

MONTANO PICO AND ROSITA PICO, PETITIONERS, VS. CATALINA ADALIM-SALCEDO AND URBANO SALCEDO, RESPONDENTS.

G.R. No. 152006. October 02, 2009

Ponente: BRION, J.

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BRION, J.:

In their Petition for Review on Certiorari,[1] petitioners Montano Pico and Rosita Pico (collectively Picos) assail the Court of Appeals (CA) decision[2] in CA-G.R. CV No. 50278, affirming the decision of the Regional Trial Court (RTC), Branch 27, Tandag, Surigao del Sur. The RTC decision, in turn, declared respondent spouses Catalina Salcedo (Catalina) and Urbano Salcedo (collectively Salcedos) as the owners of the entire Lot No. 1188 Cad. 392-D, covered by Original Certificate of Title (OCT) No. 5930, and ordered the Picos to vacate the portion of Lot No. 1188 that they are occupying.

BACKGROUND FACTS

The present petition originated from an action for recovery of possession and quieting of title filed by the Salcedos against the Picos with the RTC of Tandag, Surigao del Sur on December 3, 1986.

In the complaint, the Salcedos claimed that Catalina bought coconut lands situated in Barangay Bioto, Municipality of Tandag, Surigao del Sur, with a total area of 17,153 square meters, from the Vallescas family. After Catalina acquired these lands, Virginia Pico, the daughter of Pionono Vallescas, one of the former owners, and her husband Jose Pico asked if they could remain as tenants on a 1,215-square meter portion of the property (first lot), with a promise to plant coconuts in lieu of paying rent. Catalina agreed to this arrangement, and Jose and Virginia Pico, together with their son Montano Pico (Montano), stayed on the first lot.

The Salcedos narrated that while the Picos were occupying the first lot, the Bureau of Lands conducted a survey on the property. Since the Salcedos were in Bohol at the time of the survey, Montano succeeded in making it appear that his father Jose Pico was the owner of the first lot so that the survey reflected Jose Pico's name as owner. As a result, the first lot was denominated as Lot No. 1192 Cad-392-D in the name of Jose Pico and only 15,961 square meters of the original 17,153 square meters was registered under OCT No. 5930 in Catalina's name.

In their second cause of action, the Salcedos alleged that the Picos also laid claim to a 1,247-square meter portion of the land covered by OCT No. 5930 (second lot), which the Picos maintained they bought from a certain Vicente Diaz. Thus, the Salcedos prayed that the RTC render a decision declaring them the rightful owners of both properties.

In their Answer, the Picos denied that Jose Pico was a tenant of Catalina, insisting that Jose had always owned the first lot. While admitting that Catalina bought lands from Pionono Vallescas, Virginia Pico's father, the Picos alleged that the purchased property did not include the first lot since Jose and Virginia Pico were already in possession of this property and, upon the deaths of Jose and Virginia Pico, Montano became the legal owner of the property as their compulsory heir.

The Picos also denied Catalina's claim that she was absent at the time the property was surveyed, asserting that the cadastral survey conducted on the property was done with the knowledge of all the adjoining owners, including the Salcedos.

As to the second lot, the Picos insisted that they legally bought the land from Vicente Diaz, the lawful owner, on March 7, 1977; Vicente Diaz, in turn, purchased the second lot from Teodorico Plaza on September 4, 1954. The Picos alleged that they are currently in possession of the second lot to further support their claim of ownership.

On October 14, 1991, the heirs of Catalina filed an Amended Complaint, informing the RTC that Catalina had died and her husband and children, as her only compulsory heirs, were taking her place in the case.

After both parties presented their evidence, the RTC issued a decision^[3] on April 3, 1995, with a dispositive portion that reads:

WHEREFORE, judgment is rendered:

- Declaring the [Salcedos] as the owners pro indiviso of the entire lot no. 1188 Cad. 392-D covered by the Original Certificate of Title No. 5930 in the name of Catalina Adalim and, as such, entitled to recover the possession of any portion thereof occupied or possessed by the [Picos] or anyone acting for and in behalf;
- Ordering the [Picos] to vacate and turn over peacefully to the [Salcedos] the possession of their occupied portion of Lot No. 1188 Cad. 392-D [second lot];
- Declaring the [Picos] and their co-heirs, if any, as the owners of pro diviso of Lot No. 1192 Cad. 392-D [first lot] covered by Original Certificate of Title No. P-24679 in the name of the Heirs of Jose Pico;
- The respective claims for damages of the plaintiffs and the defendants are dismissed.

