

FLORA LEONCIO, FELICIA LEONCIO and CLARITA LEONCIO (In substitution of Elpidio Leoncio, now deceased), Petitioners, vs. OLYMPIA DE VERA and CELSO DE VERA, Respondents.

G.R. No. 176842. February 18, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

In a Petition[1] for Review on Certiorari filed before this Court on April 19, 2007, petitioners Flora Leoncio (Flora), Felicia Leoncio (Felicia) and Clarita Leoncio (Clarita) (petitioners) assail the Court of Appeals (CA) Decision[2] dated August 17, 2006 and Resolution[3] dated February 28, 2007.

The antecedent facts:

This case flows from a Complaint for Reconveyance of Ownership with Damages filed by the petitioners against the respondents Olympia de Vera (Olympia) and Celso de Vera (Celso) (respondents) before the Regional Trial Court of Malolos, Bulacan (RTC). Flora, Felicia, and Clarita are granddaughters and daughter-in-law, respectively, of the late Emilia Lopez (Emilia). Petitioners allege that Emilia is the sole owner of a parcel of land particularly denominated as Lot 4659, Cad. 344, Bustos Cadastre, with an area of 2,007 square meters and located at Poblacion, Bustos, Bulacan (subject lot). Petitioners contend that one Lorenzo Ramos originally owned the subject lot, who gave the same to Emilia per Relinquishment and Waiver of Rights executed by his heirs. Moreover, the tax declarations from 1933 to 1948 were issued only in the name of Emilia. As such, Emilia is the sole owner of the subject lot. Petitioners also claim that they are not aware of any disposition made by Emilia in favor of any person.

On the other hand, Olympia is the niece of Emilia, being the daughter of the latter's eldest brother, Florentino. Celso is Olympia's son. Respondents allege that Emilia is not the sole owner of the subject lot, as she co-owned it with her other siblings, Macaria Lopez (Macaria) and Pascual Lopez (Pascual). Olympia bought Macaria's 2/5 share of the subject lot sometime in 1970. Pascual's 1/5 share of the subject lot was bought by the Spouses Raymundo which, in turn, Olympia bought in 1986. Respondents aver that the tax declaration for the year 1948 in the name of Emilia was subsequently canceled by Tax Declaration No. 5482 issued in the names of Emilia (2/5 share), Macaria (2/5 share) and Pascual (1/5 share). After Pascual sold his 1/5 share to the Spouses Raymundo in 1955, numerous tax declarations were issued in favor of Emilia, Macaria and Spouses Raymundo. Respondents offered in evidence these tax declarations together with the deeds of sale executed by Macaria and Spouses Raymundo in favor of Olympia. After the sale, Olympia paid the real property taxes appurtenant to her 3/5 share of the subject lot and occupied the same.

On May 20, 1997, the RTC dismissed the case for lack of merit and ordered petitioners to pay respondents moral and nominal damages, attorney's fees and litigation expenses. The Court held that petitioners failed to introduce in evidence any deed of transfer involving the subject lot from Lorenzo Ramos to Emilia, and that the tax declarations which were issued solely in the name of Emilia were subsequently canceled. Moreover, it opined that

since petitioners took possession of the subject lot only after Emilia's death, there is a great likelihood that petitioners were not truly aware of the status of the subject lot and the extent of Emilia's ownership over the same. The RTC also held that the evidence presented by respondents clearly established the validity of their claims over the 3/5 portion of the subject lot and that they were possessors in good faith.[4]

Aggrieved, petitioners appealed to the CA, which affirmed the RTC ruling with modification by deleting the award of damages, attorney's fees and litigation expenses made by the RTC in favor of the respondents. In addition to the findings of the RTC, the CA also noted that the document denominated as Relinquishment and Waiver of Rights and allegedly executed by the heirs of Lorenzo Ramos attesting to petitioners' claim that Emilia solely owned the subject lot, was not offered in evidence. Petitioners filed a Motion for Reconsideration but the same was denied through CA Resolution dated February 28, 2007.

Hence, this petition which, in sum, raises the following grounds:

The CA committed serious errors of law:

- In holding that the subject lot is not solely owned by the late Emilia Lopez;
- By giving undue heavy reliance on the presumption that the late Emilia Lopez could have transferred part of her ownership of the subject lot to her sister Macaria Lopez and brother Pascual Lopez to the extent of 2/5 and 1/5 portions respectively;
- In holding that petitioners are already barred by laches in pursuing their ownership over the subject lot against respondents; and
- In failing to uphold petitioners' ownership of the subject lot and in failing to award them damages.

The Petition lacks merit.

It is a well-established doctrine that in petitions for review on certiorari under Rule 45 of the Rules of Civil Procedure, only questions of law may be raised by the parties and passed upon by this Court. Thus, this Court defined a question of law as distinguished from a question of fact, to wit:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For 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. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.[5]

A careful perusal of the grounds raised entails the review of the evidence presented, thus, requiring an inquiry into questions of fact. In sum, petitioners seek this Court's determination of the weight, credence, and probative value of the evidence presented which were adequately passed upon by the RTC and the CA. Without doubt, the matters raised are essentially factual in character and, therefore, outside the ambit of a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure. Petitioners ought to remember that this Court is not a trier of facts. It is not for this Court to weigh these pieces of evidence all over again[6]

While it is true that tax declarations or realty tax payments of property are not conclusive evidence of ownership, nevertheless, they are good indicia of possession in the concept of an owner, for no one in his right mind would be

paying taxes for a property that is not in his actual or constructive possession. They constitute at least proof that the holder has a claim of title over the property.[7] As such, this Court agrees with the CA ruling that petitioners failed to overcome the burden of proving their main contention that Emilia solely owned the subject lot.

Time and again, this Court held that findings of fact of the CA, affirming those of the trial court, are generally final and conclusive on this Court.[8] While this Court has recognized several exceptions[9] to this rule, none of these exceptions finds application in this case. Ergo, we find no cogent reason or reversible error to disturb the common findings of the RTC and the CA as these are amply supported by the law and evidence on record.

WHEREFORE, the instant Petition is DENIED for lack of merit. The assailed Court of Appeals Decision dated August 17, 2006 and Resolution dated February 28, 2007 are hereby AFFIRMED. Costs against the petitioners.

SO ORDERED.

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

[1] Rollo, pp. 9-40.

[2] Id. at 43-82.

[3] Id. at 84-85.

[4] RTC Decision; id. at 89-104.

[5] Elenita S. Binay, in her capacity as Mayor of the City of Makati, Mario Rodriguez and Priscilla Ferrolino v. Emerita Odeña, G.R. No. 163683, June 8, 2007, citing Velayo-Fong, v. Velayo, 510 SCRA 320, 329-330 (2006) (emphasis supplied).

[6] Basmayor v. Atencio, G.R. No. 160573, October 19, 2005, 473 SCRA 382, 389 citing Omandam v. Court of Appeals, G.R. No. 128750, January 18, 2001, 349 SCRA 483, 488.

[7] Buenaventura v. Republic, G.R. No. 166865, March 2, 2007, 517 SCRA 271, 289.

[8] Solidbank Corporation/Metropolitan Bank and Trust Company v. Spouses Peter and Susan Tan, G.R. No. 167346, April 2, 2007, citing Bordalba v. Court of Appeals, 425 Phil. 407 (2002).

[9] The exceptions are: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, will justify a different conclusion.

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