

THE HEIRS OF EMILIO SANTIOQUE, REPRESENTED BY FELIMON W. SANTIOQUE, PETITIONERS, VS. THE HEIRS OF EMILIO CALMA, FABIAN CALMA, AGATONA CALMA, AND DEMETRIA CALMA, REPRESENTED BY L...

G.R. NO. 160832. October 27, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 65352 affirming the Decision[2] of the Regional Trial Court (RTC) in Civil Case No. 8634, as well as the Resolution dated November 21, 2003 which denied the motion for reconsideration thereof.

On March 31, 1932, the Governor General granted a homestead patent over a 20.9740-hectare parcel of land located in Barrio Tibag, Tarlac, Tarlac. On the basis of said patent, Original Certificate of Title (OCT) No. 1112 was issued by the Register of Deeds on April 21, 1932. The title was cancelled by Transfer Certificate of Title (TCT) No. 13287. On November 27, 1953, TCT No. 13287 was cancelled by TCT No. 19181 under the names of Agatona Calma, Fabian Calma, Emilio Calma and Demetria Calma.[3] On September 23, 1954, the parties executed a contract of lease in favor of the Spouses Lope A. Akol, who then executed an Assignment of Leasehold Rights under the Contract of Lease in favor of the Rehabilitation Finance Corporation (RFC) on January 26, 1955.[4]

In the meantime, Fabian Calma died intestate. A petition for the administration of his estate was filed in the RTC of Tarlac docketed as Special Proceedings No. 1262. Lucia Calma was appointed as administratrix of the estate. The heirs executed a Deed of Partition over the property on April 17, 1967. On September 13, 1967,[5] TCT No. 19181 was cancelled by TCT No. 71826 in the names of Agatona Calma, Emilio Calma, Demetria Calma and Fabian Calma.

Meanwhile, in 1967, a 20.564-ha parcel of land located in Tibag, Tarlac and identified as Lot No. 3844 of Pat-H-132104 - prt. was declared for taxation purposes under the name of Emilio Santioque (Tax Dec. No. 19675).[6] However, the declaration did not bear the name and signature of the declarant.

On June 3, 1973, Santioque died intestate. His children, Felimon, Rose, Filomena, Jose, Josefina, Ana, Rufino, and Avelina, all surnamed Santioque, filed on February 29, 1998, a complaint in the RTC of Tarlac for declaration of nullity of title, reconveyance, with damages, over a piece of land situated in Tibag, Tarlac City. The case was docketed as Civil Case No. 8634.

The heirs claimed that on March 31, 1932, Emilio was awarded Homestead Patent No. 18577 by virtue of Homestead Application No. 132104 over a lot located in Barrio Tibag, Tarlac City; the said lot was identified as Lot No. 3844 of the Tarlac Cadastre No. 274, with an area of 20.5464 hectares; OCT No. 1112 was issued to Emilio on April 21, 1932, and from then had enjoyed full ownership and dominion over the said lot; and prior to

his death, Emilio ordered Felimon to work for the recovery of the said property.[7] They further averred that when Felimon went to the Register of Deeds of Tarlac for a final verification, he discovered that the lot covered by OCT No. 1112 was already registered in the names of Agatona, Fabian, Emilio and Demetria, all surnamed Calma, under TCT No. 19181 issued on November 27, 1953. It appeared from the said TCT No. 19181 that the title was a transfer from TCT No. 13287.[8]

The heirs contended that Emilio was the first registrant of the subject lot and, as such, was its lawful owner. The land could no longer be the subject matter of subsequent cadastral proceedings, and any title issued pursuant thereto would be void. They prayed that judgment be rendered in their favor, as follows:

WHEREFORE, it is most respectfully prayed that after due notice and hearing, judgment be rendered ordering the nullification of TCT No. 19181 and TCT No. 13287 of the Register of Deeds of Tarlac and upholding and declaring the existence, legality and validity of the Homestead Patent bearing No. 18577 and OCT No. 1112 issued in the name of the late Emilio Santioque and -

- Ordering Defendants to reimburse to the Plaintiffs the income, profits or benefits unjustly derived by them from TCT No. 19181 and 13287 the estimation of which is left to the sound discretion of the Honorable Court;
- Ordering the Defendants to pay to the Plaintiffs the amount of P50,000.00 as attorney's fees;
- Cost of suit;
- Any and all remedies just and equitable under the premises.[9]

