

SEGUNDO G. DIMARANAN, PETITIONER, VS. HEIRS OF SPOUSES HERMOGENES ARAYATA AND FLAVIANA ARAYATA, RESPONDENTS.*G.R. No. 184193. March 29, 2010*

Ponente: PEREZ, J.

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This petition for review on certiorari seeks to set aside the Decision[1] of the Court of Appeals dated 18 February 2008 in CA-G.R. CV No. 87352 which sustained the judgment of the Regional Trial Court (RTC)[2] declaring Transfer Certificate of Title (TCT) No. (T-115904) RT-004 in the name of petitioner Segundo Dimaranan as void, as well as the Resolution dated 12 August 2008 denying petitioner's motion for reconsideration.

The factual background of the case follows â€œ

Respondents Hermogenes Jr., Belen and Cecille Arayata are the legal heirs of Spouses Hermogenes and Flaviana Arayata (Spouses Arayata). They claimed that on 5 September 1955, Spouses Arayata purchased a 28,496 square meter lot in Tanza (now known as Trece Martires City), Cavite and covered by TCT No. (T-8718) RT-7973 from petitioner, by virtue of a deed of sale denominated as "Bilihan ng Lupa." [3]

Evidence of respondents shows that as a result of the sale, TCT No. T-8672 in the name of petitioner was cancelled in favor of Spouses Arayata. Thus, TCT No. T-8718 was issued. In 1959, all records of the Register of Deeds of Cavite were burned, thus TCT No. T-8718 was reconstituted, and as such, became TCT No. (T-8718) RT-7973.[4]

In 1980, respondents learned that petitioner was able to secure TCT No. T-115904 under his name from the Register of Deeds of Cavite covering the same property. Respondents thereafter filed a case before the then Court of First Instance of Cavite[5] against petitioner. On 29 December 1981, the trial court ordered the cancellation of TCT No. T-115904 under the name of petitioner.[6] A writ of execution was issued accordingly.[7] However, records are bereft of proof that the writ was duly enforced.[8]

Sometime in December 1996, respondents applied with the Sangguniang Panglunsod of Trece Martires City for a franchise to operate a cockpit arena on their property. Much to respondents' surprise, petitioner objected to the application claiming that he owns the subject property and presented TCT No. (T-115904) RT-004. Upon investigation, respondents discovered that a petition for reconstitution was filed by petitioner in RTC, Branch 23 of Trece Martires City[9] on 18 March 1996. Two weeks later or on 1 April 1996, the trial court ordered the reconstitution of TCT No. T-115904.[10] The claim of petitioner based on his reconstituted title prompted respondents to file a complaint for Quieting of Title and Damages with Prayer for TRO and Writ of Preliminary Injunction before the RTC of Trece Martires City, docketed as Civil Case No. TM-718.

Petitioner countered that he purchased the subject property from the government and paid in three (3) installments, the last of which was in 15 September 1954.[11] He asserted that TCT No. T-115904 was issued on 2 December 1980.[12]

Petitioner admitted that when he found out that his original title in custody of the Register of Deeds of Cavite was missing, he sought the help of a certain Abling Lungkay to reconstitute his title, and as reconstituted, became TCT No. (T-115904) RT-004.[13]

Petitioner maintained that the "Bilihan ng Lupa" is a spurious document and that TCT No. (T-8718) RT-7973 is a fake title having no origin whatsoever. He pointed out that he could not have sold the property in 1955 because he only legally acquired the property on 2 December 1980, as reflected in TCT No. T-115904. To bolster his claim, he averred that TCT No. T-8672, from which (T-8718) RT-7973 supposedly emanated from, was registered in the names of Maxima Timbang, et. al., and not that of petitioner's. In sum, petitioner argued that he is the registered owner of the subject land and is in actual possession thereof until 7 February 1997 when respondents, aided by armed men, invaded the property.[14]

Petitioner also assailed the 29 December 1981

Decision of the trial court nullifying TCT No. T-115904 on the ground that said decision was rendered without proper service of summons and therefore, null and void.[15]

On 21 February 2005, the trial court rendered judgment in favor of respondents, thus:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs as against the defendants.

