

**FELIPA DELFIN, GINA MAALAT, SHIRLEY TAMAYO, RECIO DAÑOS,
AND ROBERTO DELFIN, PETITIONERS, VS. PRESENTACION D.
BILLONES, ROSARIO D. DEMONARCA (ACCOMPANIED BY HUSBAND
PEDRO AND DE...**

G.R. NO. 146550. March 17, 2006

Ponente: TINGA, J.

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TINGA, J.:

This treats of the petition for review on certiorari assailing the Decision[1] and Resolution of the Court of Appeals in CA-G.R. CV No. 54035 entitled *Presentacion D. Billones, et al. v. Felipa Delfin, et al.*, promulgated on 13 October 2000 and 26 December 2000, respectively, which reversed the 27 May 1996 Decision of the Regional Trial Court, Branch 15 of Roxas City.

The antecedents are as follows:

On 29 July 1960, a Deed of Absolute Sale[2] over Lot No. 213, covered by RO-5563 (14516) of the Cadastral Survey of Panitan, Capiz, was executed by Teresa Daños, Esperanza Daradar, Estrella Daradar and Maria Daradar, with the marital consent of Cipriano Degala, husband of Teresa Daños, in favor of the spouses Rodolfo Delfin and Felipa Belo (spouses Delfin). The document, so it appears, bore the signatures of Esperanza and Estrella, as well as the thumb marks of Teresa, Maria, and Cipriano, and was acknowledged before a notary public. On 18 November 1980, the spouses Delfin registered the Deed of Absolute Sale with the Register of Deeds of the Province of Capiz. Thereupon, a new title, Transfer Certificate of Title (TCT) No. T-17071, was issued in the name of the spouses Delfin.[3]

Meanwhile, on 26 March 1965, an Extra-Judicial Partition and Absolute Deed of Sale[4] involving Lot No. 3414 then covered by TCT No. T-16804 was made between Teresa Daños, Trinidad Degala, Leopoldo Degala, Presentacion Degala, Rosario Degala and Pedro

Degala, on one part, and the spouses Delfin, on the other. The deed, bearing either the thumb marks or the signatures of the sellers, was likewise notarized. Said document was registered by the spouses Delfin on 24 June 1980. Thus, TCT No. T-16804 covering Lot No. 3414 was cancelled and a new one, TCT No. T-16805, was issued in the names of the spouses Delfin on 24 June 1980.[5]

The spouses Delfin then consolidated Lots No. 213 and No. 3414 and subdivided the resulting lot into six (6) smaller lots.[6] Lot No. 1, covered by TCT No. T-19618, was sold to Roberto Delfin on 21 October 1989; Lot No. 2 covered by TCT No. T-19619 to Recio Daños on 25 April 1985; Lot No. 3 covered by TCT No. T-19620 to Gina Maalat on 14 June 1989, and; Lot No. 4 covered by TCT No. T-19621 to Shirley Tamayo on 11 August 1989. Lot No. 5 remained with the spouses Delfin, while Lot No. 6 was used as an access road.[7]

On 12 April 1994, herein respondents, claiming to be the heirs of the former owners of Lots No. 213 and No. 3414, filed an action for annulment, reconveyance, recovery of ownership and possession and damages.[8]

According to them, it was only in 1989[9] when they

discovered that Teresa Daños, sick and in dire need of money, was constrained to mortgage the one-half (1/2) portion of Lot No. 3414 to the spouses Delfin for P300.00 sometime in 1965.[10] Taking advantage of her condition, the spouses Delfin made her sign a document purporting to be a mortgage, but which turned out to be an extrajudicial partition with deed of absolute sale. As to Lot No. 213, respondents averred that the Deed of Sale covering the property was fictitious and the signatures and thumb marks contained therein were all forged because three (3) of the signatories therein died before the alleged sale in 1960, namely: Estrella Daradar, who died in 1934, and Esperanza Daradar and Cipriano Degala, who both died in 1946.[11] As proof thereof, respondents presented certifications[12] on the deaths of Esperanza Daradar and Cipriano Degala by the Local Civil Registrar of Panitan, Capiz.

