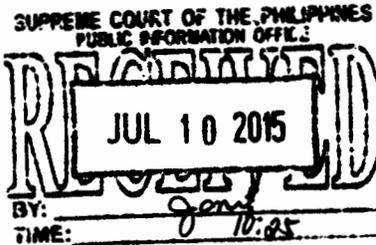




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** which reads as follows:*

**“G. R. No. 216427 (*Heirs of Victoriano dela Cruz, et al. v. Heirs of Toribio Andrade, et al.*)**. – The petitioners’ motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period; the Court of Appeals is hereby **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended; and the Cash Collection and Disbursement Division is hereby **DIRECTED** to **RETURN** to the petitioners the excess amount of ₱470.00 paid for filing fees under O.R. No. 010840-7-SC-EP dated February 10, 2015.

This Petition for Review on Certiorari under Rule 45 seeks to set aside the Court of Appeals (CA) Decision<sup>1</sup> dated 30 January 2014, which dismissed petitioners’ appeal from the Judgment<sup>2</sup> dated 7 January 2010 of the Regional Trial Court (RTC), Kalibo, Aklan, Branch 4. The RTC declared respondents as the true and lawful owners of a disputed parcel of land located in Barangay (Brgy.) Camanci, Batan, Aklan, affirming the Decision<sup>3</sup> dated 8 August 2008 of the Municipal Circuit Trial Court (MCTC) of New Washington-Batan, Aklan that ruled in favor of respondents in the action for recovery of ownership, possession, and damages filed by petitioners.

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<sup>1</sup> *Rollo*, pp. 9-24; penned by Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Edgardo L. delos Santos and Maria Elisa Sempio Diy.

<sup>2</sup> *Id.* at 265-275; penned by Judge Marietta J. Homena-Valencia.

<sup>3</sup> *Id.* at 180-199; penned by Judge Arturo R. Carpio.

**ANTECEDENT FACTS**

Petitioners claimed that their father, Victoriano dela Cruz (Victoriano), bought an 8,152-square-meter land in Brgy. Camanci, Batan, Aklan from a certain Soledad Montaña (Soledad) on 26 October 1950. Despite the sale, however, the entire property remained under Soledad's name for taxation purposes.<sup>4</sup>

In 2000, petitioners learned that the property had been subdivided into Lot Nos. 3011 and 3012. The 2,499-square-meter Lot No. 3011 remained under Soledad's name, while the 5,302-square-meter Lot No. 3012 was declared under the name of Toribio Andrade (Toribio).<sup>5</sup>

In the Complaint filed before the MCTC, petitioners claimed that Lot No. 3012 formed part of the original 8,152-square-meter land owned by their father. They alleged that the subdivision of the property and the declaration of Lot No. 3012 under the name of Toribio for tax purposes were made possible through the fraudulent machinations of the Andrades. They said a certain Victoria Andrade (Victoria) executed a falsified Affidavit dated 23 March 1987 that had the effect of waiving – in favor of Toribio – her rights and interest over the disputed property, which at that time was declared under the name of Sixto Andrade.<sup>6</sup>

In their Answer to the Complaint, respondents asserted that Lot No. 3012 was legally declared under the name of Toribio, their predecessor-in-interest, and denied the insinuation of fraud.<sup>7</sup> They also raised the defense of *res judicata*, saying their ownership of Lot No. 3012 had already been established in a previous, separate civil case<sup>8</sup> entitled *Dolores Retubis Andrade, et al. v. Julian Andrade*.<sup>9</sup>

At the pre-trial, the following admissions, among others, were made:<sup>10</sup>

1. Petitioners have no Tax Declaration under their name.
2. Petitioners did not oppose the survey of the subject land in the name of respondents.
3. Respondents are in possession of Lot No. 3012 and have a house erected thereon.
4. Victoria executed an Affidavit.

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<sup>4</sup> Id. at 10.

<sup>5</sup> Id.

<sup>6</sup> Id. at 10-11.

<sup>7</sup> Id. at 11.

<sup>8</sup> Id.

<sup>9</sup> Civil Case No. 4169 decided by the RTC, Aklan, Branch 3, and affirmed by the CA 14<sup>th</sup> Division in CA-G.R. CV No. 29650.

<sup>10</sup> *Rollo*, p.11.

During trial, a witness for petitioners stated that the land in question had been mortgaged by Maria dela Cruz, wife of Victoriano, to Candido Panaga. Toribio allegedly acquired possession of the property in 1968 by redeeming it from Panaga. No document was presented, however, to prove the mortgage.<sup>11</sup>

Respondents, meanwhile, offered evidence showing that their predecessors-in-interest – Vidal, Sixto, and Toribio, all surnamed Andrade – had been in actual physical possession of the disputed land even before 1946. They also showed proof that petitioners, as well as the latter's predecessors-in-interest Soledad and Victoriano, have never been in possession of the property.<sup>12</sup>

In its Decision, the MCTC ruled that petitioners failed to prove their ownership of and right to possess Lot No. 3012. It declared respondents as the true and lawful owners and rightful possessors of the subject property based on overwhelming evidence and the fact that they were in actual, peaceful, adverse, and continuous possession of the property.<sup>13</sup>

Petitioners appealed to the RTC, but their claims were likewise denied. In affirming the MCTC ruling, the RTC gave weight to the final Decision in Civil Case No. 4169 that resolved the question of ownership over the subject land in favor of Dolores Retubis Andrade and her co-plaintiffs. The decision in the earlier case paved the way for the conveyance of the property to the heirs of Toribio. The RTC explained that the civil case became binding to petitioners, because they also traced their claim to the previous ownership of Crispulo Montano and Susana Cristobal, the veracity of which had already been debunked by that earlier decision.<sup>14</sup>

Elevating the case to the CA, petitioners argued that the RTC erred in (1) basing its judgement solely on a previous civil case that they were not involved in as parties; (2) affirming the MCTC Decision without ruling on the errors they identified therein; and (3) not considering respondents as mere trustees of the disputed property.<sup>15</sup>

While the CA found Civil Case No. 4169 as not binding to the petitioners and not material in deciding this present case, it nevertheless sustained the RTC Decision. The CA pointed out that the tax declarations under the name of Soledad had consistently acknowledged the existence of Sixto's lot, proving that the land claimed by petitioners was not the same as

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<sup>11</sup> Id. at 12-13.

<sup>12</sup> Id. at 14.

<sup>13</sup> Id. at 198-199.

<sup>14</sup> Id. at 265-275.

<sup>15</sup> Id. at 15-18.

that possessed by respondents. The appellate court also said that petitioners could not be entitled to own and possess the subject land, even if the tax declarations in Toribio's name would be declared to be of no probative value, because they themselves have no tax declaration over the property in their name. The fact that respondents have been in open, continuous, exclusive, and notorious possession of the land for more than 30 years convinced the CA that respondents are its true and lawful owners, citing Article 1137 of the Civil Code, *viz*:<sup>16</sup>

Ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith.

Having established respondents' ownership of the property, the CA negated petitioners' claim that the former only acted as its trustee.<sup>17</sup>

Petitioners moved for reconsideration<sup>18</sup> of the CA Decision, but their motion was denied for being *pro forma*.<sup>19</sup>

Hence, this recourse.

#### THE ISSUES

Petitioners contend that the CA committed grave abuse of discretion in (1) finding that the land that they claim is different from the one presently possessed by respondents; (2) not taking into account that the evidence adduced by respondents are based on a falsified document; and (3) not considering that the admissions made by respondents during the pre-trial negate their claim of ownership over the disputed property.<sup>20</sup>

#### THE RULING OF THE COURT

We deny the Petition.

The arguments for the allowance of this Petition, as posited above, involve only questions of fact. Petitioners mainly assail the CA's factual findings. They present an exhaustive narration of facts, from which they merely draw conclusions without citing any basis in law or jurisprudence.

Well-entrenched is the general rule that the jurisdiction of this Court over cases brought before it from the CA is limited to reviewing or revising errors of law. The latter's findings of fact are conclusive, for it is not the function of this Court to analyze or weigh the evidence all over again.<sup>21</sup>

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<sup>16</sup> Id. at 21-23.

<sup>17</sup> Id. at 23.

<sup>18</sup> Id. at 99-122.

<sup>19</sup> Id. at 125.

<sup>20</sup> Id. at 60.

<sup>21</sup> *Castillo v. Court of Appeals*, 329 Phil. 150 (1996), citing *Pantranco North Express, Inc. v. Court of Appeals*, G.R. No. 105180, 5 July 1993, 224 SCRA 477, 485-486.

Among the exceptional circumstances in which this Court re-evaluates the findings of fact of the court below are when the conclusion is a finding grounded entirely on speculation, surmises or conjectures; when the inference made is manifestly absurd, mistaken or impossible; when there is grave abuse of discretion in the appreciation of facts; when the findings of fact are conflicting; and when the CA went beyond the issues of the case and arrived at findings that were contrary to the admissions of both the appellant and the appellee.<sup>22</sup> None of these exceptions, however, apply to the case at bar.

That the CA findings did not veer away from the conclusions of fact of both the RTC and MCTC further underscores their entitlement to great weight and respect. Save for the deletion of the award of attorney's fees, the decision on the case was consistent from the MCTC all the way up to the appellate court.

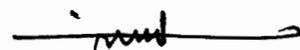
The Petition also suffers from procedural infirmity. It lacks the proof of service of the Petition as required under Section 3<sup>23</sup> of Rule 45. Furthermore, the affiant in the Verification and Certification of non-forum shopping has no proof of authority to cause the preparation of the Petition and to sign for and on behalf of petitioners.<sup>24</sup>

**WHEREFORE**, the Petition is **DENIED**. The Decision of the Court of Appeals dated 30 January 2014 is hereby **AFFIRMED**.

No costs.

**SO ORDERED.**"

Very truly yours,

  
**EDGAR O. ARICHETA**

Division Clerk of Court *pk cbz*

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<sup>22</sup> Id., citing *Chua Tiong Tay v. Court of Appeals*, 312 Phil. 1128, 1132-1133 (1995).

<sup>23</sup> Section 3. *Docket and other lawful fees; proof of service of petition.* — Unless he has theretofore done so, the petitioner shall pay the corresponding docket and other lawful fees to the clerk of court of the Supreme Court and deposit the amount of P500.00 for costs at the time of the filing of the petition. Proof of service of a copy, thereof on the lower court concerned and on the adverse party shall be submitted together with the petition.

<sup>24</sup> See slip attached to the cover of the *rollo*.

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Court of Appeals  
6000 Cebu City  
(CA-G.R. SP No. 05090)

Heirs of the late Toribio Andrade  
Respondents  
c/o Edgardo Andrade, et al.  
Brgy. Camanci, Batan  
5615 Aklan

The Hon. Presiding Judge  
Regional Trial Court, Br. 4  
Kalibo 5600 Aklan  
(Civil Case No. 8469)

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