

BENZON O. ALDEMITA, PETITIONER, VS. HEIRS OF MELQUIADES SILVA, REPRESENTED BY RAMON G. VILLORDON, JR., RESPONDENTS.

G.R. NO. 166403. November 02, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court questioning the Decision[1] dated November 22, 2004 promulgated by the Court of Appeals (CA) in CA-G.R. CV No. 72445, which affirmed in toto the Decision[2] dated August 20, 2001 of the Regional Trial Court (RTC), Branch 11, Cebu City, docketed as Civil Case No. CEB-23011.

This case originated from a Complaint for Quieting of Title filed with the RTC by the Heirs of Melquiades Silva, represented by Ramon G. Villordon, Jr., (respondents) on November 18, 1998 against the Heirs of Dionisia Vda. De Zabate (Heirs of Vda. De Zabate), represented by Emelia Deiparine and Benzon O. Aldemita (petitioner).

The antecedent facts of the case, as found by the RTC and upheld by the CA, are as follows:

On November 25, 1998, a verified complaint dated November 18, 1998 for Quieting of Title was filed by the [respondents] through counsel with the Regional Trial Court, Cebu City docketed therein as Civil Case No. CEB-23011 and was assigned through raffle to Branch 11 thereof.

On January 14, 1999, a verified Answer With Special And Affirmative Defenses, Counter-claim and Cross-claim dated January 13, 1999 was filed by [petitioner] Benzon O. Aldemita through counsel with the court a quo.

On April 22, 1999, an Urgent Motion To Declare Defendants Roger Deiparine and Josephine Deiparine In Default And A Motion To Set Case For Pre-Trial dated April 20, 1999 was filed by the petitioners through counsel after the above-named respondents were substituted for respondent Emilia Deiparine who died last September 15, 1998 per Order dated February 1, 1999, which motion was granted by the public respondent court per Order dated April 30, 1999 by declaring Roger Deiparine and Josephine Deiparine in default and setting the case for Pre-trial.

On August 12, 1999, a Pre-trial was conducted by the trial court wherein the parties made the following stipulations of facts and/or admissions, to wit:

- 1) [Petitioner] Benzon O. Aldemita admitted that Lot 11330 of Pcs-945 located in Minglanilla, Cebu has been registered in the name of Melquiades Silva as shown by Transfer Certificate No. T-18993 of the Registry of Deeds for the Province of Cebu (Exhibit A) and has been covered by Tax Declaration No. 25845-R also in the name of Melquiades Silva (Exhibit B);
- 2) [Petitioner] Benzon O. Aldemita also admitted that the [respondents] in this case have been the ones in actual physical possession of Lot 11330 of Pcs-945 except a portion thereof with an area of 2,000 square meters which said [petitioner] is claiming to be possessed by him;

3) [Petitioner] Aldemita admitted, too, that a document denominated as "Kalig-onan sa Palit" (Exhibit C) which was purportedly executed on March 15, 1949 by Melquiades Silva in favor of Dionisia Vda. De Zabate involving the land in question is actually a forged document. However, [petitioner] contended that another document denominated as "Kalig-onan sa Panagpalit nga Dayon" (Exhibit 1) was executed by Melquiades Silva in favor of Dionisia Vda. De Zabate and that thereafter this was confirmed by Proferia Silva and Emeliana Zabate Paran in a Deed of Confirmation of Previous Deed of Sale executed on February 20, 1979 (Exhibit 2).

On October 25, 1999 per agreement of the parties, the trial court issued an order appointing the PNP Regional Crime Laboratory Office VII as commissioner of the court for the purpose of determining whether the purported signature of Melquiades Silva in Exhibit 1 and that of Porferia Silva in Exhibit 2 for the answering defendant Benzon O. Aldemita are really those of Melquiades Silva and Porferia Silva.

