

HEIRS OF AURIO T. CASIÑO, SR., NAMELY, PATRICIA T. CASIÑO, ESTHER C. MOSQUEDA, EVANGELINE C. RIVERA, GLORY C. MAG-ABO, AURIO T. CASIÑO, JR., MARITES C. RAMOS, ALLAN T. CASIÑO, G...

G.R. Nos. 204052-53. March 11, 2020

Ponente: HERNANDO, J.

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HERNANDO, J.:

This Petition for Review on Certiorari under Rule 45 of the Rules of Court seeks to set aside the February 16, 2012 Decision[1] and October 11, 2012 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CV No. 01367-MIN & CA-G.R. SP No. 01949-MIN.

The facts of the case as summarized by the CA are as follows:

On December 28, 1975, spouses Baldomero and Leonarda Casiño (Spouses Casiño) obtained a loan from [the Development Bank of the Philippines (DBP)] in the amount of [One Hundred Thirty Thousand Pesos] (P130,000.00), secured by a real estate mortgage over three parcels of land situated within the municipalities of Valencia and Lantapan, Bukidnon, respectively covered by Original Certificates of Title (OCT) Nos. P-372 and P-1652, and Tax Declaration (TD) No. 01915.

After [Spouses Casiño] failed to settle their loan obligation, [DBP] caused the extrajudicial foreclosure of the mortgage on March 24, 1977. In the auction sale, [DBP] made the winning bid, and was issued a Sheriff Certificate of Sale dated July 17, 1977. The [said] certificate of sale was subsequently registered with the Register of Deeds of Bukidnon on September 16, 1977.

Upon failure of the [Spouses Casiño] to redeem the properties within the prescribed redemption period, [DBP] finally caused the consolidation of the title of the properties in its name. Consequently, OCT Nos. P-372 and P-1652 were cancelled and were replaced by Transfer Certificates of Title (TCT) Nos. T-13478 and T-13479. Similarly, [TD] No. 01915 was cancelled, and was replaced by TD No. 06596.[3]

Baldomero later filed a complaint against [DBP] for annulment of real estate mortgage and foreclosure proceedings, quieting of title, redemption, and damages before the Regional Trial Court (RTC Br. 8) Branch 8, Malaybalay, Bukidnon, docketed as Civil Case No. 1465.

After due proceedings, the RTC Br. 8 rendered a decision dated August 3, 1990 dismissing the complaint. Baldomero appealed the dismissal, but this Court affirmed in toto the assailed decision [issued on May 30, 1995]. Unperturbed, Baldomero went to this Court via [P]etition for [R]eview on [C]ertiorari, but it was denied in a Resolution dated 10 July 1996.[4]

Meanwhile, Baldomero executed a document denominated as Kasabotan dated 25 April 1994, where he relinquished to his son, Aurio [T. Casiño (Aurio)], all his rights over the three properties, including the land at Sitio Kibulay, Barrio Cawayan, Municipality of Lantapan, consisting of an area of one hundred twenty (120) hectares. On the other hand, on January 13, 1997, [DBP] sold the Kibulay property in favor of Green River

Gold, Inc. (Green River).

Subsequently, on February 20, 1997, [DBP] and Green River, [the latter] in its capacity as intervenor, filed before the RTC Br. 8 an ex-parte petition for issuance of a writ of possession [over the Kibulay property]. x x x [A] writ of possession was [eventually] issued [by the RTC Br. 8 in favor of DBP and Green River, however] the court sheriff was unable to enforce [the same due to alleged threats of several armed men employed by Aurio].

On March 20, 1997 Aurio filed with the RTC Br. 8 an affidavit of third-party claim, alleging that he is the owner and possessor of the [Kibulay property] parcel of land [subject of the writ of possession earlier issued by the RTC Br. 8).

The following day, on March 21, 1997, Aurio filed [the instant complaint for quieting of title with the Regional Trial Court Branch 10 in Malaybalay City, Bukidnon (RTC Br. 10), alleging, among other things,] that he is the true, lawful, and absolute owner of [a certain property situated in Bukidnon].

In [response, DBP filed an answer arguing that Aurio's complaint is already barred by res judicata, as the former already has ownership over the subject property through an extrajudicial foreclosure sale held as valid in a decision dated August 3, 1990, and affirmed by the CA and even this Court. Moreover, DBP argued] that the complaint is defective for failure to implead Green River, a real party-in-interest, to which it later sold the [subject] property in litigation.

On May 9, 1997, Green River filed an answer-in-intervention, adopting substantially the affirmative defenses raised by [DBP] in its answer, among others: (a) the complaint states no cause of action; (b) it is barred by laches and prescription; (c) the [RTC Br. 10] has no jurisdiction to review the decree of the RTC Br. 8, a co-equal court, in issuing a writ of possession; and (d) the complaint is bereft of factual and legal consideration.