The heirs of Calma filed a motion to dismiss the complaint alleging that (a) the action had prescribed and was barred by laches; (b) the claim has been abandoned, and (c) the complaint stated no cause of action.[10] The court denied the motion. The heirs of Calma filed their answer, reiterating the grounds and allegations in their motion to dismiss by way of special and affirmative defenses.[11]

During trial, Felimon Santioque testified for the plaintiffs. He admitted that they had no copy of OCT No. 1112; the Register of Deeds likewise had no record of the said title, nor TCT No. 13287.[12] He discovered from the said office that the subject lot was covered by TCT No. 19181 with the names of Agatona Calma and her co-heirs as owners.[13] The title was, in turn, cancelled and replaced by TCT No. 71286 also in the names of Agatona Calma and her co-heirs.

On cross-examination, Felimon declared that his father, Emilio, mentioned the property to the plaintiffs sometime before he died in 1973. From that time on, he tried to ascertain the particulars of the property and succeeded in 1990 only when he went through the records at the Community Environment and Natural Resources Office (CENRO).[14]

Felimon declared that, on August 4, 1992, he secured a document from the Lands Management Bureau (LMB) stating that on March 1 to 6, 1930, a parcel of land with an area of 209,746 square meters located in Tibag, Tarlac, Tarlac, was surveyed by W. Santiago and approved on February 27, 1932.[15] However, the document was not certified by the Chief Geodetic Engineer. Neither did the plaintiffs present the employee of the Bureau who prepared the document to testify on its authenticity.

Felimon admitted that Amando Bangayan, Chief, Records Management Division of the LMB certified that, based on the survey records of Cadastral Survey No. 274 and as indicated in the Area Sheet of Lot 3844, Cad. 274, Emilio Santioque was the claimant of the lot. However, the Bureau had no available records of Homestead Application No. 132104 and Homestead Patent No. 18577 dated March 31, 1932.[16] Felino Cortez, Chief, Ordinary and Cadastral Decree Division of the Land Registration Authority (LRA), certified that after due

verification of the records of the Book of Cadastral Lots, Lot 3844 had been the subject of Cadastral Case No. 61, LRC Cad. Record No. 1879; the case had been decided but no final decree of registration had been issued; and the lot was subject to the annotation "con patent No. 18577 segun report of B.L." [17] The Register of Deeds of Tarlac stated that, on January 25, 1998, despite diligent efforts, he could not locate TCT No. 13287 and OCT No. 1112 or any other document leading to the issuance of TCT No. 19181. He explained that in 1987 and 1988, his office had to be reconstructed, and titles and documents had to be moved from one place to another. [18] The Register of Deeds issued a certification [19] dated September 10, 1998 stating that despite diligent efforts, he could not locate OCT No. 1112 or any document showing how it was cancelled. The Records Officer of the Register of Deeds in Tarlac City also certified that OCT No. 1112 and TCT No. 13287 could not be found despite diligent efforts. [20]

After the heirs of Santioque rested their case, the defendants, heirs of Calma, demurred to plaintiffs' evidence and sought its dismissal on the ground that the latter failed to establish a preponderance of evidence to support their ownership over the property. [21]

On August 11, 1999, the trial court issued an Order [22] granting the demurrer and dismissing the complaint on the ground that plaintiffs failed to establish their case.

The heirs of Santioque appealed said order to the CA claiming that

I

THE TRIAL COURT ERRED IN HOLDING THAT PLAINTIFFS-APPELLANTS FAILED TO PROVE THAT ORIGINAL CERTIFICATE OF TITLE NO. 1112 WAS ISSUED IN THE NAME OF EMILIO SANTIOQUE, THE PLAINTIFFS' PREDECESSOR-IN-INTEREST, DESPITE THE FACT THAT SUFFICIENT, ADEQUATE AND CONVINCING EVIDENCE HAVE BEEN PRESENTED TO PROVE THAT SAID OCT 1112 WAS ISSUED IN THE NAME OF EMILIO SANTIOQUE.

II

THE TRIAL COURT ERRED IN RESORTING TO SPECULATIONS, SURMISES AND CONJECTURES WHEN IT RULED THAT OCT 1112 COULD HAVE BEEN ISSUED TO ANOTHER PERSON OTHER THAN THE LATE EMILIO SANTIOQUE.

