

**HEIRS OF ROSENDO SEVILLA FLORENCIO, AS REPRESENTED BY ESTRELLITA FLORENCIO-CRUZ AND RODRIGO R. FLORENCIO, PETITIONERS, VS. HEIRS OF TERESA SEVILLA DE LEON AS REPRESENTED BY VALE...**

*G.R. No. 149570. March 15, 2004*

Ponente: CALLEJO, SR., J.

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**CALLEJO, SR., J.:**

Before us is a petition for review of the Joint Decision[1] of the Court of Appeals in CA-G.R. SP Nos. 59698-99 which affirmed the June 5, 2000 Decisions[2] of the Regional Trial Court of Malolos, Bulacan, Branch 20 in Civil Cases No. 1018-M-99 and 1019-M-99, and the resolution of the appellate court denying the petitioners' motion for reconsideration.

**The Antecedents**

Teresa Sevilla de Leon, owned a residential lot with an area of 828 square meters located in San Miguel, Bulacan. The said lot was covered by Transfer Certificate of Title (TCT) No. T-44349.[3] In the 1960s, De Leon allowed the spouses Rosendo and Consuelo Florencio to construct a house on the said property and stay therein without any rentals therefor.

On September 26, 1966, De Leon, with the consent of her husband Luis, leased the aforesaid parcel of land for P5 per month to Bienvenido Santos "for as long as the lessor (Teresa de Leon) had an outstanding loan with the Second Quezon City Development Bank of Quezon City but not to exceed the period of fifteen (15) years." [4] De Leon assigned her leasehold right in favor of the Second Quezon City Development Bank. The lease and De Leon's leasehold right were annotated at the back of TCT No. T-44349 as Entry Nos. 152248 and 152249,[5] respectively. Thereafter, Bienvenido Santos constructed a house thereon.

In November 1978, De Leon, then already a widow, died intestate. In deference to her wishes, her heirs allowed Rosendo Florencio to continue staying in the property. In March 1995, Florencio died intestate, but his heirs, the respondents, remained in the property. On April 26, 1995, the heirs of De Leon, through counsel, sent a letter to the heirs of Florencio, demanding that they vacate the property within ninety (90) days from receipt thereof.[6] The latter refused and failed to vacate the property.

The heirs of De Leon, through Valeriana L. Morente, thereafter filed a complaint for ejectment against the heirs of Florencio before the Municipal Trial Court of San Miguel, Bulacan, docketed as Civil Case No. 2061. Therein, the plaintiffs alleged that they were the pro-indiviso owners of the 828 square-meter lot covered by TCT No. T-44349, which they inherited from their mother. During her lifetime, their mother allowed Florencio and his family to occupy the property without any compensation, subject to the condition that they shall vacate the same upon demand; such arrangement went on even after their mother's demise. They further averred that sometime in 1995, they demanded that the heirs of Florencio vacate the property, but that the latter refused to do so.[7]

The plaintiff thence prayed:

WHEREFORE, premises considered, it is most respectfully prayed that after due hearing, judgment be rendered ordering defendants to:

- Vacate the premises which they are presently occupying;
- Pay plaintiff the amount of P100,000.00 as and by way of attorney's fees;
- Pay plaintiff P100,000.00 as moral damages;
- Pay plaintiff P100,000.00 as exemplary damages.
- Pay plaintiff P10,000.00 per month from April 26, 1995 up to and until defendants vacate the premises.

Plaintiff prays for other reliefs just and equitable under the circumstances.[8]

In their answer to the complaint, the heirs of Florencio alleged that the plaintiffs had no cause of action against them, as Teresa de Leon had executed a Deed of Donation on October 1, 1976 over the said parcel of land in favor of their predecessor, Rosendo Florencio. The latter accepted the donation, as shown by his signature above his typewritten name on page one of the deed. The execution of the deed was witnessed by Patria L. Manotoc and Valeriana L. Morente. Atty. Tirso L. Manguiat, a notary public in the City of Manila, notarized the deed on said date and entered it in his notarial record as Doc. No. 1724, page 71, Book IV, series of 1976.[9]

The heirs of Florencio further averred that since then, their predecessor and his family possessed the aforesaid property as owners. After De Leon's death, Florencio and his children, in coordination with Jose de Leon, the administrator of the aforesaid property, arranged for the registration of the land subject of the donation in the name of Rosendo Florencio, which was, however, superseded by the untimely demise of Jose de Leon in 1991. Thus, the property remained in the name of Teresa Sevilla de Leon, even after Florencio's death in March of 1995.[10]

