

BENJAMIN P. QUITORIANO for himself and in behalf of the other successors-in-interest of the intestate estate of the late NICOLAS QUITORIANO, NAMELY: GLORIA P. QUITORIANO, FELICI...

G.R. No. 171184. March 04, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Petitioners assail in the instant Petition for Review on Certiorari the 30 September 2005 Decision[1] of the Court of Appeals in CA-G.R. SP No. 74196, as well as its Resolution[2] dated 13 January 2006, denying their Motion for Reconsideration of the said Decision. In its Decision, the Court of Appeals affirmed in toto the 12 March 2002 Decision[3] of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 7479 (Reg. Case No. 01-1138 to 1141-WP-97), which similarly affirmed the Decision[4] of the Provincial Adjudicator of Lingayen, Pangasinan, dated 17 March 1998 in DARAB Case No. 01-1139 to 1142-WP-'97.

The instant controversy concerns a parcel of land, denominated as Lot 7733-B (subject lot), containing an area of 2,801 square meters, located in Lucap, Alaminos, Pangasinan, and covered by Emancipation Patent No. 151580, under the name of private respondent Eduardo Aglibot. The subject lot is likewise covered by Original Certificate of Title (OCT) No. 1183,[5] also in the name of private respondent Aglibot.

The material facts were aptly summarized by the Court of Appeals as follows:

On 21 July 1989, the Heirs of Fermin Rabina, through Atty. Emiliano Rabina [Atty. Rabina], conveyed in favor of their tenant-farmer, [private] respondent Eduardo Aglibot, two parcels of land located at Lucap, Alaminos, Pangasinan specifically designated as Lots 7733-A and 7733-B containing an area of 5,756 square meters and 2,801 square meters, respectively. To evidence the sale of the rice lands, the parties executed two Deeds of Absolute Transfer under PD 27 for which Aglibot paid a total amount of P6,000. On account of the conveyance, Emancipation Patent [EP] Nos. 159570 and 151580 [were granted], and pursuant to which, Original Certificates of Title [OCT] Nos. 1358 and 1183 were respectively issued in 1991 to cover Lots 7733-A and 7733-B.

Subsequently, Severino Beniola, the tenant-farmer of the [petitioners] Quitorianos started tilling Lot 7733-B thereby impelling Aglibot to seek the re-acquisition of its possession. This prompted the latter to seek the intervention of the Municipal Agrarian Reform Office of Alaminos, Pangasinan [MARO], to meet with Atty. Rabina and Severino Beniola, the latter being the tenant-farmer of the Quitoriano family [QUITORIANOS], and thereafter, their locality's Barangay Captain. However, in both meetings, the Quitorianos refused to surrender possession of the subject property and remained steadfast on their avowed claim of ownership.

After the failed dialogues, Aglibot allegedly took by force the possession of the subject land from Beniola and, as a result of which, the Quitorianos instituted a complaint for forcible entry against the [private] respondent before the proper court. Thereafter, a Petition for Cancellation of EP No. 151580 and OCT No. 1183 including payment of damages was also instituted by the petitioners, who were joined by Atty. Rabina before the Provincial Adjudicator of the Department of Agrarian Reform Adjudication Board [DARAB].[6]

In their Petition for Cancellation of Emancipation Patent No. 151580, OCT No. 1183, and Damages,[7] filed before the Office of the Provincial Adjudicator, petitioners dispute the validity of private respondent Aglibot's titles, contending that the latter is not a bona fide tenant of the subject lot; hence, not entitled to the grant under Presidential Decree No. 27. They ground their case on the claim that the subject lot forms part of a bigger parcel of land comprising of 110,886 square meters, which was owned by their deceased father and predecessor-in-interest Nicolas Quitariano. As proof of their ownership, they proffered Tax Declarations No. 5633, No. 15685, No. 10594, No. 517, No. 520, and No. 8873, and Official Receipt No. 0811672, issued in the name of Nicolas Quitariano, for the real property tax on the alleged 110,886 square-meter property for the years 1951, 1958, 1974, 1980, 1985, 1990, and 1997. Petitioners professed that they had been in peaceful, quiet, and uninterrupted possession of the subject lot since the Second World War, and had similarly enjoyed the fruits thereof. In 1958, they subsequently allowed Severino Beniola (Beniola) to cultivate the subject lot. However, on 20 July 1996, private respondent Aglibot, through force and intimidation, entered the subject lot and wrested its possession from Beniola.

