

**THERESITA, JUAN, ASUNCION, PATROCINIA, RICARDO, AND GLORIA,
ALL SURNAMED DIMAGUILA, PETITIONERS, VS. JOSE AND SONIA A.
MONTEIRO, RESPONDENTS.**

G.R. No. 201011. January 27, 2014

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the August 15, 2011 Decision[1] and the March 5, 2012 Resolution[2] of the Court of Appeals (CA), in CA-G.R. CV No. 92707, which affirmed the August 23, 2007 Decision[3] of the Regional Trial Court, Branch 27, Santa Cruz, Laguna (RTC), in Civil Case No. SC-3108.

The Facts

On July 5, 1993, the respondent spouses, Jose and Sonia Monteiro (Spouses Monteiro), along with Jose, Gerasmo, Elisa, and Clarita Nobleza, filed their Complaint for Partition and Damages before the RTC, against the petitioners, Theresita, Juan, Asuncion, Patrocinia, Ricardo, and Gloria Dimaguila (The Dimaguilas), together with Rosalina, Jonathan, Eve, Sol, Venus, Enrique, Nina, Princess Arieta, and Evangelina Borlaza. The complaint alleged that all the parties were co-owners and prayed for the partition of a residential house and lot located at Gat. Tayaw St., Liliw, Laguna, with an area of 489 square meters, and covered by Tax Declaration No. 1453. Spouses Monteiro anchored their claim on a deed of sale executed in their favor by the heirs of Pedro Dimaguila (Pedro).

In their Answer, the Dimaguilas and the other defendants countered that there was no co-ownership to speak of in the first place. They alleged that the subject property, then owned by Maria Ignacio Buenaseda, had long been partitioned equally between her two sons, Perfecto and Vitaliano Dimaguila, through a Deed of Extrajudicial Partition, with its southern-half portion assigned to Perfecto and the northern-half portion to Vitaliano. They claimed that they were the heirs of Vitaliano and that Spouses Monteiro had nothing to do with the property as they were not heirs of either Perfecto or Vitaliano.

During the course of the proceedings, several incidents were initiated, namely: (a) Motion to Dismiss for lack of legal capacity to sue of Spouses Monteiro and for lack of cause of action; (b) Motion for Reconsideration of the Order of denial thereof, which was denied; (c) Motion for Production and Inspection of Documents; (d) Motion for Reconsideration of the Order granting the same, which was denied; (e) Motion to Defer Pre-trial; (f) Notice of Consignation by the petitioners in the exercise of their alleged right of redemption of the share being claimed by the Spouses Monteiro in light of the deed of sale they produced and claimed to have been executed by the heirs of Pedro in their favor; (g) Motion to Remove Sonia Monteiro (Sonia) as plaintiff, which was denied; (h) Motion for Reconsideration thereof, which was also denied; (i) Motion for Clarification and/or Extended Resolution; and (j) Motion to Suspend Proceedings due to a pending Petition for Certiorari before the CA assailing several of the RTC orders. The proceedings resumed after the promulgation by the CA of its April 5, 2000 Resolution in

CA-G.R. No. SP 52833, which upheld the assailed RTC orders.

On January 2, 2001, upon resumption of the proceedings, Spouses Monteiro filed their Motion for Leave to Amend and/or Admit Amended Complaint.[4] The RTC granted their motion. The amended complaint abandoned the original claim for partition and instead sought the recovery of possession of a portion of the subject property occupied by the Dimaguilas and other defendants, specifically, the portion sold to the couple by the heirs of Pedro. Furthermore, only Spouses Monteiro were retained as plaintiffs and the Dimaguilas as defendants.

In amending their complaint, Spouses Monteiro adopted the Dimaguilas' admission in their original answer that the subject property had already been partitioned between Perfecto and Vitaliano, through a Deed of Extrajudicial Partition, dated October 5, 1945, and that during their lifetime, the brothers agreed that Perfecto would become the owner of the southern-half portion and Vitaliano of the northern-half portion, which division was observed and respected by them as well as their heirs and successors-in-interest.

