

HEIRS OF DEMETRIA LACSA, REPRESENTED BY: BIENVENIDO CABAIS, VIRGINIA CABAIS, LEONOR CABAIS-PENA AND DOLORES CABAIS-MAGPAYO, PETITIONERS, VS. COURT OF APPEALS, AURELIO D. SONGCO,...

G.R. Nos. 79597-98. May 20, 1991

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari of the decision[**] of respondent Court of Appeals in CA-G.R. CV Nos. 08397-08398 dated 16 July 1987 affirming with modification the decision of the Regional Trial Court of Guagua, Pampanga, in favor of private respondents, and its resolution dated 14 August 1987 denying the motion for reconsideration.

This petition which originated with the Regional Trial Court of Guagua, Pampanga involves two (2) cases, namely: Civil Case No. G-1190 and Civil Case No. G-1332.[1]

Civil Case No. G-1190 is an action for recovery of possession with damages and preliminary injunction filed by herein petitioners, the heirs of Demetria Lacsa, against Aurelio Songco and John Doe based on the principal allegations that petitioners are heirs of deceased Demetria Lacsa who, during her lifetime, was the owner of a certain parcel of land consisting partly of a fishpond and partly of uncultivated open space, located in Bancal, Guagua, Pampanga, evidenced by Original Certificate of Title No. RO-1038 (11725); that the principal respondent and his predecessor-in-interest who are neither co-owners of the land nor tenants thereof, thru stealth, fraud and other forms of machination, succeeded in occupying or possessing the fishpond of said parcel of land and caused the open space therein to be cleared for expanded occupancy thereof, and refused to vacate the same despite petitioners' demands on them to vacate.[2]

Civil Case No. G-1332 is an action also by herein petitioners against private respondents before the same lower court for cancellation of title, ownership with damages and preliminary injunction, based on the allegations that they are the heirs of Demetria Lacsa who was the owner of the land also involved in Civil Case No. G-1190; that the herein private respondents and their predecessors-in-interest, thru stealth, fraud and other forms of machination, succeeded in occupying or possessing the fishpond of the said parcel of land, and later abandoned the same but only after the case was filed and after all the fish were transferred to the adjoining fishpond owned by the private respondents; that on 31 October 1923 and 15 March 1924, by presenting to the Register of Deeds of Pampanga certain forged and absolutely simulated documents, namely: "TRADUCCION AL CASTELLANO DE LA ESCRITURA DE PARTICION EXTRAJUDICIAL" and "ESCRITURA DE VENTA ABSOLUTA", respectively, and by means of false pretenses and misrepresentation, Inocencio Songco, the private respondents' predecessor-in-interest, succeeded in transferring the title to said property in his name, to the damage and prejudice of the petitioners; and that a preliminary injunction was necessary to prevent the private respondents from disposing of said property.[3]

Private respondents denied the material allegations of both complaints and alleged as special and affirmative defenses, petitioners' lack of cause of action, for the reason that Original Certificate of Title No. RO-1038 (11725) was merely a reconstituted copy issued in April 1983 upon petitioners' expedient claim that the owner's duplicate copy thereof had been missing when the truth of the matter was that OCT No. RO-1038 (11725) in the name of Demetria Lacsa, had long been cancelled and superseded by TCT No. 794 in the name of Alberta Guevarra and Juan Limpin by virtue of the document entitled "TRADUCCION AL CASTELLANO DE LA ESCRITURA DE PARTICION EXTRAJUDICIAL" entered into by the heirs of Demetria Lacsa; that the latter TCT was in turn superseded by TCT No. 929 issued in the name of Inocencio Songco (father of private respondents) by virtue of a document entitled "ESCRITURA DE VENTA ABSOLUTA" executed by spouses Juan Limpin and Alberta Guevarra in favor of said Inocencio Songco.[4]

Private respondents, in their answer, pleaded a counterclaim against petitioners based on allegations that the latter headed by Carlito Magpayo, by force and intimidation, took possession of a portion of the fishpond in the land and occupied a hut therein; that at that time, private respondents had 3,000 bangus fingerlings left in the fishpond which upon petitioners' harvest thereof left private respondents deprived and damaged in the amount of P50,000.00 more or less; that such illegal occupancy caused private respondents to suffer unrealized income and profits, sleepless nights, wounded feelings and serious anxiety which entitled them to actual, moral and exemplary damages as well as attorney's fees and P500.00 appearance fee for every hearing.[5]