On February 10, 2000, a Questioned Document Report[3] No. 013-2000 by the Document Examiner Romeo Oliva Varona was submitted to the court.

On March 6, 2000 an Order of even date was issued by the court giving respondent Aldemita fifteen (15) days to submit his comment on the Questioned Document Report No. 013-2000 which he did by submitting to the court his Comment, etc. dated April 3, 2000.

On September 15, 2000, an order was issued by the trial court wherein it considered the Questioned Document Report 013-2000 as the findings of fact duly established in the case.

On January 23, 2001 per manifestation of the parties through their respective counsel that they would submit the case for decision without need of trial especially that the findings embodied in the commissioner's report have already been considered as the findings of facts in this case. Nonetheless, the trial court gives the parties fifteen (15) days within which to file their respective memorandum if they so desire and thereafter the case was considered as submitted for decision.[4]

On February 8, 2001, petitioner Aldemita filed a Position Paper with the RTC. On March 24, 2001, Atty. Manuel S. Paradela, then counsel of petitioner Aldemita, filed a Motion To Withdraw As Counsel. Immediately thereafter, or on April 2, 2001, the new counsel for petitioner Aldemita, Atty. Rodolfo A. Ugang, Sr., entered his appearance. On April 6, 2001, petitioner Aldemita, through his newly retained counsel, filed a Motion to Dismiss for lack of cause of action. The Motion averred in main that the respondents should first be declared as heirs of Melquiades Silva in a special proceeding before they can be considered as real parties-in-interest to institute the action in this case. In an Order dated April 20, 2001, the RTC denied the Motion, thus:

Filed with the Court by the defendant Benzon O. Aldemita is a motion to dismiss this case on the ground of plaintiffs' lack of cause of action.

The Court finds the motion to be not impressed with merit. As it may not be amiss to recall, this case was already considered as submitted to the Court for decision way back on February 8, 2001 pursuant to the order issued in this case on January 23, 2001. The aforementioned motion to dismiss was filed only on April 6, 2001. Apparently, the said motion was not filed within the proper time, i.e., within the time for filing the answer to the complaint as provided Section 1 of Rule 16 of the 1997 Rules on Civil Procedure. A motion to dismiss cannot be filed anytime except if the grounds therefor are lack of jurisdiction over the subject matter, pendency of another action between the same parties for the same cause and bar by prior judgment or statute of limitations. The motion filed in this case is not on account of any of the said exceptional three grounds.

IN VIEW THEREOF, the Court hereby denies the aforementioned motion to dismiss.

SO ORDERED.[5]

The petitioner, again through his new counsel, filed a Motion for Reconsideration on June 4, 2001. In an Order dated August 17, 2001, the RTC denied the motion. This Order reads:

Anent the motion filed by the defendant Benzon O. Aldemita for reconsideration of the order issued in this case on April 20, 2001, the Court finds it to be devoid of merit. There is no gainsaying the fact that the late Melquiades Silva was the registered owner of Lot No. 1130 of Pcs-945, Talisay-Minglanilla estate, as shown by TCT No. T-18993 of the Registry of Deeds for the Province of Cebu. Thus, if there are claims which are prejudicial to the title to the said land, thereby casting a cloud of doubt on its authenticity and indefeasibility, the heirs of Melquiades Silva are certainly the real parties in interest who could institute an action for quieting of title. It is therefore surprising why the defendant Benzon O. Aldemita is now contending very much belatedly that the plaintiffs are not real parties in interest in the case at bench. The invoking by the said defendant-movant of the ruling in *Heirs of Guido and Isabel Yaptinchay v. Del Rosario*, 304 SCRA 18, is misplaced. Here in this case, the heirs of Melquiades Silva are significantly suing through the administrator of the estate of their decedent. In other words, there is already an on-going special proceeding wherein the declaration of heirship of the plaintiffs is being sought. So, the defendant Benzon O. Aldemita should not insist that the plaintiffs should first be declared as heirs of Melquiades Silva before they can be considered as real parties in interest to institute the action in this case. Things have already been placed in their proper perspectives. (Emphasis supplied)

WHEREFORE, in view of the foregoing premises, the Court hereby denies the aforementioned motion for reconsideration.

