FLORENCIA BULAY-OG, LEONILO BULAY-OG, DOLORES BULAY-OG, ROBERTO BULAY-OG, PRIMITIVO BULAY-OG, ARSENIO BULAY-OG, LENITH BULAY-OG, ROSEVILLA BULAY-OG, ROSEMARIE BULAY-OG, JEOFFREY...

G.R. NO. 148795. July 17, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari filed by the heirs (petitioners) of Matias and Purita Bulay-og[1] seeking to annul the Decision[2] dated September 29, 2000 of the Court of Appeals (CA) in CA-G.R. CV No. 42816, which reversed the Decision of the Regional Trial Court (RTC) of Zamboanga del Norte, Branch 11, dismissing the complaint for recovery of possession and damages filed by Rebecca Bacalso (respondent) against petitioners' parents, Matias and Purita Bulay-og (predecessors). Also assailed is the CA Resolution[3] dated May 24, 2001 denying petitioners' motion for reconsideration.

The facts of the case are as follows:

On February 12, 1957, Enrique Pangilayan (Pangilayan) executed a Deed of Quitclaim[4] in favor of Matias Bulay-og (Matias) and Aurelio Balili (Balili) whereby Pangilayan sold to Matias and Balili the one half portion of his parcel of land, particularly described as follows:

> A parcel of land known as Lot No. 4027 Pls-65 Liloy Public Lands Subdivision, situated at Barrio Tampilisan, Liloy Zamboanga del Norte, containing an area of 24.0000 hectares more or less. All corners are visible by Pls-65 survey monuments. x x x[5]

On February 24, 1957, Matias filed his homestead application[6] over the entire Lot No. 4027 Pls-65 with the Bureau of Lands where Pangilayan signed as a witness thereto, docketed as Bureau of Lands No. 18-9008, Entry No. 18-8187. The homestead application was approved on June 29, 1957.[7]

Subsequently, Pangilayan contested Matias's homestead application,[8] docketed as B.L. Claim No. 1302, B.L. Claim No. 18-1-18. However, in order to resolve their conflict, Pangilayan and Matias entered into an Amicable Settlement[9] dated March 1, 1967 wherein Pangilayan denied having sold his whole property to Matias and clarified that only an area of about 12 hectares was actually sold to the latter. They then agreed to divide Lot No. 4027, Pls-65 in the following manner:

> That Lot No. 4027, Pls-65, shall be designated into two portions otherwise known as Portion "A" and Portion "B", as shown on the sketch drawn at the back of this agreement;
>
> That portion "A" is formed to start from Corner 3 to old original Corners 4, 5, 6, 7 and 8; and from Corner 8 thence to line 2-3 which shall fall one hundred seventy-five (175) meters from Corner 3 going back to Corner 2, which shall be indicated in red ink at the back of this amicable settlement, which shall pertain to the claim of Matias Bulay-og and now to be covered by H.A. No. 18-9008 (E-18-8187), which application shall be made

> amended and to conform with this agreement;
>
> That portion "B" is formed to start from Corner 1 to Corner 2 and from there to extend about a distance of 111 meters which shall exactly fall on the common established and agreed corner by the parties herein drawn from there to old Corner 8 thence to close at Corner 1, which portion shall now pertain to the share of Enrique Pangilayan, which portion "B" is enclosed in blue ink as also shown in the sketch drawn at the back hereof.[10]

On March 2, 1967, Pangilayan executed a Quitclaim Deed[11] in favor of Salvador Sapallida(Sapallida) over Lot No. 4027-B, Pls-65.

In the meantime, Balili who shared ownership over Lot No. 4027-A also filed a protest against Matias, docketed as B.L. Claim No. 2194.[12] Balili and Matias entered into an Amicable Settlement dated August 26, 1968, involving Lot No. 4027-A, Pls-65, subscribed before Land Inspector Julio M. Cruz, which provides, thus:

> That Lot No. 4027-A, Pls-65 should be divided among us and the northern portion containing an area of six (6.0000) hectares more or less, identified as Lot No. 4027-A-2, Pls-65, shall pertain to Aurelio Balili and the remaining portion on the southern side otherwise identified as Lot No. 4027-A-1, Pls-65, shall pertain to Matias Bulay-og, the segregation of the said portions is being shown and indicated on the sketch drawn at the back hereof.[13]

On January 13, 1969, Sapallida executed a Deed of Absolute Sale[14] over Lot No. 4027-B, consisting of 12 hectares, more or less, in favor of Francisca Balignot (Balignot).

On July 1, 1976, Balignot through a Deed of Absolute Sale of Unregistered Land[15] sold Lot No. 4027-B to respondent who had been in actual possession and cultivation of the lot since then until she moved to La Libertad, Zamboanga del Norte in 1985 leaving her land to a caretaker. She had filed a Free Patent Application on the lot on July 8, 1976[16] and declared the lot for taxation purposes.

Sometime in 1985, Matias encroached and cultivated a portion of about four hectares of the eastern part of respondent's lot and despite effort to persuade Matias to refrain from working on the encroached portion and vacate the same, Matias did not heed and even filed a case for forcible entry against her with the Municipal Trial Court of Tampilisan, docketed as Civil Case No. 3.

On January 11, 1988, respondent filed with the RTC of Zamboanga del Norte, Branch 11, a case for recovery of possession with damages with preliminary injunction with urgent prayer for the issuance of a restraining order against Matias and Purita Bulay-og, petitioners' predecessors, docketed as Civil Case No. S-346. Petitioners' predecessors filed their Answer denying having encroached a portion of about 4 hectares and alleged ownership over Lot No. 4027-A which included Lot No. 4027-B claimed by respondent.[17]

After trial, the RTC, in a Decision[18] dated August 19, 1992, dismissed the complaint of respondent as well as the counterclaim of petitioners' predecessors.

