

**GILBERT URMA, TEOFILO URMA, DANTE URMA, AND JERRY URMA,
PETITIONERS, VS. HON. ORLANDO BELTRAN, IN HIS CAPACITY AS
PRESIDING JUDGE, RTC BRANCH 11, TUAO, CAGAYAN, LOLITA
URMA, MEL...**

G.R. No. 180836. August 08, 2010

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review under Rule 45 of the Rules of Court assailing 1] the September 18, 2007 Judgment[1] of the Regional Trial Court, Branch 11, Tuao, Cagayan (RTC), in Civil Case No. 354-T, deciding the case in favor of the private respondents; and 2] its December 10, 2007 Order[2] denying petitioners' Motion For New Trial.

The case stemmed from a complaint filed by the respondents against the petitioners for partition, quieting of title, recovery of ownership, and damages over two parcels of land covered by Original Certificate of Title (OCT) No. P-1812 and No. P-1630.

The petitioners and respondents are blood relatives being the nearest of kin of the deceased spouses Laureano Urma (Laureano) and Rosa Labrador-Urma (Rosa). They are the children of Laureano's brother who predeceased him.

The petitioners claim ownership of the lot they are occupying by virtue of a deed of sale allegedly executed by Laureano on April 10, 1985 in favor of petitioner Teofilo Urma, and in agreement with respondent Marcela Urma-Caingat. On the other hand, six (6) of the respondents claim ownership over portions of the subject property by virtue of a deed of donation executed in their favor by Rosa in February 1996.

During the pre-trial proceedings of the case, both parties agreed that the only matter to be resolved was the validity of the absolute deed of sale, which as claimed by the petitioners was executed by Laureano in 1985 over one-half of the property covered by OCT No. P-1630. If the said deed of sale was valid, the subsequent deeds of donation executed by Rosa in favor of the respondents would be without force and effect.

The parties also agreed that the thumb mark of Laureano affixed on the notarized deed of sale be subjected to a dactylascope examination by an expert from the National Bureau of Investigation (NBI). Said examination would entail comparison of the thumb mark on the questioned absolute deed of sale with the genuine specimen thumb mark of Laureano in his Voter's Registration Record on file with the Office of the Election Registrar.

Upon orders of the trial court, the NBI performed the examination and found that the questioned fingerprint was not identical with the genuine specimen thumbmark. Hence, the NBI concluded that the absolute deed of sale supposedly executed by Laureano was a spurious document.

In its decision dated September 18, 2007, the RTC ruled in favor of the respondents by declaring them the

absolute owners of portions of the disputed land and ordering the petitioners to vacate said portions. In the same ruling, the RTC also ordered the partition of the remaining portions of the subject property among all the parties in equal shares. Specifically, the dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered:

1. Declaring plaintiff Lolita Urma, Melba Mamuad, Marcela Urma-Caingat, Hipolito Martin, Edmund Urma and Albina Urma-Mamuad to be the absolute owners of one-eighth (1/8) of each of the property covered by O.C.T. No. P-1630 equivalent to Ten Thousand Seven Hundred Seventy-seven (10, 777 sq. m.) square meters;
2. Ordering defendant Teofilo Urma to vacate the property which he is occupying equivalent to one-half (1/2) of the property covered by O.C.T. No. P-1630 and surrender possession thereof to the plaintiffs;
3. Ordering the other defendants, namely Gilbert Urma, Dante Urma and Jerry Urma to vacate the portions of the property covered by O.C.T. No. 1630 which they have occupied and are still occupying and surrender possession thereof to the plaintiffs;
4. Ordering the partition of the remaining 21,559 square meters covered by O.C.T. No. 1630 as well as the entire property covered by O.C.T. No. 1812 in favor of all the parties in equal shares.

Costs de officio.

SO ORDERED.[3]

In the belief that their counsel committed gross negligence in handling their case, the defendants filed a Motion For New Trial.[4] They argued that their counsel should not have joined the motion for a judgment on the pleadings because their answer contained specific denials and defenses which tendered an issue. They likewise claimed that they were uneducated and "not too familiar with the niceties of the law and legal procedures." Hence, they should not be bound by the mistakes and omissions of their counsel.[5]

On December 10, 2007, the RTC issued the questioned Order[6] denying petitioners' Motion For New Trial on the ground that the same was without factual or legal basis and that there were no irregularities committed during the trial.