SO ORDERED.[6]

On August 20, 2001, the RTC rendered its Decision, the dispositive portion of which states:

WHEREFORE, in view of all the foregoing premises, judgment is hereby rendered by the Court in this case:

- Declaring the [respondents] as the rightful and absolute owners of Lot No. 11330 of Pcs-945 (Talisay-Minglanilla Estate) located in Vito, Minglanilla, Cebu;
- Declaring as null and void and without force and effect the documents denominated as "Kalig-onan Sa Palit" purportedly executed by Melquiades Silva on March 15, 1949 in favor of Dionisia Vda. de Zabate (Exhibit C), "Kalig-onan sa Panagpalit nga Dayon" which was purportedly executed by Melquiades de Silva on March 15, 1949 in favor of Dionisia Vda. de Zabate (Exhibit 1), Deed of Confirmation of Previous Deed of Sale which was purportedly executed by Porferia de Silva on February 20, 1979 in favor Emiliana Zabate Paran (Exhibit 2) and the Deed of Absolute Sale executed by Emilia Deiparine on April 26, 1996 in favor of [petitioner] Benzon O. Aldemita (Exhibit 3);
- Ordering the [Heirs of Vda. De Zabate and petitioner] to respect and not disturb the [respondents'] title to and ownership of Lot No. 11330 of Pcs-945; and
- Ordering [petitioner] Benzon O. Aldemita to vacate the premises of Lot No. 11330 of Pcs-945.

IT IS SO ORDERED.[7]

The RTC held that the respondents, as heirs of Melquiades Silva who appears to be the registered owner under the TCT, have a cause of action under Article 476[8] of the Civil Code; that the petitioner expressly admitted in his Answer to the petition and also during pre-trial that the "Kalig-onan sa Palit"[9] is "a true and real forgery;" that the "Kalig-onan sa Panagpalit nga Dayon"[10] and the Deed of Confirmation of Previous Deed of Sale[11] were likewise found by the PNP Crime Laboratory Office to be forged documents; that, in view of these reasons, the said documents cannot be the sources of rights; that the Deed of Absolute Sale dated April 26, 1996 executed by Emilia Deiparine in favor of petitioner Aldemita has no leg to stand on since, as the saying goes, the spring cannot

rise higher than its source; and that the respondents, as admitted by petitioner Aldemita, have been the ones in actual possession of the land in question.

Petitioner Aldemita appealed to the CA claiming that the RTC erred:

I.

In declaring the [respondents] as the rightful and absolute owners of Lot No. 11330 of Pcs-945 (Talisay-Minglanilla Estate) located in Vito, Minglanilla, Cebu, Philippines;

II.

In declaring as null and void and without force and effect the documents denominated as "Kalig-onan sa Panag-palit nga Dayon" (Deed of Absolute Sale), which was purportedly executed by Melquiades Silva on March 15, 1949 in favor of Dionisia Vda. de Zabate (Exhibit 1), Deed of Confirmation of Previous Deed of Sale which was purportedly executed by Porferia Silva and Emiliana Zabate Paran on February 20, 1979 (Exhibit 2) and the Deed of Absolute Sale Executed by Emilia Deiparine on April 26, 1996 in favor of [petitioner] Benzon O. Aldemita (Exhibit 3);

III.

In ordering [petitioner] Aldemita to respect and not disturb the [respondents'] title to and ownership of Lot No. 11330 of Pcs-945;

IV.