[In the] meantime, [DBP] and Green River filed anew, in Civil Case No. 1465, an ex-parte petition for an alias writ of possession, which the RTC Br. 8 granted on December 3, 2001. Aurio, [at] this time already deceased and represented by his heirs, moved for reconsideration but the motion was denied.

[Ruling of the Regional Trial Court-Br. 10 in Civil Case No. 2685-97)

[On July 4, 2006, the RTC Br. 10 rendered a Judgment, which declared that the subject property being claimed by Aurio] is different from that being claimed by [DBP] and Green River. [It also held] that the Decision in Civil Case No. 1465 is not binding on Aurio or his heirs because they were not parties to [the said case. The RTC Br. 10 also] directed Green River to vacate the premises [of the subject property] and not to disturb Aurio's possession of the [same. Attorney's fees and litigation expenses were also ordered to be paid jointly and solidarity by DBP and Green River to Aurio].

[DBP] and Green River separately filed their [own] motions for reconsideration, while Aurio, [who died pending proceedings and was now represented by his heirs], filed a motion for execution of judgment pending appeal. [The RTC Br. 10] denied the motions for reconsideration and granted the motion for execution pending appeal [in an Order dated January 4, 2007].

Aggrieved, [DBP] and Green River [filed] separate appeals [with the CA, which were eventually consolidated.] [DBP also filed a Petition for Certiorari under Rule 65 of the Rules of Court, asserting that the RTC Br. 10, acted with grave abuse of discretion amounting to lack or in excess of jurisdiction when it issued the Order dated January 4, 2007 granting Aurio's motion for execution pending appeal.][5]

Ruling of the Court of Appeals:

On February 16, 2012, the CA granted the appeals of respondents, vacated and set aside the Judgment of the

Regional Trial Court Branch 10 (RTC Br. 10) of Malaybalay City, Bukidnon dated July 4, 2006 and ruled that Aurio's complaint lacks merit and is indeed barred by res judicata.[6] The CA also granted DBP's Petition for Certiorari, holding that the RTC Br. 10 committed grave abuse of discretion when it granted Aurio's motion for execution pending appeal.[7] Aurio filed a Motion for Reconsideration[8] to challenge the said Decision of the CA, reiterating his arguments and further alleging that the appellate court erred in its statement of facts when it included Civil Case No. 1465, as the said case, according to Aurio, was alien and foreign to the instant case.

On October 11, 2012, the CA issued a Resolution[9] denying Aurio's Motion for Reconsideration, ruling that it did not err in including Civil Case No. 1465 as the same was intimately related to the instant case and in fact, the writ of possession issued in the Baldomero case against Aurio might have been the reason behind him filing the instant complaint.

Issues

Adversely affected by the Decision and Resolution of the CA, Aurio filed the instant Petition with this Court, in effect alleging the following assignment of errors:

1)

Whether or not the [Court of Appeals] erred in its opening statement of facts in that instead of stating the fact of the main case, which is on appeal, quieting of title Civil Case No. 2685-97 filed by the plaintiffs-appellees, the Honorable Court of Appeals centered its attention to December 28, 1975, about a loan which is alien to and foreign to the main case. It is as if the said case is the one subject of appeal;

2)

Whether or not the Court of Appeals erred in holding that tax declarations are not evidence of ownership and that plaintiffs-appellees have no cause of action;

3)

Whether or not the Court of Appeals erred in holding that res judicata has set in this case; and

4)

Whether or not the Court of Appeals erred in holding that public respondent committed grave abuse of discretion in granting [the] Motion for Execution pending appeal.[10]

Our Ruling

The petition is not meritorious.

At the crux of the controversy is the determination of whether or not res judicata bars the filing of Civil Case No. 2685-97.

Civil Case No. 1465 vis-a-vis Civil Case No. 2685-97

As discussed earlier, Civil Case No. 1465, lodged before the RTC Br. 8 of Malaybalay City, Bukidnon, involved a complaint for annulment of real estate mortgage and foreclosure proceedings, quieting of title, redemption, and damages filed by Baldomero, Aurio's father, against DBP, in response to DBP's extrajudicial foreclosure of three parcels of land mortgaged by the Spouses Casiño due to the latter's failure to settle their loan obligation with the former. After due proceedings, the RTC Br. 8 rendered a decision dated August 3, 1990 dismissing the complaint.[11] Baldomero appealed the decision to the CA, which denied the appeal and affirmed in toto the decision of the RTC Br. 8 in a decision dated May 30, 1995.[12] Thereafter, this Court denied Baldomero's Petition for Review on certiorari challenging the CA's decision in a Resolution dated July 10, 1996.[13]