Spouses Monteiro further averred that Perfecto was survived by Esperanza, Leandro and Pedro, who had divided the southern-half portion equally amongst themselves, with their respective 1/3 shares measuring 81.13 square meters each; that Pedro's share pertains to the 1/3 of the southern-half immediately adjacent to the northern-half adjudicated to the Dimaguilas as heirs of Vitaliano; that on September 29, 1992, Pedro's share was sold by his heirs to them through a *Bilihan ng Lahat* Naming Karapatan (*Bilihan*) with the acquiescence of the heirs of Esperanza and Leandro appearing in an Affidavit of Conformity and Waiver; and that when they attempted to take possession of the share of Pedro, they discovered that the subject portion was being occupied by the Dimaguilas.

In their Answer[5] to the amended complaint, the Dimaguilas admitted that the subject property was inherited by, and divided equally between Perfecto and Vitaliano, but denied the admission in their original answer that it had been actually divided into southern and northern portions. Instead, they argued that the Extrajudicial Partition mentioned only the division of the subject property "into two and share and share alike." In effect, they argued the existence of a co-ownership, contrary to their original position. The Dimaguilas further argued that the *Bilihan* did not specify the metes and bounds of the property sold, in violation of Article 1458 of the Civil Code. Even assuming that such had been specified, they averred that the sale of a definite portion of a property owned in common was void since a co-owner could only sell his undivided share in the property.

During the trial, Spouses Monteiro presented Pedrito Adrieta, brother of Sonia Monteiro (Sonia), who testified that Perfecto was his grandfather and that at the time of Perfecto's death, he had two properties, one of which was the subject property in Liliw, Laguna, which went to his children, Esperanza, Leonardo and Pedro. Pedro was survived by his children Pedrito, Theresita, Francisco, and Luis, who, in turn, sold their rights over the subject property to Sonia.

Sonia testified that she was approached by Pedro's son, Francisco, and was asked if she was interested in purchasing Pedro's 1/3 share of the southern portion of the *Bahay na Bato*, and that he showed her a deed of extrajudicial partition executed by and between Perfecto and Vitaliano, as well as the tax declaration of the property to prove that the property had already been partitioned between the two brothers.

Engineer Baltazar F. Mesina testified that he was the geodetic engineer hired by Spouses Monteiro to survey the property in Liliw, and recounted that he checked the boundary of the subject property, subdivided the lot into two and came up with a survey plan.

Crisostomo Arves, an employee from the Office of the Municipal Assessor, presented a certified true copy of the cadastral map of Liliw and a list of claimants/owners.

Dominga Tolentino, a record officer of the Department of Environment and Natural Resources (DENR), testified that as part of her duties, she certifies and safekeeps the records of surveyed land, including cadastral maps from the region.

One of the Dimaguilas, Asuncion, was the sole witness for the defendants. She testified that their first counsel made a mistake when he alleged in their original answer that the property had already been partitioned into northern and southern portions between the two brothers, as the original answer had been rushed and they were never given a copy of it. She claimed that the mistake was only pointed out to her by their new counsel after their former counsel withdrew due to cancer. She further testified that there was no intention to partition the “bahay na bato” which stood on the subject property, in order to preserve its historical and sentimental value.

Ruling of the RTC

In its August 23, 2007 Decision, the RTC ruled in favor of Spouses Monteiro and ordered the Dimaguilas to turn over the possession of the subject 1/3 portion of the southern-half of the property, to wit:

WHEREOF, judgment is hereby rendered in favor of the plaintiffs and against the defendants:

- Ordering the defendants and all persons claiming rights under them to peacefully vacate and turn-over possession of 1/3 of the southern portion of the property covered by Tax Declaration No. 1453, specifically described as “A” of Lot 877 in the sketch plan marked as Exhibit “I”, within 60 days from the finality of this Decision, failing which let a writ of possession issue;
- Ordering the defendants to pay the plaintiffs, jointly and solidarily, the amount of P500 per month in the form of rent for the use of the property from July 1993 until the property is vacated;
- Ordering the defendants to pay the plaintiffs, jointly and solidarily, attorney’s fees of P30,000 and litigation expense of P20,000.

