

## JESUS CALDO, PETITIONER, VS. VICTORIA CALDO-ATIENZA, FELICIANA CALDO-SABADO, AND ZOSIMO CALDO, RESPONDENTS.

*G.R. NO. 164453. March 28, 2006*

Ponente: CARPIO MORALES, J.

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### CARPIO MORALES, J.:

Petitioner Jesus Caldo is the only child of the marriage of Francisco Caldo to his first wife Pilar Sayaman. [1]

In September 1943, Francisco Caldo filed an "Application to Purchase Friar Lands" covering Lot No. 5749-D of the Municipality of Dasmariñas, Cavite containing 1.996 hectares. [2]

Pilar Sayaman later died and Francisco Caldo took as his second wife Juana Manareza (Juana), with whom he had three children, herein respondents Victoria Caldo-Atienza and Feliciano Caldo-Sabado, and the now deceased Alberto Caldo father of respondent Zosimo Caldo. [3]

In December 1950, [4] Juana filed an application for the purchase of Lot No. 5749-D.

Francisco Caldo died on September 13, 1946.

In 1951, Juana and the Republic of the Philippines forged a private sale, under Sales Contract No. V-61 "[e]ffective November 17, 1951," covering Lot No. 5749-D (the lot) in which the latter acknowledged the downpayment by Juana of P27.60 representing the first of 10 annual installment payments.

After Juana had fully paid for the lot, she in November 1976 registered it in her name under Transfer Certificate of Title (TCT) No. T-87239. [5]

Juana died on June 12, 1986.

In March 1987, petitioner Jesus Caldo and respondents executed a Salaysay ng Pag-aari ng Iba't-Ibang Lupa (Salaysay) [6] stating that:

- Na kami ang may-ari ng isang (1) lagay na lupa sa Salitran, Dasmariñas, Cavite, na laong kilala sa Lot 2543 ng Imus Estate, na sakop ng Transfer Certificate of Title No. 21400;

- Na bukod sa nasabing lote, kami ay nag-aari pa rin ng mga sumusunod na lote:

TCT No. Lot No. Area Location

58366 6128 500 sq. m. San Agustin, Dasmariñas, Cavite

87259 [sic] 5749 19,996 sq. m. Salitran, Dasmariñas, Cavite

- Na ang mga nasabing lote ay walang inaani o kita;

- Na isinagawa naming ang salaysay na ito upang patunayan ang mga nakalahad sa dakong itaas. [7] (Emphasis supplied)

On November 26, 1993, respondents, together with respondent Zosimo Caldo's siblings, executed a "Deed of Extrajudicial Partition with Waiver"[8] adjudicating the lot to themselves, prompting petitioner to file on December 10, 1993 a Complaint [9] against respondents for Annulment of Title before the Regional Trial Court (RTC) of Imus, Cavite.

In his Complaint, petitioner alleged that, inter alia, he co-owns the lot as in fact when he confronted his stepmother Juana about her having registered it in her name, she replied that she did so in order to facilitate its sale but that she recognized his right thereto and even promised him his rightful share from the proceeds of the sale; and Juana even entrusted to him the title to the lot which he kept for four years.

In their "Answer with Counterclaim," [10] respondents countered that the lot belonged exclusively to their mother, she having entered into a Sales Contract with the Republic of the Philippines in January 1951 after their father died (in 1946) and was the one who paid for the installments thereof. [11] Additionally, respondents invoked laches and prescription against petitioner.

Defined as issues before Branch 20 of the Imus RTC were as follows:

- Whether plaintiff is entitled to inherit a share in the disputed parcel of land together with the defendants who are heirs of the late Juana Manareza;
- Whether plaintiff is guilty of laches and/or whether prescription has already set in;
- Whether defendants are in estoppel to deny the claim of plaintiff as co-owner. [12] (Underscoring supplied)

By Decision of May 13, 1997, the trial court held that the lot was co-owned by Francisco Caldo and his second wife Juana.

Between the two divergent views, this Court considers the version espoused by the plaintiff to be more credible and trustworthy. Evidently, there was already an application to purchase subject land filed by Francisco Caldo way back on March 10, 1945 [sic] before he became a widower. Upon his death in 1946, his second wife, Juana Manareza, continued paying the installments relative to the lot in question until 1951 when the amortizations were [sic] completed, resulting in the execution of a deed of sale in her favor. It was, however, only in November, 1976 that a torrens title was issued to Juana Manareza. Such being the case, subject lot was acquired through the efforts, sacrifices, and contributions of both Francisco Caldo and Juana Manareza.

The claim of defendants that the disputed lot is solely owned by their mother is untenable. For, Juana Manareza had impliedly acknowledged the rights and interest of the plaintiff over the premises in question, being the son of her husband by previous marriage, when she entrusted the title to him and promised to give him his share in the event it is sold.