On February 1, 1996, the heirs of De Leon, represented by Valeriana L. Morente, also filed a complaint for ejectment against the heirs of Bienvenido Santos before the MTC of San Miguel, Bulacan, docketed as Civil Case No. 2062.[11] They prayed, thus:

WHEREFORE, premises considered, it is most respectfully prayed that after due hearing, judgment be rendered ordering defendants to:

- Vacate the premises which they are presently occupying;
- Pay plaintiff the amount of P100,000.00 as and by way of attorney's fees;
- Pay plaintiff P100,000.00 as moral damages;

- Pay plaintiff P100,000.00 as exemplary damages;
- Pay plaintiff P10,000.00 per month from April 26, 1995 up to and until defendants vacate the premises.

Plaintiff prays for other reliefs just and equitable under the circumstances.[12]

In their answer to the complaint, the heirs of Bienvenido Santos, through counsel, alleged that the plaintiffs had no cause of action against them, and that they did not occupy the property by mere tolerance but on the basis of a contract of lease executed by De Leon on September 26, 1966. Furthermore, De Leon donated the property to Rosendo Florencio on October 1, 1976, and the latter, after the expiration of the contract of lease, allowed and permitted them to continue and remain in possession of the property without any compensation. According to the heirs of Bienvenido Santos, only Florencio's heirs had the right to cause their eviction from the property by reason of the deed of donation executed in favor of the latter.

The trial of the two cases was consolidated.

The parties agreed to litigate the following issues:

After the preliminary conference, parties submitted their respective position papers.

Plaintiffs raised and argued on the following issues:

- a). Defendants' possession of the premises was merely on the tolerance of the late Teresa de Leon.
- b). The alleged Deed of Donation does not exist, is patently a falsified document and can never be the source of any right whatsoever.

Defendants, on the other hand, raised and argued on the following issues:

- a). Defendants do not have only a better right of possession over the questioned parcel of land and they do not have only the absolute and lawful possession of the same but they have the absolute and lawful ownership of the same not only against the plaintiffs but against the whole world.
- b). Defendants are entitled to their counterclaim.[13]

On motion of the plaintiffs in both cases, the court issued an Order directing the heirs of Florencio to produce the original of the Deed of Donation purportedly executed by Teresa de Leon. However, they failed to comply with the order of the court and submitted a mere photocopy of the same.[14]

The plaintiffs adduced in evidence the following: (1) TCT No. T-44349 in the name of Teresa Sevilla;[15] (2) demand letters sent by the plaintiffs' counsel to the defendants demanding that the latter vacate the subject premises;[16] (3) affidavit-complaint of Valeriana Morente filed in the Office of the Provincial Prosecutor of Bulacan docketed as I.S. No. 96-1513 for falsification, perjury and applicable crimes against Rodrigo Florencio and Atty. Tirso Manguiat, dated May 8, 1996;[17] (4) affidavit-complaint executed by Ramon de Leon Manotoc dated May 8, 1996;[18] (5) copies of Teresa de Leon's passport issued on April 28, 1975 containing specimens of her signature;[19] (6) copy of Patria Manotoc's passport issued on September 16, 1997 with her specimen signature therein;[20] (7) copy of Valeriana Morente's passports issued on the following dates: (a) February 20, 1967;[21] (b) April 28, 1975;[22] (c) October 4, 1984;[23] and (d) August 22, 1994,[24] with specimens of her signature appearing therein covering a span of thirty years; (8) copy of the Certificate of Death of Patria Manotoc;[25] (9) Certification dated April 23, 1996 issued by Teresita R. Ignacio, Chief, Archives Division of the Records Management and Archives Division of Manila[26] to the effect that nothing in the notarial register of

Atty. Tirso L. Manguiat show that he notarized a deed of donation dated October 1, 1976 in favor of Rosendo Florencio; (10) copy of Sinumpaang Salaysay dated July 19, 1996 executed by one Rodolfo Apolinario;[27] and, (11) copies of the official receipts of the real estate taxes paid.[28]

For their part, the heirs of Florencio adduced in evidence a photocopy of the Deed of Donation dated October 1, 1976 purportedly executed by De Leon in favor of Rosendo Florencio.[29]

The heirs of Bienvenido Santos submitted in evidence as Exhibits “1” and “1-H” the Contract of Lease dated September 6, 1966 between Teresa Sevilla and Bienvenido R. Santos.[30]

On December 3, 1996, the MTC rendered a decision in Civil Cases Nos. 2061 and 2062 dismissing the complaints for lack of jurisdiction upon the finding that the issue of possession cannot be determined without resolving, in a full blown trial, the issue of ownership.[31]

The heirs of De Leon appealed the decisions of the MTC to the RTC of Bulacan, Branch 83, which rendered judgment reversing the decision of the court a quo. It held that the MTC had jurisdiction over the cases; as such, the trial court should proceed and render judgment therefor.