Ordering defendant Segundo Dimaranan or his representatives to desist from committing the acts complained of and installing a perimeter fence over the plaintiff's property and ordering the Register of Deeds of Cavite to hereby declare Transfer Certificate of Title (TCT) No. (T-115904) RT-004 in the name of Segundo Dimaranan as null and void; and

To pay the amount of One Hundred Thousand (P100,000.00) Pesos as attorney's fees and the amount of Two Hundred Fifty Thousand (P250,000.00) Pesos as moral damages.[16]

The trial court found that the date alleged by respondents when the property was sold to their parents, which was in 5 September 1955, coincided with that of the conveyance by the government in favor of petitioner in 1954. Hence, it lent credence to the claim of respondents that petitioner sold the property to Spouses Arayata. The trial court held that the allegation of forgery was not substantiated by petitioner.[17]

The trial court noted that the court order granting reconstitution of title to petitioner is tainted with fraud because the order was handed down in a short span of time without publication in the Official Gazette and without the intervention of the Office of Solicitor General. Moreover, petitioner did not actively participate in the hearing of said case when he merely relied on a certain Abling Lungkay to prepare and file his petition.[18]

Aggrieved, petitioner appealed to the Court of Appeals. In his brief, petitioner assigned the following errors:

I.

THE LOWER COURT ERRED IN HOLDING THAT AFTER THE CONVEYANCE BY THE GOVERNMENT OF THE SUBJECT PROPERTY IN FAVOR OF THE DEFENDANT, THE LATTER SOLD THE PROPERTY TO THE PLAINTIFF;

II.

THE LOWER COURT ERRED IN NOT HOLDING THAT THE ALLEGED SALE OF THE SUBJECT PROPERTY BETWEEN THE DEFENDANT AND THE PLAINTIFFS IS A FORGERY WHICH IS SUFFICIENTLY SUPPORTED BY CLEAR, CONVINCING AND SUBSTANTIAL EVIDENCE;

III.

THE LOWER COURT ERRED IN HOLDING THAT THE TITLE ISSUED TO THE DEFENDANT WHICH VESTED OWNERSHIP TO HIM OF THE SUBJECT PROPERTY BY VIRTUE OF THE COURT ORDER GRANTING HIS PETITION FOR RECONSTITUTION WAS TAINTED WITH FRAUD;

IV.

THE LOWER COURT ERRED IN NOT HOLDING THAT THE PROPERTY BEING CLAIMED BY THE PLAINTIFFS IS SEPARATE AND DISTINCT FROM THE PROPERTY WHICH BELONGS TO THE DEFENDANT;

V.

THE LOWER COURT ERRED IN NOT HOLDING THAT THE TITLE OF THE PLAINTIFFS OVER THE SUBJECT PROPERTY IS NOT EXISTING IN THE OFFICE OF THE REGISTER OF DEEDS OF CAVITE AND LIKEWISE ERRED IN GIVING CREDENCE TO THE CERTIFICATION ISSUED BY ATTY. VILLANUEVA DATED JANUARY 9, 1981 THAT THE RECONSTITUTED TITLE OF THE DEFENDANT HAS BEEN PREVIOUSLY TITLED TO THE PLAINTIFFS;

VI.

THE LOWER COURT ERRED IN HOLDING THAT THE DECISION ISSUED BY THEN JUDGE PABLO SUAREZ OF THE REGIONAL TRIAL COURT, BRANCH 23, TRECE MARTIRES CITY, NULLIFIED THE FINAL DEED OF CONVEYANCE AND TITLE ISSUED TO THE DEFENDANT CONSIDERING THAT THE PROPERTY WAS SOLD BY THE DEFENDANT TO THE PLAINTIFFS;

VII.

