

**PACIFICO GARING (DECEASED), SUBSTITUTED BY HIS HEIRS,
NAMELY: APOLONIO, DEMETRIO, ELISA, MARIETTA, LINA,[] ARNITO
AND ENRICO, ALL SURNAMED GARING, PETITIONERS, VS. HEIRS OF
MARC...**

G.R. No. 150173. September 05, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is the instant Petition for Review on Certiorari assailing the Decision[1] dated December 14, 2000 and Resolution[2] dated September 4, 2001 of the Court of Appeals in CA-G.R. CV No. 46666.

Records show that during their lifetime, or on March 14, 1984, Pacifico Garing and his wife Dorotea filed with the Regional Trial Court, Sindangan, Zamboanga del Norte, a complaint for reconveyance of property, docketed as Civil Case No. S-253. Spouses Garing alleged that they are the lawful possessors of Lot C of Subdivision Plan (LRC), Psd-41248 situated in Bogabongan, Bacungan, Sindangan, Zamboanga del Norte, bounded on the southeast by the Mangop River; that over the years, accretion caused by the Mangop River led to the formation of a strip of dry land between Lot C and the edge of the Mangop River; that they and their predecessors-in-interest have been in possession of this strip of land and cultivated the same; that in 1938, Nazario C. Isip surveyed the area and identified the accretion in his plan as Lot No. 4891-B-1 consisting of 17,500 square meters and Lot No. 4891-B-2 consisting of 5,492 square meters; that sometime in March 1982, while they were harvesting their crops from the two lots, Marcos Silva arrived saying that these two lots are within the boundaries of his property; that in March 1984, when petitioners were again harvesting crops, Teresita "Esing" Silva, Marcos' wife, arrived and told them to stop gathering coconuts from their said lots; that Pacifico Garing investigated the claim of Teresita "Esing" Silva and found that the two lots were erroneously and unlawfully included in Lot No. 4891-B covered by Original Certificate of Title (OCT) No. P-16110 issued on August 5, 1969 in the name of Marcos Silva.

In their answer, the heirs of Marcos Silva, respondents, countered that the lots being claimed by petitioners form part of their land; and that petitioners, by means of force or threats against Marcos Silva, took possession of the two lots.

During the pendency of Civil Case No. S-253 for reconveyance of property, or on September 11, 1984, Jose Acosta, also a respondent, filed a motion for intervention. He alleged that he purchased the two lots from the heirs of Marcos Silva as shown by a Deed of Extrajudicial Partition and Simultaneous Sale dated March 29, 1984; that petitioners were present when he had the lots surveyed but they did not raise any objection; that since the original registration of Lot No. 4891-B consisting of the two lots was on August 5, 1969 when Marcos Silva was issued OCT No. P-16110, then petitioners' complaint which was filed only on March 14, 1984, had already prescribed.

After hearing, the trial court rendered its Decision, the dispositive portion of which reads:

WHEREFORE, premises studiedly considered, judgment is hereby rendered in favor of the

defendants/intervenor:

- 1) DISMISSING the complaint for lack of merit
- 2) DECLARING the defendants/intervenor the true and lawful owners and legal possessors of Lot 4891-B-1 and Lot 4891-B-2;
- 3) RESTRAINING Order issued dissolved; and
- 4) No special pronouncement as to damages for insufficiency of evidence.

WITHOUT COSTS.

SO ORDERED.[3]

On appeal, docketed as CA-G.R. CV No. 46666, the Court of Appeals affirmed the trial court's Decision, thus:

WHEREFORE, foregoing premises considered, the questioned Decision dated August 31, 1993 of the Regional Trial Court, 9th Judicial Region, Branch 11, Sindangan, Zamboanga del Norte is hereby AFFIRMED in toto. Costs against plaintiffs-appellants.

