

LEONCIO C. OLIVEROS, REPRESENTED BY HIS HEIRS, MOISES DE LA CRUZ, AND THE HEIRS OF LUCIO DELA CRUZ, REPRESENTED BY FELIX DELA CRUZ, PETITIONERS, VS. BERSAMIN, SAN MIGUEL CORPORA...

G.R. No. 173531. February 01, 2012

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Only holders of valid titles can invoke the principle of indefeasibility of Torrens titles.

Before the Court is a Petition for Review[1] of the April 21, 2006 Decision of the Court of Appeals (CA) in CA-G.R. CV No. 59704, as well as its July 7, 2006 Resolution, denying reconsideration of the assailed Decision. The dispositive portion of the April 21, 2006 Decision reads:

WHEREFORE, the appealed Decision dated August 12, 1997 is affirmed, subject to the modification that the award of attorney's fees is reduced to P100,000.00.

SO ORDERED.[2]

The CA affirmed the trial court's judgment, which dismissed petitioners' complaint for the nullification of the title of San Miguel Corporation's (SMC) predecessor-in-interest, Ramie Textile (Ramitex), Inc., over Lot 1131 of the Malinta Estate and granted Ramitex' prayer for the cancellation of petitioner Leoncio C. Oliveros' (Oliveros) title over the subject property.

Factual Antecedents

This case involves a parcel of land known as Lot 1131 (subject property) of the Malinta Estate located in Barrio Bagbaguin of Valenzuela, Metro Manila.

Ramitex bought the subject property from co-owners Tomas Soriano (Soriano) and Concepcion Lozada (Lozada) in 1957. On the basis of such sale, the Register of Deeds of Bulacan (Bulacan RD) cancelled the vendors' Transfer Certificate of Title (TCT) No. 29334[3] and issued TCT No. T-18460 on March 6, 1957 in favor of Ramitex.

Lot 1131 is just one of the 17 lots owned by Ramitex within the Malinta Estate. In 1986, Ramitex consolidated and subdivided its 17 lots within the Malinta Estate into six lots only under Consolidation Subdivision Plan Pcs-13-000535.[4] Lot 1131, which contains 8,950 square meters, was consolidated with portions of Lots 1127-A and 1128-B to become consolidated Lot No. 4 (consolidated Lot 4). The consolidated area of Lot 4 is 16,958 square meters. By virtue of this consolidation, the Register of Deeds of Caloocan City (Caloocan RD) cancelled Ramitex' individual title to Lot 1131 (TCT No. T-18460) and issued a new title, TCT No. T-137261, for the consolidated Lot 4.

Troubles began for Ramitex on February 22, 1989, when Oliveros filed a petition[5] in Branch 172 of the

Regional Trial Court of Valenzuela (Valenzuela RTC) for the reconstitution of TCT No. T-17186, his alleged title over Lot 1131 of the Malinta Estate (reconstitution case).[6] He claimed that the original copy was destroyed in the fire that gutted the office of the Bulacan RD on March 7, 1987.[7]

Ramitex filed its opposition to Oliveros' petition[8] asserting that TCT No. T-17186 never existed in the records of the Bulacan RD and cannot therefore be reconstituted.[9] The State, through the provincial prosecutor, also opposed on the basis that Oliveros' TCT No. T-17186, which is embodied on a judicial form with Serial Number (Serial No.) 124604, does not come from official sources. The State submitted a certification from the Land Registration Authority (LRA) that its Property Section issued the form with Serial No. 124604 to the Register of Deeds of Davao City (Davao RD), and not to the Bulacan RD, as claimed in Oliveros' alleged title.[10]

In light of Ramitex' opposition and ownership claims over Lot 1131, Oliveros filed a complaint for the declaration of nullity of Ramitex' title over Lot 1131 on November 16, 1990 (nullity case).[11] This complaint was docketed as Civil Case No. 3232-V-89 and raffled to Branch 172 of the Valenzuela RTC. Oliveros claimed that he bought the subject property sometime in November 1956 from the spouses Domingo De Leon and Modesta Molina, and pursuant to such sale, the Bulacan RD issued TCT No. T-17186 in his favor on November 14, 1956.