THE LOWER COURT ERRED IN NOT HOLDING THAT ASIDE FROM HIS TITLE EVIDENCING HIS OWNERSHIP OVER THE SUBJECT PROPERTY, THE DEFENDANT HAS BEEN IN POSSESSION OF THE SAID PROPERTY FOR MANY YEARS UNTIL THE PLAINTIFFS HAVE ENFORCED THE TEMPORARY RESTRAINING ORDER, THUS DIVESTING DEFENDANT OF HIS PROPERTY;

VIII.

THE LOWER COURT ERRED IN NOT HOLDING THE DEFENSE OF DEFENDANT THAT THE PREVIOUS RECONSTITUTION CASE AWARDED THE PROPERTY TO THE DEFENDANT HAS BARRED THE INSTITUTION OF THE INSTANT CASE FOR QUIETING OF TITLE AND DAMAGES UNDER THE DOCTRINE OF RES JUDICATA;

IX.

THE LOWER COURT ERRED IN AWARDED THE AMOUNT OF ONE HUNDRED THOUSAND PESOS (P100,000.00) AND MORAL DAMAGES OF TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) DESPITE THE FACT THAT THE AWARD OF ATTORNEY'S FEES WAS NOT MENTIONED IN THE BODY OF THE DECISION AND THAT SAID AWARD AS WELL AS THE AWARD OF MORAL DAMAGES WERE NOT PROVEN BY LEGAL, VALID AND EQUITABLE JUSTIFICATION.[19]

On 18 February 2008, the appellate court affirmed with modification the trial court's decision by deleting the award of moral damages and attorney's fees.

The Court of Appeals sustained the trial court's finding that the sale between Spouses Arayata and petitioner is valid, thus:

This court finds that the sale is valid, legal and binding upon the parties and all their heirs and assignees. As

correctly observed by the court a quo, defendant merely denied having sold the property to defendant but failed to present any proof to refute the validly executed and duly notarized "Bilihan ng Lupa" presented by the plaintiff-appellees. The denial by defendant-appellant is indeed self-serving and unsubstantiated.

If the contract of sale ("Bilihan ng Lupa") which effectively transferred ownership of the land in dispute to plaintiffs-appellees was a forgery, defendant-appellant should have exercised the same diligence that he is now showing and lost no time in pursuing an action against herein plaintiffs-appellees for the forgery they have committed. However, defendant merely bewailed being cheated of his 28,496-square meter property but did not do anything about it. This runs counter to human experience.[20]

The Court of Appeals also found that petitioner obtained his title through fraudulent means, to wit:

Anent the third assigned error, this Court finds that the defendant-appellant obtained his title to the property through fraudulent means. This is evident from the fact that his petition was granted in a record time of merely fourteen (14) days after the same was filed and naturally without complying with the requirement of publication in the official Gazette.

Defendant-appellant attempts to evade responsibility by pointing to a certain "Abling [Lungkay]" as the one who obtained, albeit fraudulently, TCT No. (T-115904) RT-004 and claims that he merely "provided the expenses for the reconstitution" of the title. He further tries to seek the sympathy of the court by stating that he did not finish grade 1 and was only lured by an employee of the Register of Deeds.

This court finds that all these are mere futile excuses to blur the glaring truth that defendant conspired with the said Aling [Lungkay] in fraudulently securing a reconstituted title in clear violation of the law. Defendant-appellant cannot feign ignorance of the illegality of the act because he knowingly caused to be issued a reconstituted title of a TCT that has long been declared null and void by the Court and which cancellation he had knowledge of. In fact, defendant cannot deny knowledge of the decision of the court in Civil Case No. 929 rendered by Judge Suarez as defendant-appellant himself made reference to the said decision in some parts of his brief: x x x alleged in his appeal that "on cross examination, he testified on the issue of the enforcement of the Writ of Execution on the Decision rendered by Judge Suarez (Exhibit "M") wherein the counsel for the plaintiffs admitted that the said Writ of Execution was not enforced on the query made by the Honorable Presiding Judge x x x." [21]

