

SPOUSES ADOLFO FERNANDEZ, SR., AND LOURDES FERNANDEZ, PETITIONERS, VS. SPOUSES MARTINES CO AND ERLINDA CO, RESPONDENTS.

G.R. No. 167390. July 26, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

This is a petition for review on certiorari[1] of the Decision[2] of the Court of Appeals dated November 30, 2004 in CA-G.R. SP No. 85994, and its Resolution[3] dated March 10, 2005, denying petitioners' motion for reconsideration.

The Decision of the Court of Appeals reversed and set aside the Decision of the Regional Trial Court (RTC) of Dagupan City, Branch 44, and reinstated the Decision of the Municipal Trial Court (MTC) of Calasiao, Pangasinan, finding respondents entitled to possession of the property involved in this case, but deleting the award of moral and exemplary damages for lack of legal basis.

The facts are as follows:

The property involved in this case is Lot 978, Cad. 439-D, with an area of 1,209 square meters, located in Nalsian, Calasiao, Pangasinan.

Respondents' predecessor-in-interest, Emilio Torres, married to Pilar Torres, applied for, and was granted, a free patent over the subject property, described as Lot 978, Cad. 439-D, Calasiao Cadastre. The said free patent, issued on June 10, 1996 by President Fidel V. Ramos, was registered with the Register of Deeds for the Province of Pangasinan, and Katibayan ng Orihinal na Titulo Blg. P-35620[4] covering the subject property was issued in the name of Emilio Torres. Petitioner Adolfo Fernandez filed an Affidavit of Adverse Claim with the Register of Deeds of Pangasinan and had the same annotated on Emilio Torres' title on July 16, 1996.[5]

The adverse claim was eventually cancelled when Emilio Torres filed an Affidavit of Cancellation of Adverse Claim[6] with the Register of Deeds of Pangasinan, alleging, among others, that adverse claimant Adolfo Fernandez failed to pursue his claim in court, and that he executed an Affidavit[7] dated March 20, 1996, wherein he admitted that Emilio Torres is the actual owner in possession of the subject property. The Affidavit of petitioner Adolfo Fernandez reads:

I, ADOLFO FERNANDEZ, of legal age, married, Filipino citizen, and resident of Lasip, Calasiao, Pangasinan, after having been duly sworn to in accordance with law hereby depose and say:

That I know personally EMILIO L. TORRES, of legal age, married, Filipino citizen and resident of Lasip, Calasiao, Pangasinan as the legal and true owner of a parcel of land described as Lot No. 978, Cad. 439-D situated at Nalsian, Calasiao, Pangasinan;

That I am one and the same person who was listed as survey claimant over Lot No. 978, Cad. 439-D situated at Nalsian, Calasiao, Pangasinan; and that Rodolfo Fernandez and Adolfo Fernandez are one and the same person

which refers to me;

That during the execution of the Cadastral Survey of Calasiao, Pangasinan, the surveyor who executed the survey made a mistake or an error in putting my name as survey claimant over Lot No. 978, Cad. 439-D, while in truth and in fact the actual owner of said lot is Emilio L. Torres who is in actual possession and cultivation of said land;

That I execute this Affidavit freely and voluntarily and have read and understood the contents hereof.[8]

Thereafter, Emilio Torres executed an Affidavit of Request for Issuance of New Transfer Certificate of Title[9] dated September 20, 1996 and filed the same before the Register of Deeds of Pangasinan. Acting favorably thereon, the Register of Deeds of Pangasinan cancelled Katibayan ng Orihinal na Titulo Blg. P-35620 and issued Transfer Certificate of Title (TCT) No. 216709[10] in the name of Emilio Torres. Emilio Torres declared the subject property for taxation.[11]

On June 6, 1997, the spouses Emilio and Pilar Torres sold the subject property to respondents spouses Martines and Erlinda Co, as evidenced by a Deed of Absolute Sale.[12] TCT No. T-216709 in the name of Emilio Torres was cancelled, and TCT No. T-236032[13] was issued in the name of respondents spouses Martines and Erlinda Co. Respondents took actual physical possession of the property, and erected concrete posts and barbed wire fence enclosing the property.

On August 14, 1997, respondents obtained a loan from Solid Bank in the amount of P8,000,000.00, and mortgaged the subject property to secure the loan.[14]

Subsequently, a portion of the property, denominated as Lot 978-B, was segregated and made part of the Judge Jose De Venecia, Sr. Highway covered by TCT No. T-236033 (Road Lot).[15] The remaining portion, denominated as Lot 978-A, covered by TCT No. T-236032,[16] now subject matter of the controversy, pertained to respondents.

