HEIRS OF ERNESTO V. CONAHAP, NAMELY, NERRE D. GANCINO-CONAHAP, FARRAH MAY GANCINO CONAHAP, AND MELANIE GANCINO CONAHAP, PETITIONERS, VS. HEIRS OF PROSPERADOR REGAÑA, NAMELY, MIL...

G.R. NO. 152021. May 17, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Sometime in August 1983, the spouses Prosperador and Milagros Regaña, who had first returned to the Philippines from Nigeria, agreed to purchase a parcel of land in Davao City. The property, Lot No. 33, was located at Sapphire Street, Block No. 8 (Phase 4), Ecoland Subdivision, Matina, Davao City, and had an area of 331 square meters. It was owned by Ecoland Properties Development Corporation (Ecoland), and the agreed price was P56,270.00, with a down payment of P3,000.00 upon the execution of the contract to sell,[1] the balance payable on or before September 30, 1983. Project Engineer Romel Bernardino accompanied Prosperador Regaña to the property which was then unoccupied. Bernardino also showed a sketch plan[2] indicating its location; Bernardino's house was around 100 meters away from the lot;[3] adjacent thereto was the house owned by Delfin Yap,[4] and behind it, a commercial road.

On August 22, 1983, Ecoland and Prosperador Regaña executed a Contract To Sell over the property. The purchase price was paid, and the Register of Deeds thereafter issued Transfer Certificate of Title (TCT) No. T-101822 under Prosperador's name. The Regaña spouses then left the Philippines and returned to Nigeria where they were employed.

Upon their return to the Philippines in 1984, the couple visited the property and found it unoccupied. They placed a temporary fence around its perimeter, as well as a "No Trespassing" sign.[5] They then left for Surigao where Milagros was then working. Upon their return to Matina, Davao City in March 1988, they were dumbfounded to see that a house already stood on their property – that of Ernesto Conahap who, together with his family, was already residing therein.[6] Prosperador then filed a complaint for ejectment against Ernesto with the Office of the Barangay Captain, Bucana, Davao City. The parties failed to arrive at a settlement.

Prosperador Regaña then filed a complaint for recovery of possession of the said property with the Regional Trial Court (RTC) of Davao City, praying that after due hearing, judgment be rendered in his favor, viz.:

> WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court that judgment be rendered:
>
> - Ordering defendant, his privies, agents, and representatives to vacate the land in question, demolish his structure, and turn possession thereof to the plaintiff;
>
> - Ordering defendant to pay rentals on the premises at the rate of five hundred (P500.00) pesos a month counted from January 1988 until possession thereof is restored to the plaintiff;

- Ordering defendant to pay exemplary damages in the amount of TEN THOUSAND (P10,000.00) pesos;

- Ordering defendant to pay attorney's fees in the amount of TEN THOUSAND (P10,000.00) Pesos plus appearance fees and other litigation expenses;

- Ordering defendant to pay to (sic) [the] costs.

PLAINTIFF further prays for such other reliefs as the Honorable Court may deem just and equitable in the premises.[7]

In his answer to the complaint, Ernesto alleged that Prosperador had no cause of action against him. He claimed that the subject property was part of a 188,299-square-meter lot owned by Saya V.A. Lim and covered by TCT No. 2341; it was later sold to Ecoland on June 14, 1974 via a deed of absolute sale,[8] and, thereafter, to the Regaña spouses. Ernesto further alleged that the property occupied by him was a portion of the property subject of Ponciano Sabroso's existing application for a free patent with the Bureau of Lands. He presented Feliciano Sabroso, Ponciano's brother, who declared that Ponciano had allowed Ernesto to construct his house over the property.

During the pre-trial, Ernesto admitted that the spouses Regaña had purchased the property from Ecoland, and that it was titled in their names. For his part, Prosperador admitted that the property was covered by Ponciano's homestead patent application which was filed with the Bureau of Lands in 1982.

Feliciano testified further that there was no "No Trespassing" sign installed on the property, nor any fence constructed around its perimeter.