To counter respondents' arguments, petitioners alleged that respondents' action was already barred by prescription and laches. Further, they argued that the spouses Delfin, as well as the subsequent owners of the subject properties, are innocent purchasers for value and in good faith, whose titles to the lots at the time of the purchase were all clean and free from liens and encumbrances.[13] The documents evidencing the conveyance of the properties were personally and unilaterally executed by the vendors-signatories therein without any intervention from the spouses Delfin, and duly acknowledged before a notary public, petitioners averred.[14]

Giving credence to the claims of petitioners, the trial court ruled that respondents' claim of ownership over the subject properties was not established by a preponderance of evidence. Compared to respondents' verbal claims of ownership, the spouses Delfin were able to prove that they bought the properties from the original owners, the trial court added. The trial court held that the deeds of sale being duly executed notarial and public documents, they enjoy the presumption of regularity which can only be contradicted by clear and convincing evidence. In addition, respondents' claims based on fraud were barred by prescription, having been filed more than four (4) years from the time the instruments were registered with the Register of Deeds, and they are estopped from annulling the documents by reason of laches, the action having been filed 15 years after the deeds were registered. The trial court also denied respondents' claims for damages.[15]

Respondents elevated the case to the Court of Appeals, which reversed the ruling of the trial court. In its Decision,[16] the Court of Appeals ruled that while an action for reconveyance based on implied or constructive trust prescribes in ten (10) years from the date of the issuance of the certificate of title over the property, such prescriptive period does not apply if the person claiming to be the owner of the property is in possession thereof, such as respondents in this case.[17] Moreover, considering that a similar action for reconveyance was filed by respondents as early as 1989 which was eventually dismissed without prejudice, respondents' action to annul the two (2) deeds on the ground of fraud has not yet prescribed, according to the Court of Appeals.[18]

The appellate court annulled the Extra-Judicial Partition and Deed of Sale covering Lot No. 3414. The appellate court noted that: (i) Teresa Daños was a very old and sickly woman; (ii) she and her children lacked formal education to fully comprehend the document to which they affixed their signatures and/or thumb marks; (iii) P300.00 was inadequate consideration for a lot consisting of 1,565 square meters even in 1965; (iv) respondents were allowed to remain in the subject properties; and (v) the questioned document was registered in the name of the spouses Delfin 15 years after the alleged date of its execution, when most of the alleged vendors have already died. These circumstances surrounding the execution of the said document show that the real intention was merely to secure the loan of P300.00. Thus, what took place was in fact, an equitable mortgage and not a sale[.19]

As for Lot No. 213, the Court of Appeals held that the Deed of Absolute Sale could not have been executed on 9 July 1960. Relying on the certifications of death presented by respondents, the Court of Appeals ruled that the

defense of due execution cannot prevail over the fact that two (2) of the signatories therein have already died prior to said date.[20] Roberto Delfin, Recio Daños, Gina Maalat, and Shirley Tamayo, buyers of the subdivided lot, could not be considered as purchasers in good faith nor entitled to be protected in their rights because they were informed by respondents prior to the purchase that they, and not the spouses Delfin, are the real owners of the lots, the appellate court added.[21]

The Court of Appeals thus ruled:

WHEREFORE, premises considered, the present appeal is hereby GRANTED. The Decision dated May 27, 1996 of the Regional Trial Court of Roxas City, Capiz, Branch 15 presided over by Judge Roger B. Patricio is hereby REVERSED and SET ASIDE and a new one entered:

(1) Annulling the Extra-Judicial Partition and Deed of Absolute Sale dated March 26, 1965 and Deed of Absolute Sale dated July 9, 1960;

(2) Reinstating OCT No. RO-5563 (14516) referring to Lot 213 registered in the names of Teresa Daños (1/2 portion), and the children of Lucia Daños, namely: Esperanza Daradar, Estrella Daradar and Maria Daradar (1/2 pro-indiviso) and OCT No. (4650) RO-5529 referring to Lot 3414 registered in the names of the late spouses Cipriano Degala and Teresa Daños, and canceling the TCTs issued thereafter;

(3) Ordering plaintiffs-appellants, jointly and severally, to pay defendant Felipa Belo Delfin the amount of P300.00 within thirty (30) days from the date of finality of this decision;

(4) Ordering defendants-appellees to free Lots 3414 and 213 from any and all obligations and encumbrances that may have been attached to both lots and thereafter to deliver possession of the same to plaintiffs-appellants; and

(5) Ordering defendants-appellees, jointly and severally, to pay plaintiffs-appellants P10,000.00 as exemplary damages, and [sic] for attorney's fees and P10,000.00 as litigation expenses.

Costs against defendants-appellees.