In ordering [petitioner] Aldemita to vacate the premises of Lot No. 11330 of Pcs-945.[12]

On November 22, 2004, the CA promulgated its Decision affirming the Decision of the RTC in toto. The dispositive portion of the CA Decision reads:

WHEREFORE, the foregoing premises considered, this appeal is DISMISSED. The appealed Decision dated August 20, 2001 by the Regional Trial Court, Branch 11, Cebu City in Civil Case No. CEB-23011 is affirmed in toto. Costs against the [petitioner].[13]

The CA held that the question of whether the respondents are real parties-in-interest was raised for the first time on appeal considering that this issue was never raised in the RTC before the case was submitted for decision and, hence, it cannot be resolved without offending basic rules of fair play, justice and due process; that the only issues raised before the RTC were confined to (a) whether the ancient documents are valid, and (b) whether the various transactions are valid; that although a Motion to Dismiss was filed invoking lack of cause of action, this Motion was not filed within the proper time; that even if this issue were considered, nonetheless, since the respondents filed and pursued the case through the administrator of the estate of their decedent, a declaration of heirship is no longer necessary; and that since petitioner Aldemita manifested to submit the case for decision dispensing trial, and having failed to offer any evidence to prove the due execution and authenticity of the documents, the findings of the RTC that the foregoing documents were indeed forged, as confirmed by the court-appointed commissioner, are binding and conclusive on the parties.

Hence, the instant Petition assigning the following issues:

I.

WHETHER OR NOT THE COURT A QUO SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT DECLARED THE RESPONDENTS AS THE RIGHTFUL AND ABSOLUTE OWNERS OF LOT NO. 11330 OF PCS-945 (TALISAY-MINGLANILLA ESTATE) LOCATED IN VITO,

MINGLANILLA, CEBU DESPITE THE RESPONDENTS' UTTER FAILURE TO PRESENT PROOF THAT ONE OF THE RESPONDENTS WAS APPOINTED BY THE COURT AS ADMINISTRATOR PURSUANT TO RULE 78 OF THE RULES OF COURT AND THE ABSENCE OF PROOF THAT ALL THE RESPONDENTS WERE DECLARED LEGAL HEIRS THROUGH A COURT ORDER.

II.

WHETHER OR NOT COURT A QUO SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT RULED AS NULL AND VOID AND WITHOUT FORCE AND EFFECT THE DOCUMENTS DENOMINATED AS "KALIG-ONAN SA PANAGPALIT NGA DAYON" (DEED OF ABSOLUTE SALE), WHICH WAS PURPORTEDLY EXECUTED BY MELQUIADES SILVA ON MARCH 15, 1949 IN FAVOR OF DIONISIA VDA. DE ZABATE (EXHIBIT 1), DEED OF CONFIRMATION OF PREVIOUS DEED OF SALE WHICH WAS PURPORTEDLY EXECUTED BY PORFERIA SILVA AND EMILIANA ZABATE PARAN ON FEBRUARY 20, 1979 (EXHIBIT 2) AND THE DEED OF ABSOLUTE SALE EXECUTED BY EMILIA DEIPARINE ON APRIL 26, 1996 IN FAVOR OF THE PETITIONER BENZON O. ALDEMITA (EXHIBIT 3).[14]

The petition must fail.

Under Section 1(g), Rule 16 of the Rules of Court, to wit:

SECTION 1. Grounds. – Within the time for but before filing the answer to the complaint or pleading asserting a claim, a motion to dismiss may be made on any of the following grounds:

x x x x

(g) That the pleading asserting the claim states no cause of action;

x x x x

petitioner's Motion to Dismiss should have been filed within the time for but before filing the answer to the complaint or pleading asserting a claim. As it appears, the motion was filed in the RTC after the case has been submitted for decision.

