

SEBASTIAN M. QUINOL, ALIMITA RENDAL-QUINOL, PORFERIA QUINOL-MACATIGUIB, MARCELO MACATIGUIB, BALTAZAR QUINOL, ELAINE KILAPKILAP-QUINOL, AND PATRICIA QUINOL, PETITIONERS, VS. LORE...*G.R. No. 213517. April 10, 2019*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-213517/>**CAGUIOA, J:**

Before the Court is a Petition for Review on Certiorari[1] (Petition) under Rule 45 of the Rules of Court filed by petitioners Sebastian M. Quinol (Sebastian), Alimita Rendal-Quinol (Alimita), Porferia Quinol-Macatiguib (Porferia), Marcelo Macatiguib (Marcelo), Baltazar Quinol (Baltazar), Elaine Kilapkilap-Quinol (Elaine) and Patricia Quinol (Patricia) (collectively, the petitioners), assailing the Decision[2] dated October 19, 2012 (assailed Decision) and Resolution[3] dated June 13, 2014 (assailed Resolution) promulgated by the Court of Appeals - Cebu City 18[th] Division (CA) in CA-G.R. CV No. 00207, both of which sustained the Decision[4] dated June 25, 2004 issued by the Regional Trial Court of Dumaguete, Branch 38 (RTC), dismissing the petitioners' Complaint for Quieting of Title, Declaration of Inexistence of Instrument, and Damages in Civil Case No. 12983.

The Facts and Antecedent Proceedings

As narrated by the CA in its assailed Decision, and as culled from the records of the case, the essential facts and antecedent proceedings of the instant case are as follows:

On 31 March 1958, Nona Japa and Consorcio Japa [(the Japa siblings)] sold to Pedro Macatisbis [(Pedro)] for Ninety Pesos (P90.00) a portion of maizal land located in Intosan, Poblacion, Siaton Negros Occidental [(subject property)].

[An unregistered Deed of Absolute Sale dated March 31, 1958 was entered into between the Japa siblings and Pedro, which described the parcel of land where the subject property is located as follows:

North: Santoss (sic) and Leoncia Ragay, 30.00 Meters; South: Eugenia and Sixta Quilinguan, 25.00 Meters; East: Crispin Quilnet and Leoncia Ragay, 38.50 Meters; West: Nona Japa, 49.00 Meters; Containing an area of 1,203, square meters more or less; Declared in the name of Felipe Japa under Tax Declaration No. 11549 and assessed at P120.00 (part) for taxation purposes. Monuments are visible by means of (toba) trees planted along the sides thereof. We acquired this property thru inheritance from the late Felipe Japa who was our father. The vendee is the actual possessor thereof.][5]

The Deed of Absolute Sale executed by [the Japa siblings] was notarized by one Vicente Kinilitan and recorded in his books as Document 28 found on Page 17 of Book IV for the year 1958.

[The Deed of Absolute Sale does not specify the lot number of the subject property. The petitioners allege that the subject property sold to their predecessor-in-interest, i.e., Pedro, by the respondents' predecessors-in-interest, i.e., the Japa siblings, by virtue of the Deed of Absolute Sale refers to Lot 584. On the other hand, the respondents maintain that the subject property subject of the sale actually refers to Lot 585.]

[As alleged by the petitioners, since 1958, Pedro had been in possession of Lot 584 in the concept of an owner, planting coconut trees, bananas, and buri trees therein. It is likewise alleged that Pedro's daughter and the petitioners' mother, Felisa Macatisbis Quinol (Felisa), continued to possess the land and transferred the old tax declaration of the subject property in her name, continuing to pay realty taxes since 1958 up to the present. The petitioners also allege that Sebastian was able to put up a house inside Lot 584, while respondent Jesus Quinol (Jesus), the sibling of Sebastian, mortgaged his share over the subject property to a certain Magdalena Quilinguen.][6]

[The petitioners claim that in 2000, respondent Lorenza Inocencio (Lorenza), who is an heir of Nona Japa, offered to sell the subject property to Sebastian, claiming that she has title over the subject property in her name. Sebastian refused as the land was already sold to his grandfather, Pedro in 1958. This prompted the petitioners to verify with the Register of Deeds, wherein they discovered that on June 14, 1982, the Register of Deeds had issued in the name of Hrs. of Nona Japa Original Certificate of Title (OCT) No. FV-34211 under Free Patent No. (VII-3) 11112 for Lot No. 584, Pls-659-D, having an area of one thousand one hundred forty-two (1,142) square meters.][7]