The Court of Appeals dismissed petitioner's claim that the property he is contesting is distinct from the property held by respondents. Assuming arguendo that there is merit in such claim, the Court of Appeals barred petitioner from raising the issue for the first time on appeal.[22]

With regard to the existence of the title of respondents in the Register of Deeds of Cavite, the Court of Appeals upheld the trial court's appreciation of the evidence presented, viz:

As to the fifth assigned error, this Court finds no cogent reason to set aside the finding of the Court a quo that the title of the plaintiffs existed in the Office of the Register of Deeds of the Province of Cavite. The court a quo did not err in giving credence to the letter of Atty. Villanueva to the Director of the Bureau of Lands dated January 9, 1981. In the said letter, Atty. Villanueva requested from the Director of the Bureau to take the necessary steps in view of the findings of his (Atty. Villanueva's) office that they issued TCT No. T-115904 without knowing that the property covered by said TCT No. 115904 is already covered by another title and registered under the name of the Arayatas, parents of herein plaintiffs-appellees. Nothing is irregular in this act of candidness on the part of Atty. Villanueva in his desire to rectify the mistake they have previously committed.

Additionally, the appreciation of the letter of Atty. Villanueva by the trial court is accorded respect and finality. It is a hornbook doctrine that findings of fact of trial courts are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons because the trial court is in a better position to

examine the demeanor of the witnesses while testifying.[23]

The Court of Appeals agreed with the Decision dated 29 December 1981 of the trial court declaring null and void the Final Deed of Conveyance No. V-4477 and TCT No. (T-115094) RT-004:

Defendant-appellant contends that this Court cannot uphold the lower court's decision nullifying Deed of Conveyance No. V-4477, which evidences that ownership was transferred by the government to Dimaranan over the subject property. For if this were so, then Dimaranan could not have sold the property to the parents of herein plaintiffs-appellees and transferred ownership of the property to them. However, considering that the court a quo has held that there was a sale that transpired in 1995 between appellants and the parents of herein appellees, then the said lower court erred in nullifying [the] Deed of Conveyance No. V-4477.

Defendant-appellant is evidently trying to mislead this Court by confusing the issues involved in the present appeal. What was nullified by the lower court is the reconstituted Deed of Conveyance which defendant-appellant used in obtaining TCT No. T-115904, NOT the original Deed of Conveyance which transferred ownership of the property from the government to herein defendant-appellant, who in turn sold the property to the parents of herein plaintiff-appellees in September 1955.[24]

Anent the issue on res judicata, the Court of Appeals ruled that it does not apply in the present action, thus:

x x x In Civil Case No. 929, what was sought was the nullification of the reconstituted title obtained fraudulently by defendant-appellant. On the other hand, Civil Case No. TM-718 is a case for quieting of title, titled by the plaintiff-appellees in order to remove any cloud of doubt on their title, in the face of the adverse claims by herein defendant-appellant over their property. There being no identity of cause of action, res judicata does not apply.[25]

Petitioner filed a Motion for Reconsideration of the Decision of the Court of Appeals but it was denied in a Resolution dated 12 August 2008.[26]

In the instant petition, petitioner submits that the Court of Appeals committed grave error in making the following findings: First, that the sale of the disputed property between petitioner and Spouses Arayata was valid; Second, that petitioner obtained TCT No. T-115904 through fraud; Third, in not giving credence to petitioner's claim that the land on which respondents planned to put up a cockpit arena is separate and distinct from the property being claimed by petitioner; Fourth, that the title of respondents existed in the office of the Register of Deeds of Cavite; Fifth, that the final deed of conveyance and the title emanating therefrom is null and void; Sixth, that possession of the subject property has been vested with respondents since the property was sold to them; and Seventh, in not finding that res judicata exists in the instant case.

