Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

HEIRS OF TERESITA VILLANUEVA, substituted by her legal heirs, namely: ELSA ANA VILLANUEVA, LEONILA VILLANUEVA, TERESITA VILLANUEVA-SIPIN, FERDINAND VILLANUEVA, and MARISSA VILLANUEVA-MADRIAGA, Petitioners, *- versus -* **HEIRS OF PETRONILA SYQUIA MENDOZA, represented by MILAGROS PACIS, and the co-heirs of PETRONILA SYQUIA-MENDOZA, namely, TOMAS S. QUIRINO, represented by SOCORRO QUIRINO, VICTORIA Q. DEGADO, CESAR SYQUIA, JUAN J. SYQUIA, represented by CARLOTA (NENITA) C. SYQUIA, and HECTOR SYQUIA, JR., acting through their Attorney-in-fact CARLOS C. SYQUIA,** Respondents.	**G.R. No. 209132** **Present:** CARPIO, *J.*, *Chairperson,* PERALTA, MENDOZA,* LEONEN, and MARTIRES,* *JJ.* **Promulgated:** 05 JUN 2017

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DECISION

PERALTA, *J.*:

This is an appeal from the Amended Decision[1] of the Court of Appeals (*CA*) dated August 29, 2013 in CA-G.R. CV No. 88873, which

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* On official leave.

[1] Penned by Associate Justice Danton Q. Bueser, with Associate Justices Rosmari D. Carandang and Ricardo R. Rosario; concurring; *rollo*, pp. 24-39.

reversed and set aside its original Decision[2] promulgated on November 29, 2011.

The factual and procedural antecedents, as culled from the records of the case, are as follows:

The case at bar resulted from a dispute between the heirs of Petronila Syquia Mendoza and the heirs of Teresita Villanueva over a lot in Tamag, Vigan, Ilocos Sur.

On September 7, 2001, the heirs of Syquia filed a Complaint for declaration of nullity of free patent, reconveyance, and damages against Teresita Villanueva (*Villanueva*). They claimed that they are co-owners of Lot No. 5667 in Tamag, Vigan City, supposedly with an area of around 5,913 square meters. They likewise alleged that their title originated from their predecessors-in-interest, Gregorio and Concepcion Syquia, through a partition in 1950, and that they have been in open, peaceful, and uninterrupted possession of said parcel of land in the concept of an owner for more than thirty (30) years. However, sometime in 1992, Villanueva caused the survey and subdivision of the property into Lot Nos. 5667-A and 5667-B. Then in 1994, Villanueva obtained a Free Patent over Lot No. 5667-B and later, was issued Original Certificate of Title (*OCT*) No. P-38444.

The heirs of Syquia asserted that Villanueva had no registrable right over Lot No. 5667-B and that she obtained the free patent through fraud and misrepresentation.

On December 14, 2006, the Regional Trial Court (*RTC*) of Vigan City, Ilocos Sur in Civil Case No. 5649-V dismissed the abovementioned complaint, the decretal portion of which states:

> WHEREFORE, for failure of the plaintiffs to prove their cause of action by preponderant evidence and/or, for being barred by laches, judgment is hereby rendered DISMISSING the Complaint in favor of substituted defendant heirs of Teresita C. Villanueva, namely: Elsa Ana Villanueva, Leonila Villanueva, Teresita Villanueva-Sipin, Ferdinand Villanueva and Marissa Villanueva-Madriaga.
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> The Complaint against defendants Provincial Environment and Natural Resources Officer (PENRO) and the Register of Deeds of Ilocos Sur is also DISMISSED.

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2 *Id.* at 74-104.

> The Register of Deeds of Ilocos Sur is ordered to cancel the Notice of *Lis Pendens* dated September 7, 2001 annotated on Transfer Certificate of Title Nos. T-37973, T-37974, T-38278, T-38279, T-38280, T-38281, T-38282 and T-38283, all in the name of Teresita C. Villanueva.
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> There is no pronouncement as to costs.
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> SO ORDERED.[3]

Undeterred, the heirs of Syquia elevated the case to the CA. On November 29, 2011, the appellate court denied the appeal and affirmed the December 14, 2006 RTC Decision.

Consequently, the heirs of Syquia filed a Motion for Reconsideration. And, on August 29, 2013, they finally obtained a favorable decision when the CA reversed itself and ruled against the heirs of Villanueva, to wit:

> **WHEREFORE**, premises considered, the Decision promulgated on November 29, 2011 is **RECONSIDERED** and **SET ASIDE**, and another one **PROMULGATED** as follows:
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> 1. Declaring the Free Patent, OCT No. 38444, issued in the name of defendant-appellee Teresita C. Villanueva, and all other derivative titles issued therefrom, null and void ab initio;
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> 2. Ordering the Register of Deeds of Ilocos Sur, Vigan City Station to cancel Transfer Certificates of Title No. T-37973, T-37974, T-37976, T-37977, T-38277, T-38278, T-38279, T-38280, T-38281, T-38282 and T-38283, issued in the name of defendant-appellee Teresita C. Villanueva, and all other derivative titles issued therefrom; and
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> 3. Ordering defendants-appellees to pay the costs of suit.
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> **SO ORDERED**.[4]

Hence, the present petition.