On September 3, 2001, respondents' possession of the subject property was disturbed by petitioner Adolfo Fernandez, who destroyed the perimeter fence surrounding the property and started construction work therein.

In order to protect their interest, respondents filed a Complaint for quieting of title and injunction with damages before the RTC of Dagupan City, but the complaint was dismissed for lack of jurisdiction.

On January 22, 2002, respondents filed a Complaint for forcible entry/ejectment before the MTC in Calasiao, Pangasinan (trial court).

In their Answer to the Complaint and, later, Position Paper, petitioners alleged that respondents had no cause of action against them as the subject property belonged to them. Petitioners claimed to have long been in actual possession of Lot No. 978 when the said lot, including Lot No. 661-A and Lot No. 661-B originally formed part of an unirrigated riceland with an area of 3,904 square meters, originally recorded as Cadastral Lot No. 661 under Tax Declaration No. 16357[17] issued in the names of petitioners in 1973. Tax Declaration No. 16357 was cancelled and Tax Declaration No. 455[18] was issued in 1980 by the Calasiao Municipal Assessor's Office. Subsequently, Tax Declaration No. 455 was cancelled and Tax Declaration No. 494[19] was issued in 1982 in the names of petitioners.

Petitioners further alleged that when Cadastral Lot No. 661 was traversed by the Judge Jose de Venecia, Sr. Highway, the said lot was subdivided into Cadastral Lot No. 661-A, Cadastral Lot 661-B, and Cadastral Lot No. 978. Tax Declaration No. 13162,[20] covering Cadastral Lot No. 661-A, was issued in the name of the Republic of the Philippines on December 12, 1995. Tax Declaration No. 13163, covering Lot No. 661-B,[21] was allegedly

issued in the name of petitioners. Tax Declaration No. 13161,[22] covering Lot No. 978, was issued in the name of petitioners.

Petitioners averred that sometime in 1996, they learned that Lot No. 978, Cad. 439-D was covered by Original Certificate of Title (OCT) No. P-35620 by virtue of the issuance of a Free Patent in the name of Emilio Torres. Hence, petitioners executed an Affidavit of Adverse Claim, which adverse claim was annotated on the original title of Emilio Torres.

Petitioners claimed that they had the subject lot fenced, and the lot was leased on January 4, 2000 to Architect Andres L. Gutierrez, Jr., who constructed the necessary building and improvements thereon for the operation of a car wash. They asserted that it was not true that respondents fenced the lot with concrete posts and perimeter barbed wire, because it was already fenced by petitioners.

Petitioners alleged that respondents' reliance on TCT No. 216709, which was fraudulently issued in the name of Emilio Torres, who is respondents' predecessor-in-interest, cannot be maintained as the subject property is private land belonging to petitioners; hence, it cannot be the subject of a free patent.

Respondents' prayer for the issuance of a Writ of Preliminary Injunction was denied by the trial court for lack of merit.

On March 31, 2003, the trial court rendered a Decision[23] in favor of respondents, the dispositive portion of which reads:

WHEREFORE, premises duly considered, judgment is hereby rendered, ordering the defendants and any and all persons acting for and [in] their behalf to vacate and surrender possession of Lot 978, Cad. 439-D, Calasiao Cadastre, to and in favor of the plaintiffs. The defendants are ordered further to pay to the plaintiffs, the following:

- The amount of P12,000.00 per month as the reasonable rental for the use and occupation of the premises commencing from September 13, 2001 (first judicial demand) until the actual physical possession of the premises shall have been surrendered by the defendants to the plaintiffs;
- P100,000.00 as moral damages;
- P50,000.00 as exemplary damages;
- P30,000.00 as attorney's fees; and other expenses of litigation, and
- The costs of suit.[24]

The trial court found that the evidence adduced by respondents showed that they and their predecessors-in-interest were the ones in actual, continuous physical possession of the subject lot for thirty (30) years being the registered owners thereof.

Moreover, the trial court pointed out that the adverse claim of petitioners, which was annotated on the original title of Emilio Torres, respondents' predecessor-in-interest, was cancelled by reason of the Affidavit dated March 20, 1996, wherein petitioner Adolfo Fernandez recognized Emilio Torres as the legal and true owner in actual possession and cultivation of the subject property.