The RTC found that: petitioners' predecessors have been in actual possession of the subject lot since 1957 and declared the same for taxation purposes in 1962; their homestead application had been approved on June 29, 1957, thus they acquired vested right over the subject lot; in filing the instant case, respondent admitted that she was dispossessed while petitioners' predecessors are the possessors, thus the burden was on respondent to show by preponderance of evidence that she has a better right to possess the property; there is a legal presumption that petitioners' predecessors have a just title and cannot be obliged to show or prove it which respondent failed to rebut; the sketch which appeared in the Amicable Settlement between Pangilayan and Matias was not admissible in evidence not being approved by the Bureau of Lands.

Respondent appealed the RTC decision to the CA which rendered a Decision dated September 29, 2000, the

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dispositive portion of which reads:

> WHREFORE, the decision appealed from is hereby REVERSED and SET ASIDE, and the plaintiff-appellant is declared the sole owner of Lot No. 4027, Pls-65.
>
> SO ORDERED.[19]

The CA found that respondent has a better right over the subject lot since petitioners' predecessors acquired only the ½ portion of Lot No. 4027, Pls-65 from Pangilayan; that Pangilayan's signature as a witness in the homestead application of Matias should not be taken as a waiver of the former's right over the other half of Lot No. 4027 but only an oversight since he even filed a claim with the Bureau of Lands which led to their execution of an Amicable Settlement; that Matias's asseveration that the Amicable Settlement was entered into without his consent was not proven during trial and he failed to deny under oath the genuineness and due execution of the amicable settlement, thus it was deemed admitted.

Petitioners filed a motion for reconsideration which was denied in a Resolution dated May 24, 2001.

Hence, the instant petition for review on certiorari filed by petitioners on the sole ground that the CA erred in awarding the whole Lot No. 4027, Pls- 65, in favor of respondent.

In their Memorandum, petitioners asked for the following reliefs, to wit:

> - That judgment be rendered limiting the rights and interests of respondent over Lot No. 4027, Pls-65 to an area of about 12 hectares, more or less;
>
> - Awarding to the herein petitioners a portion of about sixty six thousand four hundred fifty five square meters, more or less;
>
> - Likewise awarding a portion of about twenty one thousand three hundred eighty nine square meters in favor of Pedro Amistoso and a portion of about twenty nine thousand five hundred square meters, more or less in favor of Erlinda Amistoso.
> We find merit in the petition.

The issue of whether or not respondent is entitled to the whole of Lot No. 4027, Pls-65, Tampilisan, Liloy, Zamboanga del Norte, is a question of fact. As a rule, the jurisdiction of this Court in cases brought to it from the CA is limited to the review and revision of errors of law allegedly committed by the appellate court, as its findings of fact are deemed conclusive.[20] This Court is not bound to analyze and weigh all over again the evidence already considered in the proceedings below. This rule, however, admit certain exceptions such as (a) where there is grave abuse of discretion; (b) when the finding is grounded entirely on speculations, surmises or conjectures; (c) when the inference made is manifestly mistaken, absurd or impossible; (d) when the judgment of the CA was based on a misapprehension of facts; (e) when the factual findings are conflicting; (f) when the CA, in making its findings, went beyond the issues of the case and the same are contrary to the admissions of both appellant and appellee; (g) when the CA manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and, (h) where the findings of fact of the CA are contrary to those of the trial court, or are mere conclusions without citation of specific evidence, or where the facts set forth by the petitioner are not disputed by the respondent, or where the findings of fact of the CA are premised on the absence of evidence and are contradicted by the evidence on record.[21] Exceptions (d) and (g) apply to the present case and therefore we shall review the findings of facts of the CA.

Notably, petitioners no longer dispute the fact that respondent is entitled to Lot No. 4027-B, Pls-65, consisting of about 12 hectares, thus respondent's ownership and possession of the same is not in issue anymore.

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However, petitioners' main contention is that only a portion of about 12 hectares was the subject of the case filed by respondent in the RTC, thus there still remains a portion of about 6 hectares which corresponds to the share of petitioners' predecessors.

We agree with petitioners that the CA erred in awarding the whole of Lot No. 4027, Pls-65 to respondent as such conclusion is contradicted by the evidence on record. The complaint for recovery of possession filed by respondent against petitioners' predecessors equivocally declared that she was the owner and lawful possessor of a parcel of land identified as Lot No. 4027-B situated at Tampilisan , Zamboanga del Norte with an area of about 12 hectares. In fact, the evidence on record, which petitioners do not dispute in the present petition, shows that Pangilayan, the original owner of the whole of Lot No. 4027, consisting of 24 hectares, more or less, had sold the ½ portion of his lot to Matias and Balili, thus retaining the other half of Lot No. 4027 which was denominated as Lot No. 4027-B, containing an area of 12 hectares, more or less. Pangilayan sold Lot 4027-B to Sapallida who in turn sold the same lot to Balignot from whom respondent acquired the subject lot. Thus, as only one half portion of Lot No. 4027 was owned by respondent, the CA cannot validly award to respondent the whole of Lot No. 4027 which is more than what was prayed for in respondent's complaint and is not supported by the evidence.

Petitioners' prayer to declare in their favor a portion of about sixty six thousand four hundred fifty five square meters, more or less, of Lot No. 4027, Pls-65, is meritorious.

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