QUINTIN B. BELGICA, PETITIONER, VS. MARILYN LEGARDE BELGICA AND ANTONIO G. ONG, RESPONDENTS.

G.R. No. 149738. August 28, 2007

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court seeks to set aside the June 30, 2000 decision[1] and August 30, 2001 resolution[2] of the Court of Appeals (CA) in CA-G.R. CV No. 44783.

Petitioner Quintin B. Belgica and his wife, respondent Marilyn L. Belgica, purchased a house and lot located in Greenfields Subdivision, Novaliches, Quezon City in 1983. While petitioner was in the United States, his wife, through a special power of attorney (SPA)[3] he executed in her favor, sold the property to respondent Antonio G. Ong.

When petitioner returned to the country, he questioned the authenticity of the SPA. He claimed that the signature appearing above his typewritten name was not his. He sought the help of the Presidential Action Center for the examination of the said signature and was referred to the director of the National Bureau of Investigation (NBI).

Petitioner submitted to the NBI a photocopy of the questioned SPA and several documents containing his standard signatures. The examination of the documents was assigned to Eliodoro M. Constantino, document examiner III. After examination, the NBI made the following report:

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> FINDINGS - CONCLUSION:
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> Comparative examination of the specimens submitted thru photographic enlargements reveals that there exist fundamental differences between the questioned and the standards/sample specimen signatures, "Quintin B. Belgica," such as in:
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> -Structural pattern of the elements
> -Direction of strokes
> -Other identifying details
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> These fundamental differences suggest a different writer of the questioned signature from that of the standard signature. A definite determination may be made, subject to analysis of the original copy of the Special Power of Attorney bearing the questioned signature "Quintin B. Belgica."[4] (emphasis supplied)

Meanwhile, after earnest efforts towards a compromise between petitioner and respondent Belgica failed, petitioner filed a complaint for annulment of deed of sale, cancellation of title and reconveyance with damages against respondents in the Regional Trial Court (RTC) of Quezon City, Branch 86.[5] He contended that the sale of the property by his wife to her co-respondent was void because it was made without his consent since the signature appearing on the questioned SPA was a forgery.

During the trial, NBI document examiner Constantino[6] testified on his findings and conclusions in the questioned documents report. Respondents, on the other hand, presented as evidence a report of Francisco Cruz, Jr., chief of the PNP Crime Laboratory Service, who examined and compared the questioned and standard signatures and found that the signatures were written by one and the same person. He based his findings on a carbon original copy of the SPA. His findings and conclusions were as follows:

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> FINDINGS:
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> Microscopic and photographic standard examination and comparison of the questioned and the submitted signatures reveal significant similarities in the manner of execution, skill of writing, quality of lines and other individual handwriting characteristics and habit.
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> xxx xxx xxx
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> CONCLUSION:
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> The questioned signature QUINTIN B. BELGICA marked "Q" appearing in the Special Power of Attorney, dated July 14, 1989 and the submitted standard signatures of Quintin B. Belgica marked "S-1" to "S-8" inclusive, WERE WRITTEN BY ONE AND THE SAME PERSON.
>
> xxx xxx xxx [7]

Respondents also presented Atty. Leopoldo Balguma, the notary public who notarized the SPA. He testified that petitioner signed the questioned document in his presence.

After trial, the RTC dismissed the complaint.[8] It found that the signature appearing in the SPA was the true and genuine signature of petitioner. Thus, the deed of absolute sale executed by respondent Marilyn Belgica in favor of respondent Ong was a valid and binding agreement.

Petitioner appealed the RTC decision to the CA.[9] The CA denied the same[10] in the absence of strong evidence to warrant the reversal of the RTC decision.

Petitioner moved for reconsideration[11] but it was also denied. [12] Hence, this petition.

Petitioner basically questions the authenticity of the SPA. He contends that his signature appearing therein was forged. Thus, the deed of absolute sale executed by his wife, purportedly in her own behalf and the petitioner's as well, did not constitute a valid and binding agreement. Consequently, the sale of the conjugal property to respondent Ong was void.

The petition has no merit.

Time and again, we have stressed that the remedy of appeal by certiorari under Rule 45 of the Rules of Court should involve only questions of law, not questions of fact. There exists a question of law when there is doubt on what the law applicable to a certain set of facts is. Questions of fact, on the other hand, arise when there is an issue regarding the truth or falsity of the statement of facts.[13] Questions on whether certain pieces of evidence should be accorded probative value or whether the proofs presented by one party are clear, convincing and adequate to establish a proposition are issues of fact. Such questions are not subject to review by this Court. As a general rule, we review cases decided by the CA only if they involve questions of law raised and distinctly set forth in the petition.[14]

Petitioner himself admits in his petition that the issue he wants this Court to pass upon is the authenticity of the SPA. He is thus asking us to consider a question of fact, something that has already been raised in and

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satisfactorily established by the RTC and the CA. This is not allowed because, as a general rule, findings of fact of the RTC, when affirmed by the CA, become final and conclusive. We do not review their factual findings on appeal, specially when these are supported by the records or are based on substantial evidence.[15]

While the application of this rule is not absolute and admits of exceptions, none of them is present in this case. [16] Both the RTC and the CA competently ruled on the issues brought before them by petitioner as they properly laid down both the factual and legal bases for their respective decisions.