The records of the case would reveal that the Spouses Casiño first instituted Civil Case No. 1465 before the RTC Br. 8 in Malaybalay City, Bukidnon. They prayed for the nullity of the foreclosure proceedings conducted on March 24, 1977, among others.[14] Notably, the Casiños also included in their complaint an action for quieting of title over the parcels of land in question.[15]

On August 3, 1990, the RTC Br. 8 issued a Decision dismissing the Spouses Casiño's complaint, thereby upholding the validity of the real estate mortgage and the foreclosure proceedings, and effectively denying their action for quieting of title, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, plaintiff's Complaint and/or Amended Complaint is hereby ordered DISMISSED. The counter-claim of defendants DBP and spouses Juanito and Leontina Lavina are also DISMISSED. No costs.

SO ORDERED.[16]

The Spouses Casiño appealed said decision to the CA. On May 30, 1995, the appellate court issued a Decision dismissing the appeal, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered, affirming, in toto, the Decision of the Court a quo appealed from. With costs against Appellant.

SO ORDERED.[17]

Aggrieved, the Spouses Casiño then sought relief from this Court.

On July 10, 1996, the Court's Second Division issued a Resolution denying the petition of the Spouses Casiño for its failure to sufficiently show that the CA had committed any reversible error in the questioned judgment.[18] Consequently, since no further motion or pleading was filed by either party, an Entry of Judgment was issued by this Court, certifying that the Resolution dated July 10, 1996 has become final and executory on September 4, 1996.[19]

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." [20] Res judicata lays the rule that an existing final judgment or decree rendered on the merits, and without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit.[21]

The elements of res judicata are:

- (1) the judgment sought to bar the new action must be final;
- (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties;
- (3) the disposition of the case must be a judgment on the merits; and
- (4) there must be as between the first and second action identity of parties, subject matter, and causes of action.[22]

In their Petition, the Heirs of Aurio do not dispute the presence of the first three elements, and merely reiterated the RTC Br. 10's discussion regarding the fourth element in its Judgment dated July 4, 2006.[23] Particularly, the Heirs of Aurio adopted the RTC Br. 10's view that res judicata does not apply in the instant case as the issues raised in Civil Case No. 1465 are not identical with the instant case, as the land mortgaged by Baldomero to DBP and subsequently sold to Green River is covered by a different tax declaration with boundaries not identical to the subject property being claimed by Aurio.[24]

This Court is not persuaded.

There is identity of subject matter

We agree with the CA in its conclusion that while the landholdings respectively claimed by respondents and petitioners have different technical particulars, the evidence on record would clearly reveal that the property subject of the writ of possession issued by RTC Br. 8 is part and parcel of the property being claimed by petitioners.

It must be reiterated that at the outset, Aurio himself alleged in his complaint that the property in litigation is the same property being subjected to a writ of possession by the RTC Br. 8 in Civil Case No. 1465.[25] There would be no sense in Aurio filing a third party affidavit in Civil Case No. 1465 and subsequently filing the instant complaint for quieting of title, if he himself does not believe that the property subject of the writ of possession and the property subject of the instant case is not the same.

Moreover, the trial court's commissioned surveyor, Engr. Dimas S. Sario (Engr. Sario), clearly stated in his survey report that: (a) the property claimed by the Bank which was sold to Green River "exists on the ground identified as Lot No. 2528, Cad. 653, Lantapan Cadastre";[26] (b) the property of Aurio covered by TD No. 06532 existing on the ground covers Lot No. 2528, among other lots, all of Cad. 653, Lantapan Cadastre; and (c) the property sold by the Bank to Green River is enclosed in Red, which is a portion of Aurio's claimed property enclosed in Green.[27]

Records would further reveal that Engr. Sario, in his testimony in open court, clarified and confirmed that the land covered by TD No. 01915 and subject of a writ of possession issued by RTC Br. 8 indeed exists on the ground (contrary to the erroneous conclusion of the RTC Br. 10) as Lot No. 2528, Cad. 653, Lantapan Cadastre pursuant to No. 3 of Survey Report. The said testimony went as follows:

Q: Alright, look again the survey conducted by Wenefredo Agripo, what are the boundaries there?

A: The boundaries there, on the North is by Public Land, on the East by Cawayan Creek, on the South, by Manupale River and on the West by Kibulay Creek.

Q: And these boundaries exist?

A: Yes, your Honor.

Q: And this is identified as Lot No. 2528, correct?

A: Unnumbered lot.

Q: Do you know Geodetic Engr. Ricarte Abriol?

A: Yes, I knew him.

Q: Now by the way Engr. Sario, you stated earlier that you gave notices to the parties and that you verified the records from the DENR?

A: Yes Sir.

Q: Before you went to the area?

A: Yes Sir.

Q: Did you come across a survey done by Engr. Ricarte Abriol, do you have that?