SO ORDERED.[6]

The RTC found that although the extrajudicial partition merely divided the property into two share and share alike, evidence aliunde was appreciated to show that there was an actual division of the property into south and north between Perfecto and Vitaliano, and that such partition was observed and honored by their heirs. These pieces of evidence were the cadastral map of Liliw[7] and a corresponding list of claimants, which showed that the subject property had long been registered as Lot 876 (northern-half), claimed by Buenaventura Dimaguila (Buenaventura), an heir of Vitaliano, and Lot 877 (southern-half), claimed by Perfecto.

The RTC held that the manner of partition was admitted by the Dimaguilas themselves in their original answer. It gave no credence to the claim of Asuncion that such admission was an error of their former counsel and that she was unaware of the contents of their original answer. It noted that the Dimaguilas had strongly maintained their theory of partition from 1992 when the complaint was first filed, and only changed their defense in 2001 when Spouses Monteiro filed their amended complaint. It keenly observed that it was precisely their admission which propelled Spouses Monteiro to amend their complaint from one of partition to recovery of possession. Thus, the RTC concluded that there was indeed a partition of the subject property into southern-half and northern-half portions between Perfecto and Vitaliano and that the Dimaguilas were estopped from denying the same.

As to the authenticity of the Bilihan, where the 1/3 share of Pedro was sold to Spouses Monteiro, the RTC found the document to be regular and authentic absent any piece of evidence to the contrary. It stated that the proper persons to contest the sale were not the Dimaguilas, who were the heirs of Vitaliano, but the heirs of Perfecto. It noted that the records showed that the heirs of Esperanza and Leandro (Pedro’s siblings), had signified their

conformity to the partition and to the sale of Pedro's 1/3 portion.

Ruling of the CA

In its assailed August 15, 2011 Decision, the CA affirmed the ruling of the RTC.

The CA found that Spouses Monteiro had established their case by a preponderance of evidence thru their presentation of the Deed of Extrajudicial Partition,[8] the cadastral map and the municipal assessor's records.[9] It noted, more importantly, that the Dimaguilas themselves corroborated the claim of partition in their original answer. It likewise ruled that the petitioners were estopped from denying their admission of partition after the respondent spouses had relied on their judicial admission.

The Dimaguilas also insisted on their argument, which was raised before the RTC, but not addressed, that the Bilihan should not have been admitted as evidence for lack of a documentary stamp tax, in accordance with Section 201 of the National Internal Revenue Code (NIRC). Citing *Gabucan v. Manta*[10] and *Del Rosario v. Hamoy*,[11] the CA, however, ruled that if a document which did not bear the required documentary stamp was presented in evidence, the court should require the proponent to affix the requisite stamp. The CA noted that the RTC had failed to direct Spouses Monteiro to affix the stamp and merely reminded the presiding judge to be more vigilant on similar situations in the future. Nonetheless, it held that the petitioners did not possess the necessary personality to assail the sale between Spouses Monteiro and the heirs of Pedro because it pertained to the southern-half of the property to which they had no claim.

The CA likewise found sufficient basis for the award of rentals as compensatory damages since Spouses Monteiro were wrongfully deprived of possession of the 1/3 portion of the southern-half of the subject property. It also upheld the award of attorney's fees and litigation expenses by the RTC, considering that Spouses Monteiro were compelled to litigate and incur expenses to protect their rights and interest.

In its assailed March 5, 2012 Resolution, the CA denied the petitioners' motion for reconsideration for lack of merit.

Hence, this petition.

ASSIGNMENT OF ERRORS

I

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT THERE WAS AN ACTUAL PARTITION OF THE PROPERTY COVERED BY TAX DECLARATION NO. 1453.