SO ORDERED.[22]

In the present petition for review under Rule 45, petitioners claim that the Court of Appeals erred in finding that respondents retained possession of the subject properties. Moreover, petitioners posit that respondent's allegations of fraud and forgery confine their action to a four (4)-year prescriptive period which has long expired. Additionally, they argue that respondents failed to: (i) prove the inadequacy of the selling price of Lot No. 3414; (ii) prove the frail condition of Teresa Daños; (iii) show that fraud attended the sale of Lot No. 213; (iv) show that Roberto Delfin, Recio Daños, Gina Maalat and Shirley Tamayo are not purchasers in good faith; and (v) overcome the presumption of regularity enjoyed by the notarized deeds of sale. Petitioners also question the award of exemplary damages and attorney's fees in favor of respondents.[23] On the other hand, respondents for the most part merely reiterated the ruling of the Court of Appeals.[24]

The complete resolution of the issues presented before the Court requires a determination of facts, which this Court, not being a trier of facts, does not normally exercise in an appeal by certiorari.[25] This rule, however, is subject to exceptions, such as where the factual findings of the Court of Appeals and the trial court are conflicting or contradictory,[26] as in the instant case.

When one's property is registered in another's name without the former's consent, an implied trust is created by law in favor of the true owner.[27] Implied trusts are those which, without being expressed, are deducible from the nature of the transaction by operation of law as matters of equity, independently of the particular intention of the parties. Meanwhile, constructive trusts are created in order to satisfy the demands of justice and prevent unjust

enrichment. They arise against one who, by fraud, duress or abuse of confidence, obtains or holds the legal right to property which he ought not, in equity and good conscience, to hold.[28] An action for reconveyance based upon an implied or constructive trust prescribes in ten (10) years from the registration of the deed or from the issuance of the title, registration being constructive notice to all persons.[29] However, an action for reconveyance based on fraud is imprescriptible where the plaintiff is in possession of the property subject of the acts.[30]

In essence, petitioners insist that respondents failed to prove that fraud attended the sale of Lots No. 213 and No. 3414. The Court agrees.

A contract or conduct apparently honest and lawful must be treated as such until it is shown to be otherwise by either positive or circumstantial evidence.[31] A duly executed contract carries with it the presumption of validity. The party who impugns its regularity has the burden of proving its simulation.[32] A notarized document is executed to lend truth to the statements contained therein and to the authenticity of the signatures. Notarized documents enjoy the presumption of regularity which can be overturned only by clear and convincing evidence.[33]

As plaintiffs in the action before the trial court, respondents have the burden to establish their case by a preponderance of evidence, or evidence which is of greater weight or more convincing than that which is offered in opposition to it. Hence, parties who have the burden of proof must produce such quantum of evidence, with plaintiffs having to rely on the strength of their own evidence, not on the weakness of the defendant's.[34]

As regards Lot No. 3414, respondents specifically alleged that the spouses Delfin "tricked the plaintiffs and their late mother into signing a fictitious and simulated document," and that "TCT No. T-16805 was the product of a fictitious and simulated transaction [that] was obtained through fraud, the same should be declared null and void".[35] They claimed that the original owners of Lot No. 3414 did not intend to execute a deed of extra-judicial partition and absolute sale but only a mortgage instrument. However, all that respondents came out with were bare allegations that the said owners were either old and sickly or illiterate; that the purported selling price of P300.00 was unconscionable; and that petitioners failed to eject respondents from the subject land, as respondents were unable to present any evidence to substantiate their claims, much less the charge of fraud.

Respondents did not present any witness to testify on the execution of the deed, nor on the condition of the signatories thereto. At best, their witnesses merely testified as to the identity of the previous owners of the property. Worse, petitioners Presentacion Degala Billones and Rosario Degala Demonarca, both signatories to the subject deed, were not presented to testify on the real circumstances surrounding the assailed transaction. As for the selling price of P300.00, suffice it to say that respondents did not even present a witness to testify as to its alleged unconscionability vis-a-vis the prevailing market value of the property at the time of the sale. Meanwhile, the belated registration of the document with the Register of Deeds can be explained by the fact that the original of OCT No. 4650 covering Lot No. 3414 was either lost or destroyed and was reconstituted only in 1971, while the original copy of the deed of sale was lost by Felipa Delfin.[36]

Even respondents' claim of possession of the subject properties has not been sufficiently proved. This Court has uniformly held that "the one who is in actual possession of a piece of land claiming to be the owner thereof may wait until his possession is disturbed or his title is attacked before taking steps to vindicate his right. His undisturbed possession gives him a continuing right to seek the aid of a court of equity to ascertain and determine the nature of the adverse claim of a third party and its effect on his own title, which right can be claimed only by one who is in possession."[37] Actual possession of land consists in the manifestation of acts of dominion over it of such a nature as those a party would naturally exercise over his own property.[38]

Contrary to the appellate court's illation, respondents have not established possession of the subject properties.