Further, the trial court held that petitioners' allegation that Lot 978 is part of Lot 661, which they owned, is belied by the approved cadastral survey of Calasiao, Pangasinan, showing that Lot 978 and Lot 661 are two distinct lots. According to the trial court, the claim of petitioners that they are in prior possession of Lot 978 is based on the false assumption that Lot 978 is part of Lot 661. While petitioners are the owners and in possession of Lot 661,

respondents are the owners and in possession of Lot 978. In his Affidavit dated March 20, 1996, petitioner Adolfo Fernandez recognized the possession and ownership of the subject lot by Emilio Torres, respondents' predecessor-in-interest. Hence, petitioners now cannot claim otherwise; they are bound by their own admission.

The trial court also held that respondents cannot just be unlawfully deprived of peaceful possession of their property by petitioners under Article 536 of the Civil Code of the Philippines.

Petitioners appealed the trial court's decision to the RTC of Dagupan City, Branch 44.

In a Decision[25] dated January 12, 2004, the RTC reversed the decision of the trial court. The dispositive portion of the decision reads:

WHEREFORE, the appeal is given due course and the Decision appealed from is REVERSED. In this connection, the ejectment case is DISMISSED.

The plaintiffs-appellees are ordered to pay P100,000.00 to the defendants-appellants by way of moral damages, and P25,000.00 by way of exemplary damages. The plaintiffs-appellees are also ordered to pay the amount of P40,000.00 for the services of counsel and P1,000.00 per appearance.[26]

The RTC stated that although a Deed of Absolute Sale was executed by the spouses Emilio and Pilar Torres in favor of respondents, the title of respondents is void on two grounds: (1) the property is a private unirrigated riceland owned by petitioners; hence, it cannot be the subject of a free patent; and (2) even assuming for the sake of argument that the property could be the subject of a free patent, the same was disposed within the prohibitory period.

Respondents appealed the RTC's Decision to the Court of Appeals via a petition for review.

On November 30, 2004, the Court of Appeals rendered a Decision, the dispositive portion of which reads:

WHEREFORE, the present petition is GRANTED and the Decision dated January 12, 2004 rendered by the Regional Trial Court in Dagupan City is REVERSED and SET ASIDE. The Decision dated March 31, 2003 of the Municipal Trial Court is reinstated, with the MODIFICATION that the award of moral and exemplary damages is hereby deleted for lack of legal basis.[27]

The Court of Appeals held that the Affidavit of petitioner Adolfo Fernandez, dated March 20, 1996, wherein he admitted that respondents' predecessor-in-interest, Emilio L. Torres, was in actual possession and cultivation of the subject property and was the owner thereof, belied petitioners' claim that they were the owners and possessors of the subject property.

Petitioners' motion for reconsideration was denied in a Resolution dated March 10, 2005.

Hence, petitioners filed this petition, raising the following issues:

I.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN IT RULED THAT IT IS UNNECESSARY TO INQUIRE ON THE VALIDITY OF TITLE OF RESPONDENTS DESPITE THE FACT THAT THE CLAIM OF POSSESSION BY THE RESPONDENTS IS ANCHORED ON THEIR ALLEGED OWNERSHIP OF THE SUBJECT PARCEL OF LAND.

II.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN [IT DECIDED] CA-G.R. SP NO. 85994 ON THE ISSUE [OF] DE FACTO POSSESSION DESPITE RULING THAT THE ISSUES IN SAID CASE SHOULD HAVE ULTIMATELY BEEN RESOLVED BY THE AFFIDAVIT OF

PETITIONER ADOLFO FERNANDEZ WHICH INVOLVES A QUESTION OF OWNERSHIP.

III.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN IT FAILED TO RULE THAT PETITIONERS HAVE BEEN IN JURIDICAL AND MATERIAL POSSESSION AS PROVEN BY OVERWHELMING EVIDENCE.

IV.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN IT DID NOT RULE ON THE PROCEDURAL MISSTEPS COMMITTED BY RESPONDENTS WHICH SHOULD HAVE MERITED THE DISMISSAL OF CA-G.R. SP NO. 85994.

V.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN IT HASTILY DECIDED CA-G.R. SP NO. 85994 WITHOUT INFORMING PETITIONERS THAT SAID CASE HAD ALREADY BEEN SUBMITTED FOR DECISION.

VI.