In the course of the proceedings, the defendants adduced in evidence a copy of the Deed of Donation as certified by the RTC of Bulacan on May 29, 1996.[32]

On August 27, 1999, the MTC rendered an Amended Decision in Civil Case No. 2061 in favor of the defendants and against the plaintiffs. The dispositive portion of the decision reads:

WHEREFORE, the court finds the defendants as having a better right of possession over the subject parcel of land as against the plaintiffs and hereby orders this case DISMISSED.

For lack of evidence to prove bad faith on the part of the plaintiffs in the filing of this case, and in line with the policy not to put premium on the right to litigate, the counterclaim of the defendants is, likewise, ordered DISMISSED.

With no pronouncements as to costs.

**SO ORDERED.[33]**

The decision was appealed to the RTC of Bulacan. On June 5, 2000, the RTC rendered judgment reversing the decision of the MTC and rendered a new judgment in favor of the plaintiffs, as follows:

WHEREFORE, premises considered, the Decision dated August 27, 1999, rendered by the Municipal Trial Court of San Miguel, Bulacan, in Civil Case No. 2061, is hereby set aside and a new one is hereby rendered, as follows:

- a) Ordering the heirs of Rosendo Florencio and all those claiming any rights under them to vacate the subject premises, particularly that parcel of land covered by Transfer Certificate of Title (TCT) No. T-44349, situated in San Jose, San Miguel, Bulacan;
- b) Ordering the Heirs of Rosendo Florencio to pay the heirs of Teresa Sevilla the amount of P2,000.00 per month as reasonable monthly rental on the premises, to commence on April 1995 until the premises is vacated by them; and
- c) Ordering the heirs of Rosendo Florencio to pay the heirs of Teresa Sevilla the amount of P10,000.00, as attorney’s fees and expenses of litigation.

SO ORDERED.[34]

The RTC ruled that the deed of donation was insufficient to support the claim of the heirs of Florencio that they were the owners of the property and were, thus, entitled to its possession.

The defendants, now the petitioners, filed a petition for review with the Court of Appeals of the decision of the RTC. On May 28, 2001, the Court of Appeals rendered judgment dismissing the petition and affirming the RTC decision. The CA adopted the findings of the RTC and its disquisitions on why the deed of donation was not a credible piece of evidence to support the petitioners' claim over the property; hence, did not transfer title over the property in favor of the petitioners.

First. The deed of donation (Exh. "1"), which purports to have been executed in 1976, is not annotated on the title to the property which remains registered in the name of Teresa Sevilla under TCT No. T-44349 (Exh. "A" and "A-1"). There is no showing whatsoever that the same or a copy thereof was submitted to the Office of the Register of Deeds.

Second. As earlier pointed out, throughout the years, the real estate taxes on the property continued to be paid in the name of Teresa Sevilla by the caretaker Rodolfo Apolinario and nobody else. There is no showing that the defendants had previously laid any claim of title or ownership over the property and attempted to pay the taxes thereon.

Third. Although it purports to have been notarized in the City of Manila by one Atty. Tirso L. Manguiat, there is no indication of its existence in the notarial record of Atty. Manguiat, as per Certification dated April 23, 1996 (Exh. "L") of the Manila Records Management and Archives Office. One can only wonder why from the place of execution in San Miguel, Bulacan on October 1, 1976, its notarization on the same date had to be in the City of Manila.

Fourth. The Court has noted, as anyone can easily do, that the signature purported to be that of Teresa de Leon appearing in the deed of donation (Exh. "1-B"), is dissimilar to her customary signatures affixed to her passports (Exhs. "E" and "E-1"). The same is true with those of Patria Manotoc and Valeriana L. Morente appearing in the same deed of donation (Exhs. "1-D" and "1-E"), with those of their customary signatures appearing in their respective passports (Exhs. "F" and "F-1"; "G," "G-1" and "G-2"; "H," "H-1" and "H-2"; "I" and "I-1" and "J" and "J-1").

