

HEIRS OF PACENCIA RACAZA, NAMELY, VIRGINIA RACAZA COSCOS, ANGELES RACAZA MIEL, RODRIGO RACAZA, QUIRINO RACAZA, ROGELIO RACAZA, ERNESTA RACAZA AND ROLAND RACAZA, PETITIONERS, VS....

G.R. No. 198402. June 13, 2012

Ponente: REYES, J.

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REYES, J.:

This resolves the Petition for Review on Certiorari with Prayer to Admit Newly Discovered Evidence, filed by the Heirs of Pacencia Racaza,[2] herein petitioners under Rule 45 of the Rules of Court to assail the Decision[3] dated September 8, 2010 and Resolution[4] dated August 8, 2011 of the Court of Appeals (CA) in CA-G.R. CEB-CV No. 01095.

The Facts

As a background, herein respondents Spouses Florencio and Eleuteria Abay-abay[5] filed in July 1985 with the Regional Trial Court (RTC) of Tagbilaran City, Bohol a complaint for quieting of title, recovery of possession and damages against several defendants that included Alexander Miel (Alexander), the husband of herein petitioner Angeles Racaza Miel (collectively, the Miels). Subject of the complaint, which was docketed as Civil Case No. 3920, was the property covered by Tax Declaration No. 4501-663 and situated in Poblacion Ubay, Bohol, more particularly described as follows:

“A residential lot bounded on the North by Emelia Garces (part); East by Emelia Garces; South by Rosario Garces, Esperanza Rosello, Matea de Japson; West by Toribio Reyes St., with an area of 600 square meters, more or less.”[6]

Spouses Abay-abay alleged that they acquired the property from the estate of one Emilia Garces by virtue of a Deed of Absolute Sale dated August 12, 1979, which was registered with the Register of Deeds on October 10, 1984. In mid-1984, however, therein defendants began erecting residential houses on the subject property without the knowledge and consent of Spouses Abay-abay. The refusal of defendants therein to vacate the subject land despite herein respondents’ demand prompted the latter to file the complaint with the RTC. Alexander failed to file his answer to the complaint, and was then declared in default by the trial court.

On May 30, 1988, the RTC rendered its judgment in favor of Spouses Abay-abay, and then ordered the defendants therein to vacate the disputed property. A writ of execution was later issued by the trial court to effect the removal of the structures, including the house of the Miels, built on the property. When the Miels failed to vacate the property despite their repeated promise to do so not later than January 11, 1991, the RTC issued on January 14, 1991 an Order directing the sheriff to immediately destroy and demolish the house of the Miels.

On January 23, 1991, the petitioners then filed before the RTC their own complaint, docketed as Civil Case No. 4856, for quieting of title, recovery of possession and damages against Spouses Abay-abay. As the surviving heirs

of Pacencia Racaza (Pacencia), petitioners claimed to be the co-owners of the property covered by Tax Declaration No. 45C1-313 under the name of Pacencia and more particularly described as:

“A parcel of land... bounded [on] the North by Seashore and Josefina Ruiz; on the South by Burgos St. and M. Garces; on the East by Public Land and on the West by Marciano Garces now Public Market... containing an area of ONE HUNDRED FIFTY square meters...”[7]

Petitioners claimed to have had actual, peaceful, continuous and public possession of the land, disturbed only in 1985 when Spouses Abay-abay instituted Civil Case No. 3920. They also questioned the unjustified demolition of their ancestral house, arguing that only Alexander, who had no interest in the property, was impleaded in the case.

In their answer to the complaint, Spouses Abay-abay invoked the valid judgment and writ of execution already issued in Civil Case No. 3920. They also raised the issues of estoppel and laches in view of the petitioners’ failure to intervene in Civil Case No. 3920.