THE COURT OF APPEALS GRIEVOUSLY ERRED ON A QUESTION OF LAW WHEN IT DECIDED CA-G.R. SP NO. 85994 BASED ON A DOCUMENT WHICH SHOULD NOT HAVE BEEN ADMITTED AS EVIDENCE IN THE FIRST PLACE.[28]

The main issue in this case is who between the parties is entitled to the possession of Lot 978, Cad. 439-D located in Nalsian, Calasiao, Pangasinan.

The Court upholds the Decision of the Court of Appeals, reinstating the decision of the trial court that respondents are entitled to the possession of Lot 978, Cad. 439-D.

In unlawful detainer and forcible entry cases, the only issue to be determined is who between the contending parties has the better right to possess the contested property, independent of any claim of ownership.[29] However, where the issue of ownership is so intertwined with the issue of possession, the courts may pass upon the issue of ownership if only to determine who has the better right to possess the property.[30]

The evidence on record shows that respondents and their predecessors-in-interest have been in continuous and actual physical possession of the subject property, and are the registered owners thereof.

Respondents' predecessor-in-interest, Emilio Torres, applied for a free patent over the subject property under Section 44 of Commonwealth Act 141, which provides:

Sec. 44. Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares, and who since July fourth nineteen hundred and twenty-six or prior thereto, has continuously occupied and cultivated, either by himself or through his predecessor- in-interest, a tract or tract of agricultural public lands subject to disposition, or who shall have paid the real tax thereon while the same has not been occupied by any other person shall be entitled, under the provisions of this chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twenty-four hectares.[31]

The application was granted as evidenced by OCT No. P-35620[32] covering the subject property identified as Lot No. 978, Cad. 439-D of the Calasiao Cadastre, registered in the name of Emilio Torres on June 13, 1996.

The Court may presume, absent any evidence to the contrary, that the free patent over the subject property was issued to Emilio Torres only after a determination that he had duly complied with all the requirements,

specifically the requirement of continuous occupation and cultivation of the property.

Moreover, petitioners' adverse claim that was annotated on the original title of Emilio Torres was cancelled, since petitioner Adolfo Fernandez had earlier executed an Affidavit[33] recognizing Emilio Torres as the true owner of the subject property. The pertinent portion of the Affidavit of petitioner Adolfo Fernandez states:

x x x x

That during the execution of the Cadastral Survey of Calasiao, Pangasinan, the surveyor who executed the survey made a mistake or an error in putting my name as survey claimant over Lot No. 978, Cad. 439-D, while in truth and in fact the actual owner of said lot is Emilio L. Torres who is in actual possession and cultivation of said land.[34]

Petitioner Adolfo Fernandez is bound by this admission in his Affidavit, which he declared was freely and voluntarily executed by him. The admission proves that petitioners have not been in actual physical and material possession of the subject property, but respondents' predecessor-in-interest, Emilio Torres, had been in actual possession and cultivation of the property.

Upon the sale of the subject property by the spouses Emilio and Pilar Torres to respondents, respondents took possession of the property, and a new transfer certificate of title was issued in the name of respondents. Hence, respondents had actual, physical possession of the subject property.

Moreover, the Court agrees with the finding of the trial court that petitioners' claim of being in prior possession of Lot 978 is based on the false assumption that Lot 978 is part of Lot No. 661. Petitioners claimed in their Answer[35] that they have long been in actual possession of Lot 978 when the said lot, including Lot No. 661-A and Lot No. 661-B originally formed part of an unirrigated riceland recorded as Cadastral Lot No. 661 under Tax Declaration No. 16357 issued in the names of petitioners.

The Court notes that based on the original cadastral survey[36] of Calasiao, Pangasinan, Lot 978 is distinct from Lot No. 661, although they are adjacent lots.

The tax declarations[37] issued in the name of petitioners showed that petitioners declared ownership and paid for real property taxes of Lot No. 661 alone. Lot No. 661 was described in Tax Declarations Nos. 455, 494 and 457[38] as a parcel of unirrigated riceland with an area of 3,904 square meters. However, in the survey[39] made for petitioner Adolfo Fernandez by Geodetic Engineer Leonardo V. De Vera on November 13, 1995, Lot No. 661 had a land area of only 2,679 square meters, which should prevail over the land area stated in petitioners' tax declarations (3,904 square meters).

After a part of Lot No. 661 was purchased on December 11, 1995 by the Republic of the Philippines, petitioners claimed that Lot No. 661 was subdivided into Lot No. 661-A, Lot No. 661-B and Lot 978.