A: None.

Q: Then what did you do, what records did you verify? I will show you the record which is already marked and presented by DBP and the Intervenor. This Exhibit "14," [is] this record must be there in the DENR dated 1996?

A: As far as I know, this sketch prepared by Engr. Ricarte Abriol, this was a plan prepared by Ricarte Abriol but the same found in the records of the Cadastral survey.

Q: And this lot really exists in the name of Baldomero Casiño?

A: Yes Sir.

Q: The person who mortgaged to the Development Bank of the Philippines (DBP)?

A: Yes Sir.

Q: And this is Lot No. 2528?

A: Yes Sir.

Q: Mentioned also in the order of the Hon. Court, designating the Office of the DENR to conduct the survey?

A: Yes Sir.

Q: And this is identical to the survey which you have shown to me done by Wenefredo Agripio?

A: This is basically a portion.

Q: Yes, but the boundaries are the same?

A: Yes Sir.

Q: And the area is the same?

A: Yes Sir.[28]

From the foregoing, there can be no doubt that there is indeed an identity of subject matter in the instant case, on the one hand, and Civil Case No. 1465, on the other hand, at least to the extent of the property subject of the writ of possession issued by RTC Br. 8.

There is identity of parties

Likewise, the CA did not err in finding that there is substantial identity of parties in this case.[29] It was correctly held that Aurio is not only an heir of Baldomero, but may also be considered a successor-in-interest by virtue of the Kasabotan dated April 25, 1994, to wit:

Although the parties involved in the two cases are not exactly the same, there is substantially an identity of parties for purposes of res judicata. The fundamental rule is that for res judicata to apply, only substantial, not absolute, identity of parties is required. In fact, there is identity of parties not only where the parties are the same but also those in privity with them, as between their successor-in-interest by title subsequent to the commencement of the action, litigating for the same thing and in the same capacity, or where there is substantial identity of parties. In the present case, Aurio is not only an heir of his father Baldomero, who instituted the first quieting of title case; Aurio is also considered a successor-in-interest by title of Baldomero by virtue of the conveyance of the subject property through the Kasabotan dated April 25, 1994.[30]

In *Guerrero v. Director, Land Management Bureau*,[31] We held that:

There is identity of parties not only when the parties in the cases are the same, but also between those in privity with them, such as between their successors-in-interest. Absolute identity of parties is not required, and where a shared identity of interest is shown by the identity of relief sought by one person in a prior case and the second person in a subsequent case, such was deemed sufficient.

Private respondents in this case, as successors-in-interest of Marcelo and Angelina Bustamante, who initiated the first case that was ultimately decided by this Court as *Republic v. Guerrero*, have a community of interest with the latter and, thus, meet the [test] of identity of parties. Private respondents are bound by the previous ruling under the criterion of "privity of interest." They have no more right to reopen an already terminated case.[32]

Similar to the above, Aurio is not only an heir of Baldomero, but is also the latter's successor-in-interest by virtue of conveyance of the subject property through the Kasabotan dated April 25, 1994. Therefore, Aurio and his heirs

have community of interest with Baldomero who initiated Civil Case No. 1465, and thus meet the test of identity of parties.

There is identity in the cause of action

For the last requirement, We do not find any error in the CA's finding that there is identity in the cause of action.[33] We hold that both Civil Case No. 1465 and the instant case have causes of action that inevitably deal with quieting of title over the subject property.

This Court has previously employed various tests in determining whether or not there is identity of causes of action as to warrant the application of the principle of *res judicata*. One test of identity is the "absence of inconsistency test" where it is determined whether the judgment sought will be inconsistent with the prior judgment. If no inconsistency is shown, the prior judgment shall not constitute a bar to subsequent actions.[34]

The governing rule in this case is Article 476 of the Civil Code which provides:

Whenever there is cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

As a rule, in an action for quieting of title, the plaintiff or complainant must demonstrate a legal or equitable title to, or an interest in the subject property.[35] He must likewise show that the deed, claim, encumbrance, or proceeding that purportedly casts a cloud on his title is in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.[36]

In his complaint, Aurio alleged that he is the true, lawful, and absolute owner of the property being subjected to a writ of possession by the RTC Br. 8 in Civil Case No. 1465.

Any affirmative relief that this Court may grant on said cause of action would necessarily affect the validity of the real estate mortgage foreclosure proceedings and the resulting sale of the property subject of Civil Case No. 1465; issues which could no longer be revived, as the same have already been settled. Consequently, the rights of ownership and possession over such property would also be affected.