And Fifth. There is no explanation given why since 1976, when the deed of donation was supposedly executed, up to the present, the defendants did not register the same to secure a new title in their names. In fact, there is no showing that efforts toward that end were ever executed.

As it is, the Court holds that the deed of donation in question is not a credible piece of evidence to support the defendants' claim of acquisition of title and ownership over the subject property and therefore insufficient to justify their continuing possession and occupancy thereof. Thus, as against defendants' claim which is unregistered, the plaintiffs' right over the property as the legal heirs and successors-in-interest of the registered owner must prevail.[35]

### The Present Petition

The petitioners now contend in this case that the Court of Appeals and the RTC erred in rendering judgment for the respondents, thus:

- In finding no reversible error committed by the Regional Trial Court as an appellate court and affirming its decision.
  
- In concluding that the evidence presented reveals serious doubts as to the veracity and authenticity of the notarized deed of donation, contrary to the findings of the trial court that there is a legal presumption of regularity

in the execution thereof.

- In holding that private respondents are entitled to possess the subject property notwithstanding petitioners' claim to the contrary and despite the latter's continuous, open and adverse possession for more than forty years.[36]

The petitioners aver that donation is one of the modes of acquiring ownership. Their claim for possession is precisely based on the deed of donation executed by Teresa Sevilla de Leon on October 1, 1976 in favor of their father, Rosendo Florencio. The aforesaid deed was duly notarized, and by virtue of its notarization, such deed became a public document. Furthermore, according to the petitioners, an examination of the deed reveals that it had conformed to all the essential requisites of donation, as required by the provisions of the New Civil Code; hence, its validity must be presumed.[37] From the time of the donation up to the present, the petitioners assert that they possessed the property openly, publicly and against the whole world.

As regards the alleged forgery of the signatures of the donor and the witnesses, the petitioners assert that absent any clear, positive and convincing evidence that the same were forged, the presumption is that they are genuine. The mere variance in the signatures of the donor and the witnesses cannot be considered as conclusive proof of the forgery. They aver that the Certification dated April 23, 1996 of the Manila Records Management and Archives Office stating that no such notarized deed existed in the notarial records of Atty. Manguiat cannot be conclusive evidence that no donation ever existed. According to the petitioners, such certification was merely preponderant and, therefore, not enough to overthrow the presumption of regularity in the notarization as well as the genuineness of the document.

The petitioners posit that their failure to register the deed of donation did not affect its validity, it not being a requisite of a valid donation. They allege that their effort to register the same during the lifetime of Jose de Leon, the administrator of the property, did not materialize because of the latter's untimely death in 1991. The petitioners conclude that because of the respondents' failure to destroy the validity of the deed of donation, their right over the property should prevail; the petitioners' right accrued on October 1, 1976, while that of the respondents accrued only in November of 1978.

In their comment, the respondents, through counsel, argue that the deed of donation executed by De Leon dated October 1, 1976 in favor of Rosendo Florencio is not a credible piece of evidence. The deed is insufficient to justify the petitioners' stay in the premises because the original copy was never presented to them or to the court. Furthermore, while the photocopy of the deed of donation states that it was notarized by a certain Tirso Manguiat, a notary public for the City of Manila, under Doc. 1724, Page No. 71, Book No. IV, Series of 1976, the presumption of regularity in the notarization of the deed was destroyed by the certification from the Records Management and Archives Office of Manila that no such deed exists. The respondents further assert that the signatures appearing on the said deed, i.e., that of Teresa Sevilla de Leon, Patria Manotoc and Valeriana Morente, were all forgeries.

According to the respondents, the following facts bolster the incredibility of the deed of donation: (a) the deed of donation was executed in 1976 but was not registered; (b) the TCT is still registered in the name of Teresa Sevilla de Leon; (c) the owner's duplicate copy of the TCT should have been transmitted to the donees; and, (d) the real estate taxes were continuously paid in the name of Teresa Sevilla de Leon. Thus, the respondents, as her heirs, are the legal owners of the property.

The Ruling of the Court

The threshold issue in this case is whether or not the petitioners, as heirs of Rosendo Florencio, who appears to be the donee under the unregistered Deed of Donation, have a better right to the physical or material possession of the property over the respondents, the heirs of Teresa de Leon, the registered owner of the property.

The petition has no merit.