The RTC reasoned out that the parties, through their respective counsels, agreed during the pre-trial that the only issue of fact around which the whole case revolved was the genuineness of the deed of absolute sale dated April 10, 1985 allegedly executed by Laureano in favor of Teofilo Urma; that said document be examined by the NBI; that both parties would accept the result of the dactyloscopic examination to be conducted; and that said result would be the basis of the judgment to be rendered. It was further stipulated that if the NBI report would state that Laureano indeed executed the deed of sale, the judgment would be in favor of the petitioners. Otherwise, the decision should favor the respondents.

Aggrieved, petitioners came straight to this Court, through a petition for review under Rule 45, anchored on the following

ARGUMENTS:

IT WAS CLEAR ERROR AND GRAVE ABUSE OF DISCRETION ON THE PART OF THE COURT A QUO TO HAVE RENDERED JUDGMENT ON THE PLEADINGS MOTU PROPIO[7]

IN DENYING THEIR MOTION FOR NEW TRIAL, THE COURT A QUO HAS LIKEWISE ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION[8]

PETITIONER TEOFILO URMA IS THE OWNER IN FEE SIMPLE OF ONE-HALF PORTION OF THE

SUBJECT PROPERTY IN VIEW OF THE ISSUANCE OF A TCT FOR SAID PORTION.[9]

In the Resolution of April 13, 2009, the petition was given due course and the parties were required to submit their respective memoranda.[10]

In advocacy of their position, the petitioners in their memorandum argue that the Rules of Court provides that a judgment on the pleadings is proper only when the answer fails to tender an issue or admits the material allegations in the complaint. According to the petitioners, the answer filed by their former counsel raised specific denials/affirmative defenses thereby tendering an issue on litigable matters. Hence, judgment on the pleadings was not proper.

Petitioners further argue that the judgment of the RTC was merely based on the result of the dactyloscopic examination conducted by the NBI forensic expert who was not even presented in open court. Thus, they were not accorded the opportunity to cross-examine him. Moreover, since the NBI handwriting examiner was not qualified as an expert witness, the NBI report is inadmissible in evidence and cannot be used against them.

The petitioners also lament that the RTC denied their Motion For New Trial without conducting any hearing on said motion. They claim that, in fact, with the execution of the deed of sale by Laureano in favor of Teofilo Urma, OCT No. P-1630 was cancelled and Transfer Certificate of Title (TCT) Nos. T-5950 and T-5951 were issued in the names of Laureano Urma and Teofilo Urma, respectively. The RTC, however, was not apprised of the cancellation of OCT No. P-1630 because their former counsel did not present any evidence.

RESPONDENTS' POSITION

The respondents counter that the petition should be dismissed since under Rule 45 of the Rules of Court, only questions of law may be raised. They claim that the petition on its face does not state any special or important reason that merits the discretionary jurisdiction of the Court to review this case. Petitioners' issues refer to 1) the actions of their former counsel, and 2) the reliance by the RTC in the result of the dactyloscopic examination, which obviously are not questions of law.

Respondents also assert that during the pre-trial stage, the Rules of Court allows stipulation or admission of facts and documents to avoid unnecessary proof. Thus, the RTC has the discretion to put evidentiary value on the report of the NBI expert who enjoys the presumption of regularity in the performance of his duties.

For the respondents, it would be pointless to go to trial or to conduct a new trial because it was already ascertained that the deed of sale was a product of forgery.

THE COURT'S RULING

The petition fails.

As correctly argued by the respondents, the petitioners are questioning the procedural decisions of their former counsel and the reliance by the RTC on the result of the dactyloscopic examination. The petitioners claim that their substantive and procedural rights were violated due to their former counsel's mistake or negligence in handling their case.

Thus, the petitioners pray for the reopening of Civil Case No. 354-T so that the evidence pertaining to the authenticity of the subject deed of sale would be evaluated again. This is obviously a question of fact which was already ruled upon by the RTC with the holding that it was not executed by Laureano Urma. In other words, it would entail another review of the evidence.

It has always been held that it is not the function of this Court to re-examine or weigh the evidence submitted by the parties all over again. This Court is definitely not the proper venue to consider a factual issue as it is not a trier of facts.