III

THE TRIAL COURT ALSO RESORTED TO SPECULATIONS, SURMISES AND CONJECTURES WHEN IT HELD THAT THERE WAS NO EVIDENCE TO PROVE THAT PATENT NO. 18577 WAS ISSUED TO EMILIO SANTIOQUE, THUS DISREGARDING THE COMPETENT AND SUFFICIENT EVIDENCE ADDUCED BY PLAINTIFFS-APPELLANTS TO PROVE THAT SAID PATENT WAS ISSUED TO EMILIO SANTIOQUE.

IV

THE TRIAL COURT ERRED IN HOLDING THAT TCT NO. 19181 ISSUED TO DEFENDANTS-APPELLEES WAS PRESUMED TO HAVE BEEN ISSUED IN THE ORDINARY COURSE OF BUSINESS WHEN IN FACT ITS ISSUANCE IS PLAINLY FRAUDULENT AND EVIDENTLY ANOMALOUS.

V

THE TRIAL COURT ERRED IN SWEEPINGLY CONCLUDING THAT DEFENDANTS-APPELLEES HAVE ACQUIRED THE SUBJECT PROPERTY BY ACQUISITIVE PRESCRIPTION AND IN RULING THAT PLAINTIFFS-APPELLANTS HAVE SLEPT ON THEIR RIGHT FOR MANY YEARS AND THAT THEY HAVE CONSTRUCTIVE NOTICE OF THE ISSUANCE OF DEFENDANTS-APPELLEES' TITLE,

THUS THEY ARE ESTOPPED BY LACHES.

VI

THE TRIAL COURT ERRED IN REFUSING WITHOUT VALID CAUSE TO ISSUE SUBPOENA DUCES TECUM AND AD TESTIFICANDUM TO THE REGISTER OF DEEDS OF TARLAC AND THE LAND REGISTRATION AUTHORITY IN ORDER TO SHED LIGHT ON THE WHEREABOUTS OF OCT 1112 AND THE ISSUANCE OF TCT NOS. 13287, 19181 AND 71826.[23]

On August 30, 2000, Felimon Santioque wrote to the Director of the National Bureau of Investigation (NBI), Federico Opinion, Jr., requesting for his assistance in "investigating the disappearance" of the copy of the Registrar of Deeds of Tarlac of OCT No. 1112 and TCT No. 13287.[24] Attached to the said letter were the following certifications and investigation reports of the LRA:

- Xerox copy of TCT No. 71826 dated September 13, 1967 under the names of Agatona Calma, Emilio Calma, Dorotea Calma and Lucia Calma.[25]
- Certified xerox copy Tax Declaration No. 22116 in the name of Agatona Calma, et al;[26]
- Certified xerox copy of Tax Declaration No. 39766 in the name of Agatona Calma, et al;[27]
- Certified xerox copy of Tax Declaration No. 35226 in the names of Agatona Calma, et al;[28]
- Certified xerox copy of the Investigation Report of Mr. Felix Cabrera Investigator, Land Registration Authority, dated September 30, 1999, finding that there are no documents in the Registry supporting the cancellation of OCT 1112 and the issuance of TCT Nos. 13287, and that TCT No. 71826 is irregularly issued inasmuch as no transaction which would justify its issuance appears in the Primary Entry Book;[29]
- Certification of Mr. Andres B. Obiena, Records Officer I of the Register of Deeds of Tarlac, Tarlac, dated April 5, 1999, that OCT No. 1112 could not be located in the archives;[30]
- Certification of Mr. Meliton I. Vicente, Jr., Community Environment and Natural Resources Officer of the DENR, Region III, that Lot No. 3844 is already covered by Homestead Application No. 132104 with Patent No. 1877 issued to Emilio Santioque on March 31, 1932;[31]
- Certified xerox copy of Record Book Page 383 signed by Florida S. Quiaoit, Records Management Unit, CENRO III-6, Tarlac City, showing that Emilio Santioque is a claimant of Lot No. 3844 under Homestead Application No. HA-132104 and Patent No. 1877;[32]
- Certified xerox copy of Area Sheet over Lot 3844 prepared for Emilio Santioque, certified by Emilanda M. David, Record Officer 1, DENRO, San Fernando, Pampanga dated February 29, 2000;[33]
- Certified xerox copy of Case No. 6, Cad Record No. I, showing that Emilio Santioque was the claimant of Lot No. 3844, under Pat-H-132104 Part.[34]

The heirs of Santioque did not present the said documents at the trial below but they included the same in their appellants' brief.

