

**DOLORES SALINAS, ASSISTED BY HER HUSBAND, JUAN CASTILLO,  
PETITIONER, VS. SPS. BIENVENIDO S. FAUSTINO AND ILUMINADA G.  
FAUSTINO, RESPONDENTS.**

*G.R. No. 153077. September 19, 2008*

Ponente: CARPIO MORALES, J.

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**CARPIO MORALES, J.:**

It appears that respondent Bienvenido S. Faustino (Faustino), by a Deed of Absolute Sale (Deed of Sale)[1] dated June 27, 1962, purchased from his several co-heirs, including his first cousins Benjamin Salinas and herein petitioner Dolores Salinas, their respective shares to a parcel of land covered by Tax Declaration No. 14687, in the name of their grandmother Carmen Labitan, located in Subic, Zambales, with a "superficial area of 300.375 square meters [sq. m.] more or less," and with boundaries "in the North: Carmen Labitan; in the South: Calle, in the East: Callejon and in the West: Roque Demetrio."

On March 15, 1982, respondent Faustino, joined by his wife, filed before the then Court of First Instance of Zambales a complaint for recovery of possession with damages against petitioner, assisted by her husband, docketed as Civil Case No. 3382-0, alleging that the parcel of land he bought via the June 27, 1962 Deed of Sale from his co-heirs consisted of 1,381 sq. m. and is more particularly described as follows:

A residential land located at Barrio Matatin, Subic, Zambales now known as Lot 3, Block 5-K, Psd-8268 bounded on the NORTH by Road Lot 1, Block 5-1, PSD-8268; on the SOUTH by Road Lot 2, Block 5-1, Psd-8268; on the EAST by Road Lot 2, Block 5-1, Psd-8286; and, on the WEST by the property of Roque Demetrio Lot 2, Block 5-k, Psd 8268; containing an area of ONE THOUSAND THREE HUNDRED EIGHTY-ONE (1,381) SQUARE METERS, more or less. Declared for taxation purposes under Tax Declaration No. 1896 in the name of Spouses Bienvenido S. Faustino and Iluminada G. Faustino.[2] (Emphasis and underscoring supplied)

Respondent spouses further alleged that they allowed petitioner and co-heirs to occupy and build a house on a 627 sq. m. portion of the land, particularly described as follows:

The northeastern portion of the land of the plaintiffs described in Paragraph 2 of this complaint; bounded on the NORTH by Road Lot 1, Block 5-1, Psd-8268; on the East by Road Lot 2, Block 5-1, Psd-8268; and on the SOUTH and WEST by the remaining portion of Lot 5, Block 5-1, PSD-8268 of herein plaintiffs which is the land described in Paragraph 2 of this complaint owned by the plaintiffs and that this portion in question has an area of SIX HUNDRED TWENTY-SEVEN (627) SQUARE METERS, more or less;[3] (Emphasis and underscoring supplied),

on the condition that they would voluntarily and immediately remove the house and vacate that portion of the land should they (respondents) need the land; and that when they asked petitioner and her co-heir-occupants to remove the house and restore the possession of the immediately-described portion of the land, they refused, hence, the filing of the complaint.

In her Answer,[4] petitioner claimed that she is the owner of a 628 sq. m. lot covered by Tax Declaration No. 1017 in her name, particularly described as follows:

A residential lot, together with the two (2) storey house thereon constructed, and all existing improvements thereon, situated at Matain, Subic, Zambales, containing an area of 628 square meters, more or less. Bounded on the North, by Lot 12313 [sic]; on the East, by Lot 12413 (Road Lot); on the South, by Lot 12005-Cecilia Salinas; and on the West, by Lot 12006, Loreto Febre. Declared under Tax No. 1017, in the name of Dolores Salinas Castillo. (Emphasis and underscoring supplied);

that if respondents refer to the immediately described lot, then they have no right or interest thereon;[5] and that her signature in the June 27, 1962 Deed of Sale is forged.

After trial, Branch 73 of the Regional Trial Court (RTC) of Olongapo City, by Decision of August 31, 1993, found petitioner's claim of forgery unsupported. It nevertheless dismissed the complaint,[6] it holding that, *inter alia*, the Deed of Sale indicated that only 300.375 sq. m. was sold to petitioner.

. . . [I]n the . . . Deed of Sale [dated June 27, 1962] (Exhibit "B"), the area of the land sold was only 300.375 square meters while the plaintiffs[-herein respondents] in their complaint claim 1,381 square meters or the whole of the lot shown by exhibit "A" (Lot 3, Block 5-A, Psd-8268). Since the document is the best evidence, and the deed of sale indicates only 300.375 square meters, so then, only the area as stated in the Deed of Sale should be owned by the plaintiffs. The allegations [sic] that there might be a typographical error is again mere conjecture and not really supported by evidence.

