

HEIRS OF PEDRO CLEMEÑA Y ZURBANO, PETITIONERS, VS. HEIRS OF IRENE B. BIEN, RESPONDENTS.

G.R. NO. 155508. September 11, 2006

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-155508/>

CORONA, J.:

The only question presented in this petition for review on certiorari[1] is whether petitioners, the heirs of Pedro Clemeña y Zurbano, should be made to pay respondents, the heirs of Irene B. Bien, compensatory damages for depriving them of the owner's share of the harvest from a tract of riceland in Bolo, Municipality of Tiwi, Albay.

This piece of land, described in Tax Declaration No. 5299 (TD 5299) as having a surface area of more or less 20,644 square meters, was one of three lots[2] involved in two consolidated cases[3] for recovery of possession and ownership filed in the 1940s by respondents' predecessor Irene Bien (through her attorney-in-fact Gregorio Clemeña) against petitioners'

predecessor Pedro Clemeña y Zurbano. The pertinent averments in Irene Bien's complaint read:

[T]he plaintiff is x x x the absolute owner of a parcel of land situated in the province of Albay described and limited as follows:

"Una parcela de terreno arrozal en el sitio de Bolo, Municipio de Tiwi, Provincia de Albay, con una extension superficial de 20,644 metros cuadrados poco mas o menos, lindante al Norte - Eulalio Copino y Esteban Bobis; al Este - Pedro Clemeña y Conde; al Sur Canal de Ragadio y Valentina Conde; y al Oeste - Marcial Copino, Pedro Clemeña y Valentina Conde.

Declared as Tax No. 5299 and assessed at P310.00"

[T]he plaintiff acquired the above parcel of land by purchase from Victoriano Napa as per deed of sale in her favor x x x; and the said Victoriano Napa in turn acquired the same by purchase from Francisco Barrameda who also bought the said land from the administrator of the estate of Pedro Clemeña y Conde which sale had been duly authorized and approved by this Honorable Court in Civil Case No. 3410-In re The Estate of Pedro Clemeña y Conde x x x;

[T]he defendant ever since he was removed as administrator of the Estate of Pedro Clemeña y Conde in the year 1939 deliberately continued to occupy and usurp the possession and use of the above described parcel of land x x x, and has ever since refused to relinquish the possession of the same to the lawful owner thereof notwithstanding the fact that he has no right or any color of title over the said land;

[B]y reason of this unlawful occupation and usurpation by the defendant, the plaintiff will suffer damages and in fact has suffered damages beginning this October 1943 harvest at the rate of 25 cavans of palay per harvest or 50 cavans yearly x x x[4]

In his answer, Pedro Clemeña y Zurbano alleged that the land was his and that it was in his exclusive possession.[5] His claim of ownership was similarly based on a sale by the estate of the late Pedro Clemeña y

Conde to his predecessor-in-interest.

Neither one of the original parties lived to see the end of the trial. The plaintiff, Irene Bien, passed away in 1953 and was substituted by

respondents.[6] Not long after that, petitioners succeeded the defendant Pedro Clemeña y Zurbano who died in 1955.[7] The trial lasted decades. Eventually, the cases were re-raffled to Branch 2[8] of the Regional Trial Court (RTC) of Legaspi City in November of 1994.

On August 10, 1995, the RTC rendered a decision[9] declaring petitioners to be the absolute owners of the land described in TD 5299 and directing respondents to respect petitioners' possession thereof.[10] Subsequently, however, the RTC reconsidered its findings with respect to ownership. This time, it ruled that the contending parties had failed to prove their respective claims of ownership and therefore the land in question still belonged to its original owner, the estate of the late Pedro Clemeña y Conde. Thus, in an order dated November 13, 1995,[11] the RTC modified the dispositive portion of its decision to read:

- Considering that the parcel covered by [TD] No. 5299, the other parcel subject matter of Civil Case No. 115, is not included among those parcels sold by the estate of the late Pedro Clemeña y Conde to Francisco Barameda, the predecessor of the original plaintiff Irene Bien and neither was it included in the sale executed by Special Administrator Salustiano Zubeldia in favor of Jesus Salazar, the predecessor-in-interest of the defendants [petitioners], the same still forms part of the estate of the late Pedro Clemeña y Conde. Neither the plaintiffs [respondents] nor the defendants [petitioners] own the same.