II

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT THE 1/3 PORTION OF THE SOUTHERN HALF OF THE PROPERTY WAS SOLD TO THE RESPONDENTS.

III

THE COURT OF APPEALS GRAVELY ERRED IN ADMITTING IN EVIDENCE EXHIBIT C, THE BILIHAN NG LAHAT NAMING KARAPATAN.

IV

THE COURT OF APPEALS GRAVELY ERRED IN RULING THAT THE RESPONDENTS ARE ENTITLED TO RECOVER POSSESSION OF THE 1/3 PORTION OF THE SOUTHERN HALF OF THE PROPERTY.

V

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THE PETITIONERS LIABLE FOR

RENTALS FOR THE USE OF THE PROPERTY FROM JULY 1993 UNTIL VACATED.

VI

THE COURT OF APPEALS GRAVELY ERRED IN HOLDING THE PETITIONERS LIABLE FOR ATTORNEY'S FEES AND LITIGATION EXPENSES.

VII

THE COURT OF APPEALS GRAVELY ERRED WHEN IT FAILED TO CONSIDER THE PETITIONERS' SUPPLEMENTAL ANSWER TO AMENDED COMPLAINT AND TO GRANT THE COUNTERCLAIMS INTERPOSED THEREIN. [12]

The Dimaguilas argue that their original allegation regarding the partition of the subject property into northern and southern portions was a mistake of their former counsel, and it was not their intention to partition the property because to do so would damage the house thereon. Even assuming an admission was made, the petitioners aver that such was made only by some, but not all, of the co-owners; and that partition can only be made by all co-owners, and allowing the admission is tantamount to effecting partition by only some co-owners. Spouses Monteiro themselves, in their original complaint, made an admission that they were co-owners of the property and asserted that there was no partition. The evidence aliunde considered by the RTC, consisting of the cadastral map and the list of claimants, were timely objected to during the trial as hearsay and a violation of the best evidence rule.

The petitioners reiterate that the Bilihan should not have been admitted into evidence because it lacked the documentary stamp tax required by Section 201 of the NIRC, providing that no document shall be admitted in evidence until the requisite stamps have been affixed thereto. They argue that the ruling of petitioners' lack of personality to assail the deed of sale is different from the issue of the deed of sale's admissibility as evidence. They conclude that considering that no documentary stamp was ever affixed on the deed of sale, such should never have been admitted into evidence and consequently, should not have been relied upon by the lower courts to prove the sale of 1/3 of the southern portion; and that considering that the Bilihan is inadmissible as evidence, the respondent spouses have no basis for their claim to the subject 1/3 portion of the southern-half of the property. Thus, they insist that the lower courts erred in awarding to Spouses Monteiro the possession of the subject property, the rentals, attorney's fees and litigation expenses, and in failing to rule on their counterclaim for demolition of improvements and payment of damages.

The assignment of errors boils down to two main issues:

- Whether there was a partition of the subject property; and
- Whether the 1/3 portion of the southern-half of the subject property was sold to the respondent spouses.

Ruling of the Court

At the outset, it must be pointed out that the petitioners' assignment of errors calls for the Court to again evaluate the evidence to determine whether there was a partition of the property and whether the 1/3 portion of the southern half was sold to the respondent spouses. These clearly entail questions of fact which are beyond the Court's ambit of review under Rule 45 of the Rules of Court, especially considering that the findings of fact of the RTC were affirmed by the CA.[13] On this ground alone, the present petition must be denied. Nonetheless, the Court shall delve into these factual issues to finally put this case to rest.

Partition of the Subject Property

Spouses Monteiro, as plaintiffs in the original case, had the burden of proof to establish their case by a preponderance of evidence, which is the weight, credit, and value of the aggregate evidence on either side,

synonymous with the term “greater weight of the evidence.” Preponderance of evidence is evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto.[14]

To prove their claim of partition, the respondent spouses presented the following: (1) the Deed of Extrajudicial Partition, dated October 5, 1945, executed by and between the brothers Perfecto and Vitaliano; (2) the cadastral map of Liliw Cadm-484,[15] dated August 6, 1976, showing that the subject property had been divided into southern and northern portions, registered as Lot Nos. 876 and 877; and (3) the Municipal Assessor’s records[16] showing that the said lots were respectively claimed by Buenaventura and Perfecto.