In Civil Case No. 1465, Baldomero assailed the validity of the real estate mortgage foreclosure proceedings dated December 28, 1975, which resulted to an auction sale that transferred ownership of the subject land, among other parcels of land, to DBP as evidenced by the Sheriff's Certificate of Sale. In fact, Baldomero, in his complaint, also prayed for quieting of title over the said land, which is essentially the same relief sought by Aurio in the instant case.[37]

In dismissing the above complaint filed by Baldomero, the RTC Br. 8 Decision in Civil Case No. 1465 held that Baldomero lost his right to repurchase the subject land when he failed to assert such right within the statutory period.[38] The trial court likewise held that the unregistered parcel of land covered by TD No. 01915 (the same property subject of the writ of possession issued by RTC Br. 8 that is being claimed by Aurio in the instant case) was indeed among those properties mortgaged to and eventually foreclosed upon by DBP.[39] The dispositive portion reads:

WHEREFORE, in view of the foregoing, plaintiffs Complaint and/or Amended Complaint is hereby ordered DISMISSED. The counter-claim of defendants DBP and spouses Juanito and Leontina Lavina are also

DISMISSED. No costs.

SO ORDERED.[40]

As mentioned earlier, the above Decision was affirmed by the CA and this Court. Thus, there is no dispute that the Decision of the RTC Br. 8, categorically dismissing Baldomero's complaint and/or amended complaint is final and executory.

In the instant case, Aurio is essentially asking for the same relief as Baldomero in Civil Case No. 1465, and in effect, is collaterally asking for the nullification of the real estate mortgage of Baldomero with the DBP and the subsequent foreclosure proceedings.

It bears stressing that the doctrine of *res judicata* actually embraces two different concepts: (1) bar by former judgment and (b) conclusiveness of judgment.[41]

The second concept which is conclusiveness of judgment states that a fact or question which was in issue in a former suit and was judicially passed upon and determined by a court of competent jurisdiction, is conclusively settled by the judgment therein as far as the parties to that action and persons in privity with them are concerned and cannot be again litigated in any future action between such parties or their privies, in the same court or any other court of concurrent jurisdiction on either the same or different cause of action, while the judgment remains unreversed by proper authority. It has been held that in order that a judgment in one action can be conclusive as to a particular matter in another action between the same parties or their privies, it is essential that the issue be identical. If a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit. In this case, identity of cause of action is not required, but merely identity of issues.[42]

Applying the foregoing to the instant case, the validity of the real estate mortgage and the subsequent foreclosure sale can no longer be attacked in a new complaint for quieting of title, more so because the Decision in Civil Case No. 1465 has become final and an entry of judgment has already been entered in our books. To put it simply, we have already ruled, in effect, that DBP is the owner of the subject property as it was acquired by it through a valid foreclosure sale. Granting the reliefs sought by Aurio and his heirs would be inconsistent with the ruling in Civil Case No. 1465 and will disturb the final and executory Decision in the said case.

Moreover, the writ of possession that was issued as a result of the proceedings in Civil Case No. 1465 cannot be regarded as a cloud upon the alleged title of Aurio, as the said writ and/or the proceedings in Civil Case No. 1465 were not shown to be "in fact invalid, ineffective, voidable or unenforceable." It is the claimant or plaintiff who has the burden of proof as a general principle of due process, and in this case, Aurio has fell short in discharging his burden when he failed to prove neither his alleged title to the subject property nor anything that could constitute a cloud upon that title.

Thus, it is clear that the Decision of RTC Br. 8, which was affirmed by the CA and this Court, constitutes *res judicata* to the extent of the property subject of the writ of possession, which is part and parcel of petitioners' claimed property.

In this regard, We held in *FELS Energy, Inc. v. The Province of Batangas*,[43] that *res judicata*, as a ground for dismissal, is based on two grounds, to wit:

- (1) public policy and necessity, which makes it to the interest of the State that there should be an end to litigation — *republicae ut sit litium*; and (2) the hardship on the individual of being vexed twice for the same cause — *nemo debet bis vexari ex eadem causa*.

A conflicting doctrine would subject the public peace and quiet to the will and dereliction of individuals and prefer the regalement of the litigious disposition on the part of suitors to the preservation of the public tranquility and happiness.[44]

By allowing this case to prosper and granting relief to the Heirs of Aurio, the proceedings in Civil Case No. 1465, which lasted for about 13 years from the filing of the complaint up until its finality, would essentially be for naught. Considering that *res judicata* is applicable in the instant case, public policy dictates that the same must be dismissed.

The Court of Appeals did not err in including the proceedings in Civil Case No. 1465 in its statement of facts.

Since the instant case is primarily hinged on quieting of title, it is crucial for the CA to ascertain all facts relevant to such cause of action.