- Considering that the defendants [petitioners,] in their opposition to the motion for reconsideration, no longer disputes (sic) the ownership of the plaintiffs [respondents] as regards the parcel covered by [TD] No. 5681, subject matter of Civil Case No. 74, plaintiffs [respondents] are declared the owners thereof, as stated in the decision. As regards the claim for damages by the plaintiffs [respondents], since it was not duly established that the defendants [petitioners] entered and occupied a portion of said property, no damage is just the same awarded.

- Considering that the parcel of land covered by [TD] No. 5685 is included in the sale executed by Special Administrator Salustiano Zubeldia to Jesus Salazar, and further considering that said deed of sale is earlier than the sale executed in favor of Mr. Francisco Barameda, the defendants [petitioners] are declared the owners thereof and therefore entitled to its possession. No damages having been proved, no award concerning is awarded (sic).

SO ORDERED.[12]

From that order, respondents appealed to the Court of Appeals (CA). It was docketed as CA-G.R. CV No. 50912. In a decision dated April 4, 2002,[13] the CA affirmed the RTC's resolution of the issues relating to the other two parcels of land but reversed the ruling on the ownership of the land covered by TD 5299. It proceeded to award respondents P118,000 in damages as compensation for their having been deprived of possession and the owner's share in the harvest. The findings on which this award was based were stated in the appellate court's decision:

[T]he recovered exhibits of the appellants [respondents] clearly indicate that ownership thereof belongs to [them] by virtue of the following documents of sale x x x. Hence, the appellants [respondents] are the owners of the property covered by Tax Declaration No. 5299. The remaining issue to be determined is the amount of damages sustained by appellants [respondents] from appellees' [petitioners'] retention of possession thereof.

Gregorio Clemeña testified on the damages incurred from the appellees' occupation of the property in the form of deprivation of the owner's share of the harvest, to wit:

"

Q. This second parcel of land described in the SECOND cause of action which is Tax No. 5299, what kind of land is this?

A. Riceland.

Q. How big is this parcel of land?

A. More or less, two (2) hectares.

Q. What is the average owner's share of the harvest?

A. About fifty cavans of palay.

xxx xxx xxx

Q. From the time you filed this case in the year 1943, who had been receiving the owner's share from this property, known as Tax No. 5299?

A. The late Pedro Clemeña y Zurbano when he was still alive and then his children after his death."

He likewise testified on the changes in the price of a cavan of palay over the years, thus:

"Q. What was the current average price of palay after liberation, starting from the year 1945 up to 1950?

A. About Fifteen (P15.00) Pesos a sack.

Q. How about after 1950 to 1960?

A. The same.

Q. How about from 1960 to 1970?

A. At present, it is Twenty Five (P25.00) Pesos per cavan."

xxx xxx xxx

We believe, in the exercise of discretion, that the [respondents] are entitled to an award of damages in the amount of P118,000 computed in the following manner: P1,500.00 (50 cavans multiplied by two [the number of harvests in a year] multiplied by P15.00) multiplied by 27 years (1943 to 1970) and P2,700.00 (50 cavans multiplied by two [the number of harvests in a year] multiplied by P25.00) multiplied by 31 years (1971-2001).

WHEREFORE, the appeal is partly granted in that the Order, dated November 13, 1995, of the Regional Trial Court of Legazpi City, Branch II, in two consolidated cases, docketed as Civil Case Nos. 74 and 155, is affirmed with the modification that paragraph 1 is deleted and replaced with the following:

- Appellants [respondents] are hereby DECLARED entitled to the ownership of the property covered by Tax Declaration No. 5299. The appellees [petitioners] and all persons claiming under them are hereby ORDERED to vacate this tract of land immediately and to turn over the possession of such land together with all improvements thereon to appellants. Appellees [petitioners] are further directed to pay to appellants [respondents] the amount of one hundred and eighteen thousand pesos (P118,000.00), by way of actual and compensatory damages, with legal interest thereon from the date of finality of this decision until actual payment thereof." [14]

Petitioners' motion for reconsideration was denied in a resolution dated October 1, 2002.[15] Hence, this petition.

Petitioners no longer dispute respondents' ownership of the property covered by TD 5299. They insist, however, that they cannot be held liable to respondents for the harvest because (1) they never took possession of the property declared in TD 5299 and (2) the evidence the CA relied on to determine the amount of damages, proceeding as it did from one of the plaintiffs, was self-serving and therefore could not have been a proper basis for such an award.

The petition is devoid of merit.

Petitioners' contention that the land was never in their possession should be dismissed outright for two reasons, both of them simple and rather obvious.

