

**PASTOR FERRER, PETITIONER, VS. THE HON. COURT OF APPEALS,  
JOSE C. VINLUAN, ROSARIO FERRER, RAYMUNDO VINLUAN, EMILIA  
ZARATE, ANGELES LOPEZ, GAVINO VINLUAN, MARIO ZARATE,  
CRISPULO...**

*G.R. No. 98182. March 01, 1993*

Ponente: GRIÑO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-98182/>

---

**GRIÑO-AQUINO, J.:**

This is a petition for review on certiorari seek-ing to annul: a) the decision of the Court of Appeals dated February 20, 1991 in CA-G.R. CV No. 20042 enti-tled, "Jose C. Vinluan, et. al. vs. Pastor Ferrer" which set aside the decision dated September 5, 1988, of the Regional Trial Court, Branch 39, of Lingayen, Pangasi-nan, which dismissed plaintiffs' (private respondents herein) action (Civil Case No. 16461) to recover the ownership and possession of a parcel of land with dam-ages.

The petitioner, a co-owner of a fishpond covered by Transfer Certificate of Title No. 54061, has been in possession for more than twenty (20) years of a 330-square-meter residential lot (hereinafter referred to as the LAND IN DISPUTE) described in his Tax Declaration No. 409 as:

"A parcel of land (residen-tial) situated at Biec West, Binmaley, Pangasinan, containing an area of 330 sq. meters, more or less. Bounded on the North by Carolina Ferrer; on the East by River; on the South by River; on the West by Marcelino Ferrer. Declared under Tax Declaration No. 653 (as new) and is assessed at P690.00. Said Tax Dec. No. 653 was in turn cancelled on January 3, 1985 by Tax Dec. No. 409 with an assessed value of P1,000.00 (par. 6, Complaint)." (p. 17, Rollo.)

On January 19, 1987, the private respondents who are the heirs of the late Crispulo Vinluan, filed a complaint for recovery of the ownership and possession of the LAND IN DISPUTE on the ground that it allegedly forms part of their ten-hectare fishpond in Barangay Biec, West Binmaley, Pangasinan. Said fishpond is particularly described as follows:

"A parcel of fishpond containing an area of 108,616 sq. meters, more or less. Bounded on the North by Luis Floro, Juan Lopez, Isidro Bautista & Eleuterio Perez; on the East by Cirilo Zamora; on the South by Juan Rosario, Eugenia de Leon, Isidro Fernandez, and Mauro Rosario; and on the West by Fausto Meneses, Pedro Ferrer and Agno River (Agdao River). Declared under Tax Dec. No. 77 and is assessed in the amount of P55,090.00 for the current year. It is covered by Plan Psu--26666 duly approved by the Bureau of Lands in the name of the Heirs of Crispulo Vinluan. (par. 2, complaint)." (pp. 17-18, Rollo.)

The private respondents alleged in their complaint that on January 2, 1982, Pastor Ferrer, son of Pedro Ferrer, without their knowledge and in evident bad faith, declared a portion of their property in his name for taxation under Tax Declaration No. 409; that in March, 1983, he filled up a part of their fishpond with earth and built his house thereon; that despite repeated demands, he failed and refused to move out of the land; and that his occupancy of the DISPUTED LAND obstructs the steady flow of water and unhampered supply of "sari-sari"

fishes from the Agdao River into their fishpond.

By way of special and affirmative defenses, Ferrer alleged that he had been in actual, adverse, public and continuous possession of the DISPUTED LAND since 1956 until the present; that he is the owner of the land by accretion; and that private respondents' right of action has prescribed.

During the pendency of the case and with leave of court, the private respondents caused a relocation/resurvey to be made of their property under Plan Psu-26666.

On July 14, 1987, Geodetic Engineer Leonardo de Vera submitted his Report (Exh. "P") which states that petitioner's house is within the boundaries of private respondents' property as described in Plan Psu-26666 and stands on the southwestern part of the same; that petitioner placed a concrete monument between corner 44 and 45 of Exhibit "B", claiming that the same marks the boundaries of his 1,276-sq.-meter portion covered by TCT No. 54061. The court concluded that petitioner encroached upon 1,328 square meters of private respondents' property under Plan Psu-26666.

On September 5, 1988, the trial court rendered a decision in favor of the petitioner, the decretal portion of which states:

"Thus, the Court has arrived at its conclusion and so holds that plaintiffs' evidence is bereft of any evidence supporting their prayer that they are the owners of the land described under paragraph 6 of their complaint as part of the land described under paragraph 2 of said complaint.

"In fine, plaintiffs failed to establish the cause of action against defendant.

"ACCORDINGLY, the complaint filed by plaintiffs against the defendant is hereby DISMISSED with costs against the plaintiffs.

"Defendant's counterclaim and claim for damages, for insufficiency of evidence, are hereby DISMISSED." (p. 15, Rollo.)

On February 20, 1991, the Court of Appeals re-versed the decision of the trial court. The dispositive portion of the judgment reads:

"WHEREFORE, premises considered, the decision appealed from is reversed and set aside, and a new judgment is hereby rendered ordering appellee within thirty (30) days from the finality of this decision (1) to vacate and restore to the appellants the possession of the land in question with an area of 330 square meters, described in paragraph 6 of the complaint, and also the increased area of 1,071 square meters, more or less, claimed by him; (2) to remove his house from appellants' land; and (3) to pay the costs." (pp. 26-27, Rollo.)

On April 8, 1991, respondent appellate court denied petitioner's motion for reconsideration. Hence, this petition for review alleging that the appellate court erred in:

1. finding that the petitioner's claim over the DISPUTED LAND is not only erroneous but an encroachment of private respondents' property;
2. holding that private respondents' action is not barred by laches; and
3. holding that petitioner could not have acquired title to the DISPUTED LAND by acquisitive prescription.

Those issues involve the boundaries or identity of the respective properties of the parties, and the duration of their possession.

We find merit in the petition for review.

While this Court is not a trier of facts, still when the findings of fact of the Court of Appeals are at variance with those of the trial court, or when the inference drawn by the Court of Appeals from the facts is manifestly mistaken, this Court, in the interest of justice, may review the evidence in order to arrive at the correct factual conclusion based on the record (*Roman Catholic Bishop of Malolos, Inc. vs. Intermediate Appellate Court*, 191 SCRA 411).

After a careful review of the entire records of this case, we find the trial court's findings to be supported by substantial evidence.

A review of the evidence reveals that the DISPUTED LAND is admittedly separated from the fishpond of the Vinluans by the Agno or Agdao River, which is the West-ern boundary of said fishpond, hence, the DISPUTED LAND is not a part of the fishpond of the Vinluans. The following observations of the trial court are pertinent:

"It is worthwhile to note that Transfer Certificate of Title No. 54061 in the name of Pastor Ferrer, et al., covering a parcel of fish-pond is bounded on the SE by a creek, known as Sisilien River. The 330 square meters in litigation is southeast of said fishpond covered by TCT No. 54061, and a part of the creek. This was affirmed by plain-tiff's witness, Surveyor Leonardo de Vera in his testimony on August 17, 1987, Pages 5, 26 and 27.

"Atty. Vinluan

Question: You stated last time that you traversed from corner 43 to point 44 immediately west of the said corner, what did you find there?

Leonardo de Vera

Answer: Water, sir.

Q: What is that water about?

A: Water going to the fishpond of Mr. Vinluan, sir.

Q: What I mean is, what is the boundary on the west

A: Water sir.

Q: What is the name of that water?

A : Sisilien River, that is according to the people but what is actually placed in the plan is Agno River.

Atty. Palma

Question: From point 43 to 44 there is no dike, according to your testimony in direct, is that correct?

Engr. Leonardo de Vera

Answer: There is no dike sir.

Question: You said the body of water adjoins the Agdao River, is that correct?

Answer: Yes sir.

Question: In other words, that body of water from point 43 to 44 is on the same level of that water of Agdao River, is that what you mean?

Answer: Yes sir, the same water.

Question: And it is the very portion where the defendant Pastor Ferrer occupies, is that correct?

Answer: Between 42 and 43 where the house of the defendant is located sir.

Question: But his possession extend up to point 44 as shown by your shaded portion?

Answer: Yes sir.

Question: According to the title which you made as reference in your relocation survey, the TCT No. 50461 in the name of Pastor Ferrer et al., southeast of this title is a creek which is 6 meters wide and this refers to body of water from point 43 to 44 as you mentioned a while ago?

Answer: Yes, sir, body of water.

"It is therefore clear that the claim of plaintiff Jose Vinluan that 300 sq. meters is within their plan is not only erroneous but an encroachment, the very reason why their land is not yet titled up to the present.

"Moreover, the testimonies of plaintiffs and their witnesses are contradictory and mere illusions.

"Furthermore, considering the testimony of defendant Pastor Ferrer, his possession over the land in question is for almost 30 years." (pp. 13-14, Rollo.)

The fact that the DISPUTED LAND is not a part of the fishpond of the late Crispulo Vinluan, is established not only by testimonial but also documentary evidence of the petitioner. The description of the DISPUTED LAND in Ferrer's tax declaration and the description of Vinluan's fishpond in their tax declaration show that the Agdao or Agdao River is the Western boundary of Vinluan's fishpond and it is the Eastern boundary of the 330-square-meter lot claimed by Ferrer. In other words, the DISPUTED LAND is separated from Vinluan's fishpond by the Agdao or Agno river. Furthermore, the claim of the Vinluans was eroded by Jose Vinluan's inability to recall the exact year when Pastor Ferrer commenced his usurpation of the DISPUTED LAND by constructing his house thereon. In contrast, the petitioner testified in a straightforward manner that he has possessed the DISPUTED LAND for almost 30 years.

The factual conclusion and finding of the trial court that the DISPUTED LAND belongs to Ferrer, not to the Vinluans, is entitled to great weight and will not be disturbed on appeal, unless for strong and cogent reasons, because the trial court is in a better position to examine real evidence as well as to observe the demeanor of witnesses who testify in the case (Macua vs. Intermediate Appellate Court, 155 SCRA 29).

Finally, the trial court observed that the private respondents and their predecessors-in-interest had never possessed the DISPUTED LAND, much less asserted their claim thereto for a considerable length of time. The petitioner and his father, Pedro Ferrer, before him had been in continuous possession for more than 30 years in the concept of an owner, before the property was registered on March 15, 1965. When the private respondents filed their complaint on January 19, 1987, another 22 years had elapsed. Whatever rights the private respondents may have had in the DISPUTED LAND, were lost through laches and prescription. In Caragay-Layno vs. Court of Appeals, 133 SCRA 718, this Court ruled that the failure of the deceased or his predecessors-in-interest to take steps to assert any rights over the DISPUTED LAND for 20 years from the date of registration of the title was fatal to their cause of action on the ground of laches. The trial court therefore correctly dismissed the private respondents' complaint.

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals in CA-G.R. CV No. 20042 is hereby REVERSED AND SET ASIDE and the decision dated September 5, 1988 of the trial court, is REINSTATED. This decision is immediately executory.

**SO ORDERED.**

Cruz, (Chairman), Bellosillo, and Quason, 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.