It is elementary that in a case for quieting of title, there are two elements involved, namely: (1) a legal or equitable title over the subject property; and (2) a document, instrument, or proceeding that constitutes a cloud on said title.[45]

In the instant case, it is clear that the proceedings in Civil Case No. 1465 must be discussed because such proceedings were the root of the RTC Br. 8's order to issue a writ of possession over the Kibulay property, which is the property claimed by Aurio that he has a title thereto as admitted in his complaint.

Thus, contrary to Aurio's claims, the proceedings in Civil Case No. 1465 were not alien and foreign to the main case. The determination of whether or not RTC Br. 8's order to issue a writ of possession constituted a cloud on Aurio's alleged title would necessarily hinge upon the validity of such order, which would in turn necessitate the examination of the proceedings that led to issuance of such order.

Moreover, while it is generally true that the lower courts' or tribunals' findings of fact must be accorded high respect by the appellate courts or tribunals, such findings of fact are not binding upon the higher courts and may be reversed on appeal.

In this case, the CA did not err in including the proceedings of Civil Case No. 1465 in its finding of facts as the same is entirely within its jurisdiction, most especially since DBP and Green River Gold raised mixed questions of fact and law in its appeal, specifically challenging the findings of RTC Br. 10.

Nevertheless, even if the factual circumstances of Civil Case No. 1465 can be found in the records, the CA just deemed it appropriate to lay down such facts in determining the instant case.

Thus, We do not see any cogent reason to disturb the CA's findings of facts as they are based on the evidence on record. This Court is a trier of law and not of fact. In any event, this Court deems it appropriate that a discussion of the proceedings in the Baldomero case is necessary in the proper adjudication of the case at hand, given that the main issue here is the applicability of *res judicata*. Verily, the CA did not commit any reversible error when it included said proceedings in the statement of facts.

Tax Declarations, by themselves, are not conclusive evidence of ownership

While it is true that tax declarations may be considered as evidence of ownership, particularly with regard to the possession in the concept of an owner, such tax declarations do not, by themselves, prove ownership over the subject land.

It has been consistently held by this Court that tax declarations are merely indicia of a claim of ownership and are not considered conclusive evidence of ownership.

In *Titong v. The Honorable Court of Appeals (4th Division)*,^[46] the petitioner therein anchored his claim of ownership "on the survey plan prepared upon his request, the tax declaration in his name, the commissioner's report on the relocation survey, and the survey plan,"^[47] similar to *Aurio* in the instant case. We ruled that the tax declaration issued in his name is not even persuasive evidence of his claimed ownership over the subject land in that case, to wit:

Similarly, petitioner's tax declaration issued under his name is not even persuasive evidence of his claimed ownership over the land in dispute. A tax declaration, by itself, is not considered conclusive evidence of ownership. It is merely an indicium of a claim of ownership. Because it does not by itself give title, it is of little value in proving one's ownership. x x x^[48]

Given this, the CA has correctly held that:

x x x At any rate, petitioner anchors his claim merely on the survey plan prepared upon his request and the tax declaration that was unilaterally made out in his name. These documents do not conclusively demonstrate "title" over the subject property. A survey plan is nothing more than a paper containing a statement of courses, distances, and quantity of land, and refers only to a delineation of possession. It is not conclusive as to ownership, nor is it considered a conveyance or a mode of acquiring ownership. The same thing goes with TD No. 06532 in *Aurio*'s name. It is settled that a tax declaration is merely an indicium of a claim of ownership, and is not, by itself, a conclusive evidence of ownership. Because a tax declaration does not give title, it is only of little value in proving one's ownership. On the whole, *Aurio*'s tax declaration under his name lends no evidentiary support to his claimed ownership over the land in dispute. Besides, the gaping gap in the land areas pictured in the tax declaration and in the commissioner's report is much too glaring to ignore. TD No. 06532 states that *Aurio*'s property has an area of 163.3817 hectares while the commissioned Geodetic Engineer's Survey Report shows that the land area is 192.700 hectares. Notably, there is an apparent discrepancy of 29.3183 hectares. x x x^[49]

Thus, the submitted TD No. 06532 of *Aurio*, even when coupled with the Survey Plan (commissioned by *Aurio* himself for his own benefit), has little evidentiary weight compared to the evidence submitted by DBP, particularly a final and executory court decision, affirmed by this Court itself, declaring that DBP has, in effect, rights of ownership and possession over the parcel of land covered by TD No. 06532.

In fact, when the evidence on record is considered, it is as if *Aurio*'s Tax Declaration is seemingly the "cloud" that should be removed from the title of DBP (now transferred to Green River Gold).

It must be reiterated that in civil cases, preponderance of evidence is the quantum of proof observed, meaning that the party who has presented pieces of evidence that have more evidentiary weight shall prevail. In this case, *Aurio*, being the plaintiff, failed to present evidence of such weight as to overcome the evidence presented by DBP, and thus failing to discharge the burden of proof required in his chosen cause of action, which is quieting of title.