NO COSTS.

SO ORDERED.

Both parties appealed this decision with the CA.

On January 25, 2000, the CA rendered its own decision, dismissing both appeals for lack of merit.^[4] The CA found that both parties were estopped from questioning the regularity of the survey. As the CA pointed out, "only after a long lapse of time after each of the parties was issued their respective certificates of titles covering the disputed lots did they contest and claim ownership against each other."^[5]

The Picos moved for a reconsideration of the decision, which the CA subsequently denied in its Resolution dated January 22, 2002.

Hence, this petition.

THE PETITION

As only the Picos assail the CA decision, the sole question we are asked to resolve is -- who owns the portion of land registered in Catalina's name, but is currently in the Picos' possession?

In their petition, the Picos insist that they were able to prove that they legally acquired the second lot by preponderance of evidence given that they presented the following: (a) the Deed of Sale which proved that Vicente Diaz had sold the second lot to the Picos; (b) Vicente Diaz's "Declaracion Jurada," where Vicente Diaz swore to the fact that he had lawfully acquired the second lot from Teodorico Plaza sometime in 1954; (c) Teodorico Plaza's attestation that he bought the second lot in 1932 when he was still single; and (d) the testimony

of Pociano Ajos, who testified that he knew about the sale of the second lot between Vicente Diaz and the Picos.

While Torrens titles are imprescriptible, the Picos argue that where the registration was procured by fraud, the lawful owner has the right to pursue all legal and equitable remedies against the person who committed the fraud, pursuant to Section 55 of Act No. 496 (The Land Registration Act).[6] Since the Salcedos fraudulently included the second lot in the registration of Catalina's Certificate of Title, the Picos conclude that they can still question the registration.

On the other hand, the Salcedos claim that the Picos merely filed the present petition for delay, arguing that the petition presents no new matter for the Court's consideration. The Salcedos also point out that the issues raised by the Picos are factual questions, which the Court cannot review on appeal by certiorari.

THE COURT'S RULING

We deny the petition for lack of merit.

The petition raises mere questions of fact.

In a petition for review on certiorari, we are limited to reviewing errors of law absent any showing that the findings of fact of the appellate court are not supported by the records.[7]

A question of law exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts; or when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of facts being admitted. A question of fact exists when the doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence considering mainly the credibility of the witnesses, the existence and relevancy of specific surrounding circumstances, as well as their relation to each other and to the whole, and the probability of the situation.[8]

In asking us to declare them as the lawful owners of the second lot, the Picos are in effect praying that we overturn the factual findings made by the RTC, which findings have already been affirmed by the CA. In other words, we are asked to substitute our own judgment for those of the trial court and the appellate court by conducting another evaluation of the evidence.

We have consistently declared that factual findings of the trial court, when adopted and confirmed by the CA, are binding and conclusive on this Court and will generally not be reviewed on appeal[9] as this Court is not a trier of facts.[10] It is not its function to analyze or weigh evidence all over again, subject to certain exceptions,[11]none of which is present in this case. As we said in *Zaragoza vs. Nobleza*: [12]

Whether the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by an adverse party, may be said to be strong, clear and convincing, whether certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side, whether inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight - all these are issues of fact which may not be passed upon in a petition for review on certiorari under Rule 45 of the Rules of Court.

Property covered by Torrens title cannot be acquired by possession

Even if we were to review the facts of the case, we would still find no reason to grant the petition.

As found by the RTC, the survey of the lots was conducted from December 16, 1965 to June 16, 1967. Thereafter, OCT No. 5930, covering 15,961 square meters of coconut lands, was issued in Catalina's name and subsequently transcribed in the Registration Book for the Province of Surigao del Sur on January 13, 1969. In contrast, the

Picos purchased the second lot from Vicente Diaz on March 7, 1977, or more than 8 years after the land had already been registered in Catalina's name.

