

JUAN ENDOZO AND SPOUSES JOSE AND DOROTHY NGO, PETITIONERS, VS. THE HEIRS OF JULIA BUCK, RESPONDENTS.

G.R. No. 149136. October 19, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

Under consideration is this petition for review on certiorari under Rule 45 of the Rules of Court seeking the reversal and setting aside of the Decision[1] dated July 31, 2000 of the Court of Appeals (CA), as reiterated in its Resolution[2] of July 20, 2001, in CA-G.R. CV No. 57785, an appeal thereto taken by the herein petitioners from an adverse decision[3] of the Regional Trial Court (RTC) of Tagaytay City, Branch 18, in its Civil Case No. TG-1220, an action for reconveyance with damages, thereat commenced by the petitioners against one Julia Buck, predecessor-in-interest of the herein respondents.

The assailed CA decision affirmed with minor modification that of the trial court, while the equally challenged resolution denied the petitioners' motion for reconsideration.

At the core of the controversy is a parcel of land identified as Lot 4863, Cad. 355 of the Tagaytay Cadastre (Lot 4863, for brevity) with an area of 27,742 square meters, more or less.

The decision under review recites the facts, as follows:

xxx Juan Endozo claims to be the owner of a parcel of land identified as Lot 4863, Cad. 355 of the Tagaytay Cadastre The land is described as formerly within the Municipality of Talisay, Batangas situated in Barangay Calabuso, but which is allegedly now within Tagaytay City due to a change in the boundary line dividing Tagaytay City and Talisay, Batangas. Endozo claims that the lot was part of a family-owned 16-hectare property lot with the flat portion found in Tranka, Talisay, Batangas; that the 16-hectare property was the subject of an extrajudicial partition among the heirs of his parents Carlos Endozo and Maria Perez Endozo who had five children; that on 19 July 1991, he sold the subject lot to co-plaintiffs-appellants spouses Mr. Jose Ngo and Mrs. Dorothy Ngo in whose name Cadastral Plan No. Ap-04-006312 was approved; that the portion he sold to the Ngos is level and near the property which used to belong to Hammond Buck, ... [Julia's] father; that the spouses Jose and Dorothy Ngo were not able to transfer the tax declaration from Talisay, Batangas Assessor's Office to Tagaytay City as the said parcel of land had been already declared for taxation purposes in the name of ... Julia Buck.

xxx Julia Buck claims ownership of the [disputed] property as successor to the rights and interest of her father, Mr. Hammond Buck, once owner ... of 100 hectares located in Tagaytay City. Julia Buck applied for, and was granted, Free Patent No. (IV-2) 017534, and was thereafter issued Original Certificate of Title No 0-602 over the property which was registered with the Office of the Register of Deeds of Tagaytay City in her name on 23 November 1982.

Juan Endozo's complaint was initially dismissed The order of dismissal was reconsidered and the case ordered reinstated upon the filing of an amended complaint [docketed as Civil Case No. TG 1220 of the RTC of Tagaytay City] on 27 January 1992 impleading the spouses Ngo as additional plaintiffs.

After the parties presented evidence, the lower court ruled that ... Julia Buck had the better right to the land in question; that her title was now indefeasible against mere tax declarations presented by plaintiff-appellant Juan Endozo for properties which are located not in Tagaytay but in Talisay, Batangas. The lower court also noted that ... Juan Endozo failed to present the extrajudicial partition which he claimed had been executed by his parents over their alleged 16-hectare landholding.[4] (Words in brackets added.)

The fallo of the decision[5] dated June 13, 1997 of the RTC of Tagaytay City, finding for Julia Buck, as defendant thereat, reads:

IN VIEW OF ALL THE FOREGOING, the Court hereby renders judgment dismissing the complaint filed by plaintiffs and ordering the plaintiffs to pay defendant moral damages in the amount of P100,000.00 and to pay attorney's fees in the amount of P200,000.00.

SO ORDERED.

Therefrom, herein petitioners, as plaintiffs in the court of origin, appealed to the CA whereat their appellate recourse was docketed as CA-G.R. CV No. 57785. Meanwhile, Julia Buck died and was substituted by the herein respondent heirs.

As stated at the threshold hereof, the CA, in its herein assailed Decision[6] dated July 31, 2000, affirmed with slight modification that of the trial court, to wit:

WHEREFORE, the decision of the lower court is accordingly MODIFIED by deleting the awards of P100,000.00 for moral damages and P200,000.00 for attorney's fees. In all other respects, the appealed decision is AFFIRMED.

With their motion for reconsideration having been denied by the CA in its equally challenged Resolution[7] of July 20, 2001, petitioners are now with this Court via the instant recourse, claiming that the CA erred -

I

XXX IN HOLDING THAT THE PROPERTY BEING CLAIMED BY BOTH THE PETITIONERS AND THE RESPONDENTS ARE NOT EVEN PROXIMATE, AND THAT PETITIONER JUAN ENDOZO FAILED TO SUBMIT A COPY OF THE EXTRAJUDICIAL PARTITION OF THE 16-HECTARE PROPERTY WHICH ALLEGEDLY INCLUDED THE SUBJECT PROPERTY.