Prefatorily, in ejectment cases, the issue is the physical or material possession (possession de facto) and any pronouncement made by the trial court on the question of ownership is provisional in nature.[38] A judgment rendered in ejectment cases shall not bar an action between the same parties respecting title to the land and shall not be conclusive as to the facts found therein in a case between the same parties upon a different cause of action involving possession of the same property.[39]

We agree with the petitioners that under the New Civil Code, donation is one of the modes of acquiring ownership.[40] Among the attributes of ownership is the right to possess the property.[41]

The essential elements of donation are as follows: (a) the essential reduction of the patrimony of the donor; (b) the increase in the patrimony of the donee; and (c) the intent to do an act of liberality or animus donandi. When applied to a donation of an immovable property, the law further requires that the donation be made in a public document and that the acceptance thereof be made in the same deed or in a separate public instrument; in cases where the acceptance is made in a separate instrument, it is mandated that the donor be notified thereof in an authentic form, to be noted in both instruments.[42]

As a mode of acquiring ownership, donation results in an effective transfer of title over the property from the donor to the donee, and is perfected from the moment the donor is made aware of the acceptance by the donee, provided that the donee is not disqualified or prohibited by law from accepting the donation.[43] Once the donation is accepted, it is generally considered irrevocable, and the donee becomes the absolute owner of the property, except on account of officiousness, failure by the donee to comply with the charge imposed in the donation, or ingratitude.[44] The acceptance, to be valid, must be made during the lifetime of both the donor and the donee. It must be made in the same deed or in a separate public document, and the donee's acceptance must come to the knowledge of the donor.[45]

In order that the donation of an immovable property may be valid, it must be made in a public document.[46] Registration of the deed in the Office of the Register of Deeds or in the Assessor's Office is not necessary for it to be considered valid and official. Registration does not vest title; it is merely evidence of such title over a particular parcel of land.[47] The necessity of registration comes into play only when the rights of third persons are affected.[48] Furthermore, the heirs are bound by the deed of contracts executed by their predecessors-in-interest.[49]

On the other hand, the fundamental principle is that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein as the registered owner.[50] The registered owner has the right to possess, enjoy and dispose of the property without any limitations other than those imposed by law.

In this case, the deed of donation, on its face, appears to bear all the essential requisites of a valid donation inter vivos. With Teresa de Leon as the donor and Rosendo Florencio as the donee, the deed of donation appears to have been notarized by Notary Public Tirso Manguiat. On this premise, Florencio, and after his death, his heirs, acquired ownership over the property although Certificate of Title No. T-44349 under the name of Teresa de Leon had not yet been cancelled.

However, as pointed out by the RTC and the Court of Appeals, there are cogent facts and circumstances of

substance which engender veritable doubts as to whether the petitioners have a better right of possession over the property other than the respondents, the lawful heirs of the deceased registered owner of the property, Teresa de Leon, based on the Deed of Donation.

First. Teresa de Leon purportedly executed the Deed of Donation on October 1, 1976 in favor of Rosendo S. Florencio. If she, indeed, donated the property, she would surely have turned over the owner's duplicate of TCT No. T-44349 to Florencio, to facilitate the issuance of a new title over the property in his favor. There was an imperative need for the deed to be registered in the Office of the Register of Deeds, and the title to the property to be thereafter issued in the name of the donee, Florencio. Before then, Florencio and his family had been residing in the property solely at the sufferance of Teresa de Leon and her husband. Their possession of the property and their continued stay therein was precarious. They could be driven out from the property at any time by De Leon if she disowned the deed or, after her death, by her heirs. It behooved Florencio to have the said deed filed and duly registered<sup>[51]</sup> with the Office of the Register of Deeds without delay and, thereafter, to secure a new title under his name. This would have resulted in the cancellation of TCT No. T-44349 under the name of Teresa de Leon, and thereby averted any disturbance of Florencio's possession of the property, and after his death, that of his heirs.

At the very least, Florencio should have caused the annotation of the deed immediately after October 1, 1976 or shortly thereafter, at the dorsal portion of TCT No. T-44349. Such annotation would have been binding on the respondents, as De Leon's successors-in-interest, as well as to third persons. However, Florencio failed to do so. Even as De Leon died intestate in 1978, Florencio failed to secure title over the property in his name before he himself died intestate in 1995. If, as the petitioners claimed, Florencio acquired ownership over the property under the deed, it is incredible that he would fail to register the deed and secure title over the property under his name for almost twenty years. All these years, Florencio, and thereafter, his heirs, remained passive and failed to act upon the deed of donation to protect their right. This, the Court finds difficult to understand.

