31, 1994 when the vehicle was returned, per RTC decision.

[14] CA Decision, Rollo, p. 38.

[15] The RTC granted the award of P103,200 as unrealized earnings. The Court of Appeals did not modify the said amount. However, the amount stated in the dispositive portion of the Court of Appeal's decision was P100,200.

[16] Reyes v. Court of Appeals, 432 Phil 1052 (2002).

[17] Rollo, pp. 14-21.

[18] Article III Section 2. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized. (Bill of Rights, 1987 Constitution)

[19] People v. Montilla, 349 Phil 640 (1998).

[20] Id.

[21] Office of the City Prosecutor, City of San Pablo, March 29, 1994, RTC Records, pp. 141-142.

[22] Anti-Carnapping Act of 1972, as amended.

[23] The award of P37,963 as premium for the replevin bond was granted by the trial court. On appeal, the Court of Appeals deleted it on the ground that the claim was not made in the complaint. The complaint, however, prayed "for other reliefs that are just and equitable." In the cases of Original Development and Construction Corp. v Court of Appeals, G.R. No. 94677, 15 October 1991, 202 SCRA 753; Tacay v RTC of Tagum, G.R. Nos. 88075-77, 20 December 1989, 180 SCRA 433 and Ayala Corporation v Madayag, G.R. No. 88421, 30 January 1990, 181 SCRA 687, this Court awarded damages for claims arising after the filing of the complaint. On this basis, this Court is granting the award of P37,963 as reimbursement of the premium for the replevin bond which was paid after the filing of the complaint.

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