At any rate, the parties entered into a stipulation of facts and agreed to abide by its terms and the results thereof. The trial court also acted on the basis of their stipulations and rendered judgment accordingly. Considering that the stipulation of facts has not been set aside, the Court agrees that it would be pointless to hold a new trial. It would only prolong the litigation and unnecessarily delay the final disposition of the case. The situation at hand is not substantially different from the case of *Jesus D. Morales & Carolina Nuqui v. Court of Appeals*,^[11] where it was written:

Ostensibly, the heart of the matter lies in whether or not the Deed of Extrajudicial Settlement with Sale is valid. And on this score, there is little doubt that its legitimacy had been duly established. The burden was on the private respondents to impugn the genuineness of their signatures on the document which having been notarized is imbued with the character of a public document; yet they were unable to present a single shred of countervailing evidence. Moreover, the validity of the Deed of Extrajudicial Settlement with Sale has been strengthened by the findings of the NBI that the signatures of the private respondents were genuine, findings with which the private respondents themselves agreed to abide pursuant to the Stipulation of Facts.

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For another, since private respondents undertook in the Stipulation of Facts to recognize the ownership of the petitioners and immediately vacate the subject property, together with the tenants, should the genuineness of the signatures in the Deed of Extrajudicial Settlement With Sale be upheld, which has become the case, and since the Stipulation of Facts has not been set aside, it is perfectly appropriate for the Court to affirm the petitioners' ownership and to order the private respondents' eviction from the subject property. The appellate court's suggestion that the petitioners institute a new, separate action to recover possession of the subject property is inconsistent with the foregoing considerations and contravenes the avowed policy to achieve just, speedy and inexpensive resolution of cases.

The Court has stated on several occasions that the pre-trial forms part of the proceedings, and matters dealt with therein may not be brushed aside in the process of decision-making. Otherwise, the real essence of compulsory pre-trial would be inconsequential and worthless.^[12]

With regard to the petitioners' argument that they should be excused from the procedural blunder committed by their former counsel, the Court finds it bereft of merit. The petitioners were not denied due process and their rights were not violated when their counsel, Atty. Raul Morales, agreed that the only issue that needed to be resolved was the authenticity of the deed of sale in favor of petitioner Teofilo Urma.

There was nothing amiss in entering into such stipulations. The petitioners only cried foul when the examination result turned out to be unfavorable to them. It was clearly stipulated that the parties would abide by the results of the NBI dactylascope examination. Both parties agreed to submit the questioned document to the NBI where one of its examiners would be assigned to conduct the examination. Thus, the parties did not reserve any right to question the expertise of the NBI examiner. Apparently, there was no stipulation either that he would be cross-examined on the result.

Granting that their counsel made a mistake in entering into such stipulations, such procedural error unfortunately bound them. The Court has consistently held that the mistake or negligence of a counsel in the area of procedural technique binds the client unless such mistake or negligence of counsel is so gross or palpable that would require the courts to step in and accord relief to the client who suffered thereby. Without this doctrinal rule, there would never be an end to a suit so long as a new counsel could be employed to allege and show that the prior counsel

had not been sufficiently diligent, experienced, or learned.[13]

Finally, the Court finds the judgment of the RTC correct, fair and judicious considering that both parties, being the nearest of kin of the deceased spouses Laureano and Rosa, were given their rightful shares in the subject property. As mentioned earlier, the judgment declared each of the respondents the absolute owner of one-eight (1/8) of the property covered by OCT No. P-1630 equivalent to 10,777 square meters by virtue of the notarized deeds of donations[14] executed in their favor by Rosa on February 22 and 23, 1996. The remaining 21,559 square meters covered by OCT No. P-1630 as well as the entire property covered by OCT No. P-1812 was ordered partitioned in favor of all the parties in equal shares.

WHEREFORE, the petition is DENIED. Accordingly, the September 18, 2007 Judgment of the Regional Trial Court, Branch 11, Tuao, Cagayan, is hereby AFFIRMED.

SO ORDERED.

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

[1] Rollo, pp. 38-41. Penned by Judge Orlando Beltran, Regional Trial Court, Branch 11, Tuao, Cagayan.

[2] Id. at 49-50.

[3] Id. at 40-41.

[4] Id. at 42.

[5] Id. at 42-45.

[6] Supra note 2.

[7] Rollo, p. 27.

[8] Id. at 30.

[9] Id. at 33.

[10] Id. at 119.

[11] 499 Phil. 655, 671 (2005).

[12] Antonio Lim Tanhu v. Ramolete, 160 Phil. 1101, 1155 (1975).

[13] Jaime T. Torres v. China Banking Corporation, G.R. No. 165408, January 15, 2010.

[14] Rollo, pp. 59-64.

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