

**HEIRS OF EMILIO R. DOMINGO AND FELICIDAD CORNEJO, NAMELY:  
MARIO DOMINGO, AVELINO DOMINGO, BASILISA VICENCIO,  
ALEJANDRO DOMINGO, LEONILA CABREZA, ENGRACIA VELASCO,  
MARIA LUZ DOMI...**

*G.R. NO. 165038. November 29, 2006*

Ponente: CARPIO MORALES, J.

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**CARPIO MORALES, J.:**

The spouses Emilio R. Domingo and Felicidad Cornejo were the owners of a parcel of land, covered by Original Certificate of Title No. 231 (OCT No. 231), known as Lot 1769[1] (the lot). After they and their children were killed during World War II, intestate estate proceedings, docketed as Special Case No. 109-R, were filed before the then Court of First Instance of Davao City.

In the meantime, the lot was subdivided into two, Lot 1769-A and Lot 1769-B. Lot 1769-B was awarded to the heirs of Emilio Domingo: his siblings Arturo Domingo, Manuel Domingo, Basilisa Vicencio, and Maria Domingo. Lot 1769-A was awarded to the heirs of Emilio's wife Felicidad Cornejo: her siblings Joaquin Cornejo, Dominga Bernabe, Nicanor Cornejo, Francisco Cornejo, Benedicto Cornejo, Maximo Cornejo, Ernesto Cornejo, and Fernando Cornejo.

Herein petitioners-heirs of Emilio Domingo's siblings, claiming that the heirs of Felicidad Cornejo, represented by Emilio Bernabe, sold Lot 1769-A to them in a transaction represented by Arturo Domingo, filed a complaint "for judicial settlement of estate with damages and attorney's fees,"[2] docketed as Civil Case No. 25,170-97 before the Regional Trial Court (RTC) of Davao City, against the heirs-children of Enrique and Clarita Martin who claimed that Lot 1769-A was sold to their parents from the heirs of Felicidad Cornejo.[3]

Branch 8 of the Davao RTC held in favor of herein petitioners, it finding that "the share of the Cornejos . . . have been sold to Arturo Domingo, father of the plaintiffs and grandfather of the defendants."

The Court of Appeals, by Decision[4] of February 13, 2004, reversed the trial court's decision upon a finding that the Domingo heirs-herein petitioners failed to establish their claim to Lot 1769-A by preponderance of evidence and thus declared the heirs of the spouses ENRIQUE and CLARITA Martin to be "the exclusive co-owners of the share pertaining to FELICIDAD Cornejo-Domingo, or Lot No. 1769-A."

Petitioners' Motion for Reconsideration[5] of the Court of Appeals decision having been denied,[6] they filed the present Petition for Review on Certiorari.[7]

The petition is devoid of merit.

Indeed, petitioners failed to prove their claim to Lot 1769-A by preponderance of evidence. Petitioners' Exhibit "A"—September 21, 1964 receipt of payment[8] presented to show that Arturo Domingo paid the purchase price of a "lupa sa Lapanday sapagkat iyon ay mana rin namin"[9] could refer to any parcel of land in Lapanday.

Petitioners' claim, without more, that "lupa sa Lapanday" was understood to refer to the lot covered by Lot 1769-A[10] does not persuade.

Petitioners' Exhibit "B,"[11] a signed agreement dated September 16, 1964 between Emilio Bernabe, as alleged representative of Felicidad Cornejo, and Arturo Domingo, as representative of Emilio Domingo reading:

KAMI, na nakalagda sa mababa ay nagpapatunay na sa paghahati ng isang lagay na tirikan ng bahay na pagaari ng mga yumaong EMILIO DOMINGO at FELICIDAD CORNEJO, ay ang mga tagapagmana sa magkabila ay nagkasundo at sapamamagitan [sic] nito'y nagkakasundo na ang Lote Blg. 47-B-1 ay para sa mga tagapagmana ni EMILIO DOMINGO at ang Lote Blg. 47B-2 ay para sa mga tagapagmana ni FELICIDAD CORNEJO.

Nilagdaan, ngayon, ika 16 ng Septiembre, 1964, dito Lugsod ng Dabaw, Pilipinas.[12] (Emphasis and underscoring supplied),

does not prove that Lot No. 1769-A was being agreed upon as going to the heirs of Emilio Domingo.

Petitioners' Exhibit "C," the January \_\_\_\_ [sic] 1997[13] Special Power of Attorney (SPA) purportedly executed by the heirs of Arturo R. Domingo and Maria T. Domingo including the now deceased Clarita D. Martin, predecessor-in-interest of respondents, naming "their brother and co-heir" herein petitioner Alejandro Domingo as their attorney-in-fact

x x x x

- To investigate, find and recover for us whatever inheritance we are entitled to from our deceased parents mentioned above, whatever real of [sic] personal properties or whatever kind of inheritance, legacies or bequests we are entitled to; more specifically our right and correct share from the parcel of land located in Mandug, City of Davao, particularly consisting of 21 hectares, 82 ares and 45 centares, covered by Oct No.P-231 of the Register of Deeds of Davao City, still registered in the name of Emilio Domingo, but the ownership of which was transferred absolutely to our father, Arturo R. Domingo during their lifetimes;

x x x x[14] (Underscoring supplied)

does not prove their cause. For even if Lot No. 1769-A formed part of the property "ownership of which was transferred absolutely to . . . Arturo R. Domingo," the claim of transfer of ownership thereof is self-serving and hearsay.

