

GAUDENCIO ORDONEZ AND GENEROSA ORDONEZ, PETITIONERS, VS. THE HON. COURT OF APPEALS & MONICO ORDONEZ, RESPONDENTS.

G.R. No. 84046. July 30, 1990

Ponente: GRINO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-84046/>

GRINO-AQUINO, J.:

This is a petition to review the decision of the Court of Appeals in CA-G.R. No. 07906 entitled, "Monico Ordonez vs. Gaudencio Ordonez and Generosa Ordonez," which affirmed the decision of the Regional Trial Court of Imus, Cavite, Branch XXI in Civil Case No. 025-83 of the same title.

Petitioner Gaudencio Ordonez and private respondent Monico Ordonez are full blood brothers. This case involves two (2) parcels of unregistered land which Monico inherited from his parents' estate: (1) the "looban" which is a residential lot where the ancestral house stands in which Monico lives, and (2) the "tubigan," a riceland with an area of 55,000 square meters planted to palay in Bo. Todlong, Kawit, Cavite.

On April 16, 1940, private respondent sold the "tubigan" to Gaudencio for P150 and in payment of his prior indebtedness to said petitioner of P500. The sale is evidenced by a duly notarized Deed of Absolute Sale.

Private respondent testified that he verbally mortgaged the "looban" to Pedro Encarnacion as security for a loan of P300 with the agreement that the creditor would receive 50% of the harvest and pay the real estate taxes. Upon private respondent's request, Gaudencio paid P400 to Encarnacion in settlement of the private respondent's debt, and the said petitioner stepped into the shoes of the former creditor, Pedro Encarnacion. Petitioner Gaudencio Ordonez allowed his grandson, Pablito Bernardo, and his wife to build a house on the property.

On July 8, 1983, the private respondent filed a complaint (1) to quiet his title over both parcels of land (the "tubigan" and "looban") against his older brother, herein petitioner Gaudencio, and (2) to eject the Bernardo spouses from the "looban."

On June 17, 1985, the trial court rendered judgment, the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered -

"1. Declaring that the looban as described in the complaint belongs exclusively in ownership to plaintiff Monico Ordonez;

"2. Declaring that the tubigan as described in the complaint belongs exclusively in ownership to Gaudencio Ordonez;

"3. Dismissing claim for the ejectment of spouses Pablito and Bernardita Bernardo from the looban;

"4. Dismissing all the other claims of the parties for lack of merit." (p. 43, Rollo.)

In a decision dated March 9, 1988, the Court of Appeals affirmed it, hence, this petition for review alleging that

the Court of Appeals erred:

1. in holding that the "looban" is in the possession of the private respondent;
2. in not holding that the petitioner acquired it by acquisitive prescription;
3. in not holding that the private respondent's cause of action is barred by prescription or by laches; and
4. in not holding that the non-production of the document between the private respondent and the late Pedro Encarnacion, to prove the nature of the transaction between them gives rise to the presumption that it will be adverse to the private respondent if produced.

These are factual issues. The Court of Appeals and the lower court correctly held that the receipts for realty taxes paid by Encarnacion and the petitioner Gaudencio Ordonez, on the "looban" are not evidence of title (Ramos vs. Court of Appeals, 112 SCRA 542). At best, they were indicia of possession. (Evangelista vs. Tabayuyong, 7 Phil. 607; Casimiro vs. Fernandez, 9 Phil. 562; Elumbaring vs. Elumbaring, 12 Phil. 384.) But as against the admitted fact that private respondent was in actual occupancy of the "looban" as he was the one living in the ancestral home, the tax receipts of the petitioner Gaudencio may not prevail as proof of his alleged "adverse" possession of the property that could ripen to ownership by acquisitive prescription.

The lower court's finding, that Gaudencio's possession was neither adverse nor continuous, is supported by the fact that he admittedly had never informed private respondent, nor any of his brothers and other relatives, that he had purchased the "looban" from Pedro Encarnacion. Their eldest brother, Victorio Ordonez, the boundary owner of the "looban" on the East, and a nephew, Florencio Ordonez, who also owns a piece of land adjacent to the "looban," both testified against Gaudencio and in favor of the private respondent.

Possession, to constitute the foundation of a prescriptive right, must be possession under a claim of title or it must be adverse (Cuayong vs. Benedicto, 37 Phil. 783). Furthermore, acts of a possessory character performed by one who holds the property by mere tolerance of the owner are clearly not in the concept of an owner, and such possessory acts, no matter how long continued, do not start the period of prescription running.

The private respondent's action to quiet title is imprescriptible. (Sapto vs. Fabiana, 103 Phil. 683; Gallar vs. Husain, 20 SCRA 186.)

It having been established that Monico inherited the "looban" from his parents, the burden of proving that he sold it to Encarnacion, fell on the shoulders of Gaudencio as the supposed transferee of Encarnacion. That burden of proof was not discharged by him.

WHEREFORE, finding no reversible error in the decision of the Court of Appeals, the petition for review is denied, with costs against the petitioners.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.