First, petitioners' predecessor Pedro Clemeña y Zurbano alleged in his answer that the land declared in TD 5299 was in his exclusive possession.[16] That statement, insofar as it confirmed the allegation in the complaint that petitioners' predecessor had retained possession of the land in question,[17] took on the character of a judicial admission contemplated in Section 4, Rule 129 of the Rules of Court:

An admission, verbal or written, made by a party in the course of proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.[18]

A judicial admission conclusively binds the party making it. He cannot thereafter contradict it. The exception is found only in those rare instances when the trial court, in the exercise of its discretion and because of strong reasons to support its stand, may relieve a party from the consequences of his admission.[19]

The rule on judicial admissions found its way into black-letter law only in 1964[20] but its content is supplied by case law much older and in many instances more explicit than the present codal expression. In the early case of *Irlanda v. Pitargue*,[21] this Court laid down the doctrine that acts or facts admitted do not require proof and cannot be contradicted unless it can be shown that the admission was made through palpable mistake. The rule was more forcibly stated by Mr. Justice Street in the 1918 decision *Ramirez v. Orientalist Co.*: [22]

An admission made in a pleading can not be controverted by the party making such admission; and all proof submitted by him contrary thereto or inconsistent therewith should simply be ignored by the court, whether objection is interposed by the opposite party or not.[23]

And in *Cunanan v. Amparo*,[24] the Court declared that:

the allegations, statements, or admissions contained in a pleading are conclusive as against the pleader. A party cannot subsequently take a position contrary to, or inconsistent with, his pleadings.[25]

Petitioners' newly-contrived assertion that they were never in possession of the land cannot hold up against these pronouncements. As substituting defendants, they were bound by the admission of Pedro Clemeña y Zurbano, their predecessor in the litigation.[26] Without any showing that the admission was made through palpable mistake or that no such admission was made, petitioners cannot now contradict it.

Second, the issue of whether petitioners ever had possession of the land is undeniably a question of fact. Questions of this nature cannot be raised in a petition for review on certiorari as the remedy is confined to pure questions of law.[27]

The Court is well aware, of course, that this rule has been watered down by a slew of exceptions. Hoping to convince the Court to reverse the CA's findings, petitioners invoke a number of these exceptions, namely: (1) the factual findings of the trial court and the CA are contradictory; (2) the decision sought to be reviewed is against the law and in complete disregard of the rules on evidence; (3) there was grave abuse of discretion in the appreciation of facts; and (4) the CA failed to notice relevant facts and evidence which if properly considered would justify a different conclusion.[28] But this case does not fall within any of these. For one, petitioners have shown no contradiction between the findings of the CA and the RTC on the matter. And for obvious reasons, our preceding disquisition on the conclusiveness of Pedro Clemeña y Zurbano's admission of the fact of possession makes the rest of the grounds invoked by petitioners undeserving of even passing consideration.

Petitioners' next proposition, i.e., that Gregorio Clemeña's testimony was self-serving and therefore an improper basis for the damages awarded to respondents, is just as unworthy of this Court's favorable consideration.

"Self-serving evidence," perhaps owing to its descriptive formulation, is a concept much misunderstood. Not infrequently, the term is employed as a weapon to devalue and discredit a party's testimony favorable to his cause. That, it seems, is the sense in which petitioners are using it now. This is a grave error. "Self-serving evidence" is not to be taken literally to mean any evidence that serves its proponent's interest.[29] The term, if used with any legal sense, refers only to acts or declarations made by a party in his own interest at some place and time out of court, and it does not include testimony that he gives as a witness in court.[30] Evidence of this sort is excluded on the same ground as any hearsay evidence, that is, lack of opportunity for cross-examination by the adverse party and on the consideration that its admission would open the door to fraud and fabrication.[31] In contrast, a party's testimony in court is sworn and subject to cross-examination by the other party,[32] and therefore, not susceptible to an objection on the ground that it is self-serving.

At any rate, for all their protestations against the use of Gregorio Clemeña's testimony, petitioners never once alleged, much less tried to show, that his testimony was inaccurate or untrue. As already observed, petitioners' objection is founded solely on the mere fact that he, being a plaintiff, was a witness interested in the outcome of the case. Now, it is true that a party's interest may to some extent affect his credibility as a witness.[33] To insist otherwise would be the height of naiveté. Nonetheless, the Court cannot subscribe to the view, implicit in petitioners' argument, that a party's testimony favorable to himself must be disregarded on account solely of his interest in the case. Our justice system will not survive such a rule for obdurate cynicism on the part of a court is just as odious to the administration of justice as utter gullibility.