The Ruling of the RTC

After due proceedings, the RTC rendered its Decision[8] dated April 4, 2005, which dismissed the complaint for lack of preponderance of evidence, and affirmed Spouses Abay-abay's ownership and possession over the subject property. The rulings of the trial court were based on the following findings:

1 – Defendants’ [herein respondents] evidence to the effect that defendants and [their] predecessors-in-interest have been in possession and ownership of the land under litigation since 1917 until the present has more evidentiary weight than that of plaintiffs’ [herein petitioners] whose tax declaration over a portion of the land claimed by defendants was issued in 1949;

2 – The following undisputed facts negate plaintiffs’ claim over a portion of the land claimed by defendants as follows:

a) Plaintiff Angeles Racaza Miel, who received the complaint and summons in Civil Case No. 3920 involving the land in question before RTC, Branch 2, never informed her husband Alexander Miel, who was one of the defendants in that case, about such summons and complaint.

It is quite intriguing that, if indeed plaintiff Angeles Racaza Miel is one of the heirs of Paciencia Racaza[,] the alleged owner of a portion of the land in question, why did she not inform her co-heirs and intervene in that Civil Case No. 3920 when it was heard before RTC, Br. 2?

Such inaction of Angeles Racaza Miel infers the inanity of plaintiffs’ claim over a portion of the land in question.

x x x

c) Angeles or her husband[,] Alexander Miel never appealed the decision rendered by RTC, Branch 2 awarding the land under litigation in favor of defendant-spouses Florencio and Eleuteria Abay-abay.

3 – Another undisputed fact that would reveal that in connection with the decision rendered by RTC, Branch 2 in favor of defendant[s]-spouses Florencio and Eleuteria, plaintiff Angeles Racaza Miel and her original counsel in this case, Atty. Roberto Cajés promised before the said Court to vacate the subject land. Such act of plaintiff Angeles Racaza Miel is indicative of her agreement to the decision rendered by RTC, Branch 2 awarding the subject land to Florencio Abay-abay, Sr. and, thus, demolishes whatever claim she and her co-plaintiffs in the case at bench may have over the land in question, which is the subject matter of the above-entitled case.

Simply stated, the evidence as a whole adduced by the defendants is superior to that of the plaintiffs[’].[9]

The Ruling of the CA

On appeal, the CA affirmed the rulings of the RTC via the assailed Decision[10] dated September 8, 2010 and Resolution[11] dated August 8, 2011. Hence, this petition for review on certiorari.

The Present Petition

To support their petition, the petitioners argue that: (1) the disputed property is a foreshore land and thus, owned by the State; (2) the respondents were buyers in bad faith when they purchased the unregistered land; and (3) the order to demolish their property was inhuman and thus, unconstitutional.

As part of their petition, the petitioners also ask this Court to admit as “newly discovered evidence” a Certification of the Community Environment and Natural Resources Office (CENRO) of Bohol, and a cadastral map of Poblacion, Ubay, Bohol, purportedly to support their claim that the subject property is a foreshore land which cannot be owned by herein respondents.

This Court's Ruling

We deny the petition.

First, the petition raises questions of fact which are beyond the coverage of a petition for review on certiorari. The settled rule is that only questions of law may be raised in a petition under Rule 45 of the Rules of Court. It is not this Court's function to analyze or weigh all over again evidence already considered in the proceedings below, our jurisdiction being limited to reviewing only errors of law that may have been committed by the lower court. The resolution of factual issues is the function of the lower courts, whose findings on these matters are received with respect. A question of law which we may pass upon must not involve an examination of the probative value of the evidence presented by the litigants.[12] This is in accordance with Section 1, Rule 45 of the Rules of Court, as amended, which reads:

Section 1. Filing of petition with Supreme Court. – A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency. (Emphasis supplied)

Significantly, Section 5, Rule 45 provides that the failure of the petitioner to comply with the requirements on the contents of the petition shall be sufficient ground for the dismissal thereof. While jurisprudence provides settled exceptions to these rules, the instant petition does not fall under any of these exceptions.