Without waiting for the report of the NBI on their request, the heirs of Santioque filed a motion with the CA for the early resolution of the case.[35] On June 27, 2003, the CA affirmed the appealed decision.[36] The appellate court did not give probative weight to the certifications and other documents submitted by the heirs of Santioque, as their authenticity had not been established and the signatories therein were not presented for cross-examination. It noted that none of the "crucial documents" were presented in the trial court. Assuming that OCT No. 1112 was indeed issued to Emilio Santioque, the claim of his heirs was nevertheless barred by laches; the latter must bear the consequences of their father's inaction.

The heirs of Santioque filed a motion for reconsideration, which the CA resolved to deny on November 21, 2003.[37]

The heirs of Santioque, now petitioners, seek relief from this Court on the following issues:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN NOT GIVING CREDENCE TO THE CERTIFICATIONS, DOCUMENTS, RECORDS AND PICTURES SUBMITTED BY PETITIONER BEFORE THE SAID COURT ON THE GROUND THAT THEY WERE NOT SUBMITTED IN EVIDENCE AT THE TRIAL AND THAT THEIR AUTHENTICITY HAS NOT BEEN ESTABLISHED, DESPITE THE FACT THAT PETITIONERS' FAILURE TO SUBMIT THE SAME AS EVIDENCE BEFORE THE TRIAL COURT AND TO ESTABLISH THEIR AUTHENTICITY WAS DUE TO THE PREMATURE AND UNJUSTIFIED DISMISSAL OF THEIR COMPLAINT, WHICH WAS TANTAMOUNT TO DENIAL OF THEIR RIGHT TO BE HEARD AND TO DUE PROCESS.

II.

THE HONORABLE COURT OF APPEALS ERRED IN NOT HOLDING THAT DESPITE PETITIONERS' FAILURE TO PRESENT THEIR ORIGINAL CERTIFICATE OF TITLE, OCT NO. 1112, SUFFICIENT AND CONVINCING EVIDENCE WERE ADDUCED BY PETITIONERS TO PROVE THAT SAID TITLE WAS ISSUED TO THEIR PREDECESSOR-IN-INTEREST, EMILIO SANTIOQUE. ON THE OTHER HAND, SINCE PETITIONERS' COMPLAINT WAS DISMISSED BY THE TRIAL COURT ON RESPONDENTS' DEMURRER TO EVIDENCE, THE RESPONDENTS FAILED EITHER (1) TO CONTROVERT THE EVIDENCE ADDUCED BY PETITIONERS IN SUPPORT OF THEIR CLAIM OVER THE SUBJECT PROPERTY OR THEIR PRETENSION OF FACTS.

III.

THE HONORABLE COURT OF APPEALS GRAVELY MISAPPREHENDED THE FACTS OF THE CASE WHEN IT HELD THAT RESPONDENTS ARE IN ACTUAL POSSESSION OF THE SUBJECT PROPERTY, DESPITE CLEAR ABSENCE OF EVIDENCE BY RESPONDENTS TO SUPPORT THEIR CLAIM OF POSSESSION AND AS EVIDENCED BY THE PICTURES SUBMITTED BY PETITIONERS.

IV.

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT PETITIONERS DID NOTHING TO RECOVER THEIR CERTIFICATE OF TITLE, OCT NO. 1112, IN A DIRECT ACTION IF INDEED SAID OCT NO. 1112 WAS ISSUED TO EMILIO SANTIOQUE AND INVALIDLY CANCELLED AND REPLACED WITH TCT NO. 13287 IN THE NAME OF RESPONDENTS, AND THAT THE PETITIONERS SHOULD BEAR THE CONSEQUENCES OF THEIR FATHER EMILIO SANTIOQUE'S INACTION, DESPITE THE FACT THAT PETITIONERS HAVE BEEN VIGILANT OF THEIR RIGHTS AND, HENCE, PRESCRIPTION AND LACHES DO NOT BAR PETITIONERS' COMPLAINT.

V.

WHETHER OR NOT REMAND OF THE INSTANT CASE TO THE LOWER COURT IS PROPER, INSTEAD OF A DECISION ON THE MERITS.[38]

Petitioners contend that the appellate court erred in not giving credence to the certifications, records, documents and pictures they attached to their appellants' brief. They aver that they had not yet discovered the said documents when they presented their evidence at the trial court; hence, they could have presented the documents and their affiants during the rebuttal stage of the proceedings had the trial court not prematurely aborted the proceedings before it. They insist that they were denied their right to due process when the trial court granted respondents'

demurrer to evidence and dismissed the case.[39]