On 20 January 1985, the parties assisted by their respective counsel filed in Civil Case No. G-1332 a joint stipulation of facts, alleging:

- "1. That on June 9, 1982, the plaintiffs, being heirs of Demetria Lacsa, filed Civil Case No. 1190;
2. That after the defendants filed their Answer in the said Civil Case No. G-1190, and learning the land subject of the two (2) above-mentioned cases (sic), said plaintiffs filed a Motion for Leave to Admit Amended and/or Supplemental Complaint.
3. That the said motion was denied by the Honorable Court, hence, said plaintiffs filed Civil Case No. G-1332, the above-entitled case, with the same cause of action as that of the proposed Amended and/or Supplemental Complaint;
4. That the evidences of both parties in Civil Case No. G-1190 and in the above-entitled case are practically and literally the same;
5. That in view of the foregoing, and in order to avoid duplicity of action by repeatedly presenting the same act of evidences and same set of witnesses, the parties mutually agreed as they hereby agree and stipulate that any and all evidences presented under Civil Case No. 1190 shall be adopted as evidences for both parties in the above-entitled case, and upon submission for resolution of Civil Case No. G-1190, the above-entitled case shall likewise be deemed submitted for resolution on the basis of the evidences presented in the same Civil Case No. G-1190."

On the basis of this joint stipulation of facts, the lower court held that:

". . . the fishpond in question was originally owned by Demetria Lacsa under Original Certificate of Title No. 11725. After Demetria Lacsa died her two daughters Alberta Guevarra and Ambrocia Guevarra with their respective husbands Juan Limpin and Damaso Cabais entered into an extrajudicial partition of the properties left by Demetria Lacsa under the document "Traduccion Al Castellano de la Escritura de Particion Extra-judicial" dated April 7, 1923 (Exhibits "3", "3-A" and "3-B") wherein the fishpond in question was adjudicated to Alberta Guevarra and which deed was duly registered in the Office of the Registry of Deeds of Pampanga as evidenced by the certification of the Deputy Register of Deeds marked as Exhibit '3-C'. Aside from the 'Traduccion Al Castellano de la Escritura de Particion Extrajudicial' written in the Spanish language,

the spouses Alberta Guevarra and Juan Limpin and the spouses Ambrosia Guevarra and Damaso Cabais executed on April 7, 1923, another deed of partition in the Pampang dialect marked as Exhibit '3-D' wherein the fishpond in question was adjudicated to Alberta Guevarra. As a consequence, Original Certificate of Title No. 794 (Exhibit '4') was issued to spouses Alberta Guevarra and Juan Limpin. On January 20, 1924, the spouses Juan Limpin and Alberta Guevarra sold the fishpond in question to Inocencio Songco under the deed entitled 'Escritura de Venta Absolute' (Exhibits '7' and '7-A') which was duly registered in the Office of the Registry of Deeds of Pampanga as evidenced by the certification of the Deputy Register of Deeds marked Exhibit '7-B'. As a result of the sale, Transfer Certificate of Title No. 794 (Exhibit '4') in the name of the spouses Alberta Guevarra and Juan Limpin was cancelled by the Office of the Registry of Deeds of Pampanga and Transfer Certificate of Title No. 929 was issued to Inocencio Songco." [7]

The lower court thus held that the fishpond in question belongs to the private respondents, having been inherited by them from their deceased father Inocencio Songco. [8]

The dispositive portion of the judgment in favor of private respondents reads;

"WHEREFORE, JUDGMENT is hereby rendered

In Civil Case No. G-1190

(A) Ordering the dismissal of the complaint in Civil Case No. G-1190;

In Civil Case No. G-1332

(B) Ordering the dismissal of the complaint in Civil Case No. G-1332;

In Both Civil Case No. G-1190
and Civil Case No. G-1332

(C) Ordering the cancellation of Original Certificate of Title No. RO-1038 (11725) in the name of Demetria Lacsa;

(D) Ordering the plaintiffs to restore possession of the fishpond in question located in Bancal, Guagua, Pampanga, to the defendants (sic);

(E) Ordering the plaintiffs to pay jointly and severally, the defendants the sum of Twenty Five Thousand (P25,000.00) Pesos, Philippine Currency, as and for moral damages;

(F) Ordering the plaintiffs to pay jointly and severally, the defendants the sum of Twenty Five Thousand (P25,000.00) Pesos, Philippine Currency, as and for exemplary damages;

(G) Ordering the plaintiffs to pay jointly and severally, the defendants the sum of Ten Thousand (P10,000.00) Pesos, Philippine Currency, as attorney's fees;

(H) Costs against the plaintiffs.

SO ORDERED."[9]

Petitioners appealed the above-mentioned decision to the respondent Court of Appeals assigning the following errors allegedly committed by the lower court:

"I.

IN FAILING TO APPRECIATE THE PREPONDERANCE OF EVIDENCE IN FAVOR OF THE PLAINTIFFS-APPELLANTS THAT THE TWO DOCUMENTS (EXHS. 3 & 7 AND THEIR SUBMARKINGS) WERE FORGED AND ABSOLUTELY SIMULATED DOCUMENTS. HENCE, NULL AND VOID;

II.

IN HOLDING THAT THERE WAS NO EVIDENCE THAT THE SIGNATURE OF JUAN LIMPIN AND THUMBMARK OF ALBERTA GUEVARRA APPEARING ON THE EXCRITUA DE VENTA ABSOLUTA (EXHS. 7 & 7-A) WERE FORGED;

III.

IN APPRECIATING IN FAVOR OF THE APPELLEES THE DOCUMENTS PRESENTED BY WITNESS JESUS CRUZ WHEN THEIR SOURCES COULD NOT BE ACCOUNTED FOR AND THEIR AUTHENTICITY IS IN QUESTION;

IV.

IN HOLDING THAT INOCENCIO SONGCO, THE PREDECESSOR-IN-INTEREST OF THE APPELLEES WAS AN INNOCENT PURCHASER FOR VALUE;

V.

IN HOLDING THAT TRANSFER CERTIFICATE OF TITLE NO. 929 WAS ISSUED TO INOCENCIO SONGCO BY THE REGISTRY OF DEEDS OF PAMPANGA;

VI.

IN HOLDING THAT ORIGINAL CERTIFICATE OF TITLE NO. RO-1038 (11725) WAS ISSUED BY THE COURT (CFI-III, PAMPANGA) IN EXCESS OF OR WITHOUT JURISDICTION AND THEREFORE NULL AND VOID;

VII.

IN FAILING TO APPRECIATE THAT THE VOLUNTARY ABANDONMENT OF THE FISHPOND IN QUESTION BY THE APPELLEES WAS A RECOGNITION OF APPELLANTS' TITLE TO IT;

VIII.

IN AWARDING DAMAGES TO THE APPELLEES."[10]

The Court of Appeals rendered a decision in the appealed case, the dispositive portion of which reads:

"WHEREFORE, the decision appealed from is hereby AFFIRMED with the modification that appellants are not liable for moral and exemplary damages as well as attorney's fees.

"SO ORDERED."[11]

Petitioners filed a motion for reconsideration with the Court of Appeals but the same was denied in its resolution dated 14 August 1987.[12] Hence, this petition.

Petitioners assign the following alleged errors to the Court of Appeals:

"I.

IN APPLYING THE 'ANCIENT DOCUMENT RULE' ON THE QUESTIONED DOCUMENT ENTITLED 'ESCRITURA DE PARTICION EXTRAJUDICIAL' AND 'ESCRITURA DE VENTA ABSOLUTA', AND MARKED DURING THE TRIAL AS EXHIBITS '3' AND '7', RESPECTIVELY, FOR THE RESPONDENTS HEREIN;

II.

IN DISREGARDING THE MANDATORY REQUIREMENT OF THE NOTARIAL LAW WHICH TOOK EFFECT AS EARLY AS FEBRUARY 1, 1903;

III.

IN DISREGARDING THE RULE ON PROOF OF PUBLIC OR OFFICIAL RECORD. (SEC. 25, RULE 132, RULES OF COURT)"[13]

Petitioners contend that the Court of Appeals wrong-fully applied the "ancient document rule" provided in Sec. 22, Rule 132 of the Rules of Court.[14] The rule states that:

"SEC. 22. Evidence of execution not necessary. – Where a private writing is more than thirty years old, is produced from a custody in which it would naturally be found if genuine, and is unblemished by any alterations or circumstances of suspicion, no other evidence of its execution and authenticity need be given."

It is submitted by petitioners that under this rule, for a document to be classified as an "ancient document", it must not only be at least thirty (30) years old but it must also be found in the proper custody and is unblemished by alterations and is otherwise free from suspicion.[15] Thus, according to petitioners, exhibits "3" and "7", entitled "Traduccion Al Castellano de la Escritura de Particion Extrajudicial" and "Escritura de Venta Absoluta", respectively, can not qualify under the foregoing rule, for the reason that since the "first pages" of said documents do not bear the signatures of the alleged parties thereto, this constitutes an indelible blemish that can beget

unlimited alterations.[16]

We are not persuaded by the contention. Under the "ancient document rule", for a private ancient document to be exempt from proof of due execution and authenticity, it is not enough that it be more than thirty (30) years old; it is also necessary that the following requirements are fulfilled: (1) that it is produced from a custody in which it would naturally be found if genuine; and (2) that it is unblemished by any alteration or circumstances of suspicion.[17]

The first document, Exhibit "3", entitled "Traduccion Al Castellano de la Escritura de Particion Extrajudicial" was executed on 7 April 1923 whereas the second document, exhibit "7", entitled "Escritura de Venta Absoluta" was executed on 20 January 1924. These documents are, there-fore, more than thirty (30) years old. Both copies of the aforementioned documents were certified as exact copies of the original on file with the Office of the Register of Deeds of Pampanga, by the Deputy Register of Deeds. There is a further certification with regard to the Pampango translation of the document of extrajudicial partition which was issued by the Archives division, Bureau of Records Management of the Department of General Services.[18]

Documents which affect real property, in order that they may bind third parties, must be recorded with the appropriate Register of Deeds. The documents in question, being certified as copies of originals on file with the Register of Deeds of Pampanga, can be said to be found in the proper custody. Clearly, therefore, the first two (2) requirements of the "ancient document rule" were met.

As to the last requirement that the document must on its face appear to be genuine, petitioners did not present any conclusive evidence to support their allegation of falsification of the said documents. They merely alluded to the fact that the lack of signatures on the first two (2) pages could have easily led to their substitution. We cannot uphold this surmise absent any proof whatsoever. As held in one case, a contract apparently honest and lawful on its face must be treated as such and one who assails the genuineness of such contract must present conclusive evidence of falsification.[19]

Moreover, the last requirement of the "ancient document rule" that a document must be unblemished by any alteration or circumstances of suspicion refers to the extrinsic quality of the document itself. The lack of signatures on the first pages, therefore, absent any alterations or circumstances of suspicion cannot be held to detract from the fact that the documents in question, which were certified as copies of the originals on file with the Register of Deeds of Pampanga, are genuine and free from any blemish or circumstances of suspicion.

The documents in question are "ancient documents" as envisioned in Sec. 22 of Rule 132 of the Rules of Court. Further proof of their due execution and authenticity is no longer required. Having held that the documents in question are private writings which are more than thirty (30) years old, come from the proper repository thereof, and are unblemished by any alteration or circumstances of suspicion, there is no further need for these documents to fulfill the requirements of the 1903 Notarial Law. Hence, the other contentions of the petitioners that the documents do not fulfill the mandatory requirements of the Notarial Law[20] and that the proper person or public official was not presented to testify on his certification of the documents in question,[21] need not be resolved as they would no longer serve any purpose.

WHEREFORE, the Petition is DENIED. The appealed decision of the Court of Appeals is AFFIRMED. Costs against the petitioners. SO ORDERED.

Melencio-Herrera, (Chairman), Sarmiento, and Regalado, JJ., concur.
Paras[*], J., no part, wife penned the decision in CA.

[**] Penned by Justice Gloria C. Paras, with the concurrence of Justices Jose C. Campos, Jr. and Conrado T. Limcaoco.

[1] Rollo, p. 57

[2] Rollo, p. 57

[3] Rollo, p. 58

[4] Rollo, pp. 57-58

[5] Rollo, p. 59

[6] Rollo, p. 59

[7] Rollo, p. 60

[8] Ibid.

[9] Rollo, pp. 60-61

[10] Rollo, pp. 61-62

[11] Rollo, p. 65

[12] Rollo, p. 8

[13] Rollo, p. 8

[14] Rollo, p. 8

[15] Rollo, pp. 8-9

[16] Rollo, p. 9

[17] Francisco, Vicente J., The Revised Rules of Court in the Philippines. Volume VIII, Part II, 1973 Edition, p. 432

[18] Exhibit "3-D", Original Folder of Exhibits for the Plaintiffs and Defendants

[19] Dy vs. Sacay, G.R. Nos. 78535-36, September 19, 1988, 165 SCRA 473

[20] Rollo, p. 9

[21] Rollo, p. 10

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