On 17 March 1998, Provincial Adjudicator Rodolfo A. Caddarao rendered a Decision in private respondent Aglibot's favor, the dispositive portion of which reads:

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

- Finding the Deed of Absolute Transfer [u]nder P.D. No. 27 in favor of Eduardo B. Aglibot as valid and in accordance with law;
- Dismissing the petition in the instant case for lack of merit; and
- Directing the petitioners to respect the peaceful possession and ownership of the landholding by private respondent.[8]

In his findings, the Provincial Adjudicator ruled that petitioners did not successfully prove their claim of ownership over the subject lot. Instead, the Provincial Adjudicator found basis to sustain the survey record obtained from the Department of Environment and Natural Resources (DENR) which showed that the actual area of Nicolas Quitariano's lot was only 103,849 square meters. Since the subject lot contained an area of 2,801 square meters, the Provincial Adjudicator concluded that it cannot be presumed part of the 110,886 square-meter property being claimed by petitioners. The Provincial Adjudicator resolved that the subject lot is owned by the Rabina family, and the Deed of Absolute Sale executed by Atty. Emiliano Rabina in favor of private respondent Aglibot, on which basis Emancipation Patent No. 151580 and OCT No. 1183 were issued, is valid.

Also, the Provincial Adjudicator rejected petitioners' contention that the Municipal Agrarian Reform Office (MARO) did not conduct a thorough investigation to ascertain the ownership of the subject lot. On the matter, the Provincial Adjudicator held:

The claim that the MARO of Alaminos, Pangasinan did not make a thorough investigation to determine the correct ownership of the land cannot be accepted by the Board. No evidence was shown to show any irregularity thereof or omission of the MARO's function. MARO Juanita Rabaya's affidavit (EXH. "15") asserts that a public hearing was conducted before t[h]e issuance of the emancipation patents. In said hearings, it was found out that Lot No. 7733-B, Cad. 325-D, Alaminos Cadastre was a portion of Lot 7733 whose owner thereof is Fermina Rabina and the tenant is Eduardo Aglibot. Moreover, in the affidavit of one Modesto Terrado (EXH. "18") he claims that Severino Beniola did not protest the relocation survey in June 1991 and in fact impliedly agreed that Lot 7733-B was in fact a part of the property of the late Fermin Rabina. Hence, there is no question to the fact that the land sold by Emiliano Rabina is really owned by the Rabina Family and not owned by the Quitariano family.[9]

From the above Decision of the Provincial Adjudicator, petitioners filed an Appeal with the DARAB.

The DARAB, in a Decision, dated 12 March 2002, found petitioners' appeal to be unmeritorious. It was not impressed with petitioners' argument that the execution of the Deed of Absolute Transfer by Atty. Emiliano Rabina in private respondent Aglibot's favor under Presidential Decree No. 27 was based on private respondent Aglibot's misrepresentation to Atty. Emiliano Rabina that the subject lot belongs to the Rabina family. The DARAB ratiocinated that it was highly improbable for the well-educated and more experienced Atty. Emiliano Rabina to be misled by private respondent Aglibot, an ordinary agricultural tenant. Moreover, the DARAB accorded full faith and credit to the emancipation patent issued in the name of private respondent Aglibot in the absence of competent evidence that its execution was tainted with defects and irregularities, in accordance with the presumption of regularity in the performance of official duty embodied in Section 3(m) of Rule 131[10] of the Rules of Court.

Hence, the DARAB disposed in this wise:

WHEREFORE, premises considered, the appealed decision is hereby AFFIRMED in toto.[11]

From the above Decision, petitioners filed a Motion for Reconsideration, which was denied by the DARAB in its Resolution[12] dated 6 November 2002.

Dissatisfied, petitioners sought refuge in the Court of Appeals.

The Court of Appeals found no reason to overturn the findings of the DARAB and the MARO that petitioners were not able to substantiate their averments of ownership over the subject lot. It deemed petitioners' tax declarations to be flimsy in establishing their avowals that the subject lot forms part of their landholdings, and that the Rabina family had encroached on their property. Significantly, the Court of Appeals noted that such tax declarations did not reflect the specific boundaries of their land. Furthermore, absent any corroborating evidence, it was not persuaded that private respondent Aglibot employed fraud in causing Atty. Emiliano Rabina to execute the Deed of Absolute Transfer over Lot 7733-B in the former's favor. It found no reason to doubt the bona fide issuance of Emancipation Patent No. 151580 and the corresponding OCT No. 1183.