Petitioners aver that they have clearly shown and proven their claim over the property, particularly through Tax Dec. No. 19675 and the contents of the Record Book. They posit that judicial notice should be taken that tax declarations are usually issued in the name of the prospective owner upon a showing of the basis of ownership. On the other hand, respondents have no factual and evidentiary basis to support their claim over the subject property since they have not adduced before the trial court any documentary and testimonial evidence to support ownership of the property. Petitioners further contend that they have clearly shown, through the pictures they submitted before the appellate court, that respondents have not been in actual possession of the property; hence, it cannot be presumed that respondents, as registered owners, are likewise in possession of the subject property.[40]

Petitioners aver that prescription and laches do not bar their complaint since they have been vigilant in protecting their rights. They contend that Emilio was old and sickly and died at an old age. Laches presupposes negligence, and neither Emilio nor his successors were negligent in protecting their rights over the subject property. It took sometime before they could lodge a complaint against respondents because they had to make inquiries first and retrieve documents from different offices to support their claim.[41]

For their part, respondents aver that there were no indicia of proof that OCT No.1112 was really issued to Emilio. The evidence proffered by the petitioners only tends to prove that Emilio was a mere claimant. It is not incumbent upon the respondents to present any proof that they are the owners of the subject lot because the property is registered in their name. The mere fact that the records are not available would not ipso facto mean that the transactions made affecting OCT No. 1112 were irregular.[42]

Respondents further aver that the appellate court was correct in not giving credence to the documents, which were not submitted during the trial even though they were obtainable at that time. To allow the introduction of these documents on appeal would violate the essence of due process as the respondents would not be able to interpose objections to their admissibility. Even if these documents were admitted, they would not help petitioners' case since they would still not prove that Emilio's claim ripened into full ownership. Respondents likewise agree with the finding of the appellate court that the complaint is already barred by prescription and laches.[43]

The petition is without merit.

The core issues in this case are: (1) whether the trial court erred in granting the demurrer to evidence of respondents, and (2) whether petitioners' claim is barred by prescription and laches.

On the first issue, the Court holds that CA ruling which affirmed that of the RTC granting the demurrer is correct.

Demurrer to evidence authorizes a judgment on the merits of the case without the defendant having to submit evidence on his part as he would ordinarily have to do, if it is shown by plaintiff's evidence that the latter is not entitled to the relief sought. The demurrer, therefore, is an aid or instrument for the expeditious termination of an action, similar to a motion to dismiss, which a court or tribunal may either grant or deny.[44]

A demurrer to evidence may be issued when, upon the facts and the law, the plaintiff has shown no right to relief.[45] Where the plaintiff's evidence together with such inferences and conclusions as may reasonably be drawn therefrom does not warrant recovery against the defendant, a demurrer to evidence should be sustained.[46] A demurrer to evidence is likewise sustainable when, admitting every proven fact favorable to the plaintiff and indulging in his favor all conclusions fairly and reasonably inferable therefrom, the plaintiff has failed to make out one or more of the material elements of his case,[47] or when there is no evidence to support an allegation necessary to his claim.[48] It should be sustained where the plaintiff's evidence is prima facie insufficient for a recovery.[49]

Petitioners, as plaintiffs below, were obliged to prove their claim in their complaint that their father, Emilio, applied for and was granted Homestead Patent No. 18577, and that OCT No. 1112 was issued by the Register of Deeds in his name on the basis of said patent. Petitioners had the burden of proof to present evidence on the fact in issue to establish their claim by their own evidence required by law.[50] More so, where, as in this case, on the face of TCT No. 19181 under the names of the respondents, it was derived from TCT No. 13287, which in turn cancelled OCT No. 1112 issued on April 21, 1932 on the basis of a homestead patent. It must be stressed that the original certificate of title carries a strong presumption that the provisions of law governing the registration of land have been complied with. The OCT enjoys a presumption of validity. Once the title is registered, the owners can rest secure on their ownership and possession.[51] Once a homestead patent granted in accordance with law is registered, the certificate of title issued in virtue of said patent has the force and effect of a Torrens title issued under the land registration law.[52]

In the present case, petitioners failed to prove the material allegations in their complaint that Emilio Santioque applied for and was granted Patent No. 18577 and that OCT No. 1112 was issued on the basis thereof. We quote with approval the ruling of the RTC:

The plaintiffs failed to prove that OCT [N]o. 1112 was issued in the name of Emilio Santioque. It was issued all right, but there is no evidence it was in the name of Emilio Santioque. OCT [N]o. 1112 could have been in the name of another person. Exhibit "B" merely shows that Emilio Santioque is a survey claimant.