The claim that Florencio and his heirs sought the registration of the deed and the transfer of the title to and under Florencio's name from 1978 to 1991, in coordination with Jose de Leon is incredible. There is no evidence on record that the deed of donation was ever filed with and registered in the Office of the Register of Deeds at any time during the period from 1978 to 1991. The petitioners' claim that the registration of the deed was delayed and later aborted by the demise of Jose de Leon is not substantiated by evidence. Moreover, there is no reason why Florencio, or after his death, the petitioners, could not have had the deed registered even after Jose de Leon's death.

Second. Florencio failed to inform the heirs of De Leon that the latter, before her death, had executed a deed of donation on October 1, 1976 over the property in his favor. It was only in 1996, or eighteen years after the death of De Leon when the respondents sued the petitioners for ejectment that the latter claimed, for the first time, that De Leon had executed a deed of donation over the property in favor of their predecessor, Florencio.

Third. In the meantime, the respondents consistently paid the realty taxes for the property from 1978 up to 1996, completely oblivious to the existence of the deed of donation. On the other hand, Florencio, and, after his death, the petitioners, never paid a single centavo for the realty taxes due on the property, even as they continued staying in the property without paying a single centavo therefor. The petitioners should have declared the property under their names and paid the realty taxes therefor, if they truly believed that they were its owners. They failed to do so. The fact of Florencio's inaction and that of the petitioners' weakened the latter's claim that they acquired ownership over the property under the deed of donation.

Fourth. The petitioners never adduced in evidence the owner's duplicate of TCT No. T-44349 under the name of

De Leon. Their possession of the owner's duplicate of the title would have fortified their claim that indeed, De Leon had intended to convey the property by donation to Florencio. Furthermore, the petitioners did not explain why they failed to adduce in evidence the said owner's duplicate of the title. The only conclusion is that the said owner's duplicate copy was not turned over to Florencio contemporaneously with or after the execution of the deed of donation; hence, their failure to secure title over the property.[52]

Fifth. The respondents adduced in evidence the affidavit-complaint of Valeriana Morente dated May 8, 1996, one of the witnesses to the deed, for falsification and perjury against Florencio and Atty. Tirso Manguiat. They also adduced the Certification dated April 23, 1996 issued by Teresita R. Ignacio, Chief, Archives Division of the Records Management and Archives Division of Manila, to the effect that nothing in the notarial register of Atty. Tirso L. Manguiat, a notary public of Manila, showed that the latter notarized a Deed of Donation executed by De Leon and Florencio in San Miguel, Bulacan dated October 1, 1976. However, the petitioners failed to adduce in evidence Atty. Manguiat's counter-affidavit to the said complaint, or, at the very least, a separate affidavit explaining the facts and circumstances surrounding the notarization of the deed of donation.

Sixth. A reading of the deed will show that at the bottom of page one thereof, Florencio was to subscribe and swear to the truth of his acceptance of the donation before Municipal Mayor Marcelo G. Aure of San Miguel, Bulacan. However, the mayor did not affix his signature above his typewritten name, thus:

SUBSCRIBED AND SWORN to before me this 1[st] day of October, 1976, the DONOR having exhibited her Res. Cert. No. A-3723337 issued at Quezon City on January 10, 1976.

**MARCELO G. AURE**

Municipal Mayor[53]

It appears that a second page was added, with the name of Atty. Manguiat typewritten therein as notary public, obviously, with the use of a different typewriter.

In sum then, we agree with the RTC and the Court of Appeals that the deed of donation relied upon by the petitioners is unreliable as evidence on which to anchor a finding that the latter have a better right over the property than the respondents, who, admittedly, are the heirs of Teresa de Leon, the registered owner of the property under TCT No. T-44349 of the Registry of Deeds of Bulacan.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Decisions of the Regional Trial Court of Malolos, Bulacan, Branch 20, in Civil Cases Nos. 1018-M-99 and 1019-M-99, and the Court of Appeals in CA-G.R. SP No. 59698-99, are AFFIRMED.

**SO ORDERED.**

Quisumbing, (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.

Puno, (Chairman), J., on leave.

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[1] Penned by Associate Justice Eugenio S. Labitoria with Associate Justices Eloy R. Bello, Jr. and Perlita J. Tria Tirona concurring.