Petitioner must have relied on the former Section 2, Rule 9 of the Rules of Court[15] which reads:

SEC. 2. Defenses and objections not pleaded deemed waived. - Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived; except the failure to state a cause of action which may be alleged in a later pleading, if one is permitted, or by motion for judgment on the pleadings, or at the trial on the merits; but in the last instance, the motion shall be disposed of as provided in Section 5 of Rule 10 in the light of any evidence which may have been received. Whenever it appears that the court has no jurisdiction over the subject-matter, it shall dismiss the action.

where failure to state a cause of action was not deemed waived even if raised after the answer has been filed. However, the Complaint against petitioner was filed on November 25, 1998, after the effectivity of the 1997 Rules of Civil Procedure, amending the Rules of Court.

Section 1, Rule 9 of the Rules of Court, as amended, provides:

SECTION 1. Defenses and objections not pleaded. - Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived. However, when it appears from the pleadings or the evidence on record that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment or by statute of limitations, the court shall dismiss the claim.

As it now stands, only the following defenses are not waived even if not raised in a motion to dismiss or in the answer: (a) lack of jurisdiction over the subject matter; (b) *litis pendentia*; (c) *res judicata*; and (d) prescription on the action.[16] Failure to state a cause of action is not an exception in said Rule. Thus, under Section 1, Rule 16, petitioner is deemed to have waived this ground and cannot now raise it after the case in the RTC had been submitted for decision or on appeal to the CA.

Further, a reading of the Petition for Quieting of Title[17] readily shows that such pleading states a cause of action.

A cause of action, which is an act or omission by which a party violates the right of another,[18] has these elements:

- 1) the legal right of the plaintiff;
- 2) the correlative obligation of the defendant to respect that legal right; and
- 3) an act or omission of the defendant that violates such right.[19]

In the case of *Goodyear Phil., Inc. v. Sy*,[20] the Court held that in determining whether an initiatory pleading states a cause of action, "the test is as follows: admitting the truth of the facts alleged, can the court render a valid judgment in accordance with the prayer?"[21] To be taken into account are only the material allegations in the complaint; extraneous facts and circumstances or other matters aliunde are not considered.[22] Stated otherwise, the test is whether the material allegations, assuming these to be true, state ultimate facts which constitute plaintiff's cause of action, such that plaintiff is entitled to a favorable judgment as a matter of law.[23] The general rule is that inquiry is confined to the four corners of the complaint, and no other.[24]

As the Court has ruled, the Petition for Quieting of Title sufficiently states a cause of action. Respondents alleged that they are the heirs of the late Melquiades Silva who died on July 3, 1961 and are thus the true owners of a parcel of land registered in the name of the latter (first and second elements); that the private documents allegedly executed by the late Melquiades Silva in favor of the predecessors-in-interest of the petitioner are forged documents (third element); and that the existence of these documents casts a cloud over the title of the respondents as owners of the property (fourth element).

There are well-recognized exceptions to the rule that the allegations are hypothetically admitted as true and inquiry is confined to the face of the complaint. Examples are whenever there is no hypothetical admission of the veracity of allegations if their falsity is subject to judicial notice, or if such allegations are legally impossible, or if these refer to facts which are inadmissible in evidence, or if by the record or document included in the pleading these allegations appear unfounded. Also, inquiry is not confined to the complaint if there is evidence which has been presented to the court by stipulation of the parties, or in the course of hearings related to the case.[25] However, none of the exceptions are present in the instant case.

The petitioner insists that the 54 respondents claiming to be the heirs of the deceased Melquiades Silva must first establish their status as legal heirs through a special proceeding in order to prosecute the instant case as real parties-in-interest. Without a declaration of heirship and a court order appointing an administrator of the estate, the petitioner argues, the respondents have failed to establish that they are real parties-in-interest, and therefore, the case must be dismissed for lack of cause of action, citing the *Heirs of Yaptinchay v. Del Rosario*. [26] As aptly held by the RTC, the invocation of petitioner of the ruling in said case is misplaced. In the *Heirs of Yaptinchay*, the motion to dismiss was filed immediately after the Second Amended Complaint was filed. In the present case, the Motion to Dismiss was filed only after the case was submitted for decision.