The most convincing proof that plaintiff is indeed entitled to share in the subject land is the "Salaysay" ng Pag-aari ng Iba't Ibang Lupa [13] which defendants themselves admitted to have executed and signed in March 1987 — even before the execution of the Deed of Extrajudicial Partition with Waiver which was only executed by the defendants on March 26, 1993. In said document, (Exh. "F"), plaintiff and defendants admitted that they are the [co-]owners of the disputed property. In so doing, defendants expressly recognized plaintiff as co-owner thereof and are already in estoppel to deny plaintiff's claim. The action of plaintiff in bringing the present suit as co-owner is imprescriptible. By and large, therefore, the property covered by TCT No. T-87239 is co-owned by their common father, Francisco Caldo, and Juana Manareza such that one-half thereof belonged to Francisco Caldo and the other half to Juana Manareza. The one-half share of Juana Manareza shall be divided among her two children and nephew Zosimo Caldo; while the one-half share of Francisco Caldo shall be divided into 4 parts, with plaintiff being entitled to — share thereof together with the three defendants with — share each. [14] (Emphasis and underscoring supplied)

Accordingly, the trial court disposed:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

- Declaring the Deed of Extrajudicial Partition with Waiver executed by the defendants as null and void;
- Canceling TCT No. T-87239 in the name of Juana Manareza and a new title thereof be issued in the name of plaintiff and defendants, based on the following sharing:
- To defendants Victoria Caldo-Atienza, Feliciano Caldo-Sabado and Zosimo Caldo — 1/3 share each of the — share belonging to Juana Manareza, plus another — share each of the — share belonging to Francisco Caldo, covering the entire area of the lot in question; and
- To the plaintiff — 1/4 of the 1/2 share of his father, Francisco Caldo.

No award of damages and attorney's fees.

SO ORDERED. [15] (Underscoring supplied)

On respondents' appeal, the Court of Appeals, finding that petitioner failed to establish his case by preponderance of evidence whereas respondents established their right to the lot, reversed the trial court's decision. [16] Thus held the Court of Appeals:

Nothing on record would show that the application of the plaintiff-appellee's father, Francisco Caldo, to purchase the friar land was approved by the Bureau of Lands. Such application cannot be said to have vested in Francisco Caldo the ownership in the land applied for. Plaintiff-appellant [sic], likewise, failed to show any proof that his father, had fully paid for the subject parcel of land required by the contract to vest title in him. The failure of Francisco Caldo to pay any of the installments has the effect of forfeiture of the application pursuant to Section 17 of Act No. 1120 x x x [17] (Underscoring supplied)

Discrediting the trial court's application of the doctrine of estoppel in petitioner's favor as reflected in the earlier quoted portion of its decision, the appellate court held:

Under the New Civil Code, the modes of acquiring ownership are as follows: (a) occupation; (b) intellectual creation; (c) donation; (d) succession; and (e) prescription. Estoppel is not one of them x x x. The recognition by the defendants-appellants of the plaintiff-appellee as co-owner of the subject parcel of land in the "Salaysay ng Pag-aari ng Iba't Ibang Lupa" was based on the mistaken belief that the said land was a conjugal property of Francisco Caldo and Juana Manaresa. To rule otherwise, will not only cause injustice to the vested right of the defendants-appellants but also will run counter to the provisions of the law and applicable jurisprudence. In accordance with the settled rule, an innocent mistake on the part of the defendants-appellants as to the legal right does not estop them to assert the same. [18] (Emphasis and underscoring supplied)

Petitioner's Motion for Reconsideration [19] having been denied by Resolution [20] of July 7, 2004, the present Petition for Review on Certiorari [21] was filed, petitioner insisting that respondents are estopped to deny his co-ownership of the land in light of their execution, together with him, of the Salaysay and of Juana's entrusting to him the title covering the lot with the promise to give him his share of the proceeds of the sale thereof.

The petition fails.

In estoppel,

a person, who by his deed or conduct has induced another to act in a particular manner, is barred from adopting an inconsistent position, attitude or course of conduct that thereby causes loss or injury to another. It further bars him from denying the truth of a fact which has, in the contemplation of law, become settled by the acts and proceedings of judicial or legislative officers or by the act of the party himself, either by conventional

writing or by representations, express or implied or in pais.[22] (Emphasis supplied)

It can only be invoked between the person making the representation and the person to whom it was addressed, the latter having relied upon the misrepresentation and having been influenced and misled thereby intentionally.[23] Since it was Juana who allegedly made the representation to petitioner to the effect that he is a co-owner of the land, estoppel cannot be invoked against respondents.

As for the invocation of estoppel against respondents in light of their execution, together with petitioner, of the Salaysay, the following pronouncement of the Court is instructive.