Ernesto adduced evidence that Ponciano's free patent application covered a 5½-hectare lot, located in Kabacan, Matina, Davao City, and that such application was filed with the Bureau of Lands on August 25, 1982. Ernesto alleged in his application that he had occupied the property since 1966 and planted coconut trees, fruit trees and vegetables.[9] Upon Ponciano's death on October 11, 1986, his brother Feliciano secured an authority from the Bureau of Lands for the survey of the property on October 26, 1988.[10] The property was surveyed on October 28, 1988 and February 3, 1989 by Geodetic Engineer Meliton Panes who prepared a plan[11] covering the said lot. It appeared in the said plan that the property[12] claimed by the Regaña spouses was owned by Ponciano. Per the Memorandum[13] of the Regional Technical Director of the Land Management Services, dated July 31, 1991, a committee was created to oversee the relocation survey of the exact boundaries of the Ecoland property.

Ernesto further alleged that although the Bureau of Lands had not approved Ponciano's free patent application, the property occupied by him was not a part of Ecoland's property, as evidenced by the resurvey[14] of the property titled to the latter.

Ernesto also adduced evidence that Ponciano had filed a complaint for forcible entry against Ecoland, and that Ecoland filed a similar complaint against him on August 15, 1984; after a joint trial, the Municipal Circuit Trial Court of Davao City dismissed the cases in a Decision,[15] dated June 19, 1989. The court ruled that it had no jurisdiction over the complaint of Ecoland, and that Ponciano failed to prove his possession of the lot. Ponciano appealed the decision to the RTC.[16]

On September 1, 1993, the trial court rendered judgment in favor of Prosperador. The fallo of the decision reads:

WHEREFORE, judgment is rendered against the defendant in favor of plaintiff:

- Ordering the defendant, his privies, agents and representatives to vacate the land in question, to demolish his structure and turn over possession thereof to the plaintiff;

- Ordering defendant to pay plaintiff rentals of the land at the rate of P300.00 per month counted from Jan.

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1988 until possession thereof is restored to the plaintiff;

- Ordering defendant to pay attorney's fees in the amount of P10,000.00; and

- To pay the cost.[17]

Ernesto appealed the decision to the Court of Appeals (CA), which affirmed the decision on December 26, 2000. A motion for reconsideration thereof was likewise filed, and was similarly denied. The appellate court ruled that Ernesto failed to prove that the property occupied by him and his family was a portion of the property subject of Ponciano's free patent application.

In the meantime, Ernesto died and was survived by his heirs, Nerre D. Gancino-Conahap, Farrah May Gancino Conahap and Melanie Gancino Conahap, who now assail the appellate court's decision and resolution through the instant petition for review on certiorari.

It is the contention of the petitioners that the decision of the CA does not comply with Section 14, Article VIII of the Constitution. They further assert that under Article 434 of the New Civil Code, Prosperador, as the plaintiff in the trial court, was burdened to prove the identity of the property claimed by him, and that such property was covered by TCT No. T-101822. Citing the ruling of this Court in Government of the Philippine Islands v. Franco,[18] and relying on their documentary evidence, the petitioners aver that Ponciano had acquired title over the property by acquisitive prescription by virtue of his adverse possession even as against the owner, despite his erroneous belief that the property was public land.

In their comment to the petition, the respondents maintained that the decision of the CA was correct. Subsequently, respondent Prosperador Regaña died and was survived by his heirs, respondents Milagros and Carla Joy Regaña.

The petition is denied due course.

The issues raised in this case are factual. Under Rule 45 of the Rules of Court, only questions of law may be raised in this Court. The raison d'etre of this rule is that this Court is not a trier of facts. Unless for exceptional reasons, it is not to review the evidence on record and assess the probative weight thereof. Even in cases where the Court exercises its power to review, the findings of fact of the CA are still to be considered conclusive and binding, unless in conflict with those of the trial court or contrary to the evidence on record.