As earlier pointed out, petitioner did not raise said issue when he filed his Answer. Moreover, during the pre-trial,

petitioner did not question the capacity of the Heirs of Melquiades Silva to sue; nor did he question the representation of Ramon G. Villordon, Jr. as administrator of the estate of the deceased. In fact, petitioner, in his Pre-Trial Brief dated July 24, 1999 filed before the RTC, delimited the issues only to: (1) whether the ancient documents are valid; and (2) whether the various transactions are valid.[27] It is not disputed that the parties manifested to the RTC that they were submitting the case without the need of trial.[28] Petitioner did not complain in the RTC about the capability of the Heirs of Melquiades Silva in his Position Paper.[29] It is only after the case had already been submitted for decision of the RTC that the issue on the capacity of the Heirs was raised through a new counsel. As appropriately denied by the RTC in its Orders dated April 20, 2001 and August 17, 2001, petitioner's motion is without merit, as said ground was raised belatedly.

At any rate, what is established in this case is that petitioner does not have any right to the subject property and that the Heirs of Melquiades Silva are entitled thereto. As to whether the persons enumerated in the complaint are actually the Heirs of Melquiades Silva may still be threshed out in the proper proceeding for declaration of heirs and settlement of the Estate of said decedent.

Under the second assignment of error, the petitioner theorizes that the "Kalig-onan sa Panagpalit nga Dayon"[30] which purports to be a deed of absolute sale qualifies as an ancient document under Section 21[31] of Rule 132, and, hence, evidence of authenticity is not necessary. In view of this, the property in question, petitioner argues, thus transferred to Emilia Deiparine as successor-in-interest of Dionisia Vda. De Zabate. The petitioner then predicates his title by virtue of The Deed of Sale dated April 26, 1996[32] executed by Emilia Deiparine in his favor.

We disagree.

An ancient document is one that is (1) more than 30 years old, (2) found in the proper custody, and (3) unblemished by any alteration or by any circumstance of suspicion. It must on its face appear to be genuine.[33]

It must be stressed that during the pre-trial of the case, the parties agreed to submit the questioned documents to a commissioner for the purpose of determining whether the purported signatures of Melquiades Silva in "Kalig-onan sa Panagpalit nga Dayon"[34] and Porferia Silva in Deed of Confirmation of Previous Deed of Sale dated February 20, 1979[35] are genuine. After the appointed commissioner submitted his report finding the foregoing signatures as forgeries, the parties manifested through their respective counsel to submit the case for decision without need of trial since the findings embodied in the report have already been considered as findings of facts in the case. The petitioner, after confirming that the findings of the RTC, which adopted the commissioner's findings, cannot now spin around and question them, because he agreed that these findings shall be considered as the findings of fact of the case without necessity of a trial. The Court concurs with the findings of the CA:

Moreover, the mere fact that the document designated as "Kalig-onan sa Panagpalit nga Dayon" (Exhibit 1) would be considered as an ancient document being purportedly executed by Melquiades Silva in favor of Dionisia Vda. de Zabate on March 15, 1949 and accordingly being more than thirty (30) years already, it does not follow that its due execution and authenticity need not be proven considering that in this case, said document per Questioned Document Report No. 013-200 by Document Examiner Romeo O. Varona who was appointed by the trial court as its commissioner, per Order dated October 25, 1999 is not genuine and is a product of forgery. Hence, [the petitioner] should have presented evidence to prove the due execution and authenticity of the said document which he failed to do so but instead together with the [respondents] have manifested that they would submit the case for decision without the need of undergoing trial and having failed to present and offered any evidence of the due execution and authenticity of this document, [petitioner] has only himself to be blamed if the trial court has declared it null and void.

Furthermore, the Deed of Confirmation of Previous Deed of Sale purportedly executed by Porferia Silva and Emiliana Zabate Paran having likewise reported by the commissioner document examiner Romeo Varona, that the signature of Porferia Silva was forged, said document has no legal effect and has not confirmed anything.