[As alleged by Lorenza, Epifania Poa (Epifania), Jimmy Poa (Jimmy), Artemio Quinol (Artemio), and Jesus (collectively, the respondents), the aforementioned Free Patent was applied for by Epifania, one of the daughters of Nona Japa, because the mother of the petitioners, i.e., Felisa, told her to do so because the subject property belonged to the Japas. As alleged by the respondents, Felisa even accompanied respondent Epifania when the latter applied for the Free Patent.][8]

[Hence, upon discovery of OCT No. FV-34211 under Free Patent No. (VII-3) 11112,] on 18 June 2001, some of [Pedro's] grandchildren and their spouses, namely: [the petitioners Sebastian, Alimita, Porferia, Marcelo, Baltazar, Elaine, Patricia,] Carlita Quinol and Fernando Alzarro[,] filed a [C]omplaint for Quieting of Title, Declaration of Inexistence of Instrument, and Damages against Nona Japa's children[: the respondents Lorenza and Epifania, with the latter's husband, Jimmy; and three of the Quinol brothers and their wives, namely Artemio, Emilita Daquiado, Jesus, Narcisa Ege, Abundio Quinol and Anicita Legaspi.] The case was docketed as Civil Case No. 12983 and raffled to Branch 38 of the Regional Trial Court in Dumaguete City.

In their Amended Complaint, the [petitioners] claimed that their grandfather [Pedro] bought Lot 584 on 31 March 1958. The sale was embodied in a Deed of [Absolute] Sale and entered in the notarial books of Vicente Kinilitan. From then on, Pedro and his children possessed and occupied the land; they planted it with 40 coconut trees, bananas and buri trees, and harvested the fruits from the trees; they also built a house thereon. In the early 1980's, [respondent Epifania allegedly] surreptitiously applied for free patent over this land, stating falsely that she had been in possession of the land for 30 years when in fact, it was Pedro and his children who possessed and occupied the same. x x x

From the foregoing, [the petitioners] averred that the application for free patent that [Epifania] filed should be declared inexistent, and the title which emanated from it should be declared null and void because the same was unlawfully procured. For expediency, the title should be transferred in the name of the Heirs of [Pedro], the herein [petitioners]. They continued that their possession and enjoyment of Lot 584 since 1958 til (sic) now was without disturbance from the [respondents] except for the latter's malice and bad faith in making misrepresentation and falsehood which create a cloud over their ownership of Lot 584. Because of [the respondents'] pretense and false statements, [the petitioners] also claimed that these caused them tremendous worries and anxieties for which they should be compensated, aside from the incidental litigation expenses which they incurred.

[The petitioners] prayed that, aside from other reliefs just and equitable, their entitlement to Lot 584 be quieted;

that OCT No. FV-34211 be declared inexistent and, in the alternative, the Register of Deeds of Negros Oriental be directed to cancel the same and issue a Transfer Certificate of Title (TCT) in their names; and that the [respondents] be ordered to pay them P30,000.00 as moral damages and reimburse them P30,000.00 for attorney's fees.

[The respondents] adopted their Answer with Counterclaim to the original complaint as their answer to the Amended Complaint. In this Answer with Counterclaim, [Artemio and Jesus] admitted that they are the elder brothers of all the [petitioners], but that they could not join their siblings from their quest because their conscience and respect for justice and equity prevent them so. The [respondents] denied the statement of alleged facts of [the petitioners].

According to the [respondents], it was Lot 585, not Lot 584, that the late [Pedro] bought, owned and possessed since 1958. Pedro used to occupy Lot 584 as tenants of the Japas but after his death, possession of the land was returned to the latter. The house of [the petitioners] is erected on Lot 585 and no such coconut and buri trees or bananas are planted on Lot 584. OCT No. FV-34211 was issued in good faith by virtue of an application filed in good faith. [The respondents] claimed that this land was declared in the name of Felipe Japa even before 1946. In April 2001, [petitioner] Sebastian offered to buy from the heirs of Nona Japa Lot 584 at P200.00 per square meter by installment.

x x x x

Trial on the merits then ensued, x x x On June 25, 2004, the [RTC issued a Decision[9], dismissing the petitioners'] complaint for lack of cause of action; it also dismissed [the respondents'] counterclaims for lack of merit.

