

**SPOUSES FREDILLO GUILLEN AND LEONA SANTIAGO GUILLEN, AND
RANULFO B. GUILLEN, PETITIONERS, VS. COURT OF APPEALS,
IGMEDIO SANTIAGO, EPETACIO SANTIAGO, DIOSDADO SANTIAGO,
SILVESTRE...***G.R. No. 83175. December 04, 1989*

Ponente: SARMIENTO, J.

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The decision[1] dated December 10, 1987 of the Court of Appeals, which reversed and set aside the decision[2] dated October 31, 1985 of the Regional Trial Court of Iloilo City in Civil Case No. 14580, entitled, "Igmedio Santiago, et al. vs. Leona Santiago, et al.", is challenged in this petition for review on certiorari.

On August 24, 1982, the private respondents, as plaintiffs, filed before the Regional Trial Court of Iloilo City a verified complaint for annulment of lease agreement, delivery of possession, and damages against the petitioners as defendants. In their complaint, the private respondents averred that they are, together with their sister, Leona Santiago-Guillen, who is married to her co-petitioner, Fredillo Guillen, the lawful and absolute co-owners of several properties, one of which is an unregistered parcel of land, converted into a fishpond, with an area of 66,620 square meters located at Barosbos, Carles, Iloilo. The co-ownership is evidenced by a "Deed of Extra-judicial Partition and Agreement of Subdivision" dated June 26, 1981. After the execution of the partition agreement, the Guillen spouses requested that they be allowed to retain possession of the entire fishpond until the end of 1981 after which they (the Guillens) would immediately deliver to the private respondents their respective shares thereof. At the end of 1981, however, the Guillens did not deliver as promised. It turned out that on October 29, 1980, they leased the property to Ranulfo Guillen (likewise a defendant in the trial court and a petitioner herein), a brother of Fredillo Guillen. The private respondents charged that the lease was null and void because they did not consent thereto. They claimed that the lease was executed to deprive them of their shares in the fishpond as well as in the annual rentals thereof.[3]

In their answer with counterclaim, the Guillen spouses alleged that the fishpond in controversy was acquired by them on June 18, 1963 from Manuel Bellosillo who had purchased it at a public auction sale conducted by the Iloilo provincial sheriff in connection with a criminal case involving the plaintiffs Igmedio, Epetacio, Flaviano, and Diosdado (among the private respondents herein), all brothers of Leona, in which the said property was offered as a bond and was subsequently forfeited by the government. They claimed that from June 18, 1963 up to the filing of the complaint, they actually possessed the property as owners, received the fruits therefrom, paid the realty taxes thereon, and caused it to be declared in their names. They claimed further that the plaintiffs (the herein private respondents) had lost their right to redeem the property by prescription and/or laches, and that the deed of extra-judicial partition and agreement of subdivision was procured through force and fraud.[4]

At the pre-trial conference conducted by the trial court on June 22, 1983,[5] the parties agreed on the following points: that they were co-owners of the property in question which was originally owned by their father, the late

Tomas Santiago, and that the property had been the subject of a writ of execution by virtue of a criminal case filed against plaintiffs Igmedio Santiago, et al., resulting in the sale of the property and its purchase by Manuel Bellosillo in a public auction sale. The existence of a redemption certificate, dated June 1, 1963, executed in favor of Leona Santiago-Guillen, over the said property, was admitted, and so with the payment by Leona of the realty taxes thereon. The parties acknowledged the existence of the lease agreement, dated October 29, 1980, signed by Leona and defendant Ranulfo Guillen, as well as the "Deed Of Extra-Judicial Partition And Agreement Of Subdivision," dated June 26, 1981, covering not only the fishpond in controversy but also the other properties of the late Tomas Santiago.[6]

Accordingly, the trial court limited the issues of the case to the following:

- a) Whether after the sale at public auction of the herein Lot No. 30, all the heirs or only one of them had exercised the right of redemption from the awardee, Manuel Bellosillo.
- b) Whether prescription and/or laches lie against the plaintiffs as only the defendant Leona Santiago Guillen had exercised, as she did exercise the right of redemption.
- c) Whether the existing Deed of Extra-Judicial Partition and Agreement of Subdivision dated June 26, 1981, as well as the lease agreement dated October 29, 1980, were (sic) valid; assuming that the lease insofar as the plaintiffs' share is concerned is upheld, whether plaintiffs are bound by the terms and conditions therein set forth; and
- d) Whether parties are entitled to damages prayed for in the respective pleadings.[7]

At the trial, private respondent Igmedio Santiago testified that the redemption effected by petitioner Leona Santiago-Guillen was for and on behalf of all the co-owners of all the properties sold at public auction, as evidenced by a document, dated October 28, 1971, executed by Manuel Bellosillo, the purchaser, in which the latter acknowledged his receipt of the sum of P9,123.40 as redemption price of all the properties, including Lot 30, the contested fishpond,[8] of the late Tomas Santiago. Bellosillo, who was called to the witness stand, testified that Leona personally redeemed the property from the Iloilo provincial sheriff in 1963 and that he (Bellosillo) had knowledge that the herein private respondents had agreed to, and authorized, Leona to pay the redemption price.[9]

When Leona Santiago-Guillen's turn at the witness stand came, she testified that the redemption price did not come from the plaintiffs, her brothers and sisters. She averred that the plaintiffs failed to raise the necessary amount corresponding to their respective shares, and showed no intention or redeeming the properties, thus compelling her to redeem personally the properties with her own funds. She further claimed that her signature appearing on the "Deed Of Extra-Judicial Partition And Agreement of Subdivision" was procured through force and intimidation; moreover, the said document was not formally executed and completed as the other plaintiffs refused to sign the same.[10]

Leona's testimony was corroborated by her husband, Predillo. The other defendant (also a petitioner here) Ranulfo B. Guillen, when called to testify, said that he leased the disputed fishpond fully aware that the Guillen spouses purchased the same from Manuel Bellosillo and that, to his knowledge, the said spouses were never disturbed in their occupancy of the said property.[11]

On October 31, 1985, the trial court, convinced that the redemption of the fishpond was made by Leona alone and that her brothers and sisters had already lost their rights by prescription and/or laches, decided in favor of the petitioners, dismissing the case and ordering the private respondents to pay the petitioners P5,000.00 as attorney's fees, including the costs of the suit.

The private respondents appealed the trial court's decision to the respondent Court of Appeals. In turn, the appellate court, finding that the subject property is co-owned by the parties--the Santiagos and their sister, Leona Santiago-Guillen--held that neither prescription nor laches had set in, pursuant to Article 494 of the new Civil Code. It ruled that the redemption of the property in controversy caused by Leona Santiago-Guillen was not for herself alone but also for all the other co-owners. Consequently, on December 10, 1987, it reversed the decision of the lower court and declared as null and void the lease agreement dated October 29, 1979 anent the shares of the private respondents. It also confirmed the inclusion of the property in question, Lot 30, in the deed of extra-judicial partition and agreement of subdivision dated June 26, 1981. Furthermore, it ordered the petitioners to deliver the possession to the private respondents of their respective shares in Lot 30, the fishpond, in accordance with the deed of extra-judicial partition and agreement of subdivision, subject to Petitioner Leona Santiago-Guillen's right of reimbursement from the private respondents of their respective shares in the redemption cost of P2,253.40.[12]

The petitioners moved for a reconsideration of the appellate court's decision, but their motion was denied in a resolution dated April 21, 1988.[13] Hence, this petition.

Now the petitioners contend before us that the appellate court committed a grave error in supplanting with its own findings those established by the trial court. In fine, the petitioners posit that since the fishpond was redeemed from Manuel Bellosillo by Leona Santiago-Guillen solely with her money and in her personal capacity, it (the property) had ceased to be a co-ownership. Moreover, because of her kins' failure to exercise their right to redeem the property from Bellosillo within one year from the date of the sale, they are barred by prescription from claiming co-ownership over the property.

Finally, the petitioners argue that the co-ownership had been effectively repudiated when Leona Guillen exercised rights of dominion thereon as early as June 18, 1963 upon its redemption by her from Bellosillo. Prescription and laches therefore lie against the private respondents.

Verily, the fate of this petition hinges on the resolution of two issues, namely: whether or not petitioner Leona Santiago-Guillen, by her acts, has acquired exclusive ownership over Lot 30--the fishpond in dispute--to the exclusion of the private respondents; and whether or not, the private respondents' action has prescribed.

There is no question as to the nature of the property being contested by the parties. It is an unregistered, and hence, untitled, parcel of real property, a fishpond to be precise, measuring 66.620 square meters and denominated as Lot 30, PCAOM 478-D, Carles, Iloilo. The property was originally owned by Tomas Santiago, father of petitioner Leona Santiago-Guillen and the private respondents. When Tomas died, the property became part and parcel of his estate which, by mode of succession, was inherited in common by his compulsory heirs--Leona and the private respondents. While still co-owned by the aforementioned parties, the property was offered as a bond in a criminal case involving some of the private respondents particularly, Igmedio, Epitacio, Flaviano, and Diosdado. The property was later levied on execution and forfeited by the government in the said criminal case and sold at a public auction to Manuel Bellosillo. These facts are admitted by the parties.

Conflict, however, arose when the property was redeemed by Leona. The petitioners claim that the redemption was made by Leona for herself alone and not for and on behalf of all co-owners. As such, she assumed exclusive ownership over the property, rendering the co-ownership non-existent. Moreover, the lapse of considerable length of time before the private respondent instituted the action questioning the title and possession of petitioner Leona Santiago-Guillen has allowed prescription to set in. The title acquired by Leona therefore has become unassailable insofar as the private respondents are concerned. The trial court agreed with the petitioners on this matter. The appellate court, however, ruled otherwise, saying that the redemption was carried out by Leona not for herself

alone but also on behalf of her co-owners, the private respondents.

We are satisfied with the correctness of the assailed decision. No reversible error has been committed by the respondent court.

The petitioners' position can not be sustained. Their contention that the redemption of the property from Manuel Bellosillo was by, and for petitioner Leona Santiago-Guillen alone, is flawed. Manuel Bellosillo, himself, disclosed the untenability of the petitioners' arguments. In a document executed by him on October 28, 1971, Bellosillo acknowledged receipt of the sum of P9,123.40 from petitioner Leona Santiago-Guillen and the private respondents "for (the) repurchase of all the lands of the late Tomas Santiago." [14] Among the "lands" is the fishpond in controversy. Further, in his testimony, Bellosillo categorically stated that the property was not redeemed from him by Leona alone.

Q. Do you know this parcel of land, Lot 30 situated at Barosbos, Municipality of Carles, which is the subject matter of this case?

A. Yes, sir.

Q. You know this because you purchased this in public auction sale sometime in 1962?

A. Yes, sir.

Q. By the way, do you know the previous owners of this property?

A. The previous owners were Anacleto (sic) and Tomas Santiago, who were the parents of plaintiffs.

Q. By the way, are (you) still the owner of this lot subject matter of this case?

A. No more because they already repurchased this land from me.

COURT:

Who are they?

A. They are Lourdes, Felisa, Leona, Silvestra, all surnamed Santiago.

(t.s.n. pp. 4-5, December 3, 1984). [15]

[Emphasis ours.]

Lourdes, Felisa, and Silvestra are among the herein private respondents.

As to the reason why only the name of petitioner Leona Santiago-Guillen appears in the redemption certificate issued by the provincial sheriff of Iloilo, again, the testimony of Bellosillo while under cross-examination provides us illumination.

Q. But you stated a while ago that it was Lourdes, Felisa, Silvestra and Leona all surnamed Santiago who redeemed the property from you. Now, it was Leona, which is which now?

A. The four persons, namely: Lourdes, Felisa, Leona and Silvestra came to me and offered to redeem the property but I told them that it is better that we have to go to the office of the provincial sheriff, but because of the expenses in going to Iloilo City in the Office of the sheriff, we decided that only Leona and myself who will go together to the Office of the provincial sheriff and redeem the property.

(t.s.n. pp. 7-8, December 3, 1984) [16].

[Emphasis ours.]

It is thus shown that the other private respondents did not accompany Leona and Bellosillo to the office of the provincial sheriff for purely economic reasons -- they simply wanted to save on travelling expenses.

Arrayed against the contention of the petitioners, the testimony of Bellosillo, needless to say, gains the upperhand. We find no reason to doubt Bellosillo's testimony, coming, as it did, from a disinterested person who had nothing to gain from the controversy. On this score, the trial court's decision, for failure to consider a fact of great import to the case--the Bellosillo testimony--was correctly reversed. On the other hand, the findings of facts of the appellate court being amply supported by evidence on record, must be accorded due respect and deserves finality.

Anent the claim of prescription by the petitioners, suffice it to say that the same is untenable in view of the explicit provisions of the ultimate paragraph of Article 494 of the new Civil Code, which state:

No prescription shall run in favor of a co-owner or co-heir against his co-owners or co-heirs so long as he expressly or impliedly recognizes the co-ownership.

Co-owners can not acquire by prescription the share of the other co-owners absent a clear repudiation of the co-ownership which is communicated to the other co-owners.[17] "A mere silent possession by a co-owner, his receipt of rents, fruits or profits from the property, the erection of buildings and fences and the planting of trees thereon; and the payment of land taxes, can not serve as proof of exclusive ownership, if it is not borne out by clear, complete and conclusive evidence that he exercised acts of possession which unequivocally constituted an ouster or deprivation of the rights of the other co-owners." [18] On this score, the petitioners have not only failed to show any definite proof indicating effective repudiation of the co-ownership over the property: on the contrary, petitioner Leona Santiago-Guillen even affixed her signature on the deed of extra-judicial partition and agreement of subdivision dated June 26, 1981. By this act, Leona unequivocally affirmed her recognition of the existing co-ownership.

Finally, Leona's pretense that her signature in the deed of extra-judicial partition and agreement of subdivision was obtained by force and intimidation fails to impress us. As correctly observed by the respondent appellate court, being the youngest of the brood does not prove the presence of duress or intimidation.[19] More important, good faith and regularity are always presumed in the execution of contracts and agreements. The burden of proving otherwise falls on the party claiming it, in this instance, the petitioners. Considering that the petitioners had failed to present any proof beyond their naked assertion, the presumption stands.

WHEREFORE, the petition is DENIED. The decision dated December 10, 1987 of the respondent Court of Appeals is hereby AFFIRMED.

Costs against the petitioners.

SO ORDERED.

Paras, (Acting Chairman), Padilla, and Regalado, JJ., concur.

Melencio-Herrera, J., (Chairman), on leave.

[1] Ejercito, Bienvenido C., J., ponente; Chua, Segundino G. and Lapena, Nicolas P., Jr., JJ., concurring.

[2] Rendered by Judge Bethel Katalbas-Moscardon.

[3] Rollo, 29-30, 42.

[4] Id., 30-31, 42.

[5] Id., 31.

[6] Id., 31-32.

[7] Id., 31-32.

[8] Id., 32.

[9] Id.

[10] Id.

[11] Id., 34.

[12] Id., 41-47.

[13] Id., 48.

[14] Id., 46.

[15] Id., 136.

[16] Id., 136-137.

[17] *Mariano vs. De Vega*, L-59974, March 9, 1987, 148 SCRA 342.

[18] TOLENTINO, *The Civil Code of the Philippines*, Vol. 11, p. 173 (1963).

[19] *Rollo*, id., p.47.

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