Exhibit "A" contradicted all these claims of plaintiffs. It is stated therein that Lot No. 3844 of Tarlac Cadastre, Cadastral Case [N]o. 61, L.R.C. Record No. 1879 was previously decided but no final decree of registration has yet issued thereon. Hence, there was already a decision by the cadastral court. In whose favor the land was awarded is a mystery up to the date.

There is also no evidence that [P]atent [N]o. 18577 was issued to Emilio Santioque. In fact, there is no available record to prove that [P]atent [N]o. 18577 was in the name of Emilio Santioque. (Exhibit "B-1") It is safe to assume that the decision of the cadastral Court awarded the land to a person who was also the awardee of [P]atent [N]o. 18577, because of the entry "said lot is subject to annotation quote: "con patent no. 18577 segun report of the B.L." ", this being the very reason why no decree of registration was issued pursuant to the cadastral proceeding.[53]

Petitioners even failed to present Homestead Application No. 132104 allegedly filed by Emilio with the Bureau of Lands. In fact, as evidenced by the Certification of the LMB, it had no record of said application and patent. The records of the LMB relative to Cadastral Case No. 61 and LRC Cad. Record No. 1879 were, likewise, not presented.

It should be noted that, under Section 14 of Commonwealth Act 141, The Public Land Act, there are certain requirements that a homestead applicant should comply with before a patent could be issued to him, thus:

SECTION 14. No certificate shall be given or patent issued for the land applied for until at least one-fifth of the land has been improved and cultivated. The period within which the land shall be cultivated shall not be less than one nor more than five years, from the date of the approval of the application. The applicant shall, within the said period, notify the Director of Lands as soon as he is ready to acquire the title. If at the date of such notice, the applicant shall prove to the satisfaction of the Director of Lands, that he has resided continuously for at least one year in the municipality in which the land is located, or in a municipality adjacent to the same, and has cultivated at least one-fifth of the land continuously since the approval of the application, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has complied with all the requirements of this Act, then, upon the payment of five pesos, as final fee, he shall be entitled to a patent.

Petitioners failed to present competent and credible evidence that Emilio Calma complied with the aforesaid requirements before his death.

Petitioners rely on Tax Dec. No. 19675 to substantiate their claim over the subject property. However, it is axiomatic that tax receipts and tax declarations of ownership for taxation purposes do not constitute sufficient proof of ownership. They must be supported by other effective proofs.[54]

The appellate court was also correct in not giving credence to the certifications which petitioners submitted before it on the ground that the said documents were not presented in the trial court. Petitioners, thus, failed to prove the authenticity of said documents because they failed to present the government officials who certified the same.

It is well settled that courts will consider as evidence only that which has been formally offered,[55] otherwise, the opposing party would be denied due process of law.[56] Thus, the Court explained in one case that —

A formal offer is necessary since judges are required to base their findings of fact and judgment only—and strictly—upon the evidence offered by the parties at the trial. To allow a party to attach any document to his pleading and then expect the court to consider it as evidence may draw unwarranted consequences. The opposing party will be deprived of his chance to examine the document and object to its admissibility. The appellate court will have difficulty reviewing documents not previously scrutinized by the court below.[57]

Petitioners, however, contend that they could have presented the said documents during the rebuttal stage of the proceedings before the trial court. It bears stressing, however, that a plaintiff is bound to introduce all evidence that supports his case during the presentation of his evidence in chief.[58] A party holding the affirmative of an issue is bound to present all of the evidence on the case in chief before the close of the proof, and may not add to it by the device of rebuttal.[59] After the parties have produced their respective direct proofs, they are allowed to offer rebutting evidence only.[60]

Generally, rebuttal evidence is confined to that which explains, disproves, or counteracts evidence introduced by the adverse party. It is not intended to give a party an opportunity to tell his story twice or to present evidence that was proper in the case in chief. [61] However, the court for good reasons, in the furtherance of justice, may permit them to offer evidence upon their original case, and its ruling will not be disturbed in the appellate court where no abuse of discretion appears. This is usually allowed when the evidence is newly discovered, or where it has been omitted through inadvertence or mistake, or where the purpose of the evidence is to correct evidence previously offered.[62]

It is true that petitioners failed to adduce rebuttal evidence because respondents filed a Demurrer to Evidence. However, petitioners should have filed a motion for new trial based on newly-discovered evidence under Rule 37, Section 2 of the 1997 Rules of Civil Procedure after the trial court granted the demurrer and dismissed the complaint.