In 1996, petitioners declared ownership of Lot 978 in Tax Declaration No. 13161,[40] which cancelled Tax Declaration No. 457[41] pertaining to declaration of ownership and payment of the real property tax of Lot No. 661 alone. It must be emphasized that petitioners' previous tax declarations pertained only to Lot No. 661, and did not include Lot 978, which is a distinct lot from Lot No. 661 in the original cadastral survey[42] of Calasiao, Pangasinan.

In view of the foregoing, the Court finds that petitioners' allegation that that they have long been in actual possession of the subject property converting it into their private property has not been substantiated.

Further, petitioners contend that even if the free patent title issued to Emilio Torres is valid, the sale of the property by Emilio Torres to respondents within the five-year prohibitive period renders respondents' title null and

void; hence, the possession being claimed by respondents must necessarily fail.

The Court is not persuaded.

Ejectment proceedings are summary proceedings only intended to provide an expeditious means of protecting actual possession or right to possession of property.[43] The sole issue to be resolved is who is entitled to the physical or material possession of the premises or possession de facto.[44] The Court sustains the Decision of the Court of Appeals that respondents are entitled to the possession of the subject property as they are found to be the ones in actual possession of the property after it was sold to them by the registered owners, Emilio and Pilar Torres. The issue of the validity of the title of respondents can only be assailed in an action expressly instituted for that purpose.[45] Section 48 of Presidential Decree No. 1529[46] specifically states that a certificate of title shall not be subject to collateral attack, and that it cannot be altered, modified or cancelled, except in a direct proceeding in accordance with law.

In *Mediran v. Villanueva*,[47] the Court held:

x x x In giving recognition to the action of forcible entry and detainer the purpose of the law is to protect the person who in fact has actual possession; and in case of controverted right, it requires the parties to preserve the status quo until one or the other of them sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership. It is obviously just that the person who has first acquired possession should remain in possession pending this decision; and the parties cannot be permitted meanwhile to engage in a petty warfare over the possession of the property which is the subject of dispute. To permit this would be highly dangerous to individual security and disturbing to social order. Therefore, where a person supposes himself to be the owner of a piece of property and desires to vindicate his ownership against the party actually in possession, it is incumbent upon him to institute an action to this end in a court of competent jurisdiction; and he [cannot] be permitted, by invading the property and excluding the actual possessor, to place upon the latter the burden of instituting an action to try the property right.

In addition, petitioners contend that respondents' petition for review should have been dismissed by the Court of Appeals for failing to state in their certification of forum shopping that an action to quiet title was filed by petitioners against respondents which was pending before the RTC of Dagupan City, Branch 44.

The contention is unmeritorious.

The Court of Appeals correctly held in its Resolution dated March 10, 2005, denying petitioners' motion for reconsideration, that respondents' non-disclosure of the action to quiet title cannot be taken against them, because ejectment cases proceed independently of any claim of ownership.[48]

Petitioners also contend that the Court of Appeals erred in hastily deciding the appeal after the Comment and Reply were filed, without informing petitioners that the case had already been submitted for decision, insinuating that they were denied due process.

The contention is without merit.

The Court of Appeals already resolved the same issue in its Resolution dated March 10, 2005, wherein it stated that petitioners cannot feign denial of due process as they were afforded the opportunity to present their side through their Comment, which was taken into account by the appellate court.

The Court of Appeals is not obliged to inform the parties that the petition will be given due course based on the Comment and Reply of the parties. It has the discretion to resolve the case after the Comment and Reply have been filed, or it may still require the parties to submit a Memorandum before resolution of the case. Sections 6 and 9 of Rule 42 of the Rules of Court state:

SEC. 6. Due Course. -- If upon the filing of the comment or such other pleadings as the court may allow or require, or after the expiration of the period for the filing thereof without such comment or pleading having been submitted, the Court of Appeals finds prima facie that the lower court has committed an error of fact or law that will warrant a reversal or modification of the appealed decision, it may accordingly give due course to the petition.

SEC. 9. Submission for decision. -- If the petition is given due course, the Court of Appeals may set the case for oral argument or require the parties to submit memoranda within a period of fifteen (15) days from notice. The case shall be deemed submitted for decision upon the filing of the last pleading or memorandum required by these Rules or by the court itself.[49]

In this case, the case was deemed submitted for decision upon the filing of the last pleading, which is the Reply, required by the Court of Appeals.