The appellate court thus dismissed petitioners' Petition in a Decision dated 30 September 2005, and affirmed in toto the 12 March 2002 Decision of the DARAB. Subsequently, the Court of Appeals, in a Resolution dated 13 January 2006 found that the arguments advanced in petitioners' Motion for Reconsideration were a mere rehash of the assertions they raised in their Petition, and had been amply passed upon in the assailed Decision.

Petitioners now come before this Court via a Petition for Review on Certiorari, assailing the Court of Appeals' Decision dated 30 September 2005 and Resolution dated 13 January 2006.

Petitioners reiterate the line of ratiocination[13] which they presented in the proceedings below, but which was equally rejected by the Provincial Adjudicator, the DARAB, and the Court of Appeals.

In the main, petitioners dispute the validity of the execution of the Deed of Absolute Transfer by Atty. Emiliano Rabina in favor of private respondent Aglibot in accordance with Presidential Decree No. 27 which was the basis for the issuance of Emancipation Patent No. 151580 and OCT No. 1183 in private respondent Aglibot's name. Their sole attack on the Deed of Absolute Transfer is the alleged stain of fraud in its execution. Private respondent Aglibot allegedly convinced Atty. Emiliano Rabina to cause the transfer by misrepresenting to the latter that the subject lot was owned by the Rabina family, when in truth and in fact, it was owned by petitioners.

At this juncture, we stress that petitioners raised not only questions of law but also questions of fact in their Petition for Review.[14] It cannot be gainsaid that fraud is a question of fact which must be alleged and proved at

the level of the lower court.[15] This, petitioners miserably failed to do. Fraud cannot be presumed and must be proven by clear and convincing evidence.[16] Petitioners' allegation of fraud was evidenced only by Atty. Emiliano Rabina's uncorroborated testimony. Without any reliable evidence apart from such self-serving and bare allegations, it was not accorded much weight by the Provincial Adjudicator, the DARAB, and the Court of Appeals. The eschewal of the Provincial Adjudicator on this point is succinct:

The claim [of] [therein] petitioner Emiliano Rabina that the subject landholding was not really owned by the Rabina family but by the Quitoriano family and that there was false representation by [private] respondent Aglibot that the land is owned by the Rabina family[;] hence, he sold the subject landholding to [private respondent] Aglibot could not be admitted by the Board. The Board could not accept the claim of false representation by Emiliano Rabina. It is hard to imagine that Emiliano Rabina who is a government prosecutor could be misled by his tenant, [private] respondent Aglibot. Moreover, it is difficult to believe that Fiscal Emiliano Rabina could not identify the boundaries of his properties.[17]

It is thus beyond this Court's jurisdiction to review the factual finding of the Provincial Adjudicator, DARAB and the Court of Appeals that no fraud or misrepresentation attended the execution of the Deed of Absolute Transfer. Whether the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by an adverse party, may be said to be strong, clear and convincing, whether certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side, whether inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight, all these are issues of fact which may not be passed upon in a petition for review on certiorari under Rule 45 of the Rules of Court.[18] The Court is not a trier of facts.[19] It is not the function of this Court to analyze or weigh evidence.[20] The jurisdiction of this Court over cases brought to it is limited to the review and rectification of errors allegedly committed by the lower courts.[21] The recognized exceptions are not here present.[22] Hence, the general rule holds true in the present Petition.

Petitioners also stand firm on their claim of ownership over the subject lot for the allowance of the instant Petition. Again, a question of fact arises. The resolution of the issue on whether the subject lot sits within the parameters of petitioners' property calls for a review of the evidence on record to determine if the conclusion reached by the Provincial Adjudicator, as affirmed by the DARAB and the Court of Appeals, has factual basis. By raising arguments requiring our examination of the cadastral surveys allegedly conducted for petitioners vis-à-vis those conducted for private respondent Aglibot, petitioners are asking this Court to make an examination of the probative value of the documentary evidence presented by the parties. This Court reiterates that, in general, it does not have jurisdiction to review questions of fact in a Petition for Review on Certiorari.

The Provincial Adjudicator was categorical in rejecting the sketch plan tendered by petitioners as proof of their ownership of the subject lot. The Provincial Adjudicator relied on the survey record which was obtained from the DENR showing the actual area of petitioners' landholding which placed the subject lot outside the boundaries of petitioners' property. According to the Provincial Adjudicator:

The Sketch Plan (ANNEX "B") submitted by petitioners to show that the subject landholding (ANNEX "B-1") is part of their landholding could not be considered by the Board. The same has not been made by an accredited surveying company. The Board believes that the evidence of [private] respondent [Aglibot] (EXH. "2") which shows the relative positions of Lots 7733, 7734, and 7704 when the Cadastral survey was undertaken by Certeza Surveying Co. in 1956-1[9]59 and EXH. "3" which is a Lot Data Computation of Lot 7704, Cad. 325-D as surveyed for Nicolas Quitoriano in April 1959 showing the actual area of the lot as 103,849 square meters (EXH. "3-A") is adequate and credible evidence. The survey record was obtained from the Department of Environment and Natural Resources[;] hence, being official records, the Board accepts the same in the absence of evidence

showing that the same is not true.[23]

The factual finding that the subject lot is outside petitioners' property was affirmed by the DARAB, which was, in turn, affirmed by the Court of Appeals. Where the findings of fact of the agrarian court are supported by substantial evidence, such findings are conclusive and binding on the appellate court. Jurisprudence teaches us that the appellate court cannot make its own findings of fact and substitute the same for the findings of fact of the DARAB where there is no abuse of discretion on the part of agrarian quasi-judicial agencies.[24] Otherwise stated, as a rule, if the factual findings of the Court of Appeals coincide with those of the DARAB—an administrative body which has acquired expertise on the matter – such findings are accorded respect and will not be disturbed on appeal.[25]

Finally, petitioners assail private respondent Aglibot's qualification as beneficiary of an emancipation patent under Presidential Decree No. 27. The DARAB and the Court of Appeals did not deviate from the findings of the Provincial Adjudicator that private respondent Aglibot was a bona fide agricultural tenant of the subject lot. Such fact was not contested even by Atty. Emiliano Rabina who executed the Deed of Absolute Transfer, thereby acknowledging private respondent Aglibot's legal right as a tenant-farmer. As was keenly noted by the Court of Appeals, the bona fide status of private respondent Aglibot was recognized by the Provincial Adjudicator, and affirmed by the DARAB, after due consideration of the investigation by the MARO which conducted a public hearing prior to the issuance of the emancipation patent. Surveys of the agricultural lot were similarly made. In the end, the MARO concluded that the subject lot was tenanted by private respondent Aglibot.

Verily, the Provincial Adjudicator and the DARAB found substantial evidence to rule that private respondent Aglibot is a bona fide agricultural tenant entitled to the benefits of Presidential Decree No. 27, and the emancipation patent issued pursuant thereto in his name is valid. As we had earlier stressed, absent a showing that the findings were made with grave abuse of discretion on the part of the agrarian quasi-judicial agencies, the Court of Appeals cannot make its own findings of fact and substitute the same for the findings of the DARAB.[26]

The above findings of the DARAB are entitled to great weight, nay, finality considering that the findings of the Provincial Adjudicator and the DARAB are undeniably factual issues.[27] These issues have been threshed out below, and the findings have been affirmed by the Court of Appeals. Hence, as a rule, findings of facts by quasi-judicial bodies which have acquired expertise because their jurisdiction is confined to specific matters, are accorded not only respect but even finality if they are supported by substantial evidence, even if not overwhelming or preponderant.[28]

WHEREFORE, the Petition is DENIED. The Decision of the Court of Appeals, dated 30 September 2005, and its Resolution dated 13 January 2006 in CA-G.R. SP No. 74198 are AFFIRMED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Josefina Guevara-Salonga with Associate Justices Delilah Vidallon-Magtolis and Fernanda Lampas Peralta, concurring. Rollo, pp. 59-70.

[2] Id. at 74-75.

[3] Records, pp. 203-210.

[4] Id. at 157-165.

[5] CA rollo, p. 57 and its dorsal page.

[6] CA rollo, pp. 387-388.

[7] Records, pp. 28-34.

[8] Id. at 159.

[9] Id. at 159-160.

[10] SEC. 3. Disputable presumptions. - The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x

(m) That official duty has been regularly performed.

[11] Records, p. 203.

[12] Id. at 228-231.

[13] Petitioners presented the following assignment of errors, to wit:

I

THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD AND THE PROVINCIAL ADJUDICATOR OF PANGASINAN ERRED IN NOT FINDING THAT THERE WAS FRAUD COMMITTED IN THE EXECUTION OF THE DEED OF ABSOLUTE TRANSFER OF SUBJECT LAND UNDER PD 27, AND SO NULL AND VOID.

II

THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD AND THE PROVINCIAL ADJUDICATOR OF PANGASINAN ERRED IN NOT FINDING THAT THE RESPONDENT AGLIBOT WAS NOT ENTITLED TO AN EMANCIPATION PATENT NOR A TITLE TO SUBJECT LAND UNDER THE OPERATION LAND TRANSFER UNDER PD 27.

III

THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD AND THE PROVINCIAL ADJUDICATOR OF PANGASINAN ERRED IN NOT FINDING AND DECLARING THAT THE ISSUANCE OF EMANCIPATION PATENT AND TITLE TO SUBJECT LAND IN FAVOR OF RESPONDENT WAS NULL AND VOID.

IV

THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD AND THE PROVINCIAL ADJUDICATOR OF PANGASINAN ERRED IN NOT RENDERING JUDGMENT IN FAVOR OF THE HEREIN PETITIONERS AND DIRECTING THE CANCELLATION OF THE ORIGINAL CERTIFICATE OF TITLE NO. 1183 ISSUED IN THE NAME OF RESPONDENT AGLIBOT. (Rollo, pp. 15-16.)

[14] In *Macawiwili Gold Mining and Development Co., Inc. v. Court of Appeals*, 358 Phil. 245, 258 (1998), this Court emphasized, thus:

[F]or a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. And the distinction is well-known: There is a question of law in a given case when the doubt or difference arises as to what the law is on a certain state of facts; there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts.

[15] *Philippine American Life Insurance Company v. Court of Appeals*, 398 Phil. 559, 567 (2000).

[16] *The Manila Electric Company v. South Pacific Plastic Manufacturing Corporation*, G.R. No. 144215, 27 June 2006, 493 SCRA 114, 123-124.

[17] *Records*, p. 160.

[18] *Zaragoza v. Nobleza*, G.R. No. 144560, 13 May 2004, 428 SCRA 410, 418.

[19] *Microsoft Corporation v. Maxicorp, Inc.*, G.R. No. 140946, 13 September 2004, 438 SCRA 224, 232.

[20] *Id.*

[21] *Imperial v. Jaucian*, G.R. No. 149004, 14 April 2004, 427 SCRA 517, 524.

[22] In *Cabatania v. Court of Appeals*, G.R. No. 124814, 21 October 2004, 441 SCRA 96, 101-102, the Court reiterated the following exceptions, to wit:

As a general rule, factual issues are not within the province of this Court. Factual findings of the trial court, when adopted and confirmed by the Court of Appeals, become final and conclusive and may not be reviewed on appeal except (1) when the inference made is manifestly mistaken, absurd or impossible; (2) when there is a grave abuse of discretion; (3) when the finding is grounded entirely on speculation, surmises or conjectures; (4) when the judgment of the Court of Appeals is based on misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals, in making its findings, goes beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings of the Court of Appeals are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the Court of Appeals manifestly overlooks certain relevant facts not disputed by the parties and which, if properly considered, justifies a different conclusion, and (10) when the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record.

[23] CA rollo, pp. 164-165.

[24] As established in *Joson v. Mendoza*, G.R. No. 144071, 25 August 2005, 468 SCRA 95, 103-104, citing *Reyes v. Reyes*, 437 Phil. 274, 284 (2002), "In appeals in agrarian cases, the only function required of the Court of Appeals is to determine whether the findings of fact of the Court of Agrarian Relations are supported by substantial evidence. And substantial evidence has been defined to be such relevant evidence as a reasonable mind might accept as adequate to support a conclusion and its absence is not shown by stressing that there is contrary evidence on record, direct or circumstantial, and where the findings of fact of the agrarian court are supported by substantial evidence, such findings are conclusive and binding on the appellate court."

[25] *Corpuz v. Sps. Grospe*, 388 Phil. 1100, 1109 (2000).

[26] *Reyes v. Reyes*, supra note 24.

[27] See *Ramos vda. de Brigino v. Ramos*, G.R. No. 130260, 6 February 2006, 481 SCRA 546, 555.

[28] *National Steel Corporation v. Court of Appeals*, 436 Phil. 656, 669-670 (2002).

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