

DULCE BEO AND AUGUSTO LIANKO, PETITIONERS, VS. HONORABLE COURT OF APPEALS AND HEIRS OF DOMINADOR ABADA, RESPONDENTS.

G.R. No. 95709, August 13, 1991

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

This petition for review on certiorari involves an action for possession and quieting of title over a parcel of land, the identity of which is the sole issue presented for resolution.

The facts of the case, as gleaned from the record, are as follows:

The spouses Francisco and Felicisima Lianko owned five (5) parcels of land situated in Hecming, Virac, Catanduanes. These lots were designated as Lot No. 1661-A, Lot No. 1661-C, Lot No. 1661-D, Lot No. 1662, and Lot No. 1663.[1] The object of the instant dispute is Lot No. 1661-D, which has an area of 181,035 square meters.[2]

The couple was childless. Thus, when Francisco died on February 16, 1950, his entire estate, including his share of the five aforementioned parcels of land, was inherited by his widow, Felicisima. The latter however, had just one surviving relative in the person of her nephew Dominador Abada, whom she appointed as administrator of her property in 1956.

Felicisima Lianko also had just one household helper named Dolores Buitre, who had served her and her husband for many years. Dolores continued to stay with her even after her husband's death. During her years of service with the Lankos, Dolores bore two illegitimate children by Felicisima's nephew, Dominador Abada. These two children are none other than herein petitioners. Dominador, however, married Virginia B. Abada, with whom he eventually had thirteen children.[3]

The instant dispute took root when Felicisima Lianko purportedly donated one of her lots, namely Lot No. 1661-D, to Dolores Buitre and her children, as evidenced by a deed of donation dated November 15, 1950. Dolores allegedly accepted the donation for herself and her children. At the time of the donation, the five lots of Felicisima Lianko were yet unsurveyed. It was only in 1959 when she caused the survey of her land, with the consent of both Dolores Buitre and Dominador Abada.[4]

According to the evidence presented by private respondents before the court a quo, the 1959 survey delineated the property in the following manner: Lot No. 1661-A, Lot No. 1661-C, Lot No. 1661-D and Lot No. 1662 went to Dominador Abada, and Lot No. 1663 to Dolores Buitre.[5] Private respondents further contend that, as a consequence of said survey, Felicisima Lianko executed an affidavit dated February 6, 1963, wherein she defined the boundaries of the lot she donated to Dolores, which is Lot No. 1663.

Petitioners, on the other hand, have a different version. They claim that the aforementioned affidavit is proof of a donation separate and distinct from the 1950 donation. Petitioners contend that the lots donated, as well as the

donees, are different in each case. In the donation of 1950, Felicisima Lianko donated Lot No. 1661-D to Dolores Buitre and her children, whereas in the donation evidenced by the 1963 affidavit, it was Lot No. 1663 which Felicisima Lianko donated, and to Dolores Buitre alone. To bolster their claim, petitioners presented a certification by the Register of Deeds of Catanduanes that OCT No. 178 Vol. III covering Lot No. 1663 was issued to Dolores Buitre on August 16, 1963, pursuant to Free Patent No. 203497 issued by the Bureau of Lands on June 4, 1962.[6] In addition, petitioners presented evidence showing that after the death of Dolores Buitre, OCT No. 178 was cancelled by virtue of an extrajudicial settlement of Lot No. 1663 in favor of the heirs of Dolores Buitre (petitioners), under TCT No. 103 issued on December 6, 1966.

At any rate, petitioners purchased Lot No. 1661-D (the very same piece of land covered by the deed of donation of 1950) from Felicisima Lianko for the sum of P10,000.00. The transaction was evidenced by a deed of sale dated November 23, 1973.[7] The description of Lot No. 1661-D in the deed of sale is exactly the same description of the property covered by the deed of donation of 1950. Petitioners testified before the court a quo that they purchased the lot in question in order to "reinforce" their ownership thereof, as they believed that the donation of said lot to them and their mother did not convey full ownership to them.[8] Nevertheless, it was conceded by petitioners that Lot No. 1661-D remained titled, and declared for taxation purposes in the name of Felicisima Lianko.[9] But they claimed to have possession of the land from 1950 to 1972, and that after the sale, petitioner Augusto Lianko tried to take possession and administration of the lot, but was prevented from doing so by Dominador Abada, who eventually inherited the entire estate of Felicisima Lianko when she died intestate on March 31, 1976.[10]

Consequently, petitioners filed a complaint for possession and quieting of title over Lot No. 1661-D against their father Dominador Abada before the then Court of First Instance of Catanduanes, Branch 1, docketed as Civil Case No. 987.[11] During the pendency of the case, Dominador Abada died and was substituted as party defendant by his wife Virginia and his thirteen legitimate children.

After due trial, the court a quo rendered a decision in favor of petitioners, declaring them to be the lawful owners of the lot in question, and ordered private respondents to vacate the same and surrender possession thereof to petitioners.

On appeal, respondent court reversed the decision of the court a quo. The appellate court found that based on the evidence presented before the lower court, the land under litigation, Lot No. 1661-D, was not satisfactorily proven by petitioners to be the same land subject matter of the deed of donation and the deed of sale presented by them.

Hence, the instant petition for review, wherein petitioners raise three assignments of error, to wit:

1. "RESPONDENT COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN IGNORING THE FINDINGS OF FACT OF THE REGIONAL TRIAL COURT;
2. RESPONDENT COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN DISREGARDING PETITIONERS' ORAL AND DOCUMENTARY EVIDENCES; and
3. RESPONDENT COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN REVERSING AND SETTING ASIDE THE APPEALED DECISION AND DECLARING DEFENDANTS-APPELLANTS THE OWNERS OF THE LAND IN QUESTION." [12]

All these assigned errors may be put together into a single issue: whether or not Lot No 1661-D was duly proved by petitioners to be the same land subject of the deed of donation and the deed of sale.

A careful review of the record reveals that Our answer must be in the negative.

What is fundamental in the correct resolution of this case lies in the interpretation of the sketch plans[13] depicting the property of Felicisima Lianko which were presented by the parties before the trial court, as well as the deeds presented by petitioners. These are the only substantial pieces of evidence in the record which would enable the determination of the identity of the land under litigation.

The court a quo noted that as stated in the deed of donation, the adjoining land south of the land described therein is stated to be that of Francisco Lianko. (The five lots were previously titled in the name of Felicisima's late husband.) Consequently, the lower court postulated that this southern boundary could at present be Lot No. 1662 and Lot No. 1663 in the sketch plans, as there is no land owned by Francisco Lianko south of Lot No. 1663. Hence, it concluded that based on the southern boundary, the property described in the deed of donation could only refer to Lot No. 1661-D.

It was likewise observed by the trial court that Lot No. 1661-D as stated in the sketch plans[14] contains an area of 171,051 square meters, or more than 17 hectares, which is closer to the land area of the lot described in the deed of donation, unlike Lot No. 1663 which has an area of only six (6) hectares.

Finally, the court a quo held that Lot No. 1663 could not possibly be the land subject of the deed of donation and the deed of sale, contrary to the contention of private respondents, because if the original certificate of title covering Lot No. 1663 was based on the deed of donation of 1950, then the same should have been issued in the name not only of Dolores Buitre but also of her children.

It is plain to the eye that the foregoing findings of the trial court in support of its award of Lot No. 1661-D to petitioners are at best weak and based largely on conjecture.

The Court of Appeals, on the other hand, based its reversal of the lower court decision on the evidence presented and on established jurisprudence. A summary of said decision would be proper at this juncture in order to show that denial of the instant petition is called for.

According to the appellate court, the sketch plans presented by both parties show that Lot No. 1661-D is bounded on the north by the properties of Leonarda Vargas, Albino Taller, Victorino Vargas and Juan Sorra; on the east by Nicomedes Zafe, Dionisia de Lumbao, Juan Papango and Basilia Taller; on the south by a road; and on the west by Lot No. 1661-A and Lot No. 1661-B.[15]

In contrast, the land in question is described in the deed of donation and deed of sale as being bounded on the north by the properties of Felix Abundo, Carlos Zafe, and Eulogio Zafe; on the east by Maria Arcilla and Dionisio Posada; on the south by Francisco Lianko; and on the west by Pedro Tablate and Alipio Benavides.[16]

The appellate court observed that the boundaries as set out in the sketch plans cannot be reconciled with the land descriptions as set forth in the deeds of donation and sale. Such gross inconsistency can only lead to the inescapable conclusion that the land described in the deeds of donation and sale do not pertain to Lot No. 1661-D, as described in the sketch plans of both parties. And because petitioners failed to explain the discrepancy or present other evidence to prove with certainty the location and area of the land they seek to recover, respondent court correctly applied the invariable rule that a person who claims ownership of real property is duty-bound to clearly identify the land being claimed, in accordance with the title on which he anchors his right of ownership. When the record does not show that the land subject matter of the action for recovery of possession has been exactly determined, such action cannot prosper,[17] as in the case of petitioners. In sum, proof of ownership coupled with identity of the land is the basic rule.[18]

Corollarily, the rule is likewise well-settled that in order that an action for recovery of possession may prosper, it is indispensable that he who brings the action fully proves not only his ownership but also the identity of the property claimed, by describing the location, area and boundaries thereof.[19] As the appellate court succinctly stated, "he who claims to have a better right to the property must clearly show that the land possessed by the other party is the very land that belongs to him." [20]

Thus, the Court of Appeals correctly noted that the boundaries as set out in the sketch plans cannot be reconciled with the land descriptions as set forth in the deed of donation and in the deed of sale. The incompatibility is much too glaring to be ignored, such that the property described in the deeds of donation and sale and the land in question cannot possibly pertain to one and the same parcel of land. Moreover, respondent court also found that the court a quo erroneously identified the land in question as Lot No. 1661-D simply on the basis of the southernmost boundary of the land, and on its land area, which, as stated in the aforementioned deeds, is more proximate to the land area of Lot No. 1661-D than to that of Lot No. 1663 as stated in the sketch plans. We uphold the finding of the appellate court that the exact location and identity of the land under litigation cannot be determined on the mere basis of the southernmost boundary without giving the least consideration to the other boundaries. In like manner, the land in question cannot be determined as Lot No. 1661-D simply because the land area of the property donated as stated in the deeds of donation and sale is "very close" to the land area of Lot No. 1661-D as stated in the sketch plans. Such a finding can never approximate the standard set by the law that the land being claimed should be clearly identified.

Finally, we cite with approval several material inconsistencies considered by the Court of Appeals to further militate against the cause of petitioners. First, the latter admitted that the land descriptions set forth in the deed of donation was based on old boundaries. There is no dispute that the land was later surveyed. And yet the deed of sale contained the very same land description as that found in the deed of donation. Secondly, only Lot No. 1663 was turned over to petitioners by virtue of an extrajudicial settlement, notwithstanding that they were at the time in possession of the deed of donation, thus giving them every reason to include the lot purportedly covered by said donation in the extrajudicial settlement. But they did not. Lastly, it took petitioners four years from the execution of the deed of sale in 1973 before taking formal and positive action to claim Lot No. 1661-D. Petitioners would not have committed, or omitted, to do all the foregoing if they truly and honestly believe that Lot No. 1661-D belongs to them.

Petitioners, however, invoke the general rule that findings of fact of the trial court which tried the case and heard the witnesses are not to be disturbed on appeal, unless substantial facts and circumstances have been overlooked which, if properly considered, might affect the outcome of the case.[21] We have no objection to the rule itself. However, its application to the instant case would be improper as the rule is usually more appropriate for criminal cases wherein testimonies of witnesses are often the key to conviction or acquittal. This is not to say, however, that it finds no application in civil cases. Nevertheless, the aforecited rule cannot be applied to the resolution of the case at bar as the latter falls squarely within the exception to said rule, as above-stated. The trial court clearly misappreciated the evidence thereby warranting a reversal by the appellate court. Moreover, We have ruled time and again that findings of fact of the Court of Appeals are binding and conclusive and cannot be reviewed by the Supreme Court[22] provided they are borne out by the record or are based on substantial evidence,[23] the very situation obtaining in the case at bar.

Still grasping at straws, petitioners aver in the instant petition that the disparity in the names of the owners of the lots adjoining the land in question as described in the deeds of donation and sale and the sketch plans is most likely due to the probability that these names may have changed over time. Such a claim without the benefit of any hard evidence to support it with is nothing but mere conjecture, much like the decision of the court a quo in

the instant case. Suffice it to say that to the very end, petitioners have miserably failed in proving their ownership of Lot No. 1661-D.

WHEREFORE, the petition is hereby DENIED and the decision of the Court of Appeals dated May 9, 1990 is hereby AFFIRMED. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

- [1] Page 39, rollo.
- [2] Ibid.
- [3] Ibid, page 41.
- [4] Ibid, page 40,.
- [5] Ibid, page 40.
- [6] Ibid, page 63.
- [7] Ibid, page 33.
- [8] T.S.N., Feb. 12, 1980, pages 17 to 18.
- [9] Pages 32 to 33, rollo.
- [10] Ibid, pages 32 and 39.
- [11] Ibid, page 39.
- [12] Page 13, rollo.
- [13] Exhibit "A."
- [14] Exhibit "A-1."
- [15] Page 42, rollo.
- [16] Ibid.
- [17] Del Valle vs. Mercado, et al., 34 Phil. 963 (1916).
- [18] Flores vs. Intermediate Appellate Court, 178 SCRA 717 (1989).
- [19] Galace, et al. vs. Bagtas, et al., 11 SCRA 687 (1964).
- [20] Page 43, rollo.
- [21] People vs. Caoile, 61 SCRA 73 (1974).
- [22] Amigo vs. Teves, 96 Phil. 252 (1954).
- [23] Alsua-Betts vs. Court of Appeals, 92 SCRA 332 (1979).

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