Save for the lone testimony of Orlando Buday, a neighbor, that Rosario Degala Daradar was the only one still residing in the properties in dispute, no other evidence was presented to show that respondents are in actual occupation and possession thereof. Not even Rosario herself testified. Doubts also arise as to the veracity of respondents' claim of possession since respondents themselves averred in their complaint that the spouses Delfin had immediately taken possession of the subject properties in the same year that the sale was made, and appropriated the produce found in the subject lots from then on.[39] Admissions made in the complaint are judicial admissions which are binding on the party who made them and cannot be contradicted[40] absent any showing that it was made through palpable mistake. No amount of rationalization can offset such admission.[41] By their very own admissions, it can be inferred that respondents or their predecessors-in-interest did not exercise actual occupancy, as they had ceased to perform acts of dominion over the property upon the sale thereof.

Fraud may be, and often is, proved by or inferred from circumstances, and the circumstances proved may in some cases raise a presumption of its existence. However, while fraud may be proved by circumstances or presumed from them, it cannot be demonstrated by mere construction, but must be proven in all cases.[42] Respondents indeed failed to prove that fraud attended the execution of the Extra-Judicial Partition and Deed of Absolute Sale. Their bare and unsupported allegations are not enough to overthrow the presumption of the validity of said agreement or to raise the presumption of fraud.

Considering that respondents failed to establish the existence of fraud in the spouses Delfin's acquisition of Lot No. 3414, it cannot be said that implied or constructive trust was created between respondents and the spouses Delfin. The action for reconveyance of Lot No. 3414 must fail. Further, in view of respondents' failure to show their valid title to Lot No. 3414 or even their occupation thereof, the case cannot prosper even when it is viewed as one for quieting of title.

On the other hand, the Court of Appeals annulled the Deed of Absolute Sale dated 9 July 1960 covering Lot No. 213 because "one of the vendors therein was already dead,"[43] relying on the certifications issued by the Local Civil Registrar. In assailing this declaration, petitioners once more point out that the Deed of Sale, being a duly notarized document, should be given full faith and credit. Also, they argue that the appellate court's conclusion is based on the disputable presumption that identity of names means identity of persons.

Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated.[44] Public documents are (i) the written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country; (ii) documents acknowledged before a notary public except last wills and testaments; and (iii) public records, kept in the Philippines, of private documents required by law to be entered therein.[45] Public documents may be proved by the original copy, an official publication thereof, or a certified true copy thereof;[46] and when a copy of a document or record is attested for the purpose of evidence, the attestation by the officer having legal custody of the record must state that the copy is a correct copy of the original, or a specific part thereof, as the case may be.[47] A duly-registered death certificate is considered a public document and the entries found therein are presumed correct, unless the party who contests its accuracy can produce positive evidence establishing otherwise.[48] Nevertheless, this presumption is disputable and is satisfactory only if uncontradicted, and may be overcome by other evidence to the contrary.

The documents presented by respondents were mere certifications and not the certified copies or duly authenticated reproductions of the purported death certificates of Esperanza Daradar

and Cipriano Degala. They are not the public documents referred to by the Rules of Court, nor even records of public documents; thus, they do not enjoy the presumption granted by the Rules. Respondents did not even

present the local civil registrar who supposedly issued the certifications to authenticate and identify the same. Likewise, respondent Jolly Datar who adverted to the certifications did not testify on how the certifications were obtained, much less his role therein.[49] As a consequence, the trial court did not admit the certifications as independent pieces of evidence but merely as part of the testimony of respondent Jolly Datar.[50] A document or writing which is admitted not as an independent evidence but merely as part of the testimony of a witness does not constitute proof of the facts related therein.[51] Clearly then, the certifications cannot be given probative value, and their contents cannot be deemed to constitute proof of the facts therein stated.