Moreover, this Court held in *National Development Company v. Workmen's Compensation Commission*[34] that interest alone is not a ground for disregarding a party's testimony.[35] Elsewhere it has been said that the interest of a witness does not ipso facto deprive his testimony of probative force or require it to be disregarded, and the trier of facts is entitled to accept as much of the witness' testimony as he finds credible and to reject the rest.[36] To these dicta we give our complete assent. Petitioners' arguments to the contrary must be rejected.

In view of the foregoing, we hold that the appellate court committed no reversible error in relying on Gregorio Clemeña's testimony. The award of damages must stand.

WHEREFORE, the petition is hereby DENIED. The April 4, 2002 decision and October 1, 2002 resolution of the Court of Appeals in CA-G.R. CV No. 50912 are AFFIRMED.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna and Garcia, JJ., concur.

[1] Under Rule 45 of the Rules of Court. Rollo, pp. 15-29.

[2] The other two were covered by TD 5681 and TD 5685.

[3] Civil Case Nos. 74 and 115. Civil Case No. 115 is at times referred to in the pleadings and decisions of the lower courts as Civil Case No. 155.

[4] Rollo, p. 78.

[5] Id., p. 89.

[6] Her husband Gregorio Clemeña and their children Emiliana, Elena, Adela, Rodrigo, Rosario, Gregorio, Jr., Catalino, Alfredo, Gregorio I and Aurora.

[7] He was substituted by his children, Teotimo, Sr. and Clementina. Teotimo, Sr. passed away on October 11,

2001. He is survived by his spouse Zenaida and their children Rebecca C. Chan, Urduja C. Berces, Imelda C. Clemeña, Antonina C. Bron, Gabriel B. Clemeña, Teotimo B. Clemeña, Jr., and Corazon C. Ramirez.

[8] Presided over by Judge Rafael P. Santelices.

[9] Rollo, pp. 84-104.

[10] The dispositive portion of the August 10, 1995 decision read:

- As regards the parcel of land covered by [TD] No. 5681, subject matter of Civil Case No. 74, plaintiffs [respondents] are hereby declared to be the owners of the same and are, therefore, entitled to its possession. Anyway, defendants do not claim ownership over the same and never possessed it at any time;

- As regards the parcels of land covered by [TD Nos.] 5685 and 5299, subject matter of Civil Case No. 155, defendants [petitioners] are hereby declared to be the absolute owners thereof, considering that their predecessors-in-interest were ahead in acquiring the same from the estate of the late Pedro Clemeña y Conde. Plaintiffs [respondents] and/or any other person or persons claiming the said parcels for and in behalf of the plaintiffs [respondents] are hereby directed to respect the rights of the defendants [petitioners,] who are in possession of the lands.

No damage is awarded, as the Court finds no basis for granting the same.

No costs.

SO ORDERED. Id., pp. 103-104.

[11] Id., pp. 106-114.

[12] Id., pp. 113-114.

[13] Penned by Associate Justice Teodoro P. Regino (retired) and concurred in by Associate Justices Eugenio S. Labitoria (retired) and Rebecca De Guia- Salvador of the Sixth Division of the Court of Appeals. id., pp. 31-55.

[14] Id., pp. 51-54.

[15] Id., pp. 57-58.

[16] Supra note 5.

[17] Supra note 4.

[18] Rules of Court, Rule 129, Sec. 4.

[19] Jovito Salonga, Philippine Law of Evidence 121 (1958 ed.) Regina Publishing Company.

[20] Rules of Court (1964), Rule 129, Sec. 2.

[21] 22 Phil. 383 (1912).

[22] 38 Phil. 634 (1918).

[23] Id. at 646. Reiterated in *Joe's Radio and Electrical Supply v. Alto Electronics Corp.*, 104 Phil. 333 (1958) and *Santiago v. De los Santos*, 158 Phil. 809 (1974).

[24] 80 Phil. 227 (1948).

[25] Id., p. 232.

[26] See 31A C.J.S. Evidence § 302.

[27] Rules of Court, Rule 45, Sec. 1.

[28] Rollo, p. 202.

[29] See *Tuason v. Court of Appeals*, 311 Phil. 813 (1995).

[30] 31A C.J.S. Evidence § 216.

[31] *National Development Company v. Workmen's Compensation Commission*, 126 Phil. 226 (1967).

[32] *Id.*, p. 231.

[33] *Id.*

[34] 126 Phil. 226 (1967).

[35] *Id.*

[36] 32A C.J.S. Evidence § 1031 (2)

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.