The doctrine of estoppel is predicated on, and has its origin in equity which, broadly defined, is justice according to natural law and right. It is a principle intended to avoid a clear case of injustice. The term is hardly distinguishable from a waiver of right. Estoppel, like its counterpart, must be unequivocal and intentional for, when misapplied, it can easily become a convenient and effective means of injustice. Estoppel is not understood to be a principal that, as a rule, should prevalently apply but, as it concededly is, a mere exception from the standard legal norms of general application that can be invoked only in highly exceptional and justifiable cases.[24] (Emphasis and underscoring supplied)

In the case at bar, petitioner failed to refute the testimony of respondent Victoria that the 1987 Salaysay was executed on the request of one Felino Nolasco upon his representation that it was needed for estate tax purposes[25] following Juana's death in 1986. The earlier quoted statement in the Salaysay that "ang nasabing lote ay walang inaani o kita" lends credence to Victoria's unrefuted claim. Petitioner in fact failed to present evidence that by executing the Salaysay, respondents intentionally induced him to believe and to act on such belief that he co-owns the lot in question.

On the merits, the "Application to Purchase Friar Lands" filed by the parties' common ascendant Francisco Caldo in 1943 was, as correctly noted by respondents in the Brief for Defendants-Appellants [26] which they filed before the Court of Appeals, merely an offer to purchase the lot. It was neither an award nor proof that he subsequently paid for it. [27]

Upon the other hand, respondents presented a Sales Contract effective November 17, 1951, more than five years after Francisco Caldo's death on September 13, 1946, between the Republic of the Philippines and their mother Juana covering Lot No. 5749-D stating:

That by virtue of a private sale held on November 17, 1951 and in consideration of the sum of TWO HUNDRED SEVENTY SIX PESOS (P276.00) to be paid in (10) installments, the first installment in the amount of P27.60 having been paid by the vendee and acknowledged by the vendor under Official Receipt No. 1530300 and 10764994, the vendor does hereby sell and convey to the vendee, his heirs and assigns, Lot No. 5749-D of the Imus Estate, situated in the Municipality of Dasmariñas, Province of Cavite which contains an area of 1 hectare, 99 ares and 96 centares, more or less. [28] (Emphasis supplied)

This document constitutes evidence of their mother's absolute ownership-title to the lot in question.

WHEREFORE, the petition is DENIED. The questioned decision of the Court of Appeals is hereby AFFIRMED.

Costs against petitioner.

SO ORDERED.

Carpio, and Tinga, JJ. concur.

Quisumbing, (Chairperson), J., on official on leave.

[1] Exhibit "A," Exhibits Folder, p. 1.

[2] Exhibit "B," *id.* at 2.

[3] Exhibit "K," Exhibits Folder, p. 16; RTC records, pp. 2, 4, 22.

[4] *Vide* Exhibit "1," RTC records, pp. 30-31.

[5] Exhibit "C," Exhibits Folder, pp. 3-4; RTC records, pp. 9-10.[6] Exhibit "F," Exhibits Folder, p. 8.[7] *Ibid.*[8] Exhibit "K," Exhibits Folder, pp. 16-17.[9] RTC Records, pp. 1-7, Amended Complaint, pp. 64-80.

[10] *Id.* at 22-29.

[11] Annex "1," RTC records, pp. 30-31; marked as Exhibit "1," RTC records, p. 85; TSN, August 12, 1994, pp. 8-9; TSN, August 29, 1995, pp. 49-50.

[12] RTC records, p. 50.

[13] *Supra* note 6.[14] *Supra* note 9, at 146-147[15] *Id.* at 148.[16] Decision penned by Court of Appeals Associate Justice Hakim S. Abdulwahid with the concurrence of Court of Appeals Associate Justices Delilah Vidallon-Magtolis and Sergio L. Pestaño, CA rollo, pp. 72-82.[17] *Id.* at 78-79.[18] *Id.* at 81 (citations omitted).[19] *Id.* at 83-90.[20] *Id.* at 93.[21] Rollo, pp. 10-24.[22] *Cruz v. Court of Appeals*, 354 Phil. 1036, 1054 (1998) (citations omitted).[23] *Vide Mendoza, et al. v. Reyes, et al.*, 209 Phil. 120, 131 (1983).[24] *Manila Memorial Park Cemetery, Inc. v. Court of Appeals*, G.R. No. 137122, November 15, 2000, 344 SCRA 769, 778-779; *La Naval Drug Corporation v. Court of Appeals*, G.R. No. 103200, August 31, 1994, 236 SCRA 78, 87-88.[25] TSN, August 29, 1995, pp. 9-10.[26] *Supra* note 16, at 37-47.

[27] *Id.* at 41.[28] *Supra* note 4.

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