On [the petitioners'] first cause of action, the [RTC] ruled that from the testimonies of [the petitioners' witness] Segundino Lambayan and of [the respondents'] witness Nicolasito P. Lopez, it appears that there was no irregularity in the issuance of OCT No. FV-34211 since all the requirements were complied with. Apart from their self-serving testimonies, [the petitioners] failed to present an iota of convincing evidence that [respondent Epifania] fraudulently obtained the patent and the OCT. The [RTC] further ruled that, assuming [respondent] Epifania did obtain the patent and the OCT with fraud, [the petitioners] should have filed the proper protest before the Department of Environment and Natural Resources (DENR).

With regard to [the petitioners'] second cause of action, the [RTC] ruled that x x x [the petitioners] failed to demonstrate a legal or an equitable title to or interest in Lot 584; they also failed to show that OCT No. FV-34211, which they claim casts a cloud of doubt on their legal interest, is invalid or inoperative.

The [RTC] then found that x x x the [petitioners] did not present evidence that the sale was indeed registered. The law gives no validity to any document or deed of conveyance of property, except as between the parties, until the document or deed is registered in the manner prescribed by law. Between [the petitioners'] tax declarations and receipts and [the respondents'] OCT, the [RTC] held that the latter had a better or more superior right over Lot 584 than the former. As to the issue of possession, the [RTC] also found that the [petitioners] failed to substantiate their claim with sufficient evidence. Land Investigator Nicolasito P. Lopez testified that he did not see any person occupying or claiming the property when he conducted the ocular inspection. Granting also that [the petitioners] have occupied and possessed the lot since their mother [Felisa] died, it could not ripen into ownership.

x x x x

Aggrieved, [the petitioners] filed [an] appeal [before the CA, alleging, in the main, that the RTC erred in not finding any factual or legal basis for the declaration of OCT No. FV-34211 as null and void, in finding that the

petitioners were not able to demonstrate a legal or equitable title to or interest in Lot 584, and in finding that the petitioners were not able to substantiate by sufficient evidence their claim of possession.][10]

The Ruling of the CA

In the assailed Decision, the CA denied the petitioners' appeal. The dispositive portion of the assailed Decision reads:

WHEREFORE, the appeal is hereby DISMISSED. The 25 June 2004 Decision rendered by Branch 38 of the Regional Trial Court in Dumaguete City in Civil Case No. 12983 is hereby AFFIRMED.

Cost against appellants.

SO ORDERED.[11]

In the assailed Decision, concurring with the factual findings of the RTC, the CA found that, according to the evidence on record, the petitioners failed to prove that the OCT relied upon by the respondents was procured through fraud. According to the CA, the evidence shows that the nature of the petitioners' possession over the subject lot was not in the concept of an owner.

The petitioners filed a Motion for Reconsideration[12] dated November 19, 2012, which was denied by the CA in the assailed Resolution.

Hence, the instant Petition.

The respondents filed their Preliminary Comment on the Petition[13] dated December 8, 2015, to which petitioner Logrosa responded with a Reply dated March 20, 2017.[14]

Issue

The principal question to be resolved by the Court is whether the CA was correct in sustaining the RTC's dismissal of the petitioners' Complaint for Quieting of Title, Declaration of Inexistence of Instrument, and Damages.

The Court's Ruling

The Court resolves to deny the instant Petition.

At the heart of the instant Petition is the allegation of the petitioners that the assailed Decision and Resolution of the CA, which affirmed the RTC's dismissal of their Complaint for Quieting of Title, Declaration of Inexistence of Instrument, and Damages, should be reversed because the testimonial and documentary evidence on record allegedly prove that the title of the respondents over the subject property, i.e., OCT No. FV-34211, which was derived from Free Patent No. (VII-3) 11112, was issued through actual fraud.

A perusal of the grounds raised in the instant Petition readily reveals that the petitioners are asking the Court to reassess evidentiary matters and re-examine testimonial evidence presented by the parties' witnesses during the trial conducted before the RTC. In other words, in the main, the petitioners argue that both the RTC and CA misevaluated the evidence on record and erroneously concluded that OCT No. FV-34211 was validly issued in favor of the respondents. Simply stated, the petitioners raise in the instant Petition pure questions of fact.