Respondents assert in their Comment that all the grounds raised in the petition are questions of fact,[27] while petitioner takes the contrary stand and states that the issues raised are legal issues or purely questions of law.[28]

This Court had repeatedly clarified the distinction between a question of law and a question of fact. A question of law exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts; or when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of facts being admitted. A question of fact, on the other hand, exists when the doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence considering mainly the credibility of the witnesses, the existence and relevance of specific surrounding circumstances, as well as their relation to each other and to the whole, and the probability of the situation.[29]

The Court of Appeals affirmed the trial court's finding that the Final Deed of Conveyance No. V-4477 and TCT No. (T-115094) RT-004 are void while validating the sale between petitioner and Spouses Arayata, from which TCT No. (T-8718) RT-7973 emanated from.

The ultimate issue to be resolved is which between the titles of petitioner and respondent is genuine. Clearly, this issue calls for a re-evaluation of the probative value of the evidence presented. We agree with respondents' contention that the issues raised are purely questions of fact that this Court cannot review in a certiorari petition.

As a general rule, factual findings of the trial court, especially those affirmed by the Court of Appeals, are conclusive on this Court when supported by the evidence on record.[30] There are recognized exceptions to this rule, among which are: (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of facts are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the finding of absence of facts is contradicted by the presence of evidence on record; (8) the findings of the Court of Appeals are contrary to the findings of the trial court; (9) the Court of Appeals manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the Court of Appeals are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties. However, in the instant case, petitioner failed to demonstrate that their petition falls under any one of the above exceptions.[31] We find no cogent reason to disturb the findings of the RTC, which the Court of Appeals had affirmed.

Based on the foregoing, it now becomes unnecessary to dwell on the issues raised by petitioner, which are a mere rehash of their arguments[32] before the appellate court. Such arguments had in fact already been passed upon by the Court of Appeals.

We likewise uphold the deletion of the award for moral damages and attorney's fees for failure of respondents to substantiate their claims.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated 18 February 2008 and its Resolution dated 12 August 2008 are hereby AFFIRMED.

SO ORDERED.

Carpio[*], (Chaiperson), Brion, Del Castillo, and Abad, JJ., concur.

[*] Per Special Order No. 826, Senior Associate Justice Antonio T. Carpio is designated as Acting Chief Justice from March 17 to 30, 2010.

[1] Penned by Associate Justice Jose L. Sabio, Jr. with Associate Justices Jose C. Reyes, Jr. and Myrna Dimaranan Vidal concurring. Rollo, pp. 46-61.

[2] Presided by Judge Aurelio G. Icasiano, Jr. Id. at 124-141.

[3] Records, p. 265.

[4] Rollo, pp. 269 and 282.

[5] Presided by Judge Pablo D. Suarez. Records, pp. 266-268.

[6] Rollo, p. 280.

[7] Id. at 283-284.

[8] Id. at 49.

[9] Presided by Judge Jose. J. Parentela, Jr.

- [10] Records, pp. 260-262.
- [11] TSN, 3 February 2004, p. 1239.
- [12] Rollo, p. 98.
- [13] Id. at 235.
- [14] Id. at 99-102.
- [15] Id. at 100-101.
- [16] Id. at 141.
- [17] Id. at 139-140.
- [18] Id.
- [19] Id. at 51-53.
- [20] Id. at 54.
- [21] Id. at 54-55.
- [22] Id. at 56.
- [23] Id. at 56-57.
- [24] Id. at 57-58.
- [25] Id. at 59.
- [26] Id. at 62-63.
- [27] Id. at 177.
- [28] Id. at 191.
- [29] *Altres v. Empleo*, G.R. No. 180986, 10 December 2008, 573 SCRA 583, 598.
- [30] *Limbauan v. Acosta*, G.R. No. 148606, 30 June 2008, 556 SCRA 614, 628.
- [31] *Sandejas v. Ignacio, Jr.*, G.R. No. 155033, 19 December 2007, 541 SCRA 61, 74-75.
- [32] CA rollo, pp. 45-60.

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