More importantly, the very exhibits of respondents dispel the presumption of regularity of the issuance of the certifications of death relied upon by the Court of Appeals. The certifications state that both Esperanza Daradar and Cipriano Degala died in 1946 at ages 24 and 63, respectively. However, a careful study of the records of the case shows that in OCT No. RO 5563 (14516),[52] Esperanza Daradar was already 20 years old in 1929, making her date of birth to be sometime in 1909. This is totally incongruous with her supposed age of 24 years in 1946, which places the year of her birth in 1922. Likewise, the Court takes note of the Decision of the Court of Appeals in CA-G.R. CV No. 31739,[53] wherein the appellate court in its statement of facts found that Esperanza Daradar died on 10 August 1940, while Estrella Daradar died on 15 June 1943, contrary to the claim of respondents in this case.[54] The Esperanza Daradar named in the OCT and the one referred to in the aforesaid Decision could not have been the same Esperanza Daradar in the Local Civil Registrar's certification.

As for the Cipriano's thumb mark on the deed, suffice it to say that his consent was not in fact needed to perfect the sale. Teresa Daños Degala's share in Lot 213 was paraphernal property and, under the provisions of the Civil Code applicable at the time of the sale, she could alienate or dispose of the said property without the permission or consent of her husband.[55] Thus, with or without such thumb mark, whether it was forged or not, the Deed of Absolute Sale remains valid and effectual.

Under the circumstances, therefore, respondents were unable to overthrow the presumption of validity of the Deed of Absolute Sale. Said deed, as well as the titles derived as a result thereof must be accorded respect and must remain undisturbed.

Anent the charge of bad faith on the part of petitioners, the Court takes note of respondents' statement in their Plaintiff-Appellants' Brief,[56] to wit:

From the facts and circumstances of this case, Lot 213 and 3414 both of Panitan Cadastre which were consolidated, into one single lot, per consolidated plan as appearing at the back of TCT No. T-17071, and after the two lots were consolidated, and the same was subdivided, into six smaller lots, Lots 1, 4 and 5 thereof still remained in the names of appellees spouses Rodolfo Delfin and Felipa Belo, while Lots 2 and 3 thereof were transferred by the said spouses appelle[es] to Recio Daños and Gina Maalat, respectively. These two transferees are innocent purchasers for value which appellants admit, and this appeal is only an appeal by appellants against defendant-appellees spouses Rodolfo Delfin and Felipa Belo, and not against Recio Daños and Gina Maalat.[57] (Emphasis supplied.)

In effect, contrary to the testimony of respondents' witness Myrna Degala-Distura that her mother warned petitioners against buying the subject lots,[58] respondents admitted that the only persons they consider to be not innocent purchasers are the spouses Delfin. However, in view of respondents' failure to prove the fraud attributed to the spouses Delfin, the Court has no choice but to declare all petitioners to be purchasers for value and in good faith.

WHEREFORE, the petition is GRANTED. The Decision of the Court of Appeals dated 13 October 2000 is REVERSED and SET ASIDE. The Decision of the Regional Trial Court dated 27 May 1996 is REINSTATED.

No pronouncement as to costs.

SO ORDERED.

Carpio, (Acting Chairman), and Carpio Morales, JJ., concur.
Quisumbing, J., on official leave

[1] Penned by Associate Justice Martin S. Villarama, Jr., concurred in by Associate Justices Romeo J. Callejo, Sr. and Juan Q. Enriquez, Jr.

[2] Exhibit "G," List of Exhibits for the Plaintiffs-Appellants, p.8.

[3] Exhibit "1," List of Exhibits for the Defendants-Appellees, p. 1.

[4] Exhibit "B," List of Exhibits for the Plaintiffs-Appellants, pp. 2-3.

[5] Exhibit "2," List of Exhibits for the Defendants-Appellees, p. 2.

[6] Rollo, p. 34.

[7] Id. at 35.

[8] Id. at 322-331.

[9] Earlier, or on 14 December 1989, Jolly Datar, one of the respondents, filed a case involving the same action against the spouses Delfin but this case was dismissed without prejudice because the spouses were no longer the owners of the properties in question; Complaint dated 11 April 1994, id. at 322-331.

[10] Cipriano Degala and Teresa Daños co-owned Lot No. 3414.

[11] Rollo, p. 328.

[12] Exhibits "F" and "J," List of Exhibit for the Plaintiffs-Appellants, pp. 7 and 11.

[13] Answer with Counterclaim, rollo, pp. 515-520.

[14] Id. at 516.