[2] Penned by Judge Oscar C. Herrera, Jr.

[3] Registered in the name of Teresa Sevilla, married to Luis de Leon entered at Malolos, Bulacan on October 31, 1963; CA Rollo, pp. 38-39. (CA-G.R. SP No. 59699)

[4] CA Rollo, p. 41. (CA-G.R. SP No. 59699)

[5] Id. at 39.

[6] CA Rollo, p. 38. (CA-G.R. SP No. 59698)

[7] Id. at 33-34.

[8] Id. at 35-36.

[9] Id. at 54-55.

[10] Rollo, p. 123.

[11] CA Rollo, pp. 33-37. (CA-G.R. SP No. 59699)

[12] Docketed as I.S. No. 96-1513 filed before the Office of, the Provincial Prosecutor of Malolos, Bulacan; CA Rollo, pp. 35-36. (CA-G.R. SP No. 59699)

[13] CA Rollo, p. 41. (CA-G.R. SP No. 59698)

[14] Id. at 42.

[15] Exhibit "A."

[16] Exhibit "B."

[17] Exhibits "C" & "C-1."

[18] Exhibits "E."

[19] Exhibit "D."

[20] Exhibit "F."

[21] Exhibit "G."

[22] Exhibit "H."

[23] Exhibit "I."

[24] Exhibits "J."

[25] Exhibit "K."

[26] Exhibit "L."

[27] Exhibit "M."

[28] Exhibit "N."

[29] Exhibit "1."

[30] Supra.

[31] CA Rollo, pp. 43-51 (CA-G.R. SP No. 59699); CA Rollo, pp. 39-53. (CA-G.R. SP No. 59698)

[32] Id. at 51. (CA-G.R. SP No. 59698)

[33] Id. at 53.

[34] Rollo, pp. 67-68.

[35] Id. at 31-32.

[36] Id. at 14-15.

[37] (1) The reduction of the patrimony of the donor; (2) the increase in the patrimony of the donee; and (3) the intent to do an act of liberality or animus donandi.

[38] *Amagan vs. Marayag*, 326 SCRA 581 (2000).

[39] *Olan vs. Court of Appeals*, 314 SCRA 273 (1999).

[40] Art. 712. Ownership is acquired by occupation and by intellectual creation.

Ownership and other real rights over the property are acquired and transmitted by law, by donation, by testate and intestate succession, and in no consequence of certain contracts by tradition.

They may also be acquired by means of prescription.

[41] Art. 428. The owner has the right to enjoy and dispose of a thing, without other limitations than those established by law.

The owner has also a right of action against the holder and possessor of the thing in order to recover it.

[42] *Republic vs. Guzman*, 326 SCRA 90 (2000).

[43] *Quilala vs. Alcantara*, 371 SCRA 311 (2001).

[44] *Gestopa vs. Court of Appeals*, 342 SCRA 105 (2000).

[45] See note 43, *supra*.

[46] Article 749, New Civil Code.

[47] *Cabrera vs. Court of Appeals*, 276 SCRA 339 (1997).

[48] *Gonzales vs. Court of Appeals*, 358 SCRA 598 (2001).

[49] *San Agustin vs. Court of Appeals*, 371 SCRA 348 (2001).

[50] *Retuerto vs. Barz*, 372 SCRA 712 (2001).

[51] In *Cheng vs. Genato*, 300 SCRA 722 (1998), we held that:

“Registration,” defined by Soler and Castillo, means any entry made in the books of the registry, including both registration in its ordinary and strict sense, and cancellation, annotation, and even marginal notes. In its strict acceptance, it is the entry made in the registry which records solemnly and permanently the right of ownership and other real rights. We have ruled before that when a Deed of Sale is inscribed in the registry of property on the original document itself, what was done with respect to said entries or annotations and marginal notes amounted to a registration of the sale.

[52] Section 1 of P.D. No. 1529 provides that:

SEC. 53. Presentation of owner's duplicate upon entry of new certificate.— No voluntary instrument shall be registered by the Register of Deeds, unless owner's duplicate certificate is presented with such instrument, except in case expressly provided for in this Decree or upon order of the court, for cause shown.

The production of the owner's duplicate certificate, whenever any voluntary is presented for registration, shall be conclusive authority from the registered owner to the Register of deeds to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith.

[53] CA Rollo, p. 54. (CA-G.R. SP No. 59698)

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