II

XXX IN HOLDING THAT THE PRESUMPTION THAT THE GRANT OF FREE PATENT AND ISSUANCE OF THE CERTIFICATE OF TITLE BY VIRTUE THEREOF WERE REGULAR AND MADE AFTER ALL THE REQUIREMENTS HAD BEEN COMPLIED WITH BY THE APPLICANT JULIA BUCK, HAD NOT BEEN OVERTURNED BY THE EVIDENCE OF PETITIONERS, DESPITE THE FACT THAT PETITIONERS SPOUSES NGO HAD PRESENTED COMPETENT AND SUBSTANTIAL EVIDENCE TO PROVE THEIR CLAIM OVER DISPUTED PROPERTY.

III

XXX IN NOT HOLDING THAT THE APPLICANT JULIA BUCK IS NOT QUALIFIED TO BE THE BENEFICIARY OF THE SUBJECT PROPERTY UNDER THE PROVISIONS OF THE PUBLIC LAND LAW ON FREE PATENT.

IV

XXX IN HOLDING THAT THE ACTION FOR RECONVEYANCE OF PETITIONERS HAD ALREADY PRESCRIBED.

V

XXX IN NOT GRANTING PETITIONERS' MOTION FOR NEW TRIAL BASED ON NEWLY DISCOVERED EVIDENCE, AND CONSIDERING THAT THE SUPPOSED CLASSIFICATION OF SUBJECT LAND AS FOREST LAND AND THE INCIPIENT REVERSION PROCEEDINGS TO BE INSTITUTED, WOULD HAVE NO BEARING AND WOULD BE ADVERSE TO PETITIONERS' CLAIM OF OWNERSHIP OVER THE SUBJECT LAND.

VI

XXX IN FAILING TO RESOLVE SQUARELY THE ISSUE THAT THE LOWER COURT ERRED IN ADOPTING THE DRAFT DECISION OF THE APPLICANT-DEFENDANT JULIA BUCK.

We DENY.

The main and decisive issue tendered by the petitioners is factual, revolving as it were around the identity and location of the disputed Lot 4863.

For sure, the lot claimed by the petitioners as theirs had been determined by the trial court to be different from Lot 4863 over which Free Patent No. (IV-2) 017534 and later Original Certificate of Title No. 0-602 were issued to Julia Buck. The Court finds no reason to disturb the factual findings of the trial court, it being axiomatic that such findings, especially when affirmed by the CA, as here, are binding on this Court. It is not the function of this Court to re-examine the trial court's findings of facts. [8]

Here, the trial court found:

x x x evidence before this court actually shows that Juan Endozo's family owns properties within Talisay, Batangas boundary below the smaller lot of defendant Julia A. Buck. It is not even near or adjacent to the lot now being claimed by plaintiffs which is a bigger lot with an area of 27,742 sq. m. If the claim is on the smaller lot adjacent to the Endozo property in Talisay, the claim would be more credible since as claimed by Endozo in their tax declaration (Exh. "5"), one of the boundaries of the claimed Endozo property is a land owned by Hammond Buck, the defendant's father. But for Endozo to claim ownership on a distant property not adjacent to theirs which could not possibly be part of the Talisay land and segregated merely because of the fact that such portion of his property became part of Tagaytay City, taxes one's credibility. There is clearly a mistake in Endozo claiming defendant's bigger lot which is farther away and not smaller (OCT 601) lot which is adjacent to Endozo property still found in Talisay, Batangas and which in fact adjoins the same on its northern portion.[9]

The CA was more specific with respect to the difference of the lot thus claimed by the petitioners and that covered by the free patent of the respondent heirs' predecessor-in-interest, Julia Buck. Wrote the CA:

The common surveyor of the parties, ..., who testified for the defense, averred that what he surveyed for ... Mariano Endozo (Exhibit "11", Record p. 284) is a parcel of land containing an area of 38,869 square meters, specifically marked on the Sketch Plan (Record, p. 286) as Exhibit "11-C", located at Barangay Tranca, Municipality of Talisay, Province of Batangas In Exhibit "11", it is shown that the land in dispute Lot 4863 and Lot 4862 pertain to Julia Buck. This is affirmed by the Sketch Plan marked Exhibit "2" (Record p. 268) where it is shown that both the disputed Lot 4863 (marked Exhibit "2-A" and Lot 4862 (marked Exhibit "2-D") belong to Julia Buck. In the Sketch Plan of the LRA (Record p. 268) apparently identified as Exhibit "12" and also marked as Exhibit "J" (evidently a common exhibit of both parties), it appears that the disputed Lot 4863 is opposite the lot of Mariano Endozo. In Exhibits "2", "11", "12" and "15" (Boundary Index Map), what appears as contiguous to Endozo's lot is Lot 4862 which is not the disputed lot.

As observed by the trial court, the area surveyed for the Endozos situated in Tranca, Talisay, Batangas and the

one now being claimed by them in Tagaytay are not even proximate. Moreover, although Juan Endozo claims that there had been an extrajudicial partition of the 16-hectare property which allegedly includes the subject lot, he was unable to present a copy of the same.