The sole issue in this case is whether or not the heirs of Syquia are entitled to validly recover the subject property from the heirs of Villanueva.

The Court rules in the negative.

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3 *Rollo*, pp. 72-73.

4 *Id.* at 39. (Emphasis in the original)

It is a settled rule that the Supreme Court is not a trier of facts. The function of the Court in petitions for review on *certiorari* under Rule 45 of the Rules of Court is limited to reviewing errors of law that may have been committed by the lower courts. As a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts. To do otherwise would defeat the very essence of Rule 45 and would convert the Court into a trier of facts, which is not its intended purpose under the law. Here, the issue is essentially factual in nature, the determination of which is best left to the courts below, especially the trial court.[5]

A petition for review under Rule 45 should only cover questions of law since questions of fact are generally not reviewable. A question of law exists when the doubt centers on what the law is on a certain set of facts while a question of fact results when the issue revolves around the truth or falsity of the alleged facts.[6] For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by any of the litigants. The resolution of the issue must solely depend on what the law provides on the given set of circumstances. Once it is obvious that the issue invites a review of the evidence presented, the question posed is one of fact.[7]

Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise, it is a question of fact. And it is only in exceptional circumstances that the Court admits and reviews questions of fact.[8]

The rule admits of exceptions, which includes, but not limited to: (1) where the conclusion is a finding grounded entirely on speculation, surmise, and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of facts; and (5) the findings of fact are premised on the absence of evidence and are contradicted by evidence on record.[9]

Here, the CA's amended judgment after granting the Syquias' motion for reconsideration is clearly based on a misapprehension of facts. Upon an exhaustive review, the Court is compelled to yield to the findings of fact by the trial court, as affirmed by the CA in its original decision. Here, the heirs of Syquia filed a complaint against the Villanuevas for the reconveyance of

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5 *Gepulle-Garbo v. Spouses Garabato*, G.R. No. 200013, January 14, 2015, 746 SCRA 189, 197.
6 *Uyboco v. People*, G.R. No. 211703, December 10, 2014, 744 SCRA 688, 692.
7 *Century Iron Works, Inc., et al. v. Bañas*, 711 Phil. 576, 586 (2013).
8 *Id.* at 585.
9 *Uyboco v. People, supra* note 6, at 692-693.

the subject property. From the allegations of the complaint itself, there is already serious doubt as to the identity of the land sought to be recovered, both in area as well as in its boundaries. Under Article 434[10] of the Civil Code, to successfully maintain an action to recover the ownership of a real property, the person who claims of having a better right to it must prove two (2) things: *first*, the identity of the land claimed and *second*, his title to the same.[11]

While the complaint identified the land as Lot No. 5667, Cad 313-D, Vigan Cadastre located in Tamag, Vigan, Ilocos Sur, it cited Tax Declaration No. 39-013194-A as part of the supporting evidence. Based on the records, however, Lot No. 5667 has an area of 9,483 square meters, while the riceland mentioned in the tax declaration has an area of only 5,931 square meters. As to why the area in the tax declaration had suddenly increased to almost twice its original size, the heirs of Syquia failed to sufficiently justify during the trial. In fact, the trial court wondered why the Syquias never tried to offer an explanation for said substantial discrepancy. But what is more perplexing is the fact that Lot No. 5667-B, the actual property covered by Villanueva's free patent which the heirs of Syquia have been trying to recover, is only 4,497 square meters in area. Thus, the Court is placed in a serious quandary as to what the Syquias are really seeking to recover, the 9,483-square-meter lot in their complaint (the whole of Lot No. 5667), the 5,931-square-meter riceland in their supporting document (tax declaration), or the 4,497-square-meter property covered by the free patent which they are attacking as null and void (Lot No. 5667-B)?

They likewise failed to prove with sufficient definiteness that the boundaries of the property covered by Tax Declaration No. 39-013194-A are the exact same boundaries surrounding Lot No. 5667-B or even those around Lot No. 5667. Lot No. 5667 has the following boundaries:

Lot No. 5663, North
Lot No. 5666, South
Quirino Boulevard, East
Lot No. 6167, West

Lot No. 5667-B has the same aforementioned boundaries, except for the South, which shows Lot No. 5667-A. On the other hand, the tax declaration states the following:

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[10] Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

[11] *VSD Realty & Development Corporation v. Uniwide Sales, Inc., et al.*, 698 Phil. 62, 78 (2012).