[15] Decision of the trial court dated 27 May 1996. Records, pp. 235-242.

[16] Rollo, pp. 11-21

[17] Id. at 15.

[18] Id. at 16.

[19] Id. at 17-18.

[20] Id. at 19.

[21] Id.

[22] Id. at 20.

[23] Id. at 43-44.

[24] Comment, id. at 696-715.

- [25] Naguiat v. Court of Appeals, G.R. No. 118375, 3 October 2003, 412 SCRA 591, 595.
- [26] Litonjua v. Fernandez, G.R. No. 148116, 14 April 2004, 427 SCRA 478, 489.
- [27] Austria- Magat v. Court of Appeals, 426 Phil. 263, 278 (2002). Additionally, Art. 1456 of the Civil Code states: "If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes."
- [28] Policarpio v. Court of Appeals, 336 Phil. 329, 338 (1997).
- [29] Philippine Economic Zone Authority v. Hon. Fernandez, 411 Phil. 107, 119 (2001), citing Ramos v. Court of Appeals, 302 SCRA 589 (1999), Serna v. Court of Appeals, 308 SCRA 527 (1999).
- [30] Leyson, et al. v. Bontuyan, et al., G.R. No. 156357, 18 February 2005, citing Vda. De Cabrera v. Court of Appeals, 67 SCRA 339 (1997), and David v. Malay, 318 SCRA 711 (1999).
- [31] Archipelago Management and Marketing Corp. v. Court of Appeals, 359 Phil. 363, 382 (1998) citing De Roda v. W. A. Lalk and E. Michael & Co., Inc., 48 Phil. 107-108 (1925).
- [32] Ramos v. Heirs of Honorio Ramos, Sr., 431 Phil. 337, 346 (2002).
- [33] Lao v. Villones-Lao, 366 Phil. 49, 58 (1999).
- [34] Montanez v. Mendoza, 441 Phil. 47, 56 (2002).
- [35] Amended Complaint, rollo, pp. 526-527.
- [36] Exhibit "A", List of Exhibits for the Plaintiffs-Appellants, p. 1. Felipa Delfin executed an Affidavit of Loss dated 16 June 1980. It appears also that Lot No. 213 was belatedly registered in the name of the spouses Delfin because the owner's duplicate copy of OCT No. RO-5563 (14516), also a reconstituted title, was lost and the second owner's copy was issued only on 5 September 1980; Exhibit "E," List of Exhibits for the Plaintiffs-Appellants, p. 6.
- [37] Arlegui v. Court of Appeals, 428 Phil. 381, 398 (2002).
- [38] Reyes v. Court of Appeals, 374 Phil. 236, 242-243 (1999).
- [39] Complaint, rollo, pp. 511-512.
- [40] Martinez v. Court of Appeals, G.R. No. 131673, 10 September 2004, 438 SCRA 130, 155-156.
- [41] Seastar Marine Services, Inc. v. Bul-an, Jr., G.R. No. 142609, 25 November 2004, 444 SCRA 140, 153.
- [42] Archipelago Management and Marketing Corp. v. Court of Appeals, supra note 31.
- [43] Rollo, p. 9.
- [44] Rules of Court, Rule 132, Sec. 23.
- [45] Rules of Court, Rule 132, Sec. 19.
- [46] Rules of Court, Rule 132, Sec. 24: If the record is not kept in the Philippines, there must also be a certificate that the attesting officer has the custody thereof. If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

[47] Rules of Court, Rule 132, Sec.25.

[48] Philippine American Life Insurance Company v. Court of Appeals, 398 Phil. 559, 567 (2000).

[49] TSN, 2 February 1996, p. 31.

[50] Records, p. 231.

[51] F.D. Regalado, Remedial Law Compendium, vol. 2, (Eighth Revised ed., 2000), 695, citing Sheraton-Palace Hotel v. Quijano, [CA] 64 O.G. 9118.

[52] Exhibit "E", List of Exhibits for the Plaintiffs-Appellant, p. 6.

[53] Trinidad D. Datar, et al. v. Spouses Rodolfo Delfin and Felipa Belo, 13 December 1993, Exhibit "B," List of Exhibits for the Plaintiffs and Defendants, pp. 6-15.

[54] Id. at 7.

[55] Civil Code, Art. 140.

[56] Rollo, pp. 538-564.

[57] Id. at 557-558.

[58] TSN, 16 January 1996, p. 5.

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