In their attempt at a reversal, petitioners, citing Section 44 of the Public Land Act, as amended by Republic Act No. 6940, alleged that Julia Buck was not qualified to be a beneficiary or to acquire Lot 4863.

We are not persuaded. For, apart from the categorical finding of the CA, affirmatory of that of the trial court, that Julia Buck was so qualified, the latter has in her favor the presumptive validity of Free Patent No. (IV-2) 017534 and the complementing presumption that no title by virtue thereof shall be secured unless the requirements of Section 44 of the Public Land Act had been complied with. We quote with approval the trial court's disquisition, as reproduced in the CA's assailed Decision, on this regard, thus:

Finally, the claim of plaintiffs that ... Julia Buck had employed fraudulent and clandestine means to obtain for herself the Free Patent on the subject land have not been proven with sufficient competent and credible evidence. For instance, the claim that ... Julia Buck is not a farmer and has not been in possession of subject premises was belied by the surveyor who made the survey in 1981 that said land was in the possession of ... Julia Buck through 'Mang Tino' who was working and planting on the same. On the claim that Julia Buck did not present any plan or that there is none existing in the Bureau of Lands is testified to by only (sic) plaintiff Jose Ngo from alleged verification made by him with the personnel of the Bureau of Lands whose name he does not know. His testimony on this point is hearsay. He should have subpoenaed the records of the Bureau.

In the absence of any such competent evidence, the regularity of the performance of official function should apply. As Section 108 of the Public Land Act provides that 'no patent shall issue nor shall a concession nor contract be finally approved unless the land has been surveyed and an accurate plot made thereof by the Bureau of Lands,' the presumption is that there was an approved plan presented by ... Julia Buck. The presentation of evidence showing the issuance of a Free Patent in favor of ... Julia Buck shows that there is an approved plan for [her] on the lot in question.[10] (Words in bracket added.)

Given the above perspective, the issue of whether or not the petitioners' suit for reconveyance based on fraud had already prescribed is of little moment and need not detain us long. Suffice it to state that the period within which to file a reconveyance suit based on that ground is four (4) years from the discovery of the fraud. Such discovery is deemed to have taken place from the issuance of the original certificates of title.[11] Thus, the trial court correctly ruled:

Even assuming that the Court has jurisdiction to order reconveyance, said action ... would have already prescribed in this case. The basis of [the petitioners'] complaint is that the Free Patent issued in favor of ... Julia Buck had been obtained through fraudulent means. Such fraud according to [the petitioners] in the presentation of their evidence would refer to the failure to submit a proper application, a plan and failure to post notice in the property itself Since such is the claim of [the petitioners], the cause of action would have accrued from the time of registration of the title and would prescribe four (4) years therefrom. Since the title was issued in 1982 and the complaint was filed only in 1991, more than four (4) years had clearly elapsed and that therefore said cause of action had already prescribed.[12] (Words in brackets added.)

The petitioners' lament that the CA erred in not granting their motion for new trial based on newly-discovered evidence is untenable since the supposed newly-discovered evidence consisted of proof that Lot 4863 falls under the category of a forest land and therefore ought to be reverted to the State. The purported classification of Lot 4863 as forest, if that be the case, has no bearing on the petitioners' claim. Stated otherwise, should it be proven that Lot 4863 is not a disposable or alienable public land, forming as it does part of the forest zone, then the petitioners have no business asserting a claim over it and ask for its reconveyance in their favor.

Lastly, petitioners may not now question the alleged adoption by the trial court of respondents' draft decision. The record shows that both petitioners and respondents agreed to submit their respective draft decisions to the court. In fact, in their Manifestation,[13] petitioners, as plaintiffs, submitted their own draft decision[14] "as the same is wide (sic) practice (sic) in the RTC and approved by the Supreme Court." We may add, that in fairness to the trial judge, his decision of June 13, 1997 is far from a mere reproduction of the respondents' draft decision but embodies his own detailed scrutiny and analysis of the parties' testimonial and documentary evidence.

WHEREFORE, the petition is DENIED and the assailed Decision and Resolution of the CA in CA-G.R. CV No. 57785 are AFFIRMED.

Costs against the petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Penned by Associate Justice Portia Aliño-Hormachuelos, with then Associate Justices Ma. Alicia Austria-Martinez (now Associate Justice of the Supreme Court) and Elvi-John S. Asuncion (separated from the service) concurring; rollo, pp. 78-90.

[2] Id. at 92.

[3] Id. at 135-151.

[4] Id. at 79-80.

[5] Id. at 151.

[6] Supra note 1.

[7] Supra note 2.

[8] Yu Bun Guan v. Ong, G.R. No. 144735, October 18, 2001, 367 SCRA 559.

[9] Rollo, p. 149.

[10] Id. at 84-85.

[11] Esconde v. Barlongay, G.R. No. L-67583, July 31, 1987, 152 SCRA 603.

[12] Supra note 3 at 150-151.

[13] Rollo, p. 108.

[14] Id. at 109-121.

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