Petitioners aver that the documents they submitted on appeal were not yet discovered during the presentation of their evidence before the trial court.[63] Assuming this claim to be true, the Court notes however, that petitioners nevertheless failed to establish that they could not, with reasonable diligence, have discovered and produced the documents at the trial, and prove that such documents would probably alter the result, if presented. The documents belatedly submitted by petitioners on appeal can hardly be considered "newly discovered" since they are public records. Petitioners could have earlier secured copies thereof during trial. Moreover, a perusal of these documents reveals that even if admitted, they would not, in any way, bolster petitioners' case, or remedy the vacuum in their evidence-in-chief.

Further, we agree with the appellate court that petitioners' complaint is barred by prescription and laches. An

action for reconveyance prescribes in ten years, the point of reference being the date of registration of the deed or the date of issuance of the certificate of title over the property.[64] Even if we reckon the prescription period from TCT No. 19181 issued on November 27, 1953, the only title verified to be in the name of respondents, more than ten years have already elapsed since then until the time the petitioners filed their complaint on February 29, 1998. An action for reconveyance is imprescriptible only when the plaintiff is in actual possession of the property.[65] In the present case, there is no showing that petitioners were in actual possession of the subject property.

In any event, petitioners' cause of action is likewise barred by laches. The essence of laches or "stale demands" is the failure or neglect for an unreasonable and unexplained length of time to do that which, by exercising due diligence, could or should have been done earlier, thus giving rise to the presumption that the party entitled to assert it either has abandoned or declined to assert it.[66] Petitioners' right of action had long been barred by laches during the lifetime of their father, their predecessor in interest; petitioners must necessarily bear the consequences of their predecessor's inaction. We quote, with approval, the following ruling of the CA:

The trial court further held that "There is also no evidence that patent No. 18577 was issued to Emilio Santioque. In fact, there is no available record to prove that patent No. 18577 was in the name of Emilio Santioque. (Exhibit "B-1")." We add that nowhere in the certificates of title presented by appellants is the source of OCT No. 1112 indicated as Homestead Patent No. 18577.

Even assuming that appellants' constructive notice of another title over Lot No. 3844 could be reckoned only from 1953 when TCT No. 19181 was issued to replace TCT No. 13287, still appellants and their predecessors-in-interest waited 45 years before bringing the action below. Meanwhile, Lot No. 3844 became the subject of various litigations among appellees and with third parties, as well as several transactions, such as the contract of lease between Emilio Calma's heirs and spouses Lope A. Akol from 1954-1964 (Entry No. 46563); the Assignment of Leasehold rights to Rehabilitation Finance Corporation, 1955 (Entry No. 53205); the Termination of Lease (Entry No. 1-7584; the Partial Release of Leasehold (Entry No. 65888). No proof was submitted in the court below to belie the actual possession of the subject lot by the appellees, who as the registered owners are also presumed to be in possession of the same.

While the indefeasibility of the Torrens title of appellees can be claimed only if a previous valid title to the same parcel does not exist (Register of Deeds vs. Philippine National Bank, 13 SCRA 46), appellants have failed to establish that OCT No. 1112 was issued in their father's name and was later invalidly cancelled in 1947 and replaced with TCT No. 13287. Only in 1998 was an action brought to directly question the validity of TCT No. 13287. The principle of laches has indeed come into play. Laches or stale demand is based upon grounds of public policy which requires for the peace of society the discouragement of stale actions, and unlike the statute of limitations is not a mere question of time but primarily a question of the inequality or unfairness of permitting a right or claim to be enforced or asserted (Pangilinan vs. Court of Appeals, 279 SCRA 590). In *Agne vs. Director of Lands*, 181 SCRA 793, 809 [1990], it was held that the failure of the registered owners to assert their claim over the disputed property for almost thirty (30) years constituted laches.

The question of laches is addressed to the sound discretion of the court. Laches being an equitable doctrine, its application is controlled by equitable considerations, although the better rule is that courts under the principle of equity will not be guided or bound strictly by the statute of limitations or doctrine of laches when to do so would result in manifest wrong or injusticed result (*Santiago vs. Court of Appeals*, 278 SCRA 98).