The Court agrees with the contention of the petitioners that the RTC and the CA erred in ruling that the respondents failed to prove that the property subject of Ponciano's homestead application in the Bureau of Lands includes the lot subject of the complaint. Nonetheless, the fact is that, as gleaned from the pre-trial order of the trial court, Prosperador, as the plaintiff (the respondents' predecessor), admitted the following:

1) that the land is covered by the Application of Ponciano Sabroso but with the counter-manifestation that said Application was not approved by the Bureau of Lands and it was filed nine (9) years ago and no action was taken thereon;

2) that there is a survey but with counter-manifestation that said survey was not approved, Exhibit "1."[19]

On the other hand, Ernesto, the defendant therein and the predecessor of the petitioners, admitted during the pre-trial that the property subject of the complaint was purchased by Prosperador from Ecoland and was covered by TCT No. T-101822 under the name of Prosperador:

1) the land is titled in the name of the plaintiff, Exhibit "A";

2) the land was purchased from the Ecoland Development Corporation;

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3) the matter of the area occupied by the defendant was reported by the plaintiff to the Office of the plaintiff's counsel for settlement and arbitration, Exhibit "C" – Certificate to File Action;

4) the lot is now fully developed with concrete roads and underground drainage.[20]

The admissions of the parties during the pre-trial as embodied in the pre-trial order of the court are binding and conclusive on them,[21] unless there is a clear showing that the admission was entered through palpable mistake.[22] Such admissions cannot be contradicted by the parties. The petitioners are thus estopped from claiming that the property occupied by them is not the property titled to the respondents, and that the latter failed to prove the identity of the claimed property.

Since the property is titled to the respondents, they are entitled to possess the same.[23] It bears stressing 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.[24]

The ruling of this Court in Government of the Philippine Islands v. Franco[25] does not apply in this case, since neither Ponciano nor his brother Feliciano was a party in the RTC. In that case, the Director of Lands, in behalf of the government, filed a petition in the cadastral court to settle and adjudicate the title to two parcels of land. Juan Franco claimed ownership over the property and adduced proof during the trial that it was part of a forest concession granted to Petronilo Sangued, but that he cultivated the property and built his house thereon. Franco adduced proof that he complied with all the legal formalities for a homestead patent application. The Court awarded the property to Franco who took possession of the property on the erroneous belief that it was public land, with the intention of holding and claiming it under the homestead law; he acquired title over the property by actual possession as against the owner.

In this case, however, when Ponciano filed his application for a homestead patent over the property in 1982, the property was already private land. Moreover, his application was not acted upon, much less approved by the Bureau of Lands; hence, Ponciano never acquired any rights over the property. By the time the complaint of the respondents was filed in the RTC, Ponciano had already died.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit. Costs against the petitioners.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

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* Prosperator in all the pleadings.

[1] Exhibit "E."

[2] Exhibit "B."

[3] TSN, 7 December 1992, p. 90.

[4] Id. at 91.

[5] TSN, 9 October 1991, pp. 19-20.

[6] Exhibits "H" to "L."

[7] Records, pp. 3-4.

[8] Exhibit "7."

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[9] Exhibit "I."

[10] Exhibit "2."

[11] Exhibit "3."

[12] Exhibit "3-B."

[13] Exhibit "4."

[14] Exhibit "5."

[15] Exhibit "8."

[16] Exhibit "9."

[17] Rollo, pp. 90-91.

[18] 57 Phil. 780 (1933).

[19] Rollo, p. 85.

[20] Id. at 84.

[21] Section 4, Rule 129, Revised Rules of Evidence.

[22] Marmont Resort Hotel Enterprises v. Guiang, G.R. No. L-79734, 8 December 1988, 168 SCRA 373; Bunag v. Court of Appeals, G.R. No. L-39013, 29 February 1988, 158 SCRA 299.

[23] Javelosa v. Court of Appeals, G.R. No. 124292, 10 December 1996, 265 SCRA 493.

[24] Vda. De Retuerto v. Barz, G.R. No. 148180, 19 December 2001, 372 SCRA 712.

[25] 57 Phil. 780 (1933).

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