A title, once registered, cannot be defeated, even by adverse, open and notorious possession.[13] The title, once registered, is notice to the world. All persons must take notice. No one can plead ignorance of the registration.[14]

Hence, while the Picos' may have been in open, notorious, and continuous possession of the second lot from the time it was purchased in 1977 until the present time, such possession no matter how long could not ripen into ownership as the second lot is part of registered land.

Even the Picos admit the indefeasible nature of Torrens titles; however, they argue that since the second lot was fraudulently included in the survey and registration of Catalina's land, they may still question the title, pursuant to Section 55 of the Land Registration Act.

We note that the Picos have not shown any evidence to support their claim of fraudulent registration. Also telling is the Picos' inaction to correct this alleged fraudulent registration. As we observed earlier, OCT No. 5930 was issued in Catalina's name and transcribed in the Registration Book for the Province of Surigao del Sur on January 13, 1969. Since then, the Picos have not filed any action to correct the alleged fraudulent inclusion of their property in the land registered in Catalina's name. In fact, the present case arose from the complaint filed by the Salcedos, not the Picos, to quiet their title over the second lot.

We therefore see no reason to overturn the factual findings of the RTC, as affirmed by the CA.

WHEREFORE, we DENY the petition and AFFIRM the decision of the Court of Appeals in CA-G.R. CV No. 50278 dated January 25, 2000.

Costs against the petitioners.

SO ORDERED.

[**]Carpio-Morales, (Acting Chairperson), [*]Ynares-Santiago, Del Castillo, and Abad, JJ. concur.

[*] Designated additional Member of the Second Division per Special Order No. 691 dated September 4, 2009.

[* *] Designated Acting Chairperson of the Second Division per Special Order No. 690 dated September 4, 2009.

[1] Under Rule 45. Dated March 10, 2002; rollo, pp. 10-22.

[2] Penned by Associate Justice Demetrio Demetria (dismissed), with the concurrence of Associate Justices Eubulo G. Verzola (deceased) and Jose L. Sabio, Jr.; dated January 25, 2000; id., pp. 28-33.

[3] Id., pp. 60-66.

[4] Supra note 2.

[5] Rollo, pp. 30-31.

[6] Section 55.

xxx

That in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice, however, to the rights of any innocent holder for value of a certificate of title: xxx

[7] Bernaldez v. Francia, G.R. No. 143929, February 28, 2003, 398 SCRA 488.

[8] Bukidnon Doctors' Hospital v. Metrobank, G.R. No. 161882, July 8, 2005, 463 SCRA 222, citing Republic v. Sandiganbayan, 375 SCRA 145 (2002).

[9] Lazaro v. Court of Appeals, 423 Phil. 554 (2001); Garrido v. Court of Appeals, 421 Phil. 872 (2001); Santos v. Spouses Reyes, 420 Phil. 313 (2001); Yu Bun Guan v. Ong, 419 Phil. 845 (2001); Fernandez v. Fernandez, 416 Phil. 322 (2001); Nagkakaisang Kapisanan Kapitbahayan sa Commonwealth Avenue v. Court of Appeals, 414 Phil. 146 (2001).

[10] First Metro Investment Corp. v. Este del Sol Mountain Reserve, Inc., 420 Phil. 902 (2001).

[11] The exceptions are: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, will justify a different conclusion.

[12] G.R. No. 144560, May 13, 2004, 428 SCRA 410.

[13] Omandam v. Court of Appeals, G.R. No. 128750, January 18, 2001, 349 SCRA 483; Cervantes v. Court of Appeals, G.R. No. 118982, February 19, 2001, 352 SCRA 47; Ong v. Court of Appeals, G.R. No. 142056, April 19, 2001, 356 SCRA 768; Heirs of Leopoldo Vencilao, Sr. v. Court of Appeals, Phil. 815 (1998).

[14] Legarda v. Saleeby, 31 Phil. 590 (1915); St. Peter Memorial Park, Inc. v. Cleofas, G.R. No. L-47385, July 30, 1979, 92 SCRA 389; J.M. Tuason & Co. v. CA, G.R. No. L-23480, September 11, 1979, 93 SCRA 146.

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