MANUEL VALDEZ, GIL VALDEZ, CARMELITA VALDEZ – BONSATO, GENOVEVA BONALOS-BONILLA, ISAIAS BONALOS AND MAGDALENA BONALOS, PETITIONERS, VS. GUILLERMO REYES, JULIA REYES – BUSTAMANTE...

G.R. NO. 152251. August 17, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals dated January 30, 2002 in CA-G.R. CV No. 57088, entitled "Manuel Valdez, Gil Valdez, Carmelita Valdez-Bonsato, Genoveva Bonalos-Bonilla, Isaias Bonalos and Magdalena Bonalos, plaintiffs-appellants, versus, Guillermo Reyes, Julia Reyes-Bustamante, Prudencio Reyes, Nepomucena Reyes-Bustamante and Virginia Reyes-Naraval, defendants-appellees."

The parties in this case are all heirs of Doroteo Bonalos who, during his lifetime, owned fourteen (14) parcels of land all situated in Burgos, Pangasinan. Doroteo was married thrice. His first wife was Macaria Bustamante with whom he has three children, namely: Fresca, Marcela and Basilio. After Macaria died, he married Pia Cudal who bore him one child, Genoveva. The third marriage was to Eugenia Buay, with whom he has three children, namely: Isaias, Maria and Magdalena. Doroteo died intestate in 1937.

On January 25, 1994, a complaint for Partition with Damages was filed with the Regional Trial Court (RTC), Branch 54, Alaminos, Pangasinan by his children Genoveva, Isaias and Magdalena, and grandchildren by his first wife, namely: Manuel, Gil and Carmelita, now petitioners. Impleaded as defendants were his grandchildren by his first wife, namely: Guillermo, Julia, Prudencio, Nepomucena and Virginia, now respondents. The complaint was docketed as Civil Case No. A-2070.

The complaint alleges that petitioners and respondents are co-owners pro-indiviso of the subject properties. Respondents have been in possession thereof and have been appropriating for themselves their produce. Despite demands by petitioners, respondents refused to deliver to them their shares.

In their answer, respondents specifically denied petitioners' allegations in their complaint and averred that at the time of the death of Doroteo in 1937, there were no more properties left as they were already partitioned among his heirs, including herein petitioners. In fact, petitioners sold their shares to them (respondents) and other persons. Respondents maintained that they have been in possession of the properties for more than thirty years. Petitioners' allegations that they are co-owners of the properties pro-indiviso is, therefore, completely without basis. Thus, respondents prayed for the dismissal of the complaint.

On February 24, 1997, the RTC rendered judgment in favor of respondents and dismissed the complaint, finding that no property remained in the estate of Doroteo which could be the subject of partition and that petitioners' shares were already sold or transferred to herein respondents and other persons, thus:

> In sorting out the effects and evidentiary value of Exhibits "1" to "37", inclusive, which were offered by the defendants, the analysis are: that parcels 6,7 and 9 are not claimed by the defendants but parcel No. 2 is owned now by defendant Guillermo Reyes; Parcel Nos. 3 and No. 4 are now owned by Dedicacion Reyes; Parcel Nos. 8, 12 and 13 are now owned by Teofilo Reyes, acquired from the defendant Guillermo Reyes; Parcel No. 5 is now owned by Prudencio Reyes covered by OCT No. 14010; Parcel 10 owned by defendant Julia Bustamante; Parcel 11 owned by defendant Virginia Reyes-Naraval, in the manner, therefore, that by the admission by the plaintiffs themselves that they are not in possession of the parcels of land hereof described, that necessarily, the Court would have to rely on exhibits "1" to "37", inclusive, absent any documentary evidence to negate or to counteract these Exhibits.

The RTC further ordered petitioners to pay jointly and severally the sums of P100,000.00 to respondents as moral damages and P40,000.00 as attorney's fee.

Petitioners appealed to the Court of Appeals.

On January 30, 2002, the Court of Appeals rendered its assailed Decision affirming the RTC judgment with modification by deleting the award of moral damages. In adopting the factual findings of the trial court, the appellate court held that they are "sufficiently supported by the evidence on record."

Hence, the present recourse.

The findings of the RTC, as affirmed by the appellate court, are binding on this Court. In a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, this Court, may not review the findings of facts all over again. It must be stressed that this Court is not a trier of facts, and it is not its function to re-examine and weigh anew the respective evidence of the parties.[2] The jurisprudential doctrine that findings of the Court of Appeals are conclusive on the parties and carry even more weight when these coincide with the factual findings of the trial court, must remain undisturbed,[3] unless the factual findings are not supported by the evidence on record. Petitioners failed to show why this doctrine does not apply to the instant case.

WHEREFORE, the petition is DENIED and the assailed Decision dated January 30, 2002 of the Court of Appeals in CA-G.R. CV No. 57088 is AFFIRMED, with modification in the sense that the award of moral damages to respondents is deleted.

SO ORDERED.

Puno, (Chairperson), Corona and Garcia, JJ., concur.Azcuna, J., on official business.

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[1] Rollo, pp. 33-42. Per Associate Justice Edgardo P. Cruz, concurred in by Associate Justice Hilarion L. Aquino (retired) and Associate Justice Amelita G. Tolentino

[2] Ernesto Pleyto, et al. v. Maria Lomboy, et al., G.R. No. 148737, June 16, 2004, 432 SCRA 329.

[3] Mindanao State University v. Roblett Industrial & Construction Corp., G.R. No. 138700, June 9, 2004, 431 SCRA 458; Morandarte v. Court of Appeals, G.R. No. 123586, August 12, 2004, 436 SCRA 213; Development Bank of the Philippines v. Perez, G.R. No. 148541, November 11, 2004, 442 SCRA 238.

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