Both courts found the testimony of petitioner's expert witness hardly conclusive and binding because the comparison was made only on the basis of a photocopied SPA. Even petitioner's expert witness himself admitted that the examination of a photocopy, when compared to the examination of an original, may affect the result. In fact, he clearly stated that his finding was still "subject to verification." Therefore, it was an acknowledgement that his findings and conclusions were neither definite nor conclusive. Something more needed to be done " the examination of the original document itself " to enable the testimony to become fully and legally acceptable.

On the other hand, both courts found the testimony of respondents' expert witness to be more persuasive as he based his findings and conclusions on a carbon original copy of the document containing the signature of petitioner. It was an original document.[17] Thus, he was able to study in detail the strokes and nuances of petitioner's handwriting.

The CA also examined the alleged forged signature, just as the trial court did, and it saw no reason to overturn the trial court's findings.

It is important to note that the authenticity of a signature though often the subject of proffered expert testimony, is a matter that is not so highly technical as to preclude a judge from examining the signature himself and ruling upon the question of whether the signature on a document is forged or not. It is not as highly technical as questions pertaining to quantum physics, topology or molecular biology.[18]

A finding of forgery does not depend exclusively on the testimonies of expert witnesses as judges can and must use their own judgment, through an independent examination of the questioned signature, in determining the authenticity of the handwriting.[19] This is what the RTC and the CA did. Both courts not only considered the expert testimonies presented but also based their findings and conclusions on their evaluation of the questioned document itself.

We therefore see no reason to disturb the lower courts' findings on the authenticity of petitioner's signature appearing in the SPA.

Finally, it must be noted that Atty. Balguma, the notary public who notarized the SPA, testified that petitioner signed the document in his presence. The testimony of a notary public (who is an officer of the court) enjoys greater credence than that of an ordinary witness, specially if the latter's testimony consists of nothing more than mere denials.[20] Petitioner denied signing the aforementioned documents and invoked forgery but presented no competent evidence to support his accusation. His testimony paled in comparison with that of Atty. Balguma who stated in no uncertain terms that petitioner signed the documents in his presence.

WHEREFORE, the petition is hereby DENIED. The June 30, 2000 decision and the August 30, 2001 resolution of the Court of Appeals in CA-G.R. CV No. 44783 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

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

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[1] Penned by Associate Justice Presbitero J. Velasco, Jr. (now a member of this Court) and concurred in by Associate Justices Edgardo P. Cruz and Bernardo LL. Salas (retired) of the Seventeenth Division of the Court of Appeals. Rollo, pp. 28-38.

[2] Penned by Associate Justice Presbitero J. Velasco, Jr. (now a member of this Court) and concurred in by Associate Justices Elvi John S. Asuncion (dismissed from the service) and Edgardo P. Cruz of the Special Former Seventeenth Division of the Court of Appeals. Id., pp. 47-48.

[3] Dated July 14, 1989. Id., p. 107.

[4] Documents Report No. 730-1091 dated November 5, 1991. Id., p. 50.

[5] Docketed as Civil Case No. Q-92-12525.

[6] He also prepared the Documents Report No. 730-1091 which contained the findings. See note 5 supra.

[7] Dated November 6, 1992. Rollo, p. 114.

[8] Decision dated September 20, 1993.

[9] Dated October 13, 1993.

[10] Dated June 30, 2000. Rollo, pp. 28-38.

[11] Dated July 19, 2000. Id., pp. 39-45.

[12] Dated August 30, 2001. Id., pp. 47-48.

[13] Potenciano v. Reynoso, 449 Phil. 396, 405 (2003).

[14] Benguet Corporation v. Commissioner of Internal Revenue, G.R. No. 141212, 22 June 2006, 492 SCRA 133, 142.

[15] Potenciano v. Reynoso, supra note 13 at 398.

[16] See Baricuatro, Jr. v. Court of Appeals, 382 Phil. 15, 24 (2000).

[17] Rules of Court, Rule 130, Section 4. The section provides:

Sec. 4. Original of document.

(a) The original of a document is one the contents of which are the subject of inquiry.

(b) When a document is in two or more copies executed at or about the same time, with identical contents, all such copies are equally regarded as originals. xxx

[18] Alcos v. Intermediate Appellate Court, No. L-79317, 28 June 1988, 162 SCRA 823, 833.

[19] Jimenez, et al. v. Commission on Ecumenical Mission, 432 Phil. 895, 907 (2002).

[20] Sales v. CA, G.R. No. 40145, 29 July 1992, 211 SCRA 858, 865.

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