The boundaries of the land indicated in the Deed of Sale (Exhibit "B") [are] different from that of Exhibit "A" claimed by the plaintiff[s-herein respondents] to be the plan of the lot which they allegedly bought. The Deed of Sale states [that the boundary of the lot in the] North is the lot of Carmen Labitan while Exhibit "A" indicated that North of the land is Lot 3, Block 5-A, Psd-8268 (Exhibit "A") is a Road Lot (Lot 1, Block 5-1, Psd-8268). This Court believes that after examining the documents presented, that the land bought by the plaintiff is only a portion of the land appearing in Exhibit "A" and not the whole lot. The land bought being situated at the southern portion of Lot 3, Block 5-K, Psd-8268. This explains why the northern portion of the lot sold indicated in the Deed of Sale is owned by Carmen Labitan, the original owner of the whole Lot 3, Block 5-K, Psd-8268 (Exhibit "C-1").

Even the tax declaration submitted by the plaintiff indicates different boundaries with that of the land indicated in the Deed of Sale. The law states in Art. 434 of the Civil Code:

"Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the weakness of the defendant's claim."

x x x x

Herein plaintiffs[-respondents] only own the area of 300.375 square meters of the said lot and not the whole area of 1,381 square meters as claimed by them. There is no evidence to substantiate the plaintiffs' claim for the area of 1,381 square meters.

x x x x[7] (Emphasis and underscoring supplied)

On respondents' appeal,[8] the Court of Appeals, by Decision of December 20, 2001,[9] modified the RTC decision. It held that since respondents are claiming the whole lot containing 1,381 sq. m. but that petitioner is claiming 628 sq. m. thereof, then respondents are "entitled to the remaining portion . . . of 753 square meters." The appellate court explained:

x x x [T]he Court agrees with the court a quo that only a portion of the whole lot was indeed sold to the plaintiffs-appellants by the heirs of deceased Isidro Salinas and Carmen Labitan. What remains to be

determined is the particular portion of the area that was sold to the plaintiffs-appellants.

x x x [W]hat really defines a piece of land is not the area calculated with more or less certainty mentioned in the description but the boundaries therein laid down as enclosing the land and indicating its limits. Where the land is sold for a lump sum and not so much per unit of measure or number, the boundaries of the land stated in the contract determine the effects and scope of the sale not the area thereof.

Based on these rules, plaintiffs-appellants are not strictly bound by the area stated in the Deed of Sale which is merely 300.375 square meters, but by the metes and bounds stated therein. As found by the court a quo, the land bought by the plaintiffs-appellants is a portion of the land appearing in Exhibit "A", situated at the southern portion of Lot 3, Block 5-K, Psd 8268 where the northern portion of the land sold as indicated in the Deed of Sale is owned by Carmen Labitan, the original owner of the whole Lot 3, Block 5-K, Psd-8268 (Exhibit "C-1".) None of the other heirs questioned the sale of the property as described in the Deed of Sale.

Considering the foregoing, this Court believes that plaintiffs-appellants[-herein respondents] own more than 300.375 square meters of the land in question. However, said ownership does not extend to the northern portion of the land being claimed by the defendants-appellees, consisting of 628 (erroneously stated in the decision of the court a quo as 268) square meters and covered by Tax Declaration No. 1017 in the name of defendant-appellee[-herein petitioner] Dolores Salinas. Plaintiffs-appellants are[,] however, entitled to the remaining portion of the property consisting of seven hundred fifty-three (753) square meters, more or less. (Emphasis and underscoring supplied)

The appellate court thus disposed:

WHEREFORE, based on the foregoing premises, the judgment appealed from is hereby MODIFIED, as follows:

- Plaintiffs-appellants Bienvenido S. Faustino and Iluminada G. Faustin[o] are declared owners of seven hundred fifty-three (753) square meters, more or less, of the parcel of land subject of this case.
- Plaintiffs-appellants and defendants-appellees are directed to cause the segregation of their respective shares in the property as determined by this Court, with costs equally shared between them.

x x x x[10] (Underscoring supplied)

Petitioner's motion for reconsideration having been denied,[11] she filed the present petition[12] faulting the Court of Appeals

- x x x IN MODIFYING THE DECISION OF THE COURT A QUO DISMISSING THE COMPLAINT FOR INSUFFICIENCY OF EVIDENCE;
- x x x IN DECLARING THE PRIVATE RESPONDENTS OWNERS OF 753 SQUARE METERS, MORE OR LESS, OF THE PARCEL OF LAND SUBJECT OF THE CASE[;]
- x x x IN NOT AFFIRMING THE DECISION OF THE COURT A QUO AND XXX IN NOT DECLARING THE PETITIONER AS OWNER OF HER PROPERTY WHICH, SINCE THEN UP TO THE PRESENT, SHE HAD BEEN OCCUPYING AND DESPITE PREPONDERANCE OF EVIDENCE OF HER OWNERSHIP THERETO.[13] (Underscoring in the original)

The petition is meritorious.

