

PROGRESSIVE TRADE & SERVICE ENTERPRISES, PETITIONER, VS. MARIA MILAGROSA ANTONIO, RESPONDENT.

G.R. No. 179502. September 18, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Virgilio Cebrero (Cebrero), registered owner of a 2,281 square meter parcel of land situated in Sampaloc, Manila and covered by Transfer Certificate of Title (TCT) No. 158305[1] (the land) died on December 19, 1989.

On January 19, 1991, Cebrero's wife Secundina Magno Cebrero (Secundina) and children executed a Deed of Extrajudicial Settlement of the Estate of the Deceased Virgilio D. Cebrero With Waiver of Rights[2] allotting the land to Secundina.

On September 27, 1994, Secundina sold the land to Progressive Trade and Services (petitioner), through its president and chairman Manuel C. Chua (Chua), via Deed of Absolute Sale.[3] TCT No.158305 was thus cancelled and in its stead TCT No. 225340[4] was issued in the name of Secundina on December 11, 1995 and, on even date, TCT No. 225340 was cancelled and TCT No. 225341[5] was issued in the name of petitioner.

On September 22, 1997, herein respondent Maria Milagrosa Antonio (Milagrosa) filed a Complaint[6] before the Regional Trial Court (RTC) of Manila, docketed as Civil Case No. 97-85178, for Annulment of Title and Documents with Damages against petitioner and Secundina, claiming that on April 30, 1985, Cebrero, with Secundina's consent, sold to her the land for P9,124,000;[7] that she was not able to register the sale because she had to go to the United States to attend to personal family matters; and that the Deed of Extrajudicial Settlement of Estate and the Deed of Absolute Sale in favor of petitioner are null and void.

In its Answer,[8] petitioner claimed that it bought the land in good faith and for value from Secundina and that Milagrosa's claim appears to be "questionable, dubious, spurious, or inexistent;"[9] that any claim of Milagrosa would only be as between her and Secundina; and that Milagrosa's rights, if any, had been forfeited by laches, estoppel, and prescription.

In her Answer,[10] Secundina denied that she and her husband sold the land to Milagrosa, claiming that the sale to petitioner was lawful and for valuable consideration; and that, in any event, laches and prescription had set in to bar Milagrosa's claim.

Branch 35 of the Manila RTC found petitioner to be a purchaser in good faith. With respect to Secundina, it concluded that since she and her husband twice sold the land to two different vendees without their knowledge and consent, "[she] must compensate [the plaintiff Milagrosa] who was damaged by her fraud." [11] Thus the trial court disposed:

WHEREFORE, judgment is rendered:

(1)

Dismissing the complaint as far as defendant Progressive Trade & Services Enterprises, represented by its President and Chairman Manuel C. Chua, is concerned;

(2)

Confirming the validity of Transfer Certificate of Title No. 225341 issued by the Register of Deeds of Manila in the name of Progressive Trade & Services Enterprises, a single proprietorship represented by its President & Chairman Manuel C. Chua, for Lot 68-A-I-A of the subdivision plan (LRC) Psd-314533, located in Sampaloc, Manila;

(3)

Ordering the defendant Segundina, a.k.a. Secundina, Cebrero to pay the plaintiff:

(a)

The sum of P9,124,000.00, plus interest thereon at the legal rate computed from September 22, 1997;

(b)

The sum of P50,000.00 for attorney's fees; and

(c)

The costs.

SO ORDERED.[12]

Both Milagrosa and Secundina appealed.[13] By Decision[14] of October 10, 2006, the Court of Appeals affirmed the trial court's decision. However, on Milagrosa's Motion for Reconsideration,[15] the Court of Appeals, finding the title, TCT No. 225340, issued to Secundina spurious, rendered an Amended Decision[16] on March 26, 2007 in favor of Milagrosa, disposing as follows:

WHEREFORE, premises considered, the Plaintiff-Appellant's Motion for Reconsideration is hereby GRANTED. The assailed decision is REVERSED and SET ASIDE. Concomitantly, judgment is rendered:

- Cancelling TCT No. 225340 issued by the Register of Deeds of Manila in favor of the Defendant-Appellant, Segundina M. Cebrero, for being spurious;

- Cancelling TCT No. 225341 issued by the Register of Deeds of Manila in favor of the Defendant-Appellee, Progressive Trade and Services Enterprises, for the reason that it is a purchaser in bad faith;

- Upholding the validity of TCT No. 158305 in the name of the late Virgilio D. Cebrero; and

- Ordering the Register of Deeds of Manila to issue a new title over the subject property in the name of Plaintiff-Appellant, Maria Milagrosa Antonio, in lieu of TCT No. 158305.

SO ORDERED.[17] (*Emphasis and italics in the original*)

Hence, the present petition,[18] petitioner alleging that the Court of Appeals erred

x x x in ordering the cancellation of TCT No. 225341 which was duly issued by the Register of Deeds of Manila in favor of the petitioner.[19]

x x x x

x x x in not ruling that the petitioner purchased the subject property in good faith and for value.[20]

x x x x

x x x in not upholding the principle of indefeasibility of title under the Torrens system of registration.[21]

x x x in ruling that the attendant circumstances did not constitute a case of double sale.[22]

x x x x

x x x in not finding that under the circumstances, respondent had forfeited whatever pretended rights she has, if any, on the grounds of laches, estoppel and prescription.[23]

x x x x

x x x in not finding that the respondent has no cause of action against the petitioner.[24] (Emphasis in the original)

In the meantime, as Milagrosa died on June 15, 2006, the Court of Appeals, in the exercise of its residual jurisdiction, substituted Romualdo Uy for Milagrosa as plaintiff-appellant[25] on December 12, 2007.