As regards the other technical defects raised in issue, We agree with the Court of Appeals that rules of procedure are merely tools designed to facilitate the attainment of justice. Their strict and rigid application especially on technical matters, which tend to frustrate rather than promote substantial justice, must be avoided.[50]

The other technical issues raised by petitioners to have been committed by the trial court was overlooked by it in the interest of justice. The trial court correctly held that rules of procedure are construed liberally in order not to defeat or supplant substantive rights of the parties, considering that respondents have a cause of action against petitioners who forcibly deprived respondents' possession of the subject property in contravention of Article 536 of the Civil Code, thus:

Art. 536. In no case may possession be acquired through force or intimidation as long as there is a possessor who objects thereto. He who believes that he has an action or a right to deprive another of the holding of a right, must invoke the aid of the competent court, if the holder should refuse to deliver the thing.

As a final word, the court's adjudication of ownership in an ejectment case is merely provisional, and affirmance of the trial court's decision would not prejudice an action between the same parties involving title to the property.[51] Section 18, Rule 70 of the Rules of Court specifically provides:

Sec. 18. x x x The judgment rendered in an action for forcible entry or detainer shall be conclusive with respect to the possession only and shall in no wise bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the same parties respecting title to the land or building.[52]

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated November 30, 2004 in CA-G.R. SP No. 85994, and its Resolution dated March 10, 2005, are hereby AFFIRMED.

Costs against petitioners.

SO ORDERED.

Carpio, (Chairperson), Nachura, Abad, and Mendoza, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Magdangal M. de Leon, with Associate Justices Romeo A. Brawner and Mariano C. del Castillo (now a member of this Court) concurring; rollo, pp. 39-48.

[3] Id. at 50.

- [4] Exhibit "11," records, Vol. 1, p. 129.
- [5] Exhibit "11-A," id. at 130.
- [6] Exhibit "M," id. at 196.
- [7] Exhibit "L," id. at 195.
- [8] Id. (Emphasis supplied.)
- [9] Exhibit "N," records, Vol. 1, p. 197.
- [10] Exhibit "O," id. at 198.
- [11] Exhibits "T," and "U," id. at 203-204.
- [12] Exhibit "F," id. at 187.
- [13] Exhibit "A," id. at 179.
- [14] Exhibit "V," id. at 205.
- [15] Exhibit "B," id. at 180.
- [16] Supra note 11.
- [17] Exhibit "2," records, Vol. 1, p. 119.
- [18] Exhibit "3," id. at 120.
- [19] Exhibit "4," id. at 121.
- [20] Exhibit "8," id. at 125.
- [21] No evidence on record.
- [22] Exhibit "7," records, Vol. 1, p. 124.
- [23] Rollo, pp. 85-92.
- [24] Id. at 91-92.
- [25] Id. at 93-107.
- [26] Id. at 107.
- [27] Id. at 48.
- [28] Id. at 18-19.
- [29] Panganiban v. Roldan, G.R. No. 163053, November 25, 2009, 605 SCRA 382, 389.
- [30] Id.
- [31] Emphasis supplied.
- [32] Exhibit "K," records, Vol. 1, p. 193.
- [33] Supra note 7.
- [34] Emphasis supplied.

[35] Records, Vol. 1, p. 19 (No. 3).

[36] Exhibit "Y," id. at 209.

[37] Tax Declarations Nos. 22537, 16357, 455, 494, 457, id. at 118-122.

[38] Records, Vol. 1, pp. 120-122.

[39] Exhibit "Z," id. at 211.

[40] Exhibit "7," supra note 24.

[41] Records, Vol. 1, p. 122.

[42] Supra note 35.

[43] Lee v. Dela Paz, G.R. No. 183606, October 27, 2009, 604 SCRA 522, 534.

[44] Id.

[45] Soriente v. Estate of the Late Arsenio E. Concepcion, G.R. No. 160239, November 25, 2009, 605 SCRA 315, 330.

[46] Known as the Property Registration Decree.

[47] 37 Phil. 752, 757 (1918).

[48] Spouses Diu v. Ibajan, 379 Phil. 482 (2000).

[49] Emphasis and underscoring supplied.

[50] Quirao v. Quirao, 460 Phil. 605, 612 (2003).

[51] Soriente v. Estate of the Late Arsenio E. Concepcion, supra note 45.

[52] Emphasis and underscoring supplied.

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