Besides, the following exchange during the re-cross-examination of petitioner Alejandro Domingo casts doubt on the authenticity of the said Special Power of Attorney:

ATTY. MADRAZO:

Q: Now, you claimed that this was signed by Clarita Martin and it was supposedly signed before Atty. Honesto Cabarroguis sometime in the 13[th] day of January, 1997, can you affirm this fact that your sister appeared before Atty. Cabarroguis?

[ALEJANDRO DOMINGO] A: Yes, in fact there were four of them who appeared before Atty. Cabarroguis, you can even subpoena attorney.

Q: Do you know that sometime in January 13, 1997, Clarita Martin was in Manila because she was suffering from mild stroke? A: Yes, she was in Manila January 13, but she left for Manila January 14 [sic] after signing.[15] (Emphasis and underscoring supplied)

As for the tax declarations and receipts-Exhibits "M"—"O"[16] presented by petitioners to prove their ownership of Lot No. 1769-A,[17] these are not conclusive evidence of ownership.[18]

On the other hand, the decision rendered by the then Court of First Instance of Davao granting the petition in Misc. Case No. 4100, "IN RE: PETITION FOR THE ISSUANCE OF TITLE IN LIEU OF LOST ONE," filed by Enrique Martin, the father of herein respondents, declaring, among other things, that

Petitioner [Enrique Martin] is the vendee of a portion of the land registered in the name of Emilio Domingo married to Felicidad Cornejo, covered by Transfer Certificate of Title No. T-231.

The evidence presented by the petitioner discloses that on September [illegible], 1964, he bought a portion of the land covered by the aforesaid certificate of title from the Heirs of Cornejo (Exhibit B).

x x x No opposition to the herein petition has been filed nor registered despite the notice by publication to all concerned. . .[19] (Emphasis and underscoring supplied),

lends support to respondents' claim.

While the decision in Misc. Case No. 4100 does not constitute *res judicata* to the present case, there being no identity in causes of action, it is settled that "a judgment is conclusive as to the facts admitted by the pleadings or assumed by the decision, where they were essential to the judgment, and were such that the judgment could not legally have been rendered without them." [20] The finding in Misc. Case No. 4100 was essential to the judgment since a petition for reconstitution may be filed only by the registered owner, his assigns, or any person who has an interest in the property. [21]

Not only have respondents proved their predecessors' title. By presenting the decision [22] in Special Case No. 109-R (the above-mentioned intestate estate proceedings), and the Subdivision Plan of Lot-1769, [23] both of which identify Lot No. 1769-A as the portion of OCT-231 allotted to the Cornejo heirs, [24] they have also identified the lot they are claiming as Lot No. 1769-A.

In fine, respondents have proven their claim by a preponderance of evidence.

WHEREFORE, the petition is DENIED and the questioned Decision and Resolution of the Court of Appeals dated February 13, 2004 and July 13, 2004, respectively, are AFFIRMED.

Costs against petitioners.

SO ORDERED.

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

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[1] Records, at 141.

[2] Id. at 1-4.

[3] Id. at 14-16.

[4] Penned by Justice Salvador J. Valdez, Jr., with the concurrence of Justices Josefina Guevara-Salonga and Arturo D. Brion. CA rollo, pp. 126-141.

[5] Id. at 142-143.

[6] Id. at 201-202.

[7] Rollo, pp. 4-20.

[8] Supra note 1 at 85.

[9] Id. at 85. Vide CA rollo, at 133-134.

[10] Supra note 7 at 15.

[11] Supra note 1, at 86.

[12] Ibid.

[13] Id. at 87-88.

[14] Ibid.

[15] TSN, November 9, 1999, p. 16.

[16] Records, pp. 99-104.

[17] Id. at 83-84.

[18] De Vera-Cruz v. Miguel, G.R. No. 144103, August 31, 2005, 468 SCRA 506, at 522.

[19] Records, at 139-140.

[20] Millena v. Court of Appeals, 381 Phil. 132, 141 (2000).

[21] Section 12, Republic Act 26; vide Register of Deeds of Malabon v. RTC, Malabon, M.M., Br. 170, G.R. No. 88623, February 5, 1990, 181 SCRA 788, at 792.

[22] Supra note 1 at 18-25.

[23] Supra note 1 at 26.

[24] Vide supra note 1 at 23-24, 26.

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