A question of facts 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 relevancy of specific surrounding circumstances as well as their relation to each other and to the whole, and the probability of the situation.[15] It is unmistakably evident in the submissions made by the petitioners that the

Court is asked to re-weigh the evidentiary value of the various pieces of evidence on record and to make a re-assessment of the veracity and credibility of the witnesses presented during trial. Further, the main assertion of the petitioners, i.e., the existence of fraud, is a question of fact which must be alleged and proved.[16]

A catena of cases has consistently held that questions of fact cannot be raised in an appeal via certiorari before the Court and are not proper for its consideration.[17] The Court is not a trier of facts. It is not the Court's function to examine and weigh all over again the evidence presented in the proceedings below.[18]

It must likewise be stressed that factual findings of the trial court its calibration of the testimonies of the witnesses and its assessment of their probative weight are given high respect, if not conclusive effect unless it ignored, misconstrued, misunderstood or misinterpreted cogent facts and circumstances of substance, which, if considered, will alter the outcome of the case The trial court is in the best position to ascertain and measure the sincerity and spontaneity of witnesses through its actual observation of the witnesses' manner of testifying, demeanor and behavior while in the witness box.[19]

After a careful review of the records of the instant case, the Court does not find any cogent reason to stray away from the aforesaid elementary principles. As found by both the RTC and CA, the totality of evidence on record shows that the respondents' title, i.e., OCT No. FV-34211, which was derived from Free Patent No. (VII-3) 11112, was validly issued in their favor and does not encroach on the property of the petitioners.

Fraud cannot be presumed and must be proven by clear and convincing evidence.[20] As appreciated by both the CA and the RTC, the testimony of Record Officer of the DENR City Environment and Natural Resources Office (CENRO) II of Dumaguete City, Segundino Lambayan, proved that all the requirements for the issuance of OCT No. FV-34211 covering Lot 584 were duly complied without any kind of irregularity.

This testimony was further corroborated by Nicolasito Lopez, the land investigator who issued the final investigation reports for both Lots 584 and 585, whose testimony confirms the validity of Free Patent No. (VII-3) 11112 and OCT No. FV-34211.[21] At this juncture, the Court stresses that findings of fact by administrative agencies are generally accorded by the courts great respect, if not finality, by reason of the special knowledge and expertise of said administrative agencies over matters falling under their jurisdiction. It is not the task of the Court to once again weigh the evidence submitted before and passed upon by the administrative body and to substitute its own judgment regarding sufficiency of evidence.[22]

Further, with respect to the petitioners' insistence that the subject property that was sold to their predecessor-in-interest Pedro pertains to the lot covered by OCT No. FV-34211, i.e., Lot 584, and not Lot 585, both the RTC and CA appreciated the testimonies of Jesus and Artemio, who are the brothers of the petitioners and two of the grandchildren of Pedro, as contradicting the petitioners' claims. As noted by the RTC and the CA, even the petitioners' own brothers unequivocally testified that the lot that was between the Japa siblings and Pedro was Lot 585 and not Lot 584 and that Lot 584 belonged to the heirs of Nona Japa and not their family. Jesus and Artemio likewise testified that while it is true that Pedro and his heirs were in actual possession of Lot 584, they did so in their capacities as tenants and not owners of the land.[23] Jesus even testified that the lot applied for by their mother Felisa for the purpose of registration was Lot 585 and not Lot 584.[24] The Court thus agrees with the RTC and CA's finding that the testimonies of Jesus and Artemio, being clear admissions against interest deserve considerable weight.

Furthermore, it was not contested by the parties that despite the alleged sale of Lot 584 to Pedro in 1958, in a cadastral survey undertaken in 1959-1962, Pedro only claimed ownership over Lot 585, while Nona Japa claimed for Lot 584. As correctly held by the CA, "[h]ad the subject property of the sale been Lot 584, then Pedro Macatisbis could have claimed the lot as his already by the time the survey was done. Evidently, he did not, which

leads us to a finding that the lot subject of the sale in 1958 is Lot 585 and not Lot 584." [25] As noted by the CA, striking is the fact that, despite knowing very well that Nona Japa was the survey claimant for Lot 584 during the cadastral survey, the petitioners failed to protest such claim even after the sale of the subject property to Pedro. [26]

Moreover, the RTC and CA also gave credence to the testimony of Epifania, corroborated by both the testimonies of Jesus and Artemio, which prove that the mother of the petitioners, Felisa, was actually the one who advised Epifania to apply for the issuance of a certificate of title covering Lot 584 because it belonged to the Japas. In fact, Felisa herself accompanied Epifania to Dumaguete City to have Lot 584 registered in the name of the respondents. Clearly, the acts of the petitioners' own mother, as corroborated by the petitioners' two brothers, belie the petitioners' stance that Lot 584 was the property sold to their predecessor-in-interest. [27]