SO ORDERED.[4]

The Court of Appeals held:

The claim by plaintiff-appellants that the land in question is an accretion, is not supported with evidence. So, in the absence of evidence, the lower court correctly ruled in its findings that lots Nos. 4891-B-1 and 4891-B-2 were inside Lot 4891-B of defendant-appellee Marcos Silva (Exh. XX-1, p. 184, Record; Exh. XX-3, p. 185, Record; XX-4, p. 185, Record) as evidenced by Original Certificate of Title No. P-16110 (Exh. 20, p. 237, Record) issued on August 5, 1968 (Exh. 20-B, p. 237, Record) in the name of Marcos Silva. And the intervenor Jose Acosta has the right to rely on what appears in the certification of title under the name of the vendor.

Settled is the rule that the vendee (the herein intervenor) has the right to rely on what appears on the face of the title except when he is required to make the necessary inquiries in case of any cloud in the ownership of the property (Hrs. of LEOPOLDO VENCILAO SR. vs. COURT OF APPEALS, 288 SCRA 574 [1998]).

Therefore, the lower court was correct when it ruled that under the torrens law, the Original Certificate of Title as well as the owner's duplicate certificate copy thereof can be received in evidence in all courts of the Philippines and shall be conclusive on all matters contained therein principally as to the identity of the owner of the land concerned. And if there are pre-existing claims and liens which existed prior to the issuance of the Certificate of Title, they are cut off if not noted thereon and the certificate so issued binds the whole world (ALDECOA & CO. vs. WARNER BARNES & CO., 30 Phil. 153, 209; PROVINCIAL FISCAL of CEBU and AVILA, 42 Phil. 761; RODRIGUEZ vs. TORENO, 79 SCRA 356 [1977]). x x x

Readily, it can be seen that the issue being raised, i.e., whether petitioners are the rightful possessors and owners of the two lots, formed by accretion, is factual in nature.

In a petition for review on certiorari, this Court is limited to reviewing errors of law, except when the findings of fact of the appellate court are not supported by the records,[5] which exception is not present here.

Time and again, we have held that this Court is not a trier of facts and it is not its function to examine and evaluate the probative value of the evidence presented before the concerned tribunal upon which its impugned decision or resolution is based.[6] In an appeal to this Court by a petition for review on certiorari under Rule 45 of the 1997 Rules of Procedure, as amended, only questions of law may be raised.[7] In the exercise of its power of

review, the findings of facts of the Court of Appeals are conclusive and binding.[8] Thus, it is not its function to analyze or weigh evidence all over again.[9]

WHEREFORE, we DENY the petition. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 46666 are AFFIRMED. Costs against petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[*] Also referred to in the records as "ELENA."

[1] Rollo, pp. 25-34. Penned by Associate Justice Mercedes Gozo-Dadole (retired) and concurred in by Associate Justice Maria Alicia Austria-Martinez (now a member of this Court) and Associate Justice Hilarion L. Aquino (retired).

[2] Id., pp. 40-41.

[3] Id., p. 285.

[4] Id., p. 34.

[5] AMA Computer College, Inc. v. Valmonte, G.R. No. 149875, April 2, 2007, citing Bernaldez v. Francia, 398 SCRA 488 (2003).

[6] Toriano v. Trieste, Sr., et al., G.R. No. 146937, January 23, 2007, 512 SCRA 264, citing Junson v. Martinez, G.R. No. 141324, July 8, 2003, 405 SCRA 390, 393.

[7] Id., citing Engreso v. De la Cruz, G.R. No. 148727, April 9, 2003, 401 SCRA 217.

[8] Fungo v. Lourdes School of Mandaluyong, et al., G.R. No. 152531, July 27, 2007, citing Go v. Court of Appeals, 430 SCRA 358 (2004), Rizal Commercial Banking Corporation v. Alfa RTW Manufacturing Corporation, et al., 368 SCRA 611 (2001).

[9] Id., citing Alejandro Gabriel v. Spouses Mabanta, 399 SCRA 573 (2003).

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