Due to the foregoing, the trial court did not err when it declared the documents marked as Exhibits 1 and 2 to be null and void and no legal effect and as such have not transmitted any rights to the property in litigation to the Heirs of Dionisia Vda. de Zabate. Consequently, the Deed of Sale dated April 26, 1996 executed by Emilia Deiparine has no legal basis and cannot transfer any legal right to the property in question considering that the documents on which it is based are null and void and can never be the source of any rights and title.[36]

WHEREFORE, the instant petition is DENIED and the assailed Decision of the Court of Appeals is AFFIRMED.

Costs against the petitioner.

SO ORDERED.

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

[1] Penned by Associate Justice Mercedes Gozo-Dadole (now retired), with Associate Justices Pampio A. Abarintos and Sesinando E. Villon, concurring.

[2] Rollo, p. 82.

[3] With the following Conclusions:

The questioned signatures of Porferia Silva appearing in the Deed of Confirmation of Previous Deed of Sale dated February 20, 1979 marked "Q-a" and Melquiades Silva appearing in the document denominated as "Kalig-onan sa Pagpalit nga Dayon" dated March 15, 1949 marked "Q-b" are forged. (Records, p. 65)

[4] Rollo, pp. 23-26.

[5] Records, p. 142.

[6] Rollo, p. 79.

[7] Id. at 85.

[8] Art. 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

[9] Exhibit "C", rollo, p. 37.

[10] Exhibit "1", id. at 44.

[11] Exhibit "2", id. at 45.

[12] Id. at 26-27.

[13] Id. at 30.

[14] Id. at 130.

[15] Before the effectivity of the 1997 Rules of Civil Procedure on July 1, 1997.

- [16] 1 Florenz D. Regalado, Remedial Law Compendium 163 (1999).
- [17] Records, pp. 1-3.
- [18] §2 of Rule 2 of the Rules of Court.
- [19] Goodyear Philippines, Inc. v. Sy, G.R. No. 154554, November 9, 2005, 474 SCRA 427, 435, citing Jimenez Jr. v. Jordana, G.R. No. 152526, November 25, 2004, 444 SCRA 250, 259.
- [20] Supra note 19.
- [21] Id. at 435, citing Jimenez Jr. v. Jordana, supra note 19, at 260.
- [22] Id., citing Jimenez Jr. v. Jordana, id.
- [23] Dabuco v. Court of Appeals, 379 Phil. 939, 949 (2000), citing Suyom v. Collantes, G.R. No. L-40337, February 27, 1976, 69 SCRA 514, 520.
- [24] Dabuco v. Court of Appeals, id., citing Acuña v. Batac Producers Cooperative Marketing Association, 126 Phil. 896, 901 (1967); De Jesus v. Santos Belarmino, 50 O.G. 3004-3068; Verzosa v. Rigonan, 94 Phil. 794, 796 (1954); Dimayuga v. Dimayuga, 51 O.G. 2397-2400.
- [25] Dabuco v. Court of Appeals, supra note 23, at 950-951.
- [26] 363 Phil. 393, 399 (1999).
- [27] Rollo, p. 28.
- [28] RTC Decision dated August 20, 2001, rollo, pp. 82-85.
- [29] Records, p. 95.
- [30] Supra note 10.
- [31] SEC. 21. When evidence of authenticity of private document not necessary. – Where a private document is more than thirty years old, is produced from a custody in which it would naturally be found if genuine, and is unblemished by any alterations or circumstances of suspicion, no other evidence of its authenticity need be given. (22a)
- [32] Exhibit "3", rollo, p. 46.
- [33] Cequeña v. Bolante, 386 Phil. 419, 427 (2000).
- [34] Supra note 10.
- [35] Supra note 11.
- [36] Id. at 29.

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