He was joined in the suit by his alleged overseers to Lot 1131, petitioners Moises and Felix Dela Cruz, who were judicially ejected by Ramitex from Lot 1127 two years before.[12]

Oliveros and his co-petitioners alleged that Ramitex did not own Lot 1131 and that its individual title to Lot 1131, TCT No. 18460, was fake and was used by Ramitex to consolidate Lot 1131 with its other properties in the Malinta Estate. They further claimed that the resulting consolidated Lot 4 is not actually a consolidation of several lots but only contains Lot 1131, which belongs to Oliveros. Thus, they asked for the nullification as well of Ramitex' title to consolidated Lot 4,[13] insofar as it unlawfully included Lot 1131.

Given the prejudicial nature of the nullity case on the reconstitution case, the latter was held in abeyance until the resolution of the former.

Ramitex answered that its title over Lot 1131 is valid and claimed continuous possession and ownership of the subject property. It prayed for the dismissal of petitioners' complaint against it for lack of merit.[14] Ramitex counterclaimed that it is Oliveros' title, TCT No. T-17186, that should be cancelled for being spurious and non-existent.

During trial, [15] Oliveros testified that the Bulacan RD lost the original of his alleged title when its office and records were destroyed by fire on March 7, 1987. He presented a certification from the Bulacan RD to the effect that all its records, titles and documents were burned.[16] He also presented a certification from the Caloocan RD to the effect that it did not receive the original certificate of title bearing TCT No. T-17186 from the Bulacan RD, after Presidential Decree No. 824[17] removed jurisdiction over the Municipality of Valenzuela from the Province of Bulacan to Caloocan.[18] The Valenzuela RD likewise certified that it has no record of the original of TCT No. T-17186.[19]

When questioned why the original of his title was not transmitted to the Caloocan RD and the Valenzuela RD when the jurisdiction over the properties of the Malinta Estate was transferred to these offices, Oliveros explained that it was only the titles with new transactions that were transferred. Since his title was dormant, meaning he did not make any transaction on it, it was never transmitted to the Caloocan or Valenzuela RD.

Notably, Oliveros failed to present his owner's duplicate of TCT No. T-17186 during the entire trial but only presented a machine copy thereof. He claimed that he had already sold Lot 1131 to a certain Nelson Go of DNG Realty and Development Corporation (DNG Realty) in June of 1991,[20] and that the vendee has possession of

the owner's duplicate. Oliveros explained that Go would not lend to him the owner's duplicate for presentation to the court because of a pending case for rescission of sale between them.[21] The complaint for rescission alleged that Oliveros deceived and defrauded Nelson Go and DNG Realty by misrepresenting ownership and actual possession of Lot 1131, which turned out to be owned and possessed by Ramitex.[22]

Instead of his owner's duplicate, Oliveros presented a lot data computation[23] from the Land Management Bureau (LMB) as proof that Lot 1131 exists in the public records as comprising 16,958 square meters, not 8,950 as claimed by SMC and Ramitex.[24] He also showed an undated and unapproved survey plan[25] to prove that Lot 1131 was surveyed to contain the said area.[26] As further proof of his ownership, Oliveros presented his tax declarations covering Lot 1131.

With respect to his allegation that Ramitex' title to Lot 1131 is void, Oliveros pointed out that the title does not contain the property's technical description; it was issued on March 6, 1957, the same date that 13 other titles over other lots within the Malinta Estate were issued in favor of Ramitex; and the signatures of the registrar, Soledad B. De Jesus, on the said titles were dubious.[27]

On the other hand, SMC (having substituted[28] Ramitex as party-defendant after buying Ramitex' interests over the subject property[29]) presented officials from various government offices to prove that Oliveros' purported title to Lot 1131 does not actually exist in the official records.

