



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2021** which reads as follows:*

“G.R. No. 253172 – HEIRS OF WILFREDO GABRIEL, SR., represented by GLORIA JUCUTAN, petitioners, versus SPOUSES ALFREDO and ROSARIO PARTIBLE, respondents.

This is a petition for review on *certiorari*¹ assailing the Decision² dated December 6, 2019 and Resolution³ dated June 10, 2020 of the Court of Appeals (CA) in CA-G.R. CV. No. 112909, which affirmed the Decision dated October 12, 2018 of the Regional Trial Court of San Fernando City, Branch 26 (RTC) in Civil Case No. 9361.⁴ After a careful review of the petition and its annexes, the Court finds it proper to **dismiss** the same for lack of merit.

Notably, petitioners raised questions of fact that have been squarely passed upon by the lower courts, such as: 1) whether petitioners were able to prove their title over Lot No. 2918,⁵ 2) whether Lot No. 2906 is illegally possessed by the respondents,⁶ and 3) whether petitioners proved their case by preponderance of evidence.⁷ It bears reiterating that a petition for review on *certiorari* “x x x shall raise only questions of law, which must be distinctly set

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130-B

¹ *Rollo*, pp. 9-28.

² *Id.* at 30-44. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Manuel M. Barrios and Tita Marilyn B. Payoyo-Villordon.

³ *Id.* at 46-47.

⁴ *Id.* at 30; penned by Judge Caroline Soriano Rojas.

⁵ *Id.* at 13.

⁶ *Id.* at 14.

⁷ *Id.*

forth x x x.”⁸ In *Angeles v. Pascual*,⁹ the Court held:

x x x In appeal by *certiorari*, therefore, only questions of law may be raised, because the Supreme Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial. The resolution of factual issues is the function of lower courts, whose findings thereon are received with respect and are binding on the Supreme Court subject to certain exceptions. A question, to be one of law, must not involve an examination of the probative value of the evidence presented by the litigants or any of them. There is a question of law in a given case when the doubt or difference arises as to what the law is on certain state of facts; there is a question of fact when the doubt or difference arises as to the truth or falsehood of alleged facts.

Whether certain items of evidence should be accorded probative value or weight, or should be rejected as feeble or spurious; or whether or not the proofs on one side or the other are clear and convincing and adequate to establish a proposition in issue; whether or not the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by adverse party, may be said to be strong, clear and convincing; whether or not certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side; whether or not inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight — all these are issues of fact. Questions like these are not reviewable by the Supreme Court whose review of cases decided by the CA is confined only to questions of law raised in the petition and therein distinctly set forth.¹⁰

While the Court recognizes several exceptions to the foregoing rule, the petition failed to allege much less prove that any were attendant.

In any event, the CA correctly found that petitioners failed to prove their cause of action.

It is a threshold principle that “x x x the party who alleges a fact has the burden of proving it x x x. In civil cases, the burden of proof

- over -

130-B

⁸ RULES OF COURT, Rule 45, Sec. 1 provides:

Sec. 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth. (1a, 2a) (Underscoring supplied)

⁹ G.R. No. 157150, September 21, 2011, 658 SCRA 23.

¹⁰ *Id.* at 28-29.

rests upon the plaintiff, who is required to establish his case by a preponderance of evidence x x x.”¹¹ In an action to recover ownership, “x x x the person who claims a better right to it must prove two (2) things: *first*, the identity of the land claimed; and *second*, his title thereto x x x.”¹² In proving ownership, petitioners must “x x x rely on the strength of their own evidence, [and] not upon the weakness of the defense offered by their opponent x x x.”¹³

In the instant case, the CA found that petitioners failed to prove that respondents were in possession of Lot No. 2906 as the area under dispute actually falls within Lot No. 2918.¹⁴

As regards Lot No. 2918, the CA found that petitioners failed to prove any right to own or possess the same for the following reasons: 1) while petitioners failed to state how the late Wilfredo Gabriel, Sr. (Gabriel) acquired Lot No. 2918 in their complaint, they appeared, during pre-trial, to premise their right over the said lot on a purported sale between Gabriel and one “Mariano Garcia”;¹⁵ 2) during trial, petitioners inconsistently claimed that Lot No. 2918 was purchased by Gabriel from a certain “Antonio Padua”;¹⁶ 3) no evidence was proffered to prove that Gabriel actually purchased the property from “Antonio Padua”;¹⁷ 4) in fact, the name “Antonio Padua” does not appear in any of the tax declarations submitted by petitioners;¹⁸ 5) said tax declarations indicate that the property was actually declared under the name of a certain “Ambrosio Buccat”;¹⁹ 6) said tax declarations fail to indicate how the land was transferred to Gabriel;²⁰ and 7) the Municipal Assessor of San Juan testified that they have no record of how Gabriel purportedly acquired Lot No. 2918.²¹ These factual findings are binding on the Court.

In view of the foregoing facts, the Court agrees with the CA that petitioners failed to discharge their burden of proving their title over Lot No. 2918. Having failed to prove the second element, petitioners cause of action for recovery of possession and ownership must fail.

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130-B

¹¹ *Heirs of Villanueva v. Heirs of Mendoza*, G.R. No. 209132, June 5, 2017, 825 SCRA 513, 525.

¹² *Sampaco v. Lantud*, G.R. No. 163551, July 18, 2011, 654 SCRA 36, 50-51.

¹³ *Heirs of Pedro De Guzman v. Perona*, G.R. No. 152266, July 2, 2010, 622 SCRA 653, 661. Italics in the original.

¹⁴ *Rollo*, p. 38.

¹⁵ *Id.* at 39.

¹⁶ *Id.*

¹⁷ *Id.* at 40.

¹⁸ *Id.* at 41.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *of the*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
130-B

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