The petition is meritorious.

The former lawyer of the Cebrero spouses, Judge Celso D. Laviña (Judge Laviña), who is familiar with the signatures of the spouses, testified that Cebrero's purported signature in the Deed of Absolute Sale to Milagrosa (marked Exhibit "B" in the deed but designated Exhibit "A" during trial in Milagrosa's formal offer of evidence)[26] is not his.[27]

A naked eye comparison of Cebrero's signature in the Deed of Absolute Sale to Milagrosa which is, by the way, a mere photocopy[28] with the sample signatures identified by Judge Laviña as those of Cebrero and which were executed at around the time the questioned Deed of Absolute Sale to Milagrosa was executed shows marked differences,[29] indicating that they were not affixed by one and the same hand.

A comparison too with the naked eye of Secundina's signatures in public documents which she identified to be hers, as well her signatures which she executed in open court and the signature attributed to her in the Deed of Absolute Sale to Milagrosa[30] in which her name is typed as "SEGUNDINA" and her signature above it reads also "Segundina," shows that they were not written by one and the same hand.

The trial court's ruling that Secundina failed to prove her allegation that the Deed of Absolute Sale to Milagrosa was a forgery because she failed to present expert witnesses[31] does not lie. It is settled that handwriting experts, while useful, are not indispensable in examining or comparing handwritings or signatures.[32] For Section 22 of Rule 132 of the Rules of Court provides:

The handwriting of a person may be proved by any witness who believes it to be the handwriting of the person because he has seen the person write, or has seen writing purporting to be his upon which the witness has acted or been charged, and has thus acquired knowledge of the handwriting of such person. Evidence respecting the handwriting may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge. (Underscoring supplied)

Complementing the said provision is Section 50 of Rule 130 of the Rules of Court which allows the reception of the opinion of a witness, like Judge Laviña, for which proper basis is given, as evidence regarding a handwriting with which he has sufficient familiarity.

As the Court finds that the Deed of Absolute Sale in Milagrosa's favor is not genuine, it transmitted no rights to her. Consequently, the subject land - part of Cebrero's estate which was allotted to Secundina was validly sold by her to petitioner.

WHEREFORE, the petition is GRANTED. The Amended Decision of the Court of Appeals dated March 26, 2007 is REVERSED and SET ASIDE. Civil Case No. 97-85178 lodged at the Regional Trial Court of Manila Branch 35 is DISMISSED.

SO ORDERED.

Ynares-Santiago,[*] Brion, Del Castillo, and Abad, JJ., concur.

[*] Additional member per Special Order No. 691 dated September 4, 2009.

[1] Exhibit "A," records, pp. 499-502.

[2] Exhibit "F," id. at 629-630.

[3] Exhibit "4," id. at 671-672.

[4] Exhibit "3," id. at 669-670.

[5] Exhibit "4-I," id. at 676-677.

[6] Id. at 1-5.

[7] Exhibit "B", id. at 503. A more legible copy is on RTC records, p. 619.

[8] Id. at 42-49.

[9] Id. at 45.

[10] Id. at 148-153.

[11] Id. at 829.

[12] Id. at 830.

[13] Id. at 831-836, 840.

[14] Decision of October 10, 2006, penned by Court of Appeals Associate Justice Normandie B. Pizarro, with the concurrence of Associate Justices Amelita G. Tolentino and Jose Catral Mendoza. CA rollo, pp. 166-186.

[15] Id. at 214-222.

[16] Penned by Court of Appeals Associate Justice Normandie B. Pizarro, with the concurrence of Associate Justices Amelita G. Tolentino and Jose Catral Mendoza. Id. at 251-258.

[17] Id. at 257-258.

[18] Rollo, pp. 3-41.

[19] Id. at 16.

[20] Id. at 20.

[21] Id. at 25.

[22] Id. at 26.

[23] Id. at 28.

[24] Id. at 30.

[25] CA rollo, pp. 729-732.

[26] TSN, March 10, 2000, p. 3.

[27] TSN, March 16, 2000, pp. 25-29.

[28] Supra note 7.

[29] Vide Exhibits "16-a," "17-a," "18-a," "19-a," "20-a," id. at 708-714; Exhibit "B," id. at 503, 619; TSN, March 16, 2000, pp. 31-51.

[30] Vide Exhibits "2," "4-b," "4-c," "21-b," "22," "23-a," "24-b," "25-b," id. at 665, 673-674, 715-719; Exhibit "B," id. at 503, 619; TSN, March 16, 2000, pp. 65, 68; TSN, March 17, 2000, pp. 13-17.

[31] Id. at 828-829.

[32] Vide *Fullero v. People*, G.R. No. 170583, September 12, 2007, 533 SCRA 97, 122.

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