It is undisputed that the Deed of Extrajudicial Partition stated that Perfecto and Vitaliano agreed “to divide between them into two and share and share alike” the subject property, including the house situated thereon. It appears, however, that the property was actually partitioned into definite portions, namely, southern and northern halves, as reflected in the cadastral map of Liliw, which were respectively claimed by an heir of Vitaliano and Perfecto himself. It, thus, appears that the subject property had already been partitioned into definite portions more than 20 years prior to the original complaint for partition filed in 1993, and that such division had been observed by the brothers’ heirs. As earlier pointed out, the petitioners themselves admitted to this very fact in their original answer, to wit:

(b) On September 5, 1945 the brothers PERFECTO and VITALIANO DIMAGUILA executed a deed of EXTRA JUDICIAL PARTITION of the aforescribed property dividing the same into two (2) equal parts as indicated in the aforesaid deed as follows, to wit:

x x x

(c) As a result of the foregoing partition and as known by all the parties in this case from the beginning or as soon as they reached the age of discernment PERFECTO DIMAGUILA became the sole and exclusive owner of the southern half of the aforescribed property and VITALIANO DIMAGUILA became the sole owner of the northern half of the same property; the house that was built thereon and still existing up to this time was likewise equally divided between the two (2) DIMAGUILA brothers in accordance with the extrajudicial partition of half equal shares;

x x x

2. In other words, the share of VITALIANO DIMAGUILA in the above described property has already been long segregated and had passed on to his heirs as is very well known by all the parties in this case:[17]

x x x

(Emphases in the Original)

Section 4[18] of Rule 129 of the Rules of Court provides that an admission made by a party in the course of the proceedings in the same case does not require proof, and may be contradicted only by showing that it was made through palpable mistake. The petitioners argue that such admission was the palpable mistake of their former counsel in his rush to file the answer, a copy of which was not provided to them. Petitioner Asuncion testified:

Q So, why was that allegations (sic) made in the Answer?

A May be, (sic) in his rush to file the Answer, Atty. Paredes filed the same without giving us a copy...[19]

This contention is unacceptable. It is a purely self-serving claim unsupported by any iota of evidence. Bare allegations, unsubstantiated by evidence, are not equivalent to proof.[20] Furthermore, the Court notes that this position was adopted by the petitioners only almost eight (8) years after their original answer was filed, in response to the amended complaint of the respondent spouses. In their original answer to the complaint for partition, their claim that there was already a partition into northern-half and southern-half portions, was the very

essence of their defense. It was precisely this admission which moved the respondent spouses to amend their complaint. The petitioners cannot now insist that the very foundation of their original defense was a palpable mistake.

Article 1431[21] of the Civil Code provides that through estoppel, an admission is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon. The respondent spouses had clearly relied on the petitioners' admission and so amended their original complaint for partition to one for recovery of possession of a portion of the subject property. Thus, the petitioners are now estopped from denying or attempting to prove that there was no partition of the property.

Considering that an admission does not require proof, the admission of the petitioners would actually be sufficient to prove the partition even without the documents presented by the respondent spouses. If anything, the additional evidence they presented only served to corroborate the petitioners' admission.

The petitioners argue that they timely objected to the cadastral map and the list of claimants presented by the respondent spouses, on the ground that they violated the rule on hearsay and the best evidence rule.

Anent the best evidence rule, Section 3(d) of Rule 130 of the Rules of Court provides that when the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except when the original is a public record in the custody of a public officer or is recorded in a public office. [22] Section 7 of the same Rule provides that when the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof.[23] Section 24 of Rule 132 provides that the record of public documents may be evidenced by a copy attested by the officer having the legal custody or the record.[24]

Certified true copies of the cadastral map of Liliw and the corresponding list of claimants of the area covered by the map were presented by two public officers. The first was Crisostomo Arves, Clerk III of the Municipal Assessor's Office, a repository of such documents. The second was Dominga Tolentino, a DENR employee, who, as a record officer, certifies and safekeeps records of surveyed land involving cadastral maps. The cadastral maps and the list of claimants, as certified true copies of original public records, fall under the exception to the best evidence rule.

As to the hearsay rule, Section 44 of Rule 130 of the Rules of Court similarly provides that entries in official records are an exception to the rule.[25] The rule provides that entries in official records made in the performance of the duty of a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated. The necessity of this rule consists in the inconvenience and difficulty of requiring the official's attendance as a witness to testify to the innumerable transactions in the course of his duty. The document's trustworthiness consists in the presumption of regularity of performance of official duty.[26]

Cadastral maps are the output of cadastral surveys. The DENR is the department tasked to execute, supervise and manage the conduct of cadastral surveys.[27] It is, therefore, clear that the cadastral map and the corresponding list of claimants qualify as entries in official records as they were prepared by the DENR, as mandated by law. As such, they are exceptions to the hearsay rule and are prima facie evidence of the facts stated therein.

Even granting that the petitioners had not admitted the partition, they presented no evidence to contradict the evidence of the respondent spouses. Thus, even without the admission of the petitioners, the respondent spouses proved by a preponderance of evidence that there had indeed been a partition of the subject property.

Sale of 1/3 Portion of the Southern-half

To prove that 1/3 of the southern-half portion of the subject property was sold to them, Spouses Monteiro presented a deed of sale entitled *Bilihan ng Lahat Naming Karapatan*,^[28] dated September 29, 1992, wherein Pedro's share was sold by his heirs to them, with the acquiescence of the heirs of Esperanza and Leandro in an Affidavit of Conformity and Waiver.^[29] The petitioners argue that the *Bilihan* should not have been admitted into evidence because it lacked the documentary stamp tax required by Section 201 of the NIRC.

On August 29, 1994, the petitioners filed a motion for the production and/or inspection of documents,^[30] praying that Spouses Monteiro be ordered to produce the deed of sale, which they cited as the source of their rights as co-owners. On November 20, 1995, Spouses Monteiro submitted their compliance,^[31] furnishing the RTC and the petitioners with a copy^[32] of the *Bilihan*. On January 3, 1996, the petitioners filed a notice of consignment,^[33] manifesting that they had attempted to exercise their right of redemption as co-owners of the 1/3 portion of the southern half of the property under Article 1623^[34] of the Civil Code by sending and tendering payment of redemption to Spouses Monteiro, which was, however, returned.

By filing the notice of consignment and tendering their payment for the redemption of the 1/3 portion of the southern-half of the property, the petitioners, in effect, admitted the existence, due execution and validity of the *Bilihan*. Consequently, they are now estopped from questioning its admissibility in evidence for relying on such for their right of redemption. Additionally, the Court notes that the copy^[35] of the *Bilihan* which was originally submitted by Spouses Monteiro with its compliance filed on November 20, 1995, does in fact bear a documentary stamp tax. It could only mean that the documentary stamp tax on the sale was properly paid. The *Bilihan* was, therefore, properly admitted into evidence and considered by the RTC.

In any case, as correctly held by the lower courts, the petitioners, as heirs of Vitaliano, who inherited the northern-half portion of the subject property, do not possess the necessary personality to assail the sale of the southern-half portion between Spouses Monteiro and the heirs of Pedro. They are not real parties-in-interest who stand to be benefited or injured by the sale of the 1/3 portion of the southern-half over which they have absolutely no right. As correctly ruled by the courts below, only fellow co-owners have the personality to assail the sale, namely, the heirs of Pedro's siblings, Esperanza and Leandro. They have, however, expressly acquiesced to the sale and waived their right to the property in the affidavit presented by Spouses Monteiro.^[36] As such, the petitioners have no right to their counterclaims of demolition of improvements and payment of damages.