The Court of Appeals did not commit any error when it held that the RTC Br. 10 committed grave abuse of discretion in granting the motion for execution pending appeal in favor of *Aurio*.

Given the foregoing findings, We cannot find any reversible error on the part of the CA when it ruled that the RTC Br. 10 acted with grave abuse of discretion in granting the motion for execution pending appeal in favor of *Aurio*.

Cruz v. People of the Philippines^[50] discussed the purpose of a writ of certiorari, to wit:

The writ of certiorari is not issued to correct every error that may have been committed by lower courts and tribunals. It is a remedy specifically to keep lower courts and tribunals within the bounds of their jurisdiction.

In our judicial system, the writ is issued to prevent lower courts and tribunals from committing grave abuse of discretion in excess of their jurisdiction. x x x[51]

Jurisprudence has held that there is grave abuse of discretion when the lower court acted capriciously and whimsically. In *Yu v. Judge Reyes-Carpio*,[52] the Court explained:

x x x The term "grave abuse of discretion" has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for certiorari is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void." From the foregoing definition, it is clear that the special civil action of certiorari under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross. x x x[53]

The records would show that the RTC Br. 10 acted in such manner. While it may be true that the RTC Br. 10 based its order granting the motion for execution pending appeal on alleged facts, such extraordinary writ of execution must still be based on good reasons.

Section 2(a), Rule 39 of the Rules of Court provides:

SEC. 2. Discretionary execution. –

(a) Execution of a judgment or a final order pending appeal. – On motion of the prevailing party with notice to the adverse party filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal, as the case may be, at the time of the filing of such motion, said court may, in its discretion, order execution of a judgment or final order even before the expiration of the period to appeal.

After the trial court has lost jurisdiction, the motion for execution pending appeal may be filed in the appellate court.

Discretionary execution may only issue upon good reasons to be stated in a special order after due hearing.

In *Abenion v. Pilipinas Shell Petroleum Corporation*,[54] this Court reiterated that the trial court's discretion in allowing execution pending appeal must be strictly construed and explained that the grant must be grounded on the existence of good reason, to wit:

In now declaring that the execution pending appeal was unsupported by sufficient grounds, the Court restates the rule that the trial court's discretion in allowing execution pending appeal must be strictly construed. Its grant must be firmly grounded on the existence of "good reasons," which consist of compelling circumstances that justify immediate execution lest the judgment becomes illusory. "The circumstances must be superior, outweighing the injury or damages that might result should the losing party secure a reversal of the judgment. Lesser reasons would make of execution pending appeal, instead of an instrument of solicitude and justice, a tool of oppression and inequity." [55]

In this case, the RTC Br. 10 granted the motion for execution pending appeal primarily based on the advanced age of Aurio's spouse, Patricia, who was supposed to be sixty-five (65) years old at the time.

While there is indeed jurisprudence wherein this Court has affirmed the granting of a discretionary motion for execution pending appeal on the reason of advanced age, such jurisprudence does not apply in the instant case. In fact, the circumstances in *Republic represented by the Department of National Defense v. Hon. Barroso, Jr.* [56]

(Saligumba case) which was cited by the RTC Br. 10 to justify its order,[57] are not similar with the present case.

As correctly pointed out by the respondents, the plaintiffs in the Saligumba case were aged 84 and 81 years old respectively and were both clearly in the twilight of their lives. On the other hand, Patricia was around sixty-five (65) years old at the time the motion for execution pending appeal was granted and there was even no allegation, much less proof, that she had any life-threatening illnesses. It must be also noted that the Saligumba case was decided via an unsigned Resolution, hence, only binding on the parties therein.

Citing again the abovementioned Abenion case, We explained what is considered as "good reasons" particularly with respect to the advanced age of the plaintiff, to wit:

The sufficiency of "good reasons" depends upon the circumstances of the case and the parties thereto. Conditions that are personal to one party, for example, may be insufficient to justify an execution pending appeal that would affect all parties to the case and the property that is the subject thereof. Thus, in *Florendo, et al. v. Paramount Insurance Corp.*, the Court ruled that the execution pending appeal, which was supposedly justified by the old age and life-threatening ailments of merely one of several parties to the case, was unsupported by special reasons. As the Court sustained the CA's reversal of the execution, it explained:

The Florendos point out that Rosario is already in her old age and suffers from life threatening ailments. But the trial court has allowed execution pending appeal for all of the Florendos, not just for Rosario whose share in the subject lands had not been established. No claim is made that the rest of the Florendos are old and ailing. Consequently, the execution pending appeal was indiscreet and too sweeping. All the lands could be sold for P42,000,000, the value mentioned in the petition, and distributed to all the Florendos for their enjoyment with no sufficient assurance that they all will and can return such sum in case the CA reverses, as it has in fact done, the RTC decision. Moreover, it is unclear how much of the proceeds of the sale of the lands Rosario needed for her old age.[58]

Given the abovementioned case, even assuming that Patricia was indeed of advanced age, such will not be considered as a good reason by itself, since it must be supported by special reasons, which were not provided in this case. Verily, the RTC Br. 10 committed grave abuse of discretion when it allowed execution pending appeal not based on good reasons.

In any event, the RTC Br. 10 clearly had no authority or jurisdiction to disturb the final and executory decision dated August 3, 1990 of the RTC Br. 8, a co-equal court, in Civil Case No. 1465. We have held that the "various trial courts of a province or city, having the same or equal authority, should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments." [59] Despite this, the RTC Br. 10 acted capriciously and overstepped its jurisdiction when it ordered the execution pending appeal merely by reason of Patricia's alleged old age. Verily, the apparent old age of the Patricia would certainly not override the doctrine that a court cannot and should not disturb the orders or judgments of a co-equal court, especially since the said decision is already final and executory.

Therefore, the totality of circumstances considered, We see no error in the ruling of the CA that the RTC Br. 10 committed grave abuse of discretion amounting to lack or excess of jurisdiction when it granted petitioners' motion for execution pending appeal.

WHEREFORE, the Petition is DENIED. The Decision dated February 16, 2012 and Resolution dated October 11, 2012 of the Court of Appeals, in CA-G.R. CV No. 01367-MIN & SP No. 01949-MIN, are hereby AFFIRMED. Costs against petitioners.

SO ORDERED.

Perlas-Bernabe, S.A.J. (Chairperson), A. Reyes, Jr., Inting, and Delos Santos, JJ., concur.

[1] Rollo, pp. 39-54; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Carmelita Salandanan Manahan and Pedro B. Corales.

[2] Id. at 60-67; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Renato C. Francisco and Ma. Luisa Quizano Padilla.

[3] Id.

[4] Id. at 42.

[5] Id. at 41-45.

[6] Id. at 53.

[7] Id.

[8] CA rollo (CA-G.R. CV No. 01367-MIN), pp. 491-504.

[9] Rollo, pp. 60-67.

[10] Id. at 15-16.

[11] CA rollo (CA G.R. CV No. 01367-MIN), pp. 83-89.

[12] Records, pp. 123-138.

[13] Id. at 139.

[14] See CA Decision, rollo, pp. 40-54 at 41.

[15] Id.

[16] CA rollo (CA-G.R. CV No. 01367-MIN), pp. 88-89.

[17] Records, p. 137.

[18] Id. at 139.

[19] See rollo, of G.R. No. 121340, Casiño, Sr. v. Court of Appeals, p. 197.

[20] Spouses Torres v. Medina, 629 Phil. 101, 110 (2010).

[21] Id.

[22] Id.

[23] Rollo, pp. 22-23.

[24] Id.

[25] Records, p. 2.

[26] CA rollo (SP. No. 01944-MIN), p. 52.

[27] Id.

- [28] TSN, February 17, 2005, pp. 38-41.
- [29] Rollo, p. 51; CA Decision, p. 13.
- [30] Id.
- [31] 759 Phil. 99 (2015).
- [32] Id. at 113 citing Republic v. Guerrero, 520 Phil. 296 (2006).
- [33] Rollo, pp. 51-52.
- [34] Spouses Torres v. Medina, supra note 20 at 112.
- [35] Mananquil v. Moico, 699 Phil. 120 (2012).
- [36] Id. at 127.
- [37] Records, pp. 116-122.
- [38] Id. at 119.
- [39] Id. at 120.
- [40] CA rollo (CA-G.R. CV No. 01367-MIN), pp. 88-89.
- [41] Spouses Torres v. Medina, supra note 20 at 113.
- [42] Id.
- [43] 545 Phil. 92 (2007).
- [44] Id. at 109.
- [45] Mananquil v. Moico, see note 35.
- [46] 350 Phil. 544 (1998).
- [47] Id. at 557.
- [48] Id. at 558.
- [49] Rollo, pp. 48-49.
- [50] 812 Phil. 166 (2017).
- [51] Id. at 171.
- [52] 667 Phil. 474 (2011).
- [53] Id.
- [54] 805 Phil. 167 (2017).
- [55] Id. at 201 citing Florendo v. Paramount Insurance Corp., 624 Phil. 373, 381 (2010).
- [56] G.R. No. 156257, October 8, 2003 (unsigned resolution).
- [57] CA rollo (SP No. 01949-MIN), pp. 211-212.
- [58] Abenion v. Pilipinas Shell Petroleum Corporation, supra note 54 at 201-202.

[59] Barroso v. Judge Omelio, 771 Phil. 199, 207 (2015).

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