

P.T. CERNA CORPORATION, PETITIONER, VS. COURT OF APPEALS, PETER SCHEIDER AND JUAN BUNYI, RESPONDENTS.

G.R. No. 91622. April 06, 1993

Ponente: CAMPOS, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-91622/>

CAMPOS, JR., J.:

The instant Petition seeks the review of the Decision*of the Court of Appeals, dated August 9, 1989 and of its Resolution[1] dated December 21, 1989, both regarding CA-G.R. CV No. 05089.[2]

The dispositive portion of the questioned decision reads:

"HENCE, there being no reversible error on the appealed judgment, the same is hereby AFFIRMED with costs against appellant.

SO ORDERED."[3]

Respondent court's Resolution of which a review is also sought, denied petitioner-appellant's motion for reconsideration of the abovesited decision for lack of merit.

This case originated from a complaint for Replevin filed by P.T. Cerna Corporation against Peter Scheider and Juan Bunyi. Consonant with the factual findings of the trial court, respondent court found that the subjects of this case are three (3) personal properties, all of which are "jaw crushers." The first one is a rock crusher, jaw size 34" x 33", purchased from Bormaheco, Inc. for P165,000.00. The other two are US Mfg. jaw crushers, both purchased from the International Tractor Sales, each for P111,000.00.

Both parties, petitioner and private respondent Scheider, claim ownership over the three jaw crushers. Petitioner anchored its claim of ownership of the first rock crusher on the "Customer's Copy" of Invoice No. 43984, dated January 24, 1984 issued in the name of the corporation by Bormaheco, Inc. for P165,000.00. As to the other two crushers, it presented Invoice No. 601-A, dated March 30, 1984, by International Tractor and Equipment Sales, for the total purchase price of P222,000.00. All of these purchases were purportedly paid through the corporation checks duly signed by Noe de la Cerna and Edwin Tiu, its President and Vice-President, respectively.

Petitioner's president alleged further that sometime in late 1983, an agreement was entered into by private respondent Scheider to quarry stones and crush them for sale to the public; that he was able to find a suitable land for the quarry and had negotiated for its lease. Private respondent Scheider, as per agreement, was supposed to be the technical man, and was thus in possession of said machineries for a complete check-up. However, allegedly, private respondents Scheider and Bunyi took advantage of their possession and proceeded to organize their own company, together with Scheider's in-laws and other private persons, to engage in the quarrying of stones and rocks and without the knowledge of the corporation, using the litigated rock crushers for said purpose.

Private respondent Scheider, on the other hand, claimed that the three rock crushers were actually purchased by him and in reality are owned by him. He presented the "Sales Department Copy" of the same Invoice No. 43984,

which was in his name properly countersigned by Mr. Cervantes, the President of Bormaheco. He also presented a notarized deed of sale of said rock crushers executed by Bormaheco in his favor and a further certification by Mr. Cervantes, dated August 3, 1984, stating that the purchaser and owner of said equipment was Mr. Peter Scheider. For the two rock crushers, he also managed to present a notarized deed of sale executed by Mr. Virgil Lundberg in his favor. In connection with this, he presented a delivery receipt and a certification by Mr. Virgil Lundberg attesting that Mr. Peter Scheider is the purchaser and owner of the two rock crushers.

Private respondent Scheider, however, admitted that the purchase price of the crushers were paid for by petitioner, but only to set off outstanding obligations of the same to him due to various spare parts sold to petitioner, prior to the dispute, amounting to over P500,000.00.

On August 1, 1984, the trial court issued a Replevin Order, requiring delivery to petitioner of possession of the three (3) rock crushers. Pursuant to said Replevin, the Deputy Sheriff of Rizal was able to take possession of one of the three rock crushers, and was able to eventually transfer possession thereof to petitioner. Private respondents Scheider and Bunyi filed a "Motion for Reconsideration," dated August 7, 1984, of the Replevin Order. After several hearings were held on the motion, the trial court on December 21, 1984,[4] gave due course to the motion and set aside and revoked the Replevin Order dated August 1, 1984. The sheriff, in the same order, was directed to immediately restore physical possession to private respondent Scheider of the rock crusher seized by him. The same order dismissed the complaint as the cause of action which was the question of ownership had been accordingly resolved in favor of then defendants, herein private respondents.

On January 3, 1985, petitioner filed with the trial court a notice of appeal of said order.

Petitioner also filed, on the same day, a petition against the Hon. Antonio Y. Benedicto, the presiding judge; the Deputy Provincial Sheriff of Rizal (RTC, Antipolo, Rizal); Peter Scheider and Juan Bunyi, for "Certiorari and Prohibition with Preliminary Injunction and Restraining Order," praying for the annulment of the trial court's order of December 21, 1984 insofar as it ordered the immediate restoration of the replevined property to the private respondent. Said Certiorari Case was docketed as AC-G.R. SP No. 05066.

On January 4, 1985, the Court of Appeals, in AC-G.R. SP No. 05066 issued a Resolution enjoining the respondents therein "from enforcing that part of the order dated December 21, 1984 directing the return to respondents of the replevined property, until further orders or notice from this Court".

On January 9, 1985, the trial court issued an Order stating that no further action shall be taken on the case until the certiorari case shall have been resolved by the appellate court.

On May 3, 1985, the Court of Appeals promulgated in AC--G.R. SP No. 05066, a Decision setting aside the order of December 21, 1984, insofar as it directed the immediate restoration of the replevined property to private respondents.

The appeal of petitioner from the Order of December 21, 1984 was docketed as CA-G.R. CV No. 05089. The judgment regarding this appeal and the subsequent denial by respondent court of petitioner's motion for reconsideration are being challenged in this petition.

This Court is called upon to finally settle the question of ownership of the three jaw crushers. Who, as between the claimants, is the rightful owner?

We rule in favor of private respondent Scheider.

Petitioner relies heavily on the invoices as evidence of purchase and delivery. Petitioner's theory is correct, but only up to this point. However, as to its claim that said invoices vested in the corporation ownership over the

disputed equipment, We simply cannot agree.

It has been held time and again that the issuance of a sales invoice does not prove transfer of ownership of the thing sold to the buyer. An invoice is nothing more than a detailed statement of the nature, quantity and cost of the thing sold and has been considered not a bill of sale.[5]

Thus, petitioner's contention that the issuance of the invoices in its name occurred much earlier than the execution of the Deeds of Sale between private respondent Scheider and the vendor corporations, becomes inconsequential. Inasmuch as petitioner's invoices are mere statements regarding the thing sold, as opposed to private respondent Scheider's Deeds of Sale which are public documents, petitioner's claim of ownership cannot prosper.

The Deeds of Sale, being notarial documents, are evidence of the facts in clear, unequivocal manner therein expressed. As such, they have in their favor, the presumption of regularity.[6]

To contradict facts in a notarial document and the presumption of regularity in its favor, the evidence must be clear, convincing and more than merely preponderant.[7] As borne out by the records of the case, petitioner challenged the authenticity of the invoices presented by private respondent Scheider, alleging falsification of the same. The ruling however of this court with respect to this matter still would not affect the evidentiary value of the Deeds of Sale. Petitioner should have attacked private respondent Scheider's deeds of sale on which the latter anchors his claim. Instead, petitioner did not even present the signatories to the contracts of sale to successfully rebut the presumption of regularity accorded the deeds of sale. Consequently, petitioner failed miserably to overcome the binding force and effect of the deeds of sale.

Petitioner also attempted to discredit the sale of the equipment to private respondent Scheider by alleging fraud employed by private respondents Scheider and Bunyi, who purportedly reneged on their obligations with respect to an alleged joint venture. The latter undertaking, as professed by petitioner, was entered into by herein claimant parties, with private respondents as the technical partners. However, petitioner failed to substantiate this claim. No sufficient evidence, as held by the trial court, was adduced to even prove the existence of said agreement. To prove fraud, it has been held that full and convincing evidence is required.[8] This again, petitioner was not able to accomplish.

It bears reiterating at this point that in civil cases, the burden of proof rests upon the party who, as determined by the pleadings or the nature of the case, asserts the affirmative of an issue.[9] In this case, the burden lies on the petitioner, who is duty bound to prove the allegations in its complaint. As this Court has held, he who alleges a fact has the burden of proving it and a mere allegation is not evidence.[10] A careful evaluation of the evidence presented by petitioner reveals its insufficiency to detract from the evidentiary force of the public instrument which appears on its face, as having been drawn up with all the formalities prescribed by the law. This leads Us to the inescapable conclusion that private respondent Scheider is the owner of the litigated properties. To hold otherwise would mean establishing a very dangerous precedent that would open the door to fraud.

WHEREFORE, in light of the foregoing and finding no reversible error committed by respondent Court, the petition is hereby DENIED. The decision of respondent Court dated August 9, 1989 and its resolution of December 21, 1989 are both AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Nocon, JJ., concur.

* Penned by Associate Justice Eduardo R. Bengzon and concurred in by Associate Justices Manuel C. Herrera

and Alicia V. Sempio-Diy. Rollo, pp. 58-64.

[1] Rollo, p. 66.

[2] The case was entitled: P.T. Cerna, plaintiff-appellant, versus Peter Scheider & Juan Bunyi, defendants-appellees.

[3] Rollo, p. 64.

[4] Order of Regional Trial Court, 4th Judicial Region, Branch 71, Antipolo, Rizal. Rollo, p. 118.

[5] Norkis Distributors, Inc. vs. Court of Appeals, 193 SCRA 694 (1991).

[6] 6 M.V. MORAN, COMMENTS ON THE RULES OF COURT 118 (1980).

[7] Yturralde vs. Azurin, 28 SCRA 407 (1969); F. GUPIT, JR., REVISED RULES ON EVIDENCE 57 (1991); 4 R.G. MARTIN, RULES OF COURT IN THE PHILIPPINES 587 (1989).

[8] F. GUPIT, supra note 7.

[9] Ramcar, Inc. vs. Garcia, 4 SCRA 1087 (1962).

[10] Rodriguez vs. Valencia, 81 Phil. 787 (1948); Legasca vs. de Vera, 79 Phil. 376 (1947).

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.