Fortunato T. Pascual (Pascual),[30] who heads the Property Section of the Land Registration Authority,[31] explained that his office supplies all the RDs throughout the country with the blank title forms, called Judicial Form No. 109-D. Starting in 1954, Judicial Forms No. 109-D became accountable forms bearing unique serial numbers.[32] Once a form is used by a registrar for issuing a land title, the registrar has to account for such forms by submitting a report of consumption (of the title forms) to the LRA.[33] The Property Section of the LRA maintains a record of all the title forms already used by the different registers of deeds.[34] Pascual then testified that, based on the LRA's Record of Consumption of Judicial Forms,[35] the LRA issued Judicial Form No. 109-D with Serial No. 124604 to the Davao RD on February 21, 1957, and not to the Bulacan RD sometime in 1956, as stated on Oliveros' purported title.[36] As further proof that the Bulacan RD has not been issued a Judicial Form No. 109-D with Serial No. 124604 in November 1956 (as stated in Oliveros' title), Pascual presented the record of consumption that was submitted by the Bulacan RD for the said month and year. The record states that the Bulacan RD consumed or issued 52 pieces of Judicial Form No. 109-D, with serial numbers starting from 113292 up to 113343 only.[37]

Atty. Aludia P. Gadia (Gadia), the Registrar of Davao RD, confirmed Pascual's testimony. She personally conducted the research and verifications from her office records that Judicial Form No. 109-D bearing Serial No. 124604 was used for issuing TCT No. T-7522 on August 8, 1957 in the name of a certain Consuelo Javellana, married to Angel Javellana. She presented the cancelled copy of TCT No. T-7522 to the court.[38] Gadia likewise attested to the fact that the serial numbers close to Serial No. 124604 (e.g. 124599, 124600, 124601, etc.) are all accounted for in Book No. 38 of the Davao RD.[39]

SMC then assailed Oliveros' Tax Declaration (TD) No. B-027-01995 over Lot 1131. It presented Cesar Marquez (Marquez), the municipal assessor of the Municipality of Valenzuela. Marquez testified that TD No. B-027-01995, which on its face states that it covers Lot 1131 with TCT No. T-17186,[40] is actually a revision of TD No. B-027-01170,[41] which covers Lot 1134 of the Malinta Estate with TCT No. T-193116.[42]

Bartolome Garcia, the acting chief of the Realty Tax Division of the Office

of the Municipal Treasurer of Valenzuela,[43] corroborated Marquez' testimony that it was only on September 12,

1983[44] that Oliveros started paying real estate taxes, but the said payments were for Lot 1134,[45] not Lot 1131. Per the records of his office, Oliveros began paying taxes for Lot 1131 only on March 12, 1990. On the other hand, Ramitex had been paying realty taxes for Lot 1131 since 1967.[46]

Engineer Ernesto Erive (Engineer Erive), chief of the Surveys Division of the Land Management Sector, testified that the lot data computation and unapproved survey plan presented by Oliveros are used by geodetic engineers for reference purposes only, not for registration purposes.[47]

Engineer Erive also pointed out that Oliveros' title, which describes Lot 1131 as containing 16,958 square meters, is clearly erroneous. According to their office records, Lot 1131 of the Malinta Estate contains 8,950 square meters only. He presented as proof the approved survey plan for Lot 1131, Plan SP-2906. Engineer Erive explained that it was only after the consolidation made by Ramitex that Lot 1131 became a part of consolidated Lot 4 with the consolidated area of 16,958 square meters.[48] Thus, Oliveros' title, unapproved survey plan and lot data computation all contain technical descriptions of the consolidated Lot 4 of Ramitex' Pcs-13-000-535, and not of Lot 1131 of the Malinta Estate.[49]

Engineer Erive dispelled doubts regarding the absence of a technical description on TCT No. (T-18460) T-64433, Ramitex' title over Lot 1131. He explained that such was the usual practice with respect to lots within the Malinta Estate; that titles there usually include only the lot number and the case number.[50]

SMC also debunked the alleged parent title, from which Oliveros' title was

derived, TCT No. T-16921. For this purpose, SMC presented Christian Bautista (Bautista), the land registration examiner from the Valenzuela RD, who testified that the only record it has of TCT No. T-16921 pertains to Lot 20-D of the Lolomboy Estate in the name of Beatriz Dela Cruz. It does not pertain to Lot 1131 of the Malinta Estate and is not in the name of Oliveros' alleged transferors, Domingo De Leon and Modesta Molina.[51]

In stark contrast, SMC established its claim to Lot 1131. Bautista presented the original copies of Ramitex' individual titles over the 16 parcels of land within the Malinta Estate, as well as the original titles of the consolidated lots,[52] which are all properly recorded in the Valenzuela RD.[53] Bautista also brought to court TCT No. (T-29334) T-63790, which is the title of Ramitex's alleged predecessors-in-interest to Lot 1131, Soriano and Lozada.[54]