Maria Angco, North
Heirs of Esperanza Florentino, South
Provincial Road, East
Colun Americano, West

The heirs of Syquia never adduced evidence tending to prove that Lot No. 5663 refers to Maria Angco, that Lot No. 5666 or that Lot No. 5667-A pertains to the heirs of Esperanza Florentino, that Quirino Boulevard is Provincial Road, and that Lot No. 6167 is Colun Americano.

The CA, in its Amended Decision, tried to justify its new ruling by explaining that since Lot No. 5667 had already been subdivided into two (2) lots, the boundaries and size of the property, as reflected in the tax declaration, would no longer match the boundaries and size of the lot covered by the free patent, which is Lot No. 5667-B, to wit:

> x x x Resultantly, with the subdivision of plaintiffs-appellants' Lot No. 5667 into two (2) lots, the boundaries and area as stated in plaintiffs-appellants' Tax Declaration **would no longer match** with the boundaries and area as stated in the Free Patent No. 38444 subsequently issued in favor of defendant-appellee Villanueva.[12]

What the CA failed to mention, however, was if said boundaries and area in the tax declaration had actually matched those of either Lot No. 5667-B or Lot No. 5667 prior to its subdivision.

The appellate court heavily relied on the following documents which the heirs of Syquia submitted: (a) B.L. Form No. V-37 of Lot No. 5667; (b) the Sketch Plan of Lot No. 5667, Cad 313-D; and (c) the Relocation Plan of Lot No. 5667, all of which the CA found to have adequately established Lot No. 5667's metes and bounds. The Syquias also presented the Final Project of Partition dated June 13, 1950 in the settlement of the estate of Concepcion J. Vda. de Syquia, which mentioned the exact same boundaries of the property in the tax declaration. Based on the same, the CA concluded that "the above-described property in the said Final Project of Partition pertains to plaintiffs-appellants' Lot No. 5667, which is the subject property in this case."[13] But as to how it arrived at said conclusion, despite the blatantly differing boundaries and lot areas, the appellate court was deafeningly silent.

The CA went further and stated that while the tax declaration was issued in 1949, it was only in 1981 when the Cadastral Survey of Tamag, Vigan, Ilocos Sur was approved. In those thirty-two (32) years of

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12 *Rollo*, pp. 25-26. (Emphasis ours)
13 *Id.* at 29.

interregnum, "it is possible that the names of the boundary owners and metes, pertaining not only to plaintiffs-appellants' Lot No. 5667 but also to other unregistered lots in Tamag, Vigan, Ilocos Sur which were also covered by early tax declarations, would have already changed."[14] While such pronouncement seems logical and reasonable, it remains hypothetical since the same is merely based on mere surmises or conjectures. The harsh truth still stands that the heirs of Syquia failed to justify the substantial disparities in the boundaries and sizes with sufficient evidence. No actual proof was ever offered to show that said possibility had actually turned out to become a reality.

The CA itself stated that" the tax declaration could not be expected to be as accurate, in terms of boundaries and actual area, as compared to those found in the Vigan Cadastral Survey, since the latter was the result of an actual and methodological survey and plotting of all unregistered lands situated in Tamag, Vigan, Ilocos Sur."[15] However, as aptly observed by the RTC, even after the survey, there was no indication that the heirs of Syquia ever tried to have the data in the tax declaration corrected so as to conform with the supposedly more accurate information in the cadastral survey. Neither was there any explanation to warrant the lack of attempt to make said necessary corrections.

To recapitulate, the heirs of Syquia failed to adequately prove that the area of their property in the tax declaration coincides with the area of either Lot 5667-B which is 4,497 square meters or Lot 5667 which is 9,483 square meters. They likewise failed to show, based on the boundaries, that the lot they claim to have inherited is actually either Lot 5667-B, the property in dispute, or Lot 5667, the cadastral survey of which lists the Syquias as claimants. Certainly, the Syquias were not able to identify their land with that degree of certainty required to support their affirmative allegation of ownership.

Simply put, the party who alleges a fact has the burden of proving it. Section 1, Rule 131 of the Rules of Court provides that the burden of proof is the duty of a party to prove the truth of his claim or defense, or any fact in issue by the amount of evidence required by law.[16] In civil cases, the burden of proof rests upon the plaintiff, who is required to establish his case by a preponderance of evidence.[17]

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14 *Id.* at 26.
15 *Id.* at 27.
16 *Gepulle-Garbo v. Spouses Garabato, supra* note 5, at 198.
17 *Spouses De Leon, et al. v. BPI*, 721 Phil. 839, 848 (2013).

Section 1, Rule 133 of the Rules of Court provides for the quantum of evidence for civil actions, and delineates how preponderance of evidence is determined, *viz.*:

> Section 1. In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

As the rule indicates, preponderant evidence refers to evidence that is of greater weight, or more convincing, than the evidence offered in opposition to it. It is proof that leads the trier of facts to find that the existence of the contested fact is more probable than its non-existence.[18]

In the instant case, aside from the tax declarations covering an unirrigated riceland in Tamag, Vigan, the Syquia heirs failed to present any other proof of either ownership or actual possession of the lot in question, or even a mere indication that they exercised any act of dominion over the property. In fact, they were not able to show that they have been in actual possession of the property since they allegedly inherited the same in 1992. The Syquias' own evidence would reveal that several houses have been constructed on the lot and third persons have actually been occupying the subject property, despite the presence of their supposed caretaker.

Well settled is the rule that tax declarations and receipts are not conclusive evidence of ownership or of the right to possess a land when not supported by any other evidence. The fact that the disputed property may have been declared for taxation purposes in the names of the applicants for registration or of their predecessors-in-interest does not necessarily amount to ownership. These are merely *indicia* of a claim of ownership.[19]

Findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case, those findings should not simply be ignored. Absent any clear showing of abuse, arbitrariness, or capriciousness committed on the part of the lower court, its

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18 *FEBTC v. Chante*, 719 Phil. 221, 234 (2013).

19 *Republic v. Manimtim, et al.*, 661 Phil. 158, 174 (2011).

findings of facts are binding and conclusive upon the Court.[20] The reason for this is because the trial court was in a much better position to determine which party was able to present evidence with greater weight.[21]

The Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of the witnesses on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses. It is established that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness's credibility, and the trial court has the best opportunity to take advantage of the same. Said aids, unfortunately, cannot be incorporated in the records. Therefore, all that is left for the appellate courts to utilize are the cold words of the witnesses contained in a transcript, with the risk that some of what the witnesses actually said may have been lost in the process of transcribing. As stated by an American court, there is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed, in the very nature of things, cannot be transcribed upon the record, and hence, they can never be appreciated and considered by the appellate courts.[22]

Here, based on the evidence presented during the trial, the RTC found nothing that would bare any grave abuse of discretion on the part of the Department of Environment and Natural Resources (*DENR*) when it issued the free patent in Villanueva's favor. The records show that Villanueva submitted, in compliance with the requirements of the DENR, a Waiver of Right by the former owner of the property. Likewise, the Syquias' own evidence, through Imelda Tabil, Land Management Officer of the DENR, established that at the time Villanueva filed her application, the land was investigated upon and there was no other claimant over the lot. As regards the Syquias' apprehension that Villanueva's free patent title was based on a verification survey of another lot rather than of the lot applied for, Engineer Raymundo Gayo, then Officer-in-Charge at the Laoag Community

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20 *Uyboco v. People*, *supra* note 6.

21 *FEBTC v. Chante*, *supra* note 18.

22 *People v. Abat*, 731 Phil. 304, 312 (2014).

Environment and Natural Resources Office, testified that an applicant may also present a verification survey of the adjacent lot which is already titled as long as an approved technical description would likewise be submitted. Also, the erasures in the technical description would not affect the subject lot since it is the approved survey plan which must prevail in case of erasures.

Even assuming, without admitting, that Villanueva's evidence to support her title is weak, the heirs of Syquia could not successfully capitalize on the same. The Court reiterates for emphasis that in an action to recover, the plaintiff must rely on the strength of his title and not harp on the weakness of the defendant's claim.[23] Again, in civil cases, the burden of proof rests upon the plaintiff, who is required to establish his case by a preponderance of evidence.[24] Here, unfortunately for the heirs of Syquia, they miserably failed in discharging the heavy burden required of them.

After a review of the records of the case, the Court finds the totality of evidence submitted by the heirs of Syquia insufficient to establish the crucial facts that would justify a judgment in their favor.[25] Thus, the Court finds no justifiable reason to deviate from the findings and ruling of the trial court.

WHEREFORE, IN VIEW OF THE FOREGOING, the Court **GRANTS** the petition, and **REVERSES** and **SETS ASIDE** the Amended Decision of the Court of Appeals dated August 29, 2013 in CA-G.R. CV No. 88873 and **REINSTATES** its original Decision dated November 29, 2011, which affirmed the December 14, 2006 Decision[26] of Regional Trial Court, Branch 21, of Vigan City, Ilocos Sur.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

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23 *Supra* note 10.
24 *De Leon v. BPI*, *supra* note 17.
25 *FEBTC v. Chante, supra* note 18, at 235.
26 Penned by Judge Dominador Arquelada; *rollo*, pp. 44-73.

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

On official leave
JOSE CATRAL MENDOZA
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

On official leave
SAMUEL R. MARTIRES
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice