

SPOUSES AMADOR B. SURBAN AND SEVERA S. SURBAN AND SPOUSES FRISCO PERELLO AND LETICIA S. PERELLO, PETITIONERS, VS. THE HON. COURT OF APPEALS, AND SPOUSES ROGELIO SURBAN AND ERLIN...*G.R. No. 98457. March 01, 1993*

Ponente: GRIÑO-AQUINO, J.

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This is a petition for review on certiorari seek-ing to reverse and set aside the decision dated January 20, 1991 of the Court of Appeals in CA-G.R. CV No.19490 which affirmed in toto the decision of the Regional Trial Court of Makati, Branch 133, in Civil Case No. 7902, dismissing petitioners' complaint for Quieting of Title and Damages.

Sometime in November 1977, Amador Surban purchased for P100,000.00 a 301-square-meter lot at No. 4706 Cuangco St., Makati, Metro Manila, from the heirs of the late Dominador Cepeda, Sr. Long before the purchase, he had already built thereon a house for his family of eleven (11) children, among whom were his eldest son, Rogelio Surban, married to Erlinda Surban, and Leticia Surban, married to Frisco Perello.

Amador Surban had faithfully worked for the Cepedas who rewarded his loyalty by allowing him and his family to stay on the property for free. When Dominador Cepeda, Sr. died, the heirs gave Amador Surban the option to buy the property. To raise the amount needed, Rogelio Surban contributed P70,000.00 and Leticia Surban-Perello, P30,000.00. The Cepeda heirs executed an Extrajudicial Partition with Deed of Absolute Sale in favor of Amador Surban, which he however failed to register in the Registry of Deeds.

The spouses Rogelio and Erlinda Surban emigrated to Guam and resided there permanently. In 1978, Amador Surban and his wife Severa, joined their son Rogelio in Guam. Meanwhile, the house at No. 4706 Cuangco St., Makati, Metro Manila, together with the other building which had been constructed into an additional residen-tial unit, was occupied by the family of Leticia Surban -Perello.

On August 24, 1979, Amador and Severa Surban sold their 301-square-meter Makati property to Rogelio Surban and his wife through a Deed of Absolute Sale which was notarized before the Philippine Consul General in Guam, U.S.A. Rogelio paid his father the amount of P110,000.00 based on the exchange rate of the Philippine peso to the American dollar. He asked his father for, and received, the Extrajudicial Partition with Deed of Absolute Sale and the owner's copy of Transfer Certifi-cate of Title No. 9603 in the name of the late Dominador Cepeda, Sr. On August 4, 1982, Rogelio was able to register the sale and obtain a transfer certificate of title (T.C.T. No. 114864 of the Registry of Deeds for Makati, Metro Manila) to the Makati property in his name.

In order to generate additional capital for his business, Rogelio Surban thought of mortgaging his Makati property as security for a loan from the Metro Bank branch in Agana, Guam. The spouses Frisco Perello and Leticia Surban were informed about it by Rogelio's wife, Erlinda, when she came to the Philippines for a visit. Leticia offered to buy the property. Rogelio was amenable to his sister's proposal. He wrote her that he was willing to sell

the property for P323,800.00. Not having received a reply, Rogelio again wrote his sister on March 13, 1984 that he was selling the property for US\$25,000.00 and he gave her until April 15, 1984 to buy it or he would offer the property to other interested parties. In her reply-letter dated April 5, 1984, Leticia requested for an extension of time for she was encountering difficulties in raising the \$25,000.00. She received instead a statement of account dated April 23, 1984 for the rent of the house, amounting to P2,000.00 and another billing dated May 3, 1984 for the next month's rent. On July 18, 1984, Leticia Surban and Frisco Perello, joined by their parents, Amador and Severa Surban, filed a complaint against Rogelio and Erlinda Surban in the Regional Trial Court of Makati, Branch 133, for Quieting of Title and Damages.

On August 12, 1988, the Regional Trial Court rendered a decision dismissing the complaint. The Perellos appealed to the Court of Appeals.

On January 29, 1991, the Court of Appeals affirmed in toto the decision of the lower court.

Hence, this petition for review, wherein the petitioners raise issues concerning the American citizenship of Rogelio and Erlinda at the time the property was acquired by them, and as to the validity of the deed of sale of the same.

The petition has no merit. It is well to remember that the jurisdiction of the Supreme Court in cases brought to it from the Court of Appeals under Rule 45 is limited to reviewing and revising errors of law, as its findings of fact are conclusive (*Morales vs. Court of Appeals*, 197 SCRA 391).

Petitioners' contention that respondent Rogelio Surban tricked their parents, Amador and Severa (Surban), into signing the Deed of Sale of the property in question by misrepresenting the deed to be a petition by Rogelio for the admission into the United States of his other sisters in the Philippines who wished to follow them in Guam, involves a factual question which this Court may not look into. That issue was resolved by the Court of Appeals in this wise:

"At the outset, it must be stated that there appears to be no adequate factual basis to warrant the appellants' imputation of fabrications or falsehoods on the part of appellee Rogelio Surban. From the evidence adduced at the trial, there is no clear showing that Rogelio had already lost his Philippine citizenship when the Makati property was sold to him by his parents Amador and Severa Surban on August 4, 1979. x x x.

"Amador Surban claimed that he signed the assailed Deed of Sale in the belief that it was a petition for his three (3) daughters who were still in the Philippines to enable them to emigrate to Guam, and that he did not read its contents any more. His contention is belied by the fact that he even turned over to his son Rogelio the Deed of Extrajudicial Partition with Deed of Absolute Sale signed by the heirs of the late Dominador Cepeda, Sr. (Exhibit 'C') and the Cepeda's owner's copy of the title in order that the necessary transfer of ownership may be effected (tsn September 8, 1987, p. 10; Records, p. 376). If he honestly believed that the document was a petition for US immigrant visa, there would have been no need for him to yield custody of the documents covering the Makati property. The undeniable fact is that he sold the Makati property to Rogelio and, in all likelihood, in order to acquire his son's house and lot in Guam." (pp. 43-44, Rollo.)

With respect to the validity of the execution of the Deed of Absolute Sale, it may be noted that the instrument was duly acknowledged and authenticated by the Vice-Consul in the Philippine Consulate in Agaña, Guam.

The notarization of a private document converts it into a public document and renders it admissible in court without further proof of its authenticity (*Joson vs. Baltazar*, 194 SCRA 114). Public documents are entitled to full faith and credit in the absence of competent evidence showing that their execution was tainted with defects and irregularities that would warrant a declaration of nullity (*Anachuelo vs. IAC*, 147 SCRA 434).

With respect to the allegation that private respondents are American citizens, suffice it to say that the Court of

Appeals found no proof that Rogelio and Erlinda Surban were no longer Filipino citizens when they acquired their parents' property in 1979. The determination that a person has ceased to be a Filipino is so momentous and far-reaching that it should not be left to summary proceedings (*Yu vs. Defensor-Santiago*, 169 SCRA 364). Neither may it be raised as a collateral issue in a complaint for Quieting of Title and Damages, where it cannot be properly ventilated.

WHEREFORE, the petition for review is DISMISSED for lack of merit. The decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Cruz, (Chairman), Bellosillo, and Quiason, JJ., concur.

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