On the same ground that petitions under Rule 45 must not involve questions of fact, the petitioners' prayer for this Court to admit what they claimed to be newly discovered evidence is hereby denied. The Supreme Court is not a trier of facts, and is not the proper forum for the ventilation and substantiation of factual issues.[13] While the Rules of Court allows the introduction by parties of newly-discovered evidence, as in motions for new trial under Rule 37, these are not to be presented for the first time during an appeal. In addition, the term “newly-discovered evidence” has a specific definition under the law. Under the Rules of Court, the requisites for newly discovered evidence are: (a) the evidence was discovered after trial; (b) such evidence could not have been discovered and produced at the trial with reasonable diligence; and (c) it is material, not merely cumulative, corroborative or impeaching, and is of such weight that, if admitted, will probably change the judgment.[14]

The two documents which the petitioners seek to now present are not of this nature. Undeniably, the CENRO Certification and cadastral map annexed to the petition could have been produced and presented by the petitioners during the proceedings before the court a quo. Further to this, the petitioners' purpose for submitting the said

documents is only to prove that the disputed property is a foreshore land that should have been declared owned by the State. Thus, even granting that the documents may be admitted at this stage, the certification and cadastral map fail to support the petitioners' claim of ownership over the disputed property. On the contrary, these documents only negate their claim of ownership and better right to possess the land because foreshore land is not subject to private ownership, but is part of the public domain. In *Republic of the Philippines v. CA*,^[15] we thus held:

When the sea moved towards the estate and tide invaded it, the invaded property became foreshore land and passed to the realm of the public domain. In fact, the Court in *Government vs. Cabangis* annulled the registration of land subject of cadastral proceedings when the parcel subsequently became foreshore land. In another case, the Court voided the registration decree of a trial court and held that said court had no jurisdiction to award foreshore land to any private person or entity. The subject land in this case, being foreshore land, should therefore be returned to the public domain.^[16] (Citations omitted)

We note that not even herein petitioners, but the Republic of the Philippines, is the real party in interest that is allowed to pursue such claims against lands of the public domain.^[17]

All told, this Court finds no justification to depart from the factual findings of the trial and appellate courts. The petitioners failed to present any cogent reason that would warrant a reversal of the decision and resolution assailed in this petition.

WHEREFORE, premises considered, the instant petition is hereby DENIED. The Decision dated September 8, 2010 and Resolution dated August 8, 2011 of the Court of Appeals in CA-G.R. CEB-CV No. 01095 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Sereno, JJ., concur.

[1] The RTC Decision in Civil Case No. 4856 indicates that spouses Florencio, Sr. and Eleuteria Abay-abay have died on August 22, 2002 and September 17, 2002, respectively. They were substituted by their heirs in the proceedings.

[2] Also referred to as Paciencia Racaza in some documents.

[3] Penned by Associate Justice Edgardo L. Delos Santos, with Associate Justices Agnes Reyes-Carpio and Eduardo B. Peralta, Jr., concurring; rollo, pp. 21-30.

[4] Id. at 19-20.

[5] Also referred to as Abayabay in some documents.

[6] Rollo, p. 22.

[7] Id. at 23.

[8] Id. at 63-72.

[9] Id. at 70-71.

[10] Supra note 3.

[11] Supra note 4.

[12] Vallacar Transit, Inc. v. Catubig, G.R. No. 175512, May 30, 2011, 649 SCRA 281, 294, citing Land Bank of the Philippines, v. Monet's Export and Manufacturing Corporation, 493 Phil. 327, 338 (2005).

[13] Titan Construction Corporation v. David, Sr., G.R. No. 169548, March 15, 2010, 615 SCRA 362, 363, citing Soriano III v. Yuzon, 247 Phil. 191 (1988).

[14] Cabarlo v. People, G.R. No. 172274, November 16, 2006, 507 SCRA 236, 243, citing Amarillo v. Sandiganbayan, 444 Phil. 487, 497 (2003).

[15] 346 Phil. 637 (1997).

[16] Id. at 655.

[17] See Manese v. Velasco, G.R. No. 164024, January 29, 2009, 577 SCRA 108, 114.

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