Lastly, the petitioners placed much reliance on the tax declarations showing their payment of real property taxes covering Lot 584. First and foremost, tax declarations and tax receipts as evidence of ownership cannot prevail over a certificate of title which, to reiterate, is a presumptive proof of ownership. [28] In any case, as correctly found by the CA, the tax declarations presented by the petitioners fail to fortify the petitioners' stance that the property owned by them is Lot 584. From the testimony of the petitioners' own witness, Roily Macahig (Makahig), the Municipal Assessor of Siaton, the descriptions regarding the land covered by the tax declarations are not reliable because such descriptions were "only declared by the owner and no actual geodetic survey of that property at that time," and categorically stated that the areas in TDs 11549 and 31949 are not reliable." [29] When pressed by the RTC during trial why there are discrepancies as to the land area indicated in the tax declarations presented by the petitioners, Macahig expressly testified that "the owner (referring to the petitioners) did not tell the correct area in their lot," and that "[a]ctually we cannot ascertain [the descriptions inscribed in the petitioners' tax declarations] because [for] tax declaration, x x x, the main purpose is for taxation purposes, x x x, and it is up to the owner to give us the title of the property and with revised tax declaration to conform with the title, the area, and the boundaries." [30]

Therefore, premises considered, the Court does not find any cogent reason to overturn the RTC's and CA's factual findings that the respondents' title covering Lot 584, i.e., OCT No. FV-34211, which was derived from Free Patent No. (VII-3) 11112, was validly issued in their favor and does not encroach whatsoever on the property belonging to the petitioners, i.e., Lot 585.

WHEREFORE, premises considered, the instant Petition is hereby DENIED. The Decision dated October 19, 2012 and Resolution dated June 13, 2014 promulgated by the Court of Appeals, Cebu City, 18th Division in CA-G.R. CV No. 00207 are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), J. Reyes, Jr., and Lazaro-Javier, JJ., concur.
Perlas-Bernabe, J., on leave.

[*] Also referred to as "Sebastian M. Kinol" in some parts of the record.

[1] Rollo, pp. 3-20.

[2] Id. at 22-41; penned by Associate Justice Gabriel T. Ingles, with Associate Justices Pampio A. Abarintos and Pedro B. Corales concurring.

[3] Id. at 50-54; penned by Associate Justice Gabriel T. Ingles, with Associate Justices Edgardo L. Delos Santos

and Ma. Luisa C. Quijano-Padilla concurring.

[4] Id. at 113-136. Penned by Presiding Judge Teresita A. Galanida.

[5] Rollo, p. 61.

[6] See id. at 122.

[7] Id. at 5 and 23.

[8] Id. at 128.

[9] Id. at 113-136.

[10] Id. at 22-29.

[11] Id. at 41.

[12] Id. at 42-49.

[13] Id. at 222-226. Document labeled as "Motion to Admit Explanation with Offer of Profound Apologies and Preliminary Comment on the Petition."

[14] Id. at 236-245.

[15] See *Caiña v. People of the Philippines*, 288 Phil. 177, 182-183 (1992).

[16] *Quitoriano v. Department of Agrarian Reform Adjudication Board*, 571 Phil. 331, 340 (2008).

[17] *Bautista v. Puyat Vinyl Products, Inc.*, 416 Phil. 305, 309 (2001).

[18] *Republic of the Philippines v. Sandiganbayan, et al.*, 426 Phil. 104, 110 (2002).

[19] *People of the Philippines v. Alabado*, 558 Phil. 796, 813-814 (2007).

[20] *Quitoriano v. Department of Agrarian Reform Adjudication Board*, *supra* note 16 at 340-341.

[21] Rollo, p. 35.

[22] *Spouses Hipolito, Jr. v. Cinco, et al.*, 677 Phil. 331, 349 (2011).

[23] Rollo, pp. 146-149.

[24] Id. at 38-39.

[25] Id. at 35.

[26] Id. at 39.

[27] Id. at 34.

[28] *Heirs of Vencilao, Sr. v. Court of Appeals*, 351 Phil. 815, 823 (1998).

[29] Rollo, p. 36.

[30] Id. at 37.

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