We are aware of rulings to the effect that even if the defendants have been in actual possession of the property for more than ten (10) years, the registered title of plaintiffs over the property cannot be lost by prescription or laches (*Board of Liquidators vs. Roxas*, 179 SCRA 809); or that an action by the registered owner to recover possession based on a Torrens title is not barred by laches (*Dablo vs. Court of Appeals*, 226 SCRA 621). However, the laches committed by the appellants pertained to the establishment of their very title itself. Only after they have recovered their title could they then have standing to question the title of the appellants and

recover possession of the subject lot. Besides, it has been held that an action for reconveyance or quieting of title instituted only after thirty (30) years could be barred by laches (City Government of Danao vs. Monteverde Consunji, 358 SCRA 107). This being so, all the more should an action to recover title, filed after 45 years, be barred by laches where the complainant's title is itself clearly doubtful.[67]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit. The Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 65352 are AFFIRMED. Cost against the petitioners.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Eliezer R. De Los Santos, with Associate Justices Romeo A. Brawner (retired) and Regalado E. Maambong, concurring; rollo, pp. 60-72.

[2] Penned by Judge Arsenio P. Adriano.

[3] Exhibit "I."

[4] RTC records, p. 99.

[5] Exhibit "I" (dorsal portion).

[6] Exhibit "D."

[7] Records, pp. 1-2.

[8] Id. at 2-3.

[9] Id. at 4.

[10] Id. at 39-43.

[11] Id. at 54-60.

[12] TSN, November 24, 1998, pp. 10-11.

[13] TSN, January 14, 1999, pp. 9-14.

[14] TSN, March 25, 1999, pp. 2-4.

[15] Exhibit "C."

[16] Exhibits "B" and "B-1."

[17] Exhibit "A-1."

[18] Exhibit "G."

[19] Exhibit "H-2."

[20] Exhibit "J."

[21] Records, pp. 106-108.

[22] Rollo, p. 114.

[23] CA rollo, pp. 34-35.

- [24] Id. at 73.
- [25] Id. at 76-77.
- [26] Id. at 79.
- [27] Id. at 80.
- [28] Id. at 81.
- [29] Id. at 82-83.
- [30] Id. at 84.
- [31] Id. at 85.
- [32] Id. at 86.
- [33] Id. at 87.
- [34] Id. at 89.
- [35] Id. at 158-159.
- [36] Rollo, p. 72.
- [37] Id. at 74.
- [38] Rollo, pp. 343-344.
- [39] Id. at 347-348.
- [40] Id. at 353-355.
- [41] Id. at 361-362.
- [42] Id. at 387-388.
- [43] Id. at 390-392.
- [44] *Nepomuceno v. Commission on Elections*, G.R. No. L-60601, December 29, 1983, 126 SCRA 472, 478.
- [45] Section 1, Rule 33, RULES OF CIVIL PROCEDURE.
- [46] *Boles v. Johnson*, 205 Okla. 356, 237 P.2d 620 (1951).
- [47] *Carver v. Farmers & Bankers Broadcasting Corporation*, 162 Kan. 663, 179 P.2d 195 (1947).
- [48] *Black v. Wickett*, 127 Okla. 53, 259 P. 642 (1927).
- [49] *State v. Goetz*, 131 Mo. 675, 33 S.W. 161 (1895).

[50] RULE 131, SECTION 1, REVISED RULES OF COURT.

- [51] *Tichangco v. Judge Enriquez*, G.R. No. 150629, June 30, 2004, 433 SCRA 324, 334.
- [52] *Lopez v. Court of Appeals*, G.R. No. 49739, January 20, 1989, 169 SCRA 271, 275.
- [53] Rollo, p. 113.

- [54] Santos v. Santos, 418 Phil. 681, 689 (2001).
- [55] Section 34, Rule 132, RULES OF EVIDENCE.
- [56] Pigao v. Rabanillo, G.R. No. 150712, May 2, 2006, 488 SCRA 546, 557.
- [57] Candido v. Court of Appeals, 323 Phil. 95, 100 (1996).
- [58] Buckingham v. Buckingham, 492 So.2d 858, 861 (1986).
- [59] M.E. Crawford v. City of Meridian, 186 So. 2d 250 (1966).
- [60] Lopez v. Liboro, 81 Phil. 429, 434 (1948).
- [61] Wright v. Forney, 233 Neb. 258, 444 N.W. 2d 895 (1989).
- [62] Lopez v. Liboro, supra note 60.
- [63] Rollo, p. 347.
- [64] Leyson v. Bontuyan, G.R. No. 156357, February 18, 2005, 452 SCRA 94, 113.
- [65] Id.
- [66] China Airlines, Ltd. v. Court of Appeals, 453 Phil. 959, 971-972 (2003).
- [67] Rollo, pp. 69-71.

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