With Spouses Monteiro having sufficiently proved their claim over the subject 1/3 portion of the southern-half of the property through the *Bilihan*, the lower courts did not err in awarding possession, rentals, attorney's fees, and litigation expenses to them.

The Court, however, finds that the award of rentals should be reckoned from January 2, 2001, the date the Spouses Monteiro filed their Amended Complaint seeking recovery of the subject portion. Interest at the rate of 6% per annum shall also be imposed on the total amount of rent due from finality of this Decision until fully paid.^[37]

WHEREFORE, the petition is DENIED. The August 15, 2011 Decision and the March 5, 2012 Resolution of the Court of Appeals, in CA-G.R. CV No. 92707 are AFFIRMED with MODIFICATION, in that:

- The award of rent at the rate of P500.00 per month shall be reckoned from January 2, 2001 until the property is vacated; and
- Interest at the rate of 6% per annum shall be imposed on the total amount of rent due from finality of this Decision until fully paid.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Leonen, JJ., concur.

[1] Rollo, pp. 29-43; penned by Associate Justice Hakim S. Abdulwahid, with Associate Justice Ricardo R. Rosario and Associate Justice Rodil V. Zalameda, concurring.

[2] Id. at 44-45.

[3] Id. at 144-157.

[4] Records, Vol. II, pp. 289-308.

[5] Id. at 315-328.

[6] Rollo, pp. 156-157.

[7] Records, Vol. I, Exhibit "A," pp. 24-25.

[8] Records, Vol. III, Exhibit "J," p. 519.

[9] Records, Vol. I, Exhibit "A," pp. 24-25.

[10] 184 Phil. 588 (1980).

[11] 235 Phil. 719 (1987).

[12] Rollo, pp. 13-14.

[13] Heirs of Vda. Dela Cruz v. Heirs of Fajardo, G.R. No. 184966, May 30, 2011, 649 SCRA 463, 470.

[14] Bank of the Philippine Islands v. Spouses Royeca, 581 Phil. 188, 194 (2008).

[15] Records, Vol. III, Exhibit "J," p. 519.

[16] Records, Vol. III, Exhibit "L," p. 556.

[17] Records, Vol. I, pp. 11-12.

[18] Section 4. Judicial admissions. — An admission, verbal or written, made by the party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.

[19] TSN, December 1, 2005, p. 15.

[20] Rosaroso v. Soria, G.R. No. 194846, June 19, 2013.

[21] Art. 1431. Through estoppel an admission or representation is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon.

[22] Section 3. Original document must be produced; exceptions. — When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

x x x

(d) When the original is a public record in the custody of a public officer or is recorded in a public office.

[23] Section 7. Evidence admissible when original document is a public record. — When the original of document

is in the custody of public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof.

[24] Section 24. Proof of official record. — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

[25] Section 44. Entries in official records. — Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated.

[26] Oscar M. Herrera, Remedial Law: Vol. V, (Quezon City, Philippines, Rex Printing Company, Inc., 2004), p. 740.

[27] DENR Admin. Order 2001-23.

[28] Records, Vol. III, Exhibit “C,” p. 514.

[29] Records, Vol. I, pp. 303-305.

[30] Id. at 75-76.

[31] Id. at 111.

[32] Id. at 112.

[33] Id. at 113-115.

[34] Art. 1623. The right of legal pre-emption or redemption shall not be exercised except within thirty days from the notice in writing by the prospective vendor, or by the vendor, as the case may be. The deed of sale shall not be recorded in the Registry of Property, unless accompanied by an affidavit of the vendor that he has given written notice thereof to all possible redemptioners.

The right of redemption of co-owners excludes that of adjoining owners.

[35] Records, Vol. I, p. 112.

[36] Id. at 303-304.

[37] Nacar v. Gallery Frames, G.R. No. 189871, August 13, 2013.

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