Indeed, in a contract of sale of land in a mass, the specific boundaries stated in the contract must control over any statement with respect to the area contained within its boundaries.[14] Thus, it is the boundaries indicated in a deed of absolute sale, and not the area in sq. m. mentioned therein — 300.375 sq. m. in the Deed of Sale in respondents' favor - that control in the determination of which portion of the land a vendee acquires.

In concluding that respondents acquired via the June 27, 1962 Deed of Sale the total land area of 753 sq. m., the Court of Appeals subtracted from the total land area of 1,381 sq. m. reflected in Exh. "A," which is "Plan of Lot 3, Block 5-k, Psd-8268, as prepared for Benjamin R. Salinas" containing an area of 1,381 sq. m. and which was prepared on February 10, 1960 by a private land surveyor, the 628 sq. m. area of the lot claimed by petitioner as reflected in Tax Declaration No. 1017 in her name. As will be shown shortly, however, the basis of the appellate court's conclusion is erroneous.

As the immediately preceding paragraph reflects, the "Plan of Lot 3, Bk 5-K, Psd-82" was prepared for respondent Faustino's and petitioner's first cousin co-heir Benjamin Salinas on February 10, 1960.

Why the appellate court, after excluding the 628 sq. m. lot covered by a Tax Declaration in the name of petitioner from the 1,381 sq. m. lot surveyed for Benjamin P. Salinas in 1960, concluded that what was sold via the 1962 Deed of Sale to respondent Faustino was the remaining 753 sq. m., despite the clear provision of said Deed of Sale that what was conveyed was 300.375 sq. m., escapes comprehension. It defies logic, given that respondents base their claim of ownership of the questioned 628 sq. m. occupied by petitioner on that June 27, 1962 Deed of Sale covering a 300.375 sq. m. lot.

The trial court in fact noted in its Pre-trial Order that "the parties cannot agree as to the identity of the property sought to be recovered by the plaintiff." [15] (Emphasis and underscoring supplied.) Indeed, in her Answer to the Complaint, petitioner alleged "[t]hat if the plaintiffs refer to [the lot covered by Tax Declaration No. 1017], then they have no right or interest or participation whatsoever over the same x x x." [16] (Emphasis and italics supplied.)

Even the boundaries of the 628 sq. m. area covered by Tax Declaration No. 1017 in petitioner's name and those alleged by respondents to be occupied by petitioner are different. Thus, the boundaries of the lot covered by Tax Declaration No. 1017 are: Lot No. 12302 on the North; Lot No. 12005 (Cecilia Salinas) on the South; Lot No. 12413 (road lot) on the East; and Lot No. 12006 (Loreto Febre) on the West. [17] Whereas, following respondents' claim, the 627 sq. m. area occupied by petitioner has the following boundaries, viz:

The northeastern portion of the land of the plaintiffs described in Paragraph 2 of this complaint; bounded on the NORTH by Road Lot 1, Block 5-1, Psd-8268; on the EAST by Road Lot 2, Block 5-1, Psd-8268; and on the SOUTH and WEST by the remaining portion of Lot 5, Block 5-1, PSD-8268 of herein plaintiffs which is the land described in Paragraph 2 of this complaint owned by the plaintiffs and that this portion in question has an area of SIX HUNDRED TWENTY-SEVEN (627) SQUARE METERS, more or less. [18] (Emphasis and underscoring supplied)

The Court of Appeals thus doubly erred in concluding that 1) what was sold to respondents via the June 27, 1962 Deed of Sale was the 1,381 sq. m. parcel of land reflected in the Plan-Exh. "A" prepared in 1960 for Benjamin Salinas, and 2) petitioner occupied 628 sq. m. portion thereof, hence, respondents own the remaining 753 sq. m.

WHEREFORE, the petition is GRANTED. The Decision of the Court of Appeals dated December 20, 2001 is REVERSED and SET ASIDE, and the Decision of Branch 73 of the Regional Trial Court of Olongapo City dated August 31, 1993 DISMISSING Civil Case No. 3382-0 is REINSTATED.

**SO ORDERED.**

Quisumbing, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

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[1] Exhibit "B," records, pp. 6-9.

[2] Records, p. 1. Tax Declaration No. 1896-Exh. "C" is a photocopy. It does not reflect an area of 1,381 sq. m., nor does it bear the signature of the owner. And it appears to have intercalations therein.

[3] Id. at 2.

[4] Id. at 11-12.

[5] Id. at 12.

[6] Id. at 126-130.

[7] Id. at 129-130.

[8] Id. at 133.

[9] Penned by Court of Appeals Associate Justice Juan Q. Enriquez, with the concurrence of Associate Justices Delilah Vidallon-Magtolis and Candido V. Rivera. Rollo, pp. 44-51.

[10] Id. at 49-50.

[11] Id. at 41-42.

[12] Id. at 10-39.

[13] Id. at 22.

[14] *Rudolf Lietz, Inc. v. Court of Appeals*, G.R. No. 122463, December 19, 2005, 478 SCRA 451, 459.

[15] Records, p. 22.

[16] Id. at 12.

[17] Exhibit "1."

[18] Records, p. 2.

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