For his rebuttal, Oliveros presented Ramon Vasquez (Vasquez), a record custodian of the LMB assigned to the Escolta Branch.[55] Vasquez testified that their office has a record of an unsigned and undated lot data computation for Lot 1131 of the Malinta Estate in the name of Domingo De Leon.[56] Upon cross examination, however, Vasquez admitted that the Escolta branch had no record of survey plans for the Malinta Estate[57] and that a lot data computation is not used as basis for the registration of land.[58]

Ruling of the Regional Trial Court[59]

The trial court found sufficient evidence to support the conclusion that Oliveros' TCT No. T-17186 does not exist. It gave due credence to the certification of the LRA that Bulacan RD never possessed, hence could never have issued, Judicial Form No. 109-D with Serial No. 124604.[60]

It observed that the certification from the Bulacan RD only proved that its records and documents were destroyed in the fire of March 1987. It did not, in the least, prove that TCT No. T-17186 existed prior to the fire.[61]

Further, Oliveros failed to explain why the parent title of TCT No. T-17186 refers to a lot in the Lolomboy Estate.[62] He did not present the deed of sale allegedly executed in his favor by his vendors Domingo de Leon and Modesta Molina; nor could he produce the correct title, from which his TCT No. T-17186 was derived.[63]

On the other hand, the trial court found overwhelming evidence supporting SMC's claim as to the validity of its title to the subject property. The title from which SMC's predecessor-in-interest Ramitex derived its own title, TCT No. (T-63790) 29334, was in the name of Ramitex' vendors Soriano and Lozada, and was still in existence in the Bulacan RD. Moreover, Entry No. 39069 can be found on the dorsal portion thereof, which corroborates Ramitex' claim that it bought Lot 1131 from the said vendors.[64]

The trial court ruled in favor of SMC, thus:

WHEREFORE, judgment is hereby rendered as follows:

- 1). Declaring TCT No. T-17186 of Oliveros as not genuine and dismissing the above-entitled case for lack of merit; and
- 2). Ordering the plaintiffs, jointly and severally, to pay defendant SMC the amount of P700,000.00 as attorney's fees, plus the costs of suit.

SO ORDERED.[65]

Ruling of the Court of Appeals[66]

Petitioners appealed to the CA. They asked for the reversal of the finding that Oliveros' title over Lot 1131 is spurious and non-existent.[67] Petitioners averred that TCT No. T-17186 was issued earlier than Ramitex' title, contains the technical description for Lot 1131 and is signed by Soledad B. De Jesus, the registrar of the Bulacan RD. Thus, TCT No. T-17186 enjoys the presumption of regularity accorded to every public instrument and thus, cannot be collaterally attacked.[68] Petitioners relied heavily on the alleged conclusiveness of Oliveros' title based on its earlier issuance.[69]

The appellate court affirmed the trial court's Decision.

After reviewing the factual findings of the trial court, the CA agreed that there is no evidence that Oliveros' title came from official sources. On the other hand, SMC adequately established the existence and validity of its title (TCT No. T-18460), as well as those of its predecessors' titles - those of Ramitex (TCT No. T-137261) and Soriano and Lozada (TCT No. 29334).[70] Given that these titles exist in official sources, they are indefeasible unless and until credible evidence is presented to obtain their annulment on grounds of fraud. In this instance, the CA found that Oliveros failed to present such evidence and thus, sustained the validity of SMC's title.

The CA however found the trial court's award of P700,000.00 as attorney's fees excessive, and thus reduced the same to P100,000.00.[71]

Petitioners filed a Motion for Reconsideration,[72] which was denied for lack of merit in the appellate court's July 7, 2006 Resolution.[73]

Hence, this petition.

Petitioners' Arguments[74]

Petitioners insist that the mere existence of Oliveros' earlier title negates the conclusiveness of Ramitex' title.[75] Oliveros' TCT No. T-17186, as the older title, should enjoy presumptive conclusiveness of ownership and indefeasibility of title. Corollarily, Ramitex's title being a later title should have the presumption of invalidity. Thus, SMC has the burden of overcoming this presumption.[76] Oliveros argues that SMC failed to prove the validity of its title, which should be cancelled accordingly.

Petitioners then assail the CA Decision for allowing a collateral attack on Oliveros' title. Since the complaint filed

below was for the declaration of nullity of Ramitex's title, not Oliveros' title, what occurred below when the trial and appellate courts nullified Oliveros' title was a collateral attack.[77]

Petitioners pray that Oliveros' title over Lot 1131 be declared valid; while that of SMC be declared null and void.

Respondents' Arguments[78]

Respondent SMC argues that the principle of indefeasibility of titles applies only to an existing valid title to the litigated property. In the instant case, SMC showed that Oliveros' title, while claiming priority, is actually spurious; thus, between SMC and Oliveros, it is only SMC which has a valid title and in whose favor the doctrine of indefeasibility of title applies.

SMC further stresses that Oliveros cannot assert a right by virtue of a title, the existence of which Oliveros cannot establish. By the best evidence rule, the contents of a title can only be proved by presenting the original document. Secondary evidence, such as the ones presented by Oliveros (photocopy of TCT No. T-17186, tax declaration, and unapproved land surveys), are inadmissible until the offeror has laid the predicate for the presentation of secondary evidence. In the instant case, Oliveros failed to lay the predicate for the presentation of secondary evidence. The certifications he presented from the various RDs attest only that their offices do not have a record of TCT No. T-17186. They did not certify that TCT No. T-17186 existed in their records but was destroyed or transferred to another office.

Moreover, Oliveros admits that his owner's duplicate of TCT No. T-17186 is in the possession of his vendee, DNG Realty. Since it is not lost or destroyed, Oliveros is not justified in not presenting it in court. Oliveros' explanation that DNG Realty will not lend him the title is unacceptable because there is legal recourse for such recalcitrance, which is to compel DNG Realty to present the duplicate copy in the instant case through a subpoena duces tecum.

Lastly, SMC argues against the validity of Oliveros' title by reiterating the evidence they presented during trial.

Issues

Petitioners present the following issues for this Court's resolution:[79]

- Whether the CA erred in applying the doctrines of indefeasibility and conclusiveness of title in favor of respondent SMC;
- Whether the decisions of the CA and the trial court allowed a collateral attack on Oliveros' certificate of title.

Our Ruling

Petitioners contend that the CA erred in holding that it was their burden to prove the invalidity of SMC's title and that they failed to discharge such burden. They maintain that the mere existence of a prior title in Oliveros' name suffices to create the presumption that SMC's title, being the later title, is void.[80] With that presumption, it was incumbent upon SMC to prove the validity of its alleged title.

Petitioners are oversimplifying the rule. The principle that the earlier title prevails over a subsequent one applies when there are two apparently valid titles over a single property. The existence of the earlier valid title renders the subsequent title void because a single property cannot be registered twice. As stated in *Metropolitan Waterworks and Sewerage Systems v. Court of Appeals*,^[81] which petitioners themselves cite, "a certificate is not conclusive evidence of title if it is shown that the same land had already been registered and an earlier certificate for the same is in existence." Clearly, a mere allegation of an earlier title will not suffice.

It is elementary that parties have the burden of proving their respective allegations.^[82] Since petitioners allege

that they have a title which was issued earlier than SMC's title, it was their burden to prove the alleged existence and priority of their title. The trial and appellate courts' shared conclusion that petitioners' TCT No. T-17186 does not exist in the official records is a finding of fact that is binding on this Court. Petitioners have not offered a reason or pointed to evidence that would justify overturning this finding. Neither did they assert that this factual finding is unsubstantiated by the records. Without a title, petitioners cannot assert priority or presumptive conclusiveness.[83]

In contrast to petitioners, SMC adequately proved its title to Lot 1131. SMC proved that its and its predecessors' titles to Lot 1131 all exist in the official records, and petitioners failed to present any convincing evidence to cast doubt on such titles. Thus, the CA correctly ruled that SMC's title enjoys presumptive conclusiveness and indefeasibility under the Torrens system.[84]

Petitioners' argument that the ruling of the trial and appellate courts allowed a collateral attack on his title is clearly unmeritorious and easily disposed of.

In the first place, the prohibition against collateral attack does not apply to spurious or non-existent titles, since such titles do not enjoy indefeasibility. "Well-settled is the rule that the indefeasibility of a title does not attach to titles secured by fraud and misrepresentation. In view of these circumstances, it was as if no title was ever issued in this case to the petitioner and therefore this is hardly the occasion to talk of collateral attack against a title." [85]

Moreover, the attack on Oliveros' title was not a collateral attack. "An action or proceeding is deemed an attack on a title when the object of the action is to nullify the title, and thus challenge the judgment pursuant to which the title was decreed. The attack is direct when the object of the action is to annul or set aside such judgment, or to enjoin its enforcement. On the other hand, it is indirect or collateral when, in an action or proceeding to obtain a different relief, an attack on the judgment is nevertheless made as an incident thereof." [86]

Here, SMC/Ramitex assailed the validity of Oliveros' title as part of its counterclaim in an action to declare SMC/Ramitex's title a nullity. A counterclaim is essentially a complaint filed by the defendant against the plaintiff and stands on the same footing as an independent action.[87] Thus, Ramitex's counterclaim can be considered a direct attack on Oliveros' title.

WHEREFORE, premises considered, the petition is DENIED. The April 21, 2006 Decision and the July 7, 2006 Resolution of the Court of Appeals in CA-G.R. CV No. 59704 are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, and Villarama, Jr., JJ., concur.

[*] Per June 15, 2011 Resolution accepting the heirs' Motion for Substitution of the Deceased Petitioner.

[**] Per the Death Certificate attached to the Petition, Moises Dela Cruz died on March 29, 1997 (rollo, p. 45) and is survived by his widow Lucia Dela Cruz and his children Guillermo and Natividad Dela Cruz. The surviving heirs did not move to substitute the deceased petitioner but attached a Special Power of Attorney in favor of their co-heir Guillermo Dela Cruz (Guillermo) to represent them in their appeal (id. at 43-44). Their representative Guillermo verified the Petition to this Court thereby voluntarily appearing and submitting himself, on behalf of his co-heirs, to the jurisdiction of the Court (Spouses De la Cruz v. Joaquin, 502 Phil. 803, 810 [2005]).

[1] Rollo, pp. 11-44.

[2] CA Decision, p. 12; CA rollo, p. 237.

- [3] Exhibits Folder, pp. 173-175. TCT No. 29334 states that it was entered on February 6, 1947 and cancels TCT No. 29126.
- [4] Duly approved by the Bureau of Lands on February 18, 1986 (Id. at 176).
- [5] Id. at 12-15.
- [6] Docketed as AD 723-V-89.
- [7] Complaint in Civil Case No. 3232-V-89 (Records, Vol. I, p. 2).
- [8] Id.
- [9] Exhibits Folder, p. 29.
- [10] Id. at 202-203.
- [11] Records, Vol. I, pp. 1-8.
- [12] Exhibits Folder, pp. 187-196.
- [13] Complaint in Civil Case No. 3232-V-89 (Records, Vol. I, pp. 2-4).
- [14] Answer, p. 16; id. at 179.
- [15] The case was originally resolved in favor of petitioners through a judgment by default. But this judgment was reversed and set aside by the Court of Appeals in CA-G.R. SP No. 20292. The CA ordered the trial court to admit Ramitex' answer and render judgment upon the evidence presented by the parties.
- [16] The certification reads: "This is to certify that the Office of the Register of Deeds, Malolos, Bulacan, together with all the titles, documents, office equipments and supplies have been totally burned during the fire conflagration on March 7, 1987 x x x." (Exhibits Folder, p. 9).
- [17] Entitled Creating the Metropolitan Manila and the Metropolitan Manila Commission and for other purposes (Enacted on November 7, 1975).
- [18] Exhibits Folder, p. 10.
- [19] Id. at 11.
- [20] Id. at 250-252.
- [21] Docketed as Civil Case No. 092-13181 (Id. at 253-264).
- [22] Complaint in Civil Case No. 092-13181, p. 5; id. at 257.
- [23] Id. at 4-7.
- [24] Records, Vol. II, p. 1,314.
- [25] Exhibits Folder, p. 8.
- [26] Records, Vol. II, p. 1,314.
- [27] Id. at 1,322.
- [28] RTC Order dated October 21, 1994; id. at 1,124.
- [29] Id. at 1,011-1,018.

- [30] TSN dated February 22, 1996, p. 3.
- [31] Cross examination of Fortunato Pascual, TSN dated March 7, 1996, pp. 7-8.
- [32] Direct examination of Fortunato Pascual, TSN dated March 7, 1996, pp. 3-5.
- [33] Cross examination of Fortunato Pascual, TSN dated March 7, 1996, pp. 6-7.
- [34] Direct examination of Fortunato Pascual, TSN dated February 22, 1996, pp. 6-7.
- [35] Cross examination of Fortunato Pascual, TSN dated March 7, 1996, pp. 8-9.
- [36] Id. at 12-13.
- [37] Re-direct examination of Fortunato Pascual, TSN dated March 7, 1996, pp. 18-19.
- [38] Direct examination of Aludia Gadia, TSN dated March 21, 1996, pp. 63-71.
- [39] Cross examination of Aludia Gadia, TSN dated March 21, 1996, p. 78.
- [40] Exhibits Folder, p. 302.
- [41] Id. at 301.
- [42] Id. at 298.
- [43] TSN dated March 21, 1996, p. 8.
- [44] Direct examination of Bartolome Garcia, TSN dated March 21, 1996, p. 16.
- [45] Id. at 17.
- [46] Id. at 13.
- [47] Direct examination of Ernesto Erive, TSN dated May 2, 1996, pp. 34-38.
- [48] Id. at 27-28.
- [49] Redirect examination of Ernesto Erive, TSN May 16, 1996, pp. 27-32.
- [50] Direct examination of Ernesto Erive, TSN dated May 2, 1996, pp. 30-32.
- [51] Direct examination of Christian Bautista, TSN dated March 28, 1996, pp. 30-31.
- [52] Id. at 24-32.
- [53] Id. at 15-22.
- [54] Id. at 22-23.
- [55] Cross examination of Ramon Vasquez, TSN dated August 27, 1996, pp. 23 & 27.
- [56] Direct examination of Ramon Vasquez, TSN dated August 27, 1996, pp. 14-16.
- [57] Cross examination of Ramon Vasquez, TSN dated August 27, 1996, pp. 28-29.
- [58] Id. at 26.
- [59] Rollo, pp. 151-162; penned by Judge Floro P. Alejo.
- [60] RTC Decision, p. 10, id. at 160.

[61] Id. at 11; id. at 161.

[62] Id.; id.

[63] Id. at 10; id. at 160.

[64] Id. at 11-12; id. at 161-162.

[65] Id. at 12; id. at 162.

[66] CA rollo, pp. 226-238; penned by Associate Justice Fernanda Lampas-Peralta and concurred in by Associate Justices Josefina Guevara-Salonga and Sesinando E. Villon.

[67] Appellants' Brief, p. 25; id. at 53.

[68] Id. at 27-29; id. at 55-57.

[69] Id. at 35- 37; id. at 63-65.

[70] CA Decision, pp. 11-12; id. at 236-237.

[71] Id. at 12; id. at 237.

[72] CA rollo, pp. 242-253.

[73] Id. at 287.

[74] Rollo, pp. 489-527.

[75] Petitioners' Memorandum, 24; id. at 512.

[76] Id. at 23-24; id. at 511-512.

[77] Id. at 31-33; id. at 519-521.

[78] Rollo, pp. 434-486.

[79] Petitioner's Memorandum, p. 20; id. at 508.

[80] Id. at 24; id. at 512.

[81] G.R. No. 103558, November 17, 1992, 215 SCRA 783, 788. Emphasis supplied.

[82] Rules on Court, Rule 131, Section 1; Spouses Carpo v. Ayala Land, Incorporated, G.R. No. 166577, February 3, 2010, 611 SCRA 436, 457.

[83] De Guzman v. Agbagala, G.R. No. 163566, February 19, 2008, 546 SCRA 278, 285.

[84] Ramos v. Court of Appeals, 198 Phil. 263, 269-270 (1982).

[85] Gregorio Araneta University Foundation v. Regional Trial Court of Kalookan City, Branch 120, G.R. No. 139672, March 4, 2009, 580 SCRA 532, 541.

[86] Id. at 540.

[87] Agasen v